

2025 Feb-25 PM 02:40

MIKE SCHMITZ
MILLIGAN, ET.AL. V. ALLEN, ET.AL.

August 10, 2023
DISTRICT COURT
N.D. OF ALABAMA
1-4

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 EVAN MILLIGAN, et al.,)</p> <p>6 Plaintiffs,)</p> <p>7) CASE NO:</p> <p>8 VS.) 2:21-CV-01530-AMM:</p> <p>9 WES ALLEN, in his official)</p> <p>10 capacity as Alabama)</p> <p>11 Secretary of State.)</p> <p>12 Defendant.)</p> <p>13 MARCUS CASTER, et al.,)</p> <p>14 Plaintiffs,)</p> <p>15) CASE NO:</p> <p>16 VS.) 2:21-CV-1536-AMM</p> <p>17 WES ALLEN, in his official)</p> <p>18 capacity as Alabama)</p> <p>19 Secretary of State.) DEPOSITION OF:</p> <p>20 Defendant.) MIKE SCHMITZ</p> <p>21</p> <p>22 S T I P U L A T I O N S</p> <p>23</p> <p>24 IT IS STIPULATED AND AGREED, by and</p> <p>25 between the parties through their respective counsel,</p>	<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FOR THE MILLIGAN PLAINTIFFS:</p> <p>4 HARMONY A. GBE</p> <p>5 Attorney at Law</p> <p>6 Hogan Lovells US, LLP</p> <p>7 1999 Avenue of the Stars</p> <p>8 Suite 1400</p> <p>9 Los Angeles, California 90067</p> <p>10 310-785-4600</p> <p>11 harmony.gbe@hoganlovells.com</p> <p>12</p> <p>13 BRITTANY CARTER</p> <p>14 TANNER LOCKHEAD</p> <p>15 Attorneys at Law</p> <p>16 NAACP Legal Defense & Educational Fund, Inc.</p> <p>17 40 Rector Street</p> <p>18 5th Floor</p> <p>19 New York, New York 10006</p> <p>20 212-965-2200</p> <p>21 bcarter@naacpldf.org</p> <p>22 tlockhead@naacpldf.org</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 that the deposition of:</p> <p>2 MIKE SCHMITZ,</p> <p>3 may be taken before Merit Gilley, Commissioner and</p> <p>4 Notary Public, State at Large, with all parties</p> <p>5 appearing remotely, on the 10th day of August, 2023,</p> <p>6 commencing at approximately 10:10 a.m.</p> <p>7</p> <p>8 IT IS FURTHER STIPULATED AND AGREED that</p> <p>9 the signature to and reading of the deposition by the</p> <p>10 witness is waived, the deposition to have the same</p> <p>11 force and effect as if full compliance had been had</p> <p>12 with all laws and rules of Court relating to the</p> <p>13 taking of depositions.</p> <p>14</p> <p>15 IT IS FURTHER STIPULATED AND AGREED that</p> <p>16 it shall not be necessary for any objections to be</p> <p>17 made by counsel to any questions, except as to form or</p> <p>18 leading questions, and that counsel for the parties</p> <p>19 may make objections and assign grounds at the time of</p> <p>20 the trial, or at the time said deposition is offered</p> <p>21 in evidence, or prior thereto.</p> <p>22 ***</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 DEUEL ROSS</p> <p>2 Attorney at Law</p> <p>3 NAACP Legal Defense & Educational Fund, Inc.</p> <p>4 700 14th Street N.W.</p> <p>5 Suite 600</p> <p>6 Washington, DC 20005</p> <p>7 202-682-1300</p> <p>8 dross@naacpldf.org</p> <p>9</p> <p>10 LATISHA GOTELL FAULKS</p> <p>11 Attorney at Law</p> <p>12 American Civil Liberties Union of Alabama</p> <p>13 P.O. Box 6179</p> <p>14 Montgomery, Alabama 36106-0179</p> <p>15 334-265-2754</p> <p>16 tgfaulks@aclualabama.org</p> <p>17</p> <p>18 AMANDA NECOLE ALLEN</p> <p>19 Attorney at Law</p> <p>20 Hogan Lovells US, LLP</p> <p>21 Columbia Square</p> <p>22 555 Thirteenth Street NW</p> <p>23 Washington, DC 20004</p> <p>24 202-637-2521</p> <p>25 amanda.n.allen@hoganlovells.com</p>

MIKE SCHMITZ
MILLIGAN, ET.AL. V. ALLEN, ET.AL.

August 10, 2023
5-8

<p>Page 5</p> <p>1 FOR THE CASTER PLAINTIFFS:</p> <p>2 JOSEPH POSIMATO</p> <p>3 Attorney at Law</p> <p>4 Elias Law Group</p> <p>5 250 Massachusetts Avenue NW</p> <p>6 Suite 400</p> <p>7 Washington DC 20001</p> <p>8 202-968-4591</p> <p>9 Jposimato@Elias.law</p> <p>10</p> <p>11</p> <p>12 FOR THE DEFENDANT SECRETARY WES ALLEN:</p> <p>13 MISTY S. FAIRBANKS MESSICK</p> <p>14 Constitutional Defense Division</p> <p>15 Office of the Attorney General</p> <p>16 State of Alabama</p> <p>17 501 Washington Avenue</p> <p>18 P.O. Box 300152</p> <p>19 Montgomery, Alabama 36130</p> <p>20 334-353-8674</p> <p>21 misty.messick@alabamaag.gov</p> <p>22</p> <p>23</p> <p>24 ALSO PRESENT:</p> <p>25 Robert Pacheco - Esquire Video Specialist</p>	<p>Page 7</p> <p>1 I, Merit Gilley, a Court Reporter of</p> <p>2 Birmingham, Alabama, and a Notary Public for the State</p> <p>3 of Alabama at Large, acting as Commissioner, certify</p> <p>4 that on this date, as provided by the Federal Rules of</p> <p>5 Civil Procedure and the foregoing stipulation of</p> <p>6 counsel, there came before me on the 10th day of</p> <p>7 August, 2023, with all parties appearing remotely,</p> <p>8 commencing at approximately 10:10 a.m., MIKE SCHMITZ,</p> <p>9 witness in the above cause, for oral examination,</p> <p>10 whereupon the following proceedings were had:</p> <p>11 THE VIDEOGRAPHER: We are now on the</p> <p>12 video record. Today's date is August the 10th, 2023.</p> <p>13 The time is 10:10 a.m. Central standard time. This</p> <p>14 begins the videoconference deposition of Mr. Michael</p> <p>15 Schmitz in the matter of Evan Milligan, et al. versus</p> <p>16 Wes Allen, et al.</p> <p>17 My name is Robert Pacheco. I am the</p> <p>18 remote videographer. Your court reporter today is</p> <p>19 going to be Ms. Merit Gilley; both representing</p> <p>20 Esquire Deposition Solutions. Would counsel please</p> <p>21 introduce yourselves and your affiliation, and the</p> <p>22 witness will be sworn in.</p> <p>23 MS. GBE: Good morning. My name is</p> <p>24 Harmony Gbe of Hogan Lovells; and I'm here on behalf</p> <p>25 of the Milligan plaintiffs.</p>
<p>Page 6</p> <p>1</p> <p>2 EXAMINATION INDEX</p> <p>3</p> <p>4 Mike Schmitz</p> <p>5 BY MS. GBE 8</p> <p>6 BY MS. FAIRBANKS MESSICK 35</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 EXHIBIT INDEX</p> <p>13</p> <p>14 Plaintiffs' Exhibit MAR</p> <p>15 1 Defendants' Joint Response to Milligan 21</p> <p>and Caster Plaintiffs' Objections and</p> <p>16 Request for Preliminary Injunction</p> <p>17 2 Declaration of Mike Schmitz 22</p> <p>18 3 Redistricting Map of Alabama 30</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 8</p> <p>1 MS. FAIRBANKS MESSICK: Good morning.</p> <p>2 I'm Misty S. Fairbanks Messick, and I am counsel for</p> <p>3 Secretary of State Wes Allen.</p> <p>4 MR. ROSBOROUGH: Deuel Ross also for the</p> <p>5 Milligan plaintiffs.</p> <p>6 MR. POSIMATO: This is Joe Posimato on</p> <p>7 behalf of the Caster plaintiffs.</p> <p>8 MR. CARTER: Brittany Carter for the</p> <p>9 Milligan plaintiffs.</p> <p>10 MS. ALLEN: Amanda Allen for the</p> <p>11 Milligan plaintiffs.</p> <p>12 MIKE SCHMITZ</p> <p>13 being first duly sworn, was examined and testified as</p> <p>14 follows:</p> <p>15 THE COURT REPORTER: Usual stipulations?</p> <p>16 MS. GBE: Agreed.</p> <p>17 MS. FAIRBANKS MESSICK: Yes, please.</p> <p>18 THE COURT REPORTER: Go ahead.</p> <p>19 EXAMINATION</p> <p>20 BY MS. GBE:</p> <p>21 Q All right. Good morning, Mr. Schmitz.</p> <p>22 How are you?</p> <p>23 A Morning. Fine. Thank you.</p> <p>24 Q As I mentioned, my name is Harmony; and</p> <p>25 I am counsel for the Milligan plaintiffs in this case.</p>

MIKE SCHMITZ
MILLIGAN, ET.AL. V. ALLEN, ET.AL.

August 10, 2023
9-12

<p style="text-align: right;">Page 9</p> <p>1 Have you been deposed before?</p> <p>2 A Yes, I have.</p> <p>3 Q How -- how many times have you been</p> <p>4 deposed?</p> <p>5 A I was deposed back in the '90's for an</p> <p>6 automotive thing. And then I don't know if this is a</p> <p>7 -- was a deposition, but I was asked to go to Mike</p> <p>8 Hubbard. They had a -- my mind just went blank. I</p> <p>9 went to a -- oh, my goodness what's it called? Grand</p> <p>10 jury.</p> <p>11 Q I see.</p> <p>12 A I apologize.</p> <p>13 Q No worries at all.</p> <p>14 A Those are the two things I've done.</p> <p>15 Q Understood.</p> <p>16 And the grand jury appearance, when was</p> <p>17 that if you remember?</p> <p>18 A Probably five years ago, six year ago.</p> <p>19 Q Okay.</p> <p>20 A I don't have an exact -- I don't</p> <p>21 remember the exact date, but it's been a few year.</p> <p>22 Q And did you testify in that case?</p> <p>23 A I did not -- wait. I did. I did. I</p> <p>24 did.</p> <p>25 Q And -- and what was your testimony</p>	<p style="text-align: right;">Page 11</p> <p>1 or testified in any other cases?</p> <p>2 A No, ma'am.</p> <p>3 Q And you understand that you're</p> <p>4 testifying under oath today; correct?</p> <p>5 A Yes.</p> <p>6 Q Is there anything that might prevent you</p> <p>7 from understanding my questions or answering</p> <p>8 truthfully?</p> <p>9 A No, I don't think so.</p> <p>10 Q Are you represented by counsel today?</p> <p>11 A I am not.</p> <p>12 Q Okay. So you've -- since you've been</p> <p>13 deposed before, I'll try to keep this brief; but I'll</p> <p>14 go over some ground rules for the deposition so that</p> <p>15 we're on the same page.</p> <p>16 As you're probably familiar with the</p> <p>17 process, I'll be asking you a series of questions; and</p> <p>18 you are going to answer them to the best of your</p> <p>19 ability.</p> <p>20 Do you understand that?</p> <p>21 A Yes.</p> <p>22 Q So we have a court reporter with us</p> <p>23 today, and she is going to be transcribing our</p> <p>24 conversation. So I ask that you speak slowly and</p> <p>25 clearly and provide verbal answers only; so no head</p>
<p style="text-align: right;">Page 10</p> <p>1 about?</p> <p>2 MS. FAIRBANKS MESSICK: Object to the</p> <p>3 form.</p> <p>4 Can I just be clear: Are you asking him</p> <p>5 about his testimony in the courtroom in public; or are</p> <p>6 you asking about grand jury testimony, which is</p> <p>7 protected by secrecy laws of this state?</p> <p>8 MS. GBE: I'm asking about his testimony</p> <p>9 in the courtroom, but let me rephrase.</p> <p>10 Q (By Ms. Gbe) So, Mr. Schmitz, did you</p> <p>11 testify in the courtroom?</p> <p>12 A Yes.</p> <p>13 Q And -- and what was your testimony</p> <p>14 about?</p> <p>15 A As mayor of Dothan, I was working with</p> <p>16 Mike Hubbard when he was speaker of the house to</p> <p>17 recruit a company to create 500 jobs; and they asked</p> <p>18 me about that. That was mostly the issue of -- of</p> <p>19 what we discussed.</p> <p>20 Q Understood.</p> <p>21 And that -- that testimony was five or</p> <p>22 six years ago?</p> <p>23 Is that correct?</p> <p>24 A Correct.</p> <p>25 Q Have you been deposed in any other cases</p>	<p style="text-align: right;">Page 12</p> <p>1 nods or "uh-huhs" or those types of responses.</p> <p>2 Do you understand?</p> <p>3 A I do.</p> <p>4 Q On a similar note, we are going to try</p> <p>5 not to speak over each other. So please wait until</p> <p>6 the end of my questions before you respond; and,</p> <p>7 similarly, I will try to wait until you are finished</p> <p>8 responding before asking the next question.</p> <p>9 Is that all right?</p> <p>10 A Yes.</p> <p>11 Q And you understand that we're here to</p> <p>12 take your deposition in this case; correct?</p> <p>13 A Yes.</p> <p>14 Q And you understand that you should give</p> <p>15 the same seriousness in answering my questions here</p> <p>16 today as if you were testifying in court before a</p> <p>17 judge or a jury; correct?</p> <p>18 A Absolutely. Yes.</p> <p>19 Q And if you don't understand a question I</p> <p>20 ask you, please tell me so that I can rephrase or help</p> <p>21 you with -- with understanding the question; all</p> <p>22 right?</p> <p>23 A I will.</p> <p>24 Q If any attorney on the call makes an</p> <p>25 objection, I ask that you still answer the question</p>

MIKE SCHMITZ
MILLIGAN, ET.AL. V. ALLEN, ET.AL.

August 10, 2023
13-16

<p style="text-align: right;">Page 13</p> <p>1 unless you are instructed specifically not to do so.</p> <p>2 Do you understand?</p> <p>3 A I do.</p> <p>4 Q And if you need a break at any point,</p> <p>5 just let me know. The only thing I ask is that if</p> <p>6 there's a question pending, please answer that</p> <p>7 question before we take the break.</p> <p>8 A Okay.</p> <p>9 Q And as we go through the process, you</p> <p>10 may realize that a prior answer wasn't necessarily</p> <p>11 accurate or that you would like to add to it.</p> <p>12 So please let me know if that's the case</p> <p>13 so that we can correct the record.</p> <p>14 A Okay.</p> <p>15 Q So do you understand all those questions</p> <p>16 that we just discussed?</p> <p>17 A I believe so. Yes.</p> <p>18 Q Okay. So where are you right now?</p> <p>19 A I'm in my office at my dealership in</p> <p>20 Dothan, Alabama.</p> <p>21 Q And is there anyone else in the room</p> <p>22 with you right now?</p> <p>23 A There is not.</p> <p>24 Q Do you have any email or chat or text</p> <p>25 devices currently open?</p>	<p style="text-align: right;">Page 15</p> <p>1 correct?</p> <p>2 A Correct.</p> <p>3 Q And she contacted you a few days ago as</p> <p>4 well; correct?</p> <p>5 A Correct.</p> <p>6 Q And what was that in regards to?</p> <p>7 A About whether I would give the testimony</p> <p>8 and whether I would -- when I would be available to --</p> <p>9 to do this. Basically, that's it.</p> <p>10 Q And by "this," are you referring to</p> <p>11 today's deposition?</p> <p>12 A Yes, ma'am. I'm sorry.</p> <p>13 Q No problem.</p> <p>14 Okay. Did you speak to anyone besides</p> <p>15 Misty about today's deposition?</p> <p>16 A Well, I told my wife I was being</p> <p>17 deposed. I mean, not anybody in an official</p> <p>18 situation.</p> <p>19 Q Did you speak to anyone for -- from the</p> <p>20 State of Alabama or affiliated with the state</p> <p>21 legislature?</p> <p>22 A Not about this deposition. No.</p> <p>23 Q But you have spoken to them in the past;</p> <p>24 correct?</p> <p>25 A Oh, yes.</p>
<p style="text-align: right;">Page 14</p> <p>1 A I do not.</p> <p>2 Q Okay. So let's discuss what you did to</p> <p>3 prepare for today's deposition; all right?</p> <p>4 A Okay.</p> <p>5 Q So what did you do to prepare for today?</p> <p>6 A I -- I don't know that I did anything.</p> <p>7 I'm speaking from my heart from 30 years of living in</p> <p>8 this community, so I -- I'm just going to answer your</p> <p>9 questions the best of my ability.</p> <p>10 Q Did you meet with anyone before -- to</p> <p>11 prepare for today's deposition?</p> <p>12 A I have not met with anybody. You know,</p> <p>13 Misty called and -- or emailed me and asked me to do</p> <p>14 this. And, of course, I responded and -- and then she</p> <p>15 went over a deposition and what it is. And other than</p> <p>16 that; of course, the number one thing she kept saying</p> <p>17 was, Tell the truth, which I will. And other than</p> <p>18 that, except for my normal life; I haven't met with</p> <p>19 anything specific on this -- on this.</p> <p>20 Q And when did Misty call you?</p> <p>21 A Well, she called me yesterday about the</p> <p>22 deposition. I think she contacted me a few days ago</p> <p>23 in an email.</p> <p>24 Q So she -- just to clarify: So you</p> <p>25 received a call yesterday about today's deposition;</p>	<p style="text-align: right;">Page 16</p> <p>1 Q Okay. About this case?</p> <p>2 A About the map that -- before they</p> <p>3 designed it or -- or were drawing it, I -- I called</p> <p>4 them and told them my concerns about us staying</p> <p>5 together in southeast Alabama.</p> <p>6 Q Understood.</p> <p>7 A So I -- I did that.</p> <p>8 Q Okay. So we're going to speak a little</p> <p>9 bit about that a little later.</p> <p>10 But just in terms of preparing for this</p> <p>11 deposition, did you speak to anyone from the state</p> <p>12 legislature?</p> <p>13 A I did not.</p> <p>14 Q Have you ever seen any transcripts from</p> <p>15 depositions in this case?</p> <p>16 A I have not.</p> <p>17 Q Did you review any websites to prepare</p> <p>18 for today's deposition?</p> <p>19 A I have not.</p> <p>20 Q Did you review any documents at all to</p> <p>21 prepare for today?</p> <p>22 A I guess just the statement that I gave.</p> <p>23 I made sure I read it this morning.</p> <p>24 Q Okay. Did you do anything else to</p> <p>25 prepare for today's deposition?</p>

<p style="text-align: right;">Page 17</p> <p>1 A I have not.</p> <p>2 Q And are you being compensated by anyone</p> <p>3 for being here today?</p> <p>4 A No.</p> <p>5 Q All right. Now let's discuss a little</p> <p>6 bit about your personal background.</p> <p>7 A Okay.</p> <p>8 Q What is your date of birth?</p> <p>9 A [REDACTED].</p> <p>10 Q Did you say "ten"?</p> <p>11 A Yeah. [REDACTED].</p> <p>12 Q Thank you.</p> <p>13 And where were you born?</p> <p>14 A So I got adopted when I was five, and so</p> <p>15 everything in my life started when I was five. So I</p> <p>16 grew up in Monroe, Wisconsin.</p> <p>17 Q And where do you currently live?</p> <p>18 A Dothan, Alabama.</p> <p>19 Q How long have you lived in Dothan?</p> <p>20 A Close to 35 years, 36 years.</p> <p>21 Q Do you have an email address?</p> <p>22 A I do.</p> <p>23 Q And what is your email address?</p> <p>24 A It's small caps. It's [REDACTED].</p> <p>25 Q Do you have any other email addresses?</p>	<p style="text-align: right;">Page 19</p> <p>1 A High school.</p> <p>2 Q And where did you attend high school?</p> <p>3 A Monroe High School; Monroe, Wisconsin.</p> <p>4 Q And did you graduate?</p> <p>5 A Yes.</p> <p>6 Q And what do you do for a living?</p> <p>7 A I'm in the automobile business. I have</p> <p>8 new car franchises, a body shop. We also sell boats.</p> <p>9 I'm in the retail business.</p> <p>10 Q And you -- you served at -- as mayor of</p> <p>11 Dothan previously; correct?</p> <p>12 A I did.</p> <p>13 Q And what were the dates of your term?</p> <p>14 A October 2009 to October 2017.</p> <p>15 Q Okay. So now I'm going to ask you a few</p> <p>16 questions about this case in particular.</p> <p>17 Can you tell me a little bit about what</p> <p>18 you know about the lawsuit at issue today.</p> <p>19 A What I know is the Supreme Court said</p> <p>20 that Alabama needed to draw a district where an</p> <p>21 African-American has the ability to win and serve.</p> <p>22 And -- and then I didn't really pay much attention to</p> <p>23 it. Then a map came out that showed -- and I don't</p> <p>24 know who came up with the map. But the map basically</p> <p>25 showed separating Dothan and Houston County and</p>
<p style="text-align: right;">Page 18</p> <p>1 A I do. I have one that has to do with my</p> <p>2 CASA appointment. It's S -- it's Schmitt --</p> <p>3 schmitt.casa@gmail.com.</p> <p>4 Q Any others?</p> <p>5 A Not -- no. I mean, I'm sure my company</p> <p>6 has one; but I don't with it.</p> <p>7 Q Do you have any personal social media</p> <p>8 accounts, like Facebook or Instagram or Twitter?</p> <p>9 A I have Facebook.</p> <p>10 Q And what is your Facebook user name?</p> <p>11 A Lordy, that was 20 years ago or whenever</p> <p>12 it was. I'm sure it's Mike Schmitz.</p> <p>13 Q So you don't use your Facebook account</p> <p>14 frequently?</p> <p>15 A Not a lot. Once in a while. I have a</p> <p>16 grandchild that I like to show off my baby. But not a</p> <p>17 lot. I did as mayor. I used to post things as mayor.</p> <p>18 And -- and -- and some of the community work I do, I</p> <p>19 make some pictures and post on what's going on, things</p> <p>20 like that.</p> <p>21 Q Have you discussed anything related to</p> <p>22 this case on Facebook?</p> <p>23 A Oh, no.</p> <p>24 Q What is the highest level of education</p> <p>25 you've completed?</p>	<p style="text-align: right;">Page 20</p> <p>1 putting us out -- putting us with the west of Alabama,</p> <p>2 which is Mobile and Baldwin County, and that concerned</p> <p>3 me. So that's how I'm -- I got involved.</p> <p>4 Q And okay. So let's talk a little -- a</p> <p>5 little bit how you got involved.</p> <p>6 Did anyone contact you about getting</p> <p>7 involved in the lawsuit or -- or how did that process</p> <p>8 work?</p> <p>9 A Yeah. I -- I never meant to get</p> <p>10 involved in a lawsuit. But what I -- what I meant to</p> <p>11 do: I called Senator Chesteen -- he's our state</p> <p>12 senator -- and I called Steve Clouse -- he's a state</p> <p>13 representative that represents my district -- and just</p> <p>14 told them my concerns about us moving out west in</p> <p>15 Alabama. And although they're good people, they just</p> <p>16 have different needs. And -- and what they would</p> <p>17 focus on are different than what we do in southeast</p> <p>18 Alabama. So I talked to both of them. And -- and</p> <p>19 then Senator Chesteen basically said, There's a public</p> <p>20 hearing. Why don't you come up and talk. And that's</p> <p>21 what I did.</p> <p>22 Q So prior to your calls to Senator</p> <p>23 Chesteen, did -- did -- had anyone contacted you about</p> <p>24 the lawsuit?</p> <p>25 A No.</p>

MIKE SCHMITZ
MILLIGAN, ET.AL. V. ALLEN, ET.AL.

August 10, 2023
21-24

<p style="text-align: right;">Page 21</p> <p>1 Q Do you know any of the plaintiffs in the</p> <p>2 lawsuit?</p> <p>3 A I don't. No. I don't think so. I</p> <p>4 don't -- I don't even know who they are.</p> <p>5 Q Do you -- all right.</p> <p>6 Do you know anyone named Latisha</p> <p>7 Jackson?</p> <p>8 A I'm sure I did. It's -- she's from</p> <p>9 Dothan I think. I don't -- I'm sure I do. I don't --</p> <p>10 not on a personal level. No.</p> <p>11 Q Okay. So, Mr. Schmitz, did you produce</p> <p>12 a declaration as part of Alabama's response to</p> <p>13 Plaintiffs' objections in this case?</p> <p>14 A I did.</p> <p>15 Q Okay. So I'm going to show you a</p> <p>16 document that you may or may not have seen before.</p> <p>17 Give me a second.</p> <p>18 Mr. Schmitz, do you see a document on</p> <p>19 your screen?</p> <p>20 A I do.</p> <p>21 Q It is -- so I'm going to mark and</p> <p>22 publish this as Exhibit Number 1.</p> <p>23 (Plaintiffs' Exhibit 1 was</p> <p>24 marked for identification.)</p> <p>25 Q The document is 73 pages. I'm going to</p>	<p style="text-align: right;">Page 23</p> <p>1 the declaration you submitted in support of</p> <p>2 defendants' response?</p> <p>3 A Yes.</p> <p>4 Q And turning to -- or going to the</p> <p>5 signature page -- or let's look at that. There we go.</p> <p>6 Do you recognize that as your</p> <p>7 signature --</p> <p>8 A It is.</p> <p>9 Q -- on page four?</p> <p>10 A Yes.</p> <p>11 Q Great.</p> <p>12 So who drafted this declaration?</p> <p>13 MS. FAIRBANKS MESSICK: Object to the</p> <p>14 form.</p> <p>15 A The -- Misty, the Attorney General</p> <p>16 folks.</p> <p>17 Q (By Ms. Gbe) And who contacted you</p> <p>18 about submitting a declaration?</p> <p>19 A Well, I think the first contact I had</p> <p>20 was a little over a week ago. Mr. LaCour called me --</p> <p>21 I was in San Francisco -- and asked me if I would</p> <p>22 consider doing something like this. And I said, Yes.</p> <p>23 And then Misty emailed me, and that's how we ended up</p> <p>24 with this.</p> <p>25 Q And when you say "doing something like</p>
<p style="text-align: right;">Page 22</p> <p>1 scroll through it fairly slowly for you. The title of</p> <p>2 the document is "Defendants' Joint Response to</p> <p>3 Milligan and Caster Objections and Request for</p> <p>4 Preliminary Injunction."</p> <p>5 Do you see that?</p> <p>6 A I do.</p> <p>7 Q Have you seen this document before?</p> <p>8 A I have not.</p> <p>9 Q Okay. So I will then take it down, and</p> <p>10 I will show you another document.</p> <p>11 Do you see another document on your</p> <p>12 screen?</p> <p>13 A I do.</p> <p>14 Q Okay. So I'm going to mark and publish</p> <p>15 this document as Exhibit Number 2 and scroll down to</p> <p>16 the title.</p> <p>17 (Plaintiffs' Exhibit 2 was</p> <p>18 marked for identification.)</p> <p>19 Q This document is four pages, and it is</p> <p>20 titled "Declaration of Mike Schmitz."</p> <p>21 Do you see that?</p> <p>22 A I do.</p> <p>23 Q Have you seen this document before?</p> <p>24 A Yes.</p> <p>25 Q And do you recognize this document as</p>	<p style="text-align: right;">Page 24</p> <p>1 this," what do you mean?</p> <p>2 A Oh, I'm sorry. The statement.</p> <p>3 Q The declaration?</p> <p>4 A The declaration. Yes, ma'am.</p> <p>5 Q And what did Mr. LaCour say to you</p> <p>6 during that conversation?</p> <p>7 A He apparently heard what I said when I</p> <p>8 was -- spoke at the public hearing and wanted to know</p> <p>9 if I would say the same thing in a document, I guess,</p> <p>10 or testify.</p> <p>11 Q And what were you told was the purpose</p> <p>12 of your declaration?</p> <p>13 A Well, I hope my purpose was to have</p> <p>14 people understand how I feel that whatever map they</p> <p>15 draw up; southeast Alabama, we need to stick together</p> <p>16 and work together like we have for many years.</p> <p>17 Q And what were you told to say in the</p> <p>18 declaration?</p> <p>19 A I was --</p> <p>20 MS. FAIRBANKS MESSICK: Object to form.</p> <p>21 A I wasn't told to say anything.</p> <p>22 Q (By Ms. Gbe) And why did you agree to</p> <p>23 submit a declaration?</p> <p>24 A Because I'm -- even though at my age it</p> <p>25 won't matter, but I really love this community. And I</p>

MIKE SCHMITZ
MILLIGAN, ET.AL. V. ALLEN, ET.AL.

August 10, 2023
25-28

<p style="text-align: right;">Page 25</p> <p>1 truly feel the map they had, that puts us -- isolates 2 us with -- you know, will hurt all the citizens in our 3 area and, truthfully, will take away our voice and -- 4 and our vote. I -- I just feel passionately that our 5 community, which is the wiregrass and southeast 6 Alabama, we've been working together for years. So 7 whatever map they draw up, I simply would prefer us 8 staying together in some way.</p> <p>9 Q Mr. Schmitz, are you a member of the 10 Republican party? 11 A I am. 12 Q How long have you been a member? 13 A 25 years.</p> <p>14 Q Have you held any positions in the 15 party? 16 A No. 17 Q Okay. Do you identify as a Republican? 18 A I do. Now, when I ran for mayor, you 19 didn't have to declare a party; so I did not do that. 20 Because I really felt the position as mayor and the 21 council, there are -- we're neighbors. It's not about 22 a party; it's about working together. So I did not do 23 that as mayor. 24 Q A few follow-up questions on your -- the 25 declaration that you submitted.</p>	<p style="text-align: right;">Page 27</p> <p>1 doing this is not about the map. It's about where we 2 are going to end up. And so -- so I just believe all 3 the partnerships we've built up over these years, we 4 need to continue that.</p> <p>5 Q Did Misty ask you to include anything 6 specific in your declaration? 7 A No. I don't -- I don't remember 8 anything like that.</p> <p>9 Q And, I'm sorry, I don't think I actually 10 got this answer. But did you -- so you received the 11 draft.</p> <p>12 Did you suggest any changes in terms of 13 phrasing or anything, or did you just sign the 14 declaration that you received? 15 A Yeah. It pretty much was what I said 16 and what I wanted; so I just signed it.</p> <p>17 Q Okay. So let's talk about the hearing 18 that I think you referenced a few times during this, 19 the hearing on July 13th.</p> <p>20 So did you attend the Alabama Permanent 21 Committee on Reapportionment and Redistricting public 22 hearing on July 13th? 23 A I did. 24 Q And how did you find out about that 25 hearing?</p>
<p style="text-align: right;">Page 26</p> <p>1 Did you type up the declaration? 2 A I did not. 3 Q Did you see a draft and provide edits? 4 A I saw a draft and -- I don't know if 5 edits. Basically, they sent what I asked them to -- 6 to put in there. 7 Q And when you say "them," who are you 8 referring to? 9 A Misty and their office. 10 Q Did you propose any edits to the 11 declaration before signing it? 12 A I -- I think probably the day before, I 13 sent a bunch of information and -- and this is -- this 14 is where -- I did call the Chamber of Commerce and ask 15 them, like the 40 percent peanuts grown in -- in -- 16 within 100 miles; we are the peanut capital of the 17 world. I just wanted to make sure all that was true, 18 and so I did that. And -- and sent just some ideas, I 19 guess, to Misty about that. 20 Q Did you speak -- so you spoke to Misty 21 before she drafted the declaration? 22 A I did. 23 Q Okay. So what did you say to her? 24 A Pretty much what's in the document. I 25 mean, again, what I just said: My -- the reason I'm</p>	<p style="text-align: right;">Page 28</p> <p>1 A When I called Senator Chesteen, he -- he 2 told me there will be a public hearing and asked me if 3 I would speak. 4 Q Did he tell you anything else? 5 A No. Just he gave me where it was and 6 the time. 7 Q And how do you know Senator Chesteen? 8 A Well, he's from our area; and I've known 9 him a long time. He was a football coach in Geneva. 10 And he was always involved with, like I was and have 11 been, with creating workforce development; trying to 12 in our high schools train our kids and help them get 13 some skills. He would -- he was always involved in 14 that, and so was I. So I've just -- I've known him a 15 long time. 16 Q And did he ask you to address anything 17 specific at the hearing? 18 A No. When I -- when I called and I -- 19 basically, what I said in the declaration; I told -- I 20 told him. And he said, Well, you know, here's a 21 public hearing. Why don't you come and say that. So 22 that's what I did. 23 Q Did anyone else ask you to address 24 anything at the hearing? 25 A No.</p>

MIKE SCHMITZ
MILLIGAN, ET.AL. V. ALLEN, ET.AL.

August 10, 2023
29-32

<p style="text-align: right;">Page 29</p> <p>1 Q Okay. So I'm going to ask you about the</p> <p>2 enacted plan -- the plan that was enacted in 2023 that</p> <p>3 you've referenced earlier in this deposition.</p> <p>4 Did you -- have you seen that plan</p> <p>5 before?</p> <p>6 MS. FAIRBANKS MESSICK: Object to the</p> <p>7 form.</p> <p>8 A I'm not sure what you're ask -- I'm not</p> <p>9 sure what plan you're --</p> <p>10 Q (By Ms. Gbe) Let me just make this</p> <p>11 easier.</p> <p>12 I'll just show you the document, and</p> <p>13 then you can let me know if you -- if it looks</p> <p>14 familiar.</p> <p>15 MS. FAIRBANKS MESSICK: Beverly, we can</p> <p>16 see your deposition outline. I'm sorry, Harmony.</p> <p>17 A It went away.</p> <p>18 Q (By Ms. Gbe) Can you see the map now?</p> <p>19 A No. Whatever you sent is not showing</p> <p>20 up. Here we go. There.</p> <p>21 Q So sorry.</p> <p>22 A Right. Apologies for that. Okay.</p> <p>23 So this is the map that I was referring</p> <p>24 to that was enacted in 2023.</p> <p>25 Does it look familiar to you?</p>	<p style="text-align: right;">Page 31</p> <p>1 A Right. So, no, the map that I -- the</p> <p>2 map that I saw -- and a lot of folks from Dothan were</p> <p>3 wearing T-shirts were showing us over -- just</p> <p>4 isolating us, moving us over to the west coast of</p> <p>5 Alabama up to Mobile and Mobile County. That's what I</p> <p>6 remember.</p> <p>7 Q And what -- where did you see this map</p> <p>8 that you're referring to?</p> <p>9 A Probably the Dothan Eagle.</p> <p>10 Q And you mentioned just now that folks</p> <p>11 were wearing T-shirts with this map?</p> <p>12 So where were these people with the</p> <p>13 T-shirts?</p> <p>14 A Well, when I went up to the state house;</p> <p>15 a bus pulled up. And a lot of folks that I know from</p> <p>16 Dothan got off with all these T-shirts, and that's</p> <p>17 when I saw that map with what they were wearing. And</p> <p>18 that's -- I guess that's what I really saw the</p> <p>19 T-shirts.</p> <p>20 Q And was that different than the map that</p> <p>21 you saw in the Dothan Eagle?</p> <p>22 A I didn't get really close to them to</p> <p>23 look at their -- the map. But it -- it looked just</p> <p>24 like a -- it -- it -- again, it had us -- it had us</p> <p>25 and then going over west and up to Mobile.</p>
<p style="text-align: right;">Page 30</p> <p>1 A I don't know. I need to see the bottom</p> <p>2 of the map. I can't see that.</p> <p>3 Q Can you see the bottom now?</p> <p>4 A So what you're saying is, if I'm</p> <p>5 correct, this is the map that the state legislature</p> <p>6 approved; right?</p> <p>7 Q Yes.</p> <p>8 A Okay. Yeah. They put it in the Dothan</p> <p>9 Eagle. I saw it.</p> <p>10 Q Okay. So I'm going to mark and publish</p> <p>11 this document as Exhibit 3.</p> <p>12 (Plaintiffs' Exhibit 3 was</p> <p>13 marked for identification.)</p> <p>14 Q So did you -- did you look at this map</p> <p>15 before you agreed to testify at the hearing,</p> <p>16 Mr. Schmitz?</p> <p>17 A No. When I -- well, let me understand</p> <p>18 the question.</p> <p>19 Before I agreed to testify today?</p> <p>20 Q At the hearing on July 13th --</p> <p>21 A Oh.</p> <p>22 Q -- had you seen this map before?</p> <p>23 A No. At that time they hadn't passed</p> <p>24 this map.</p> <p>25 Q Great.</p>	<p style="text-align: right;">Page 32</p> <p>1 (Indicating throughout.) And so, yes, I assumed it's</p> <p>2 the same map.</p> <p>3 Q Have -- so based on your -- give me a</p> <p>4 second.</p> <p>5 So based on your understanding, these</p> <p>6 people from Dothan with the T-shirts; they supported</p> <p>7 the map that included Dothan with the black belt?</p> <p>8 A Is Mobile part of the black belt?</p> <p>9 I don't know that.</p> <p>10 Q Yeah.</p> <p>11 A So okay, then yes. It included Mobile.</p> <p>12 That's what it included.</p> <p>13 Q I see.</p> <p>14 A And the west side of Alabama. I didn't</p> <p>15 really look at all the towns and stuff. I just looked</p> <p>16 what we were going away from the area of folks that I</p> <p>17 know and people we've been working together for 25</p> <p>18 years to over to the west side.</p> <p>19 Q And were these people with the T-shirts,</p> <p>20 were they black?</p> <p>21 A Yes.</p> <p>22 Q How many people were wearing the</p> <p>23 T-shirts if you can estimate for me?</p> <p>24 A Yeah. A bunch; probably 25, 30 people</p> <p>25 got off the bus. I've known a lot of them for many</p>

MIKE SCHMITZ
MILLIGAN, ET.AL. V. ALLEN, ET.AL.

August 10, 2023
33-36

<p style="text-align: right;">Page 33</p> <p>1 years, so -- anyway. Yes.</p> <p>2 Q What do you mean by "you've known a lot</p> <p>3 of them for many years"?</p> <p>4 A Well, the folks that got off the bus</p> <p>5 live in Dothan or live in our community; which could</p> <p>6 be a small town. But I -- I've been involved --</p> <p>7 heavily involved in this community for a long, long</p> <p>8 time. And we all try to work together on issues,</p> <p>9 so -- and as mayor I definitely did that, so that's</p> <p>10 how I got to know them.</p> <p>11 Q Did you recognize anyone in particular?</p> <p>12 A You know, I -- I recognize faces; names</p> <p>13 I'm not so good at. So, I mean, I can't think of any</p> <p>14 of the names.</p> <p>15 Q But your -- your understanding is that</p> <p>16 these people with the T-shirts were also familiar with</p> <p>17 the Dothan community?</p> <p>18 A Oh, yeah.</p> <p>19 MS. FAIRBANKS MESSICK: Object to the</p> <p>20 form.</p> <p>21 Q (By Ms. Gbe) Have you reviewed any</p> <p>22 other maps, Mr. Schmitz, besides the one that we spoke</p> <p>23 -- the ones that we've spoken about in terms of the</p> <p>24 T-shirt, the news article; have you seen any other</p> <p>25 maps in any other places?</p>	<p style="text-align: right;">Page 35</p> <p>1 manager to get my computer back up. That's all.</p> <p>2 Q I just have a few more questions for</p> <p>3 you. It shouldn't take very long.</p> <p>4 A Okay.</p> <p>5 Q Did you review any performance analysis</p> <p>6 for the 2023 plan?</p> <p>7 A I did not.</p> <p>8 Q Okay. That is all I have.</p> <p>9 EXAMINATION</p> <p>10 BY MS. FAIRBANKS MESSICK:</p> <p>11 Q All right. I do have some questions for</p> <p>12 you, Mr. Schmitz, if you don't mind sticking around</p> <p>13 with us a little bit longer.</p> <p>14 A I'm here. Let's go.</p> <p>15 Q All right. Thank you.</p> <p>16 Since Eddie LaCour first reached out to</p> <p>17 you approximately two weeks ago, have there been a</p> <p>18 number of conversations and emails that you have had</p> <p>19 with people at this office?</p> <p>20 A Yes.</p> <p>21 Q And is it possible that it's hard to</p> <p>22 remember exactly what happened when and what came</p> <p>23 first and what came next and what was next?</p> <p>24 A Well, for me that's challenging every</p> <p>25 day. But, yeah, I mean, I was in San Francisco. I</p>
<p style="text-align: right;">Page 34</p> <p>1 A I have not.</p> <p>2 Q Have you been shown any maps by either</p> <p>3 someone from the legislature -- actually, let me</p> <p>4 rephrase.</p> <p>5 Were you shown any maps by anyone from</p> <p>6 the legislature?</p> <p>7 A No.</p> <p>8 Q Were you shown any maps by anyone from</p> <p>9 the Attorney General's office?</p> <p>10 A No.</p> <p>11 Q I think that's all I have, but let me</p> <p>12 take a few minutes just to confirm with my cocounsel</p> <p>13 that that's all we have for you.</p> <p>14 A Okay.</p> <p>15 THE VIDEOGRAPHER: Going off video</p> <p>16 record; 10:49 a.m.</p> <p>17 (Short recess.)</p> <p>18 THE VIDEOGRAPHER: We are now back on</p> <p>19 video record; 11:05 a.m.</p> <p>20 Q (By Ms. Gbe) Mr. Schmitz, I understand</p> <p>21 that during the break you had a computer issue?</p> <p>22 A I did.</p> <p>23 Q Did you speak to anyone during the break</p> <p>24 about your deposition testimony?</p> <p>25 A Oh, no. No. I just got my office</p>	<p style="text-align: right;">Page 36</p> <p>1 was traveling. I came back to Dothan. I have</p> <p>2 businesses I run. Yeah.</p> <p>3 Q Do you remember speaking with me and</p> <p>4 Richard Mink after you got back from San Francisco?</p> <p>5 A I do.</p> <p>6 Q And do you remember if it was after we</p> <p>7 spoke that we sent you a draft declaration?</p> <p>8 A Yes.</p> <p>9 Q Okay. And do you remember asking to be</p> <p>10 able to think about it overnight?</p> <p>11 A I did.</p> <p>12 Q And did you -- what do you remember</p> <p>13 about what you did with that time overnight with</p> <p>14 respect to your declaration?</p> <p>15 A Well, it's like I said earlier. I</p> <p>16 wanted to make sure some of the facts that I gave in</p> <p>17 -- in the declaration were still true. I -- I -- you</p> <p>18 know, as mayor, I went to a lot of economic</p> <p>19 development meetings and agricultural meetings. And</p> <p>20 just -- so I -- I called the Chamber and talked to the</p> <p>21 president of the Chamber.</p> <p>22 Q And did you propose to include</p> <p>23 information in your declaration that you got from</p> <p>24 other people that was not your own knowledge?</p> <p>25 A Yes. From him --</p>

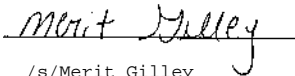
MIKE SCHMITZ
MILLIGAN, ET.AL. V. ALLEN, ET.AL.

August 10, 2023
37-40

<p style="text-align: right;">Page 37</p> <p>1 MS. GBE: Objection. Leading.</p> <p>2 A Yes.</p> <p>3 Q (By Ms. Fairbanks Messick) And was that</p> <p>4 information ultimately included in your declaration?</p> <p>5 A I don't believe --</p> <p>6 Q Take a few minutes and look -- I'm</p> <p>7 sorry. I didn't mean to speak over you. I was going</p> <p>8 to say if you want to look at it, you're certainly</p> <p>9 welcome to take the time to do that.</p> <p>10 A I don't -- I don't -- I can't think of</p> <p>11 anything that they told me that I put in this. I -- I</p> <p>12 mean, I -- I may have, but I don't think so.</p> <p>13 Q Can you take a minute and look at your</p> <p>14 deposition -- I'm sorry -- your declaration --</p> <p>15 A Right.</p> <p>16 Q -- and let us know if there's anything</p> <p>17 in there that you do not believe to be your firsthand</p> <p>18 knowledge.</p> <p>19 A (Witness complies.) I definitely have</p> <p>20 years of experience in all that -- all these</p> <p>21 statements.</p> <p>22 Q And did you review your declaration</p> <p>23 before you signed it?</p> <p>24 A I did.</p> <p>25 Q And did you understand when you signed</p>	<p style="text-align: right;">Page 39</p> <p>1 yourself, please. And then I'm going to ask you if</p> <p>2 anything was added to that paragraph after we spoke.</p> <p>3 A (Witness complies.) Well, I remember</p> <p>4 talking to you about flying with Senator Tuberville</p> <p>5 over Fort Novosel. That may have been added. I don't</p> <p>6 know if I said that the first time or not. And while</p> <p>7 I was doing that, I definitely impressed, you know, my</p> <p>8 opinion on how important Fort Novosel is to -- to us</p> <p>9 and to our nation.</p> <p>10 Q Harmony asked you when I contacted you</p> <p>11 or when the office contacted you about sitting for</p> <p>12 this deposition.</p> <p>13 A Right.</p> <p>14 Q And I believe your testimony was that</p> <p>15 you thought that that happened on Wednesday.</p> <p>16 Is -- is that accurate to the best of</p> <p>17 your recollection at this time?</p> <p>18 A I don't remember what day. I -- I just</p> <p>19 don't.</p> <p>20 Q It was some time this week though;</p> <p>21 right?</p> <p>22 A Yes. Yes.</p> <p>23 Q You mentioned earlier that Senator</p> <p>24 Chesteen used to be a football coach in Geneva?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 38</p> <p>1 it it was like giving testimony in court; it was sworn</p> <p>2 testimony?</p> <p>3 A I did.</p> <p>4 Q Okay. And do you remember receiving a</p> <p>5 second draft of the declaration after we talked</p> <p>6 further and you sent us additional information?</p> <p>7 A Yes.</p> <p>8 Q Can you look at paragraph one of your</p> <p>9 declaration and read it to yourself silently, please.</p> <p>10 A (Witness complies.) Okay.</p> <p>11 Q Do you remember adding anything to that</p> <p>12 paragraph?</p> <p>13 A No, ma'am; I don't remember adding</p> <p>14 anything. I remember we had conversations. But I --</p> <p>15 I --</p> <p>16 Q Okay. Do you remember if we made any --</p> <p>17 if any changes were made to paragraph four after we</p> <p>18 spoke?</p> <p>19 A Yes. You put in the website -- website</p> <p>20 from the Army about the CASA and explained basically</p> <p>21 what the website says in paragraph four.</p> <p>22 Q So as you sit here today, it's your</p> <p>23 recollection that that was added in the second draft?</p> <p>24 A Yes.</p> <p>25 Q In paragraph six; would you read that to</p>	<p style="text-align: right;">Page 40</p> <p>1 Q Is Geneva a city? A county?</p> <p>2 What is your reference to?</p> <p>3 A Well, city -- it's a city and a county.</p> <p>4 Q Okay.</p> <p>5 A And I -- I don't remember where he was a</p> <p>6 coach, which one of those because I didn't follow</p> <p>7 Geneva High School football.</p> <p>8 Q You spoke with Harmony about seeing 25</p> <p>9 to 30 people, approximately, get off the bus at the</p> <p>10 legislative hearing in mid July.</p> <p>11 Were all of those people from Dothan so</p> <p>12 far as you know?</p> <p>13 A Yes. When I say "Dothan," they -- the</p> <p>14 area. Because we have a lot of small towns, so I</p> <p>15 don't know where they actually live. I know them from</p> <p>16 Dothan. Yes.</p> <p>17 Q Were there other people at the hearing</p> <p>18 wearing those T-shirts who were not from Dothan?</p> <p>19 A I didn't notice it. There -- there may</p> <p>20 have been. I did -- I was -- they actually sat me</p> <p>21 right next to the folks with the T-shirts, so that's</p> <p>22 how I was focused on that.</p> <p>23 Q Okay. Do you stand by your --</p> <p>24 everything that's in your declaration?</p> <p>25 A I do.</p>

MIKE SCHMITZ
MILLIGAN, ET.AL. V. ALLEN, ET.AL.

August 10, 2023
41-42

<p style="text-align: right;">Page 41</p> <p>1 Q All right. I don't have any further 2 questioning -- questions. Harmony might have 3 additional questions for you. 4 MS. GBE: I don't have anything further. 5 MS. FAIRBANKS MESSICK: Thank you so 6 much for your time, Mr. Schmitz. We really appreciate 7 it. 8 MS. GBE: Yes. Thank you. It was nice 9 meeting you. 10 THE WITNESS: Thank you. 11 THE VIDEOGRAPHER: This concludes 12 today's videotaped deposition. The time is 11:16 a.m. 13 Going off the record now. 14 (THE DEPOSITION WAS CONCLUDED AT 11:16 A.M.) 15 16 17 18 19 20 21 22 23 24 25</p>	
<p style="text-align: right;">Page 42</p> <p>1 2 C E R T I F I C A T E 3 4 STATE OF ALABAMA) 5 JEFFERSON COUNTY) 6 7 I hereby certify that the above 8 and foregoing deposition was taken down 9 by me in stenotype, and the questions and 10 answers thereto were reduced to computer 11 print under my supervision, and that the 12 foregoing represents a true and correct 13 transcript of the deposition given by 14 said witness upon said hearing. 15 16 I further certify that I am 17 neither of counsel nor of kin to the 18 parties to the action, nor am I in 19 anywise interested in the result of said 20 cause. 21 22 23  24 /s/Merit Gilley Merit Gilley, Commissioner 25 ACCR NO. 67</p>	