

2025 Feb-25 PM 02:40

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
DISTRICT COURT
N.D. OF ALABAMA

Page 1	Page 3
1 IN THE UNITED STATES DISTRICT COURT	1 I N D E X
2 NORTHERN DISTRICT OF ALABAMA	2 WITNESS PAGE
3 SOUTHERN DIVISION	3 Kenneth Boswell
4 2:21-CV-01530-AMM	4 Examination by Mr. Burke 4
5 EVAN MILLIGAN, et al.,	5 Examination by Ms. Rutahindurwa 54
6 Plaintiffs,	6 Examination by Ms. Messick 80
7 V.	7
8 WES ALLEN, et al.,	8 INDEX OF PLAINTIFFS' EXHIBITS
9 Defendants.	9 NUMBER PAGE
10 2:21-CV-01536-AMM	10 Exhibit 1 20
11 MARCUS CASTER, et al.,	11 Exhibit 2 55
12 Plaintiffs,	12 Exhibit 3 62
13 V.	13 Exhibit 4 70
14 WES ALLEN, et al.,	14 Exhibit 5 74
15 Defendants.	15 Exhibit 6 76
16 2:21-CV-01291-AMM	16
17 BOBBY SINGLETON, et al.,	17
18 Plaintiffs,	18
19 V.	19
20 WES ALLEN, et al.,	20
21 Defendants.	21
22 REMOTE DEPOSITION OF:	22
23 KENNETH BOSWELL	23
24 August 12, 2024	24
25 9:02 A.M.	25
REPORTED BY:	
CINDY C. JENKINS, CCR	
Page 2	Page 4
1 A P P E A R A N C E S	1 PROCEEDINGS
2 APPEARING ON BEHALF OF THE PLAINTIFFS:	2 AUGUST 12, 2024 9:02 A.M.
3 ELIAS LAW GROUP LLP	3 KENNETH BOSWELL,
4 Ms. Makeba Rutahindurwa	4 being first duly sworn, was examined and
5 250 Massachusetts Avenue, Northwest	5 testified as follows:
6 Suite 400	6 MR. BURKE: And usual
7 Washington, DC 20001	7 stipulations?
8 202-968-4490	8 MS. MESSICK: Yes, please, except
9 mrutahindurwa@elias.law	9 I believe the director would like to read and
10 NAACP LEGAL DEFENSE &	10 sign.
11 EDUCATIONAL FUND, INC.	11 THE WITNESS: Yes.
12 Mr. Colin Burke	12 (A short discussion was held.)
13 Ms. Ashley Burrell	13 MS. MESSICK: So we do reserve the
14 40 Rector Street, 5th Floor	14 right to read and sign.
15 New York, New York 10006	15 EXAMINATION BY MR. BURKE:
16 212-965-2200	16 Q. Director Boswell, please state and
17 cburke@naacpldf.org	17 spell your full name on the record.
18 APPEARING ON BEHALF OF THE DEFENDANTS:	18 A. Kenneth Boswell, K-e-n-n-e-t-h,
19 Constitutional Defense Division	19 Boswell, B-o-s-w-e-l-l.
20 Office of the Attorney General	20 Q. And you understand that you're
21 State of Alabama	21 under oath; correct?
22 Misty S. Fairbanks Messick	22 A. Yes.
23 Assistant Attorney General	23 Q. So good morning, Director Boswell.
24 501 Washington Avenue	24 My name is Colin Burke, and I represent the
25 Post Office Box 300152	25 Milligan plaintiffs in this case.
Montgomery, Alabama 36130	
334-353-8674	
BALCH & BINGHAM, LLP	
Mr. Michael P. Taunton	
1901 6th Avenue North	
Suite 1500	
Birmingham, Alabama 35203	
205-251-8100	
mtaunton@balch.com	
ALSO PRESENT:	
Mr. James Blacksher	

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
5-8

<p style="text-align: right;">Page 5</p> <p>1 Have you ever been deposed before?</p> <p>2 A. Yes.</p> <p>3 Q. How many times?</p> <p>4 A. Multiple.</p> <p>5 Q. Can you give me an approximation?</p> <p>6 A. Probably ten times.</p> <p>7 Approximately ten times over my life.</p> <p>8 Q. And when were those times?</p> <p>9 A. Approximately -- the last</p> <p>10 deposition that I gave was approximately ten</p> <p>11 years ago, maybe longer.</p> <p>12 Q. And what was the nature of those</p> <p>13 matters?</p> <p>14 A. It was in the case of Mike</p> <p>15 Hubbard, the speaker of the house, versus the</p> <p>16 State of Alabama -- versus -- or Alabama</p> <p>17 versus the state of -- or Mike Hubbard.</p> <p>18 Q. And have you ever testified at a</p> <p>19 trial or other proceeding?</p> <p>20 A. Yes.</p> <p>21 Q. And when was that?</p> <p>22 A. Approximately ten years ago</p> <p>23 through the State of Alabama versus Mike</p> <p>24 Hubbard.</p> <p>25 Q. Okay. And we're just going to go</p>	<p style="text-align: right;">Page 7</p> <p>1 A. Yes.</p> <p>2 Q. And if you don't understand a</p> <p>3 question or, even a particular word of a</p> <p>4 question, please say so, and I'll rephrase it.</p> <p>5 Can you agree to that?</p> <p>6 A. Yes.</p> <p>7 Q. Otherwise, I will assume you</p> <p>8 understand my question, that sounds good?</p> <p>9 A. Yes.</p> <p>10 Q. And if you want to take a break,</p> <p>11 please say so. And your counsel may object to</p> <p>12 certain questions that I ask you today.</p> <p>13 Unless your counsel instructs you not to</p> <p>14 answer, you should answer my questions if you</p> <p>15 can. Do you understand that?</p> <p>16 A. To the best of my ability.</p> <p>17 Q. And do you understand that you are</p> <p>18 testifying under oath here today?</p> <p>19 A. Yes.</p> <p>20 Q. And you understand the court</p> <p>21 reporter is recording everything we say and</p> <p>22 that she will generate a transcript from</p> <p>23 today's deposition; correct?</p> <p>24 A. Yes.</p> <p>25 Q. And you understand that judges may</p>
<p style="text-align: right;">Page 6</p> <p>1 through some basic deposition basics, which</p> <p>2 is, please make sure to give a verbal response</p> <p>3 to any of my questions. The court reporter</p> <p>4 cannot take down head nods, gestures. And do</p> <p>5 you understand that?</p> <p>6 A. Yes.</p> <p>7 Q. And so that we get a clear record,</p> <p>8 let's please try not to talk over each other.</p> <p>9 Please wait until I finish a question, and</p> <p>10 I'll wait until you finish your before</p> <p>11 continuing. Can you agree to that?</p> <p>12 A. Yes. May I make a statement?</p> <p>13 There is a delay from your voice or from your</p> <p>14 lips through to us. So if I hesitate, I want</p> <p>15 to make you aware that there is a delay.</p> <p>16 Q. Okay. That's helpful. Thank you.</p> <p>17 And you understand that you should</p> <p>18 give the same seriousness and truthfulness in</p> <p>19 answering my questions here today as you would</p> <p>20 if you were testifying in court before a judge</p> <p>21 or a jury; correct?</p> <p>22 A. Yes.</p> <p>23 Q. If you don't hear a question,</p> <p>24 please say so, and I'll repeat it. Do you</p> <p>25 understand?</p>	<p style="text-align: right;">Page 8</p> <p>1 rely on this transcript to render a decision;</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. And you're not taking any</p> <p>5 medication that or any other substances that</p> <p>6 might impede your ability to answer</p> <p>7 truthfully?</p> <p>8 A. No.</p> <p>9 MS. MESSICK: Object to the form.</p> <p>10 Q. (By Mr. Burke) Is there anything</p> <p>11 else that would prevent you from answering my</p> <p>12 questions honestly and accurately today?</p> <p>13 MS. MESSICK: Object to the form.</p> <p>14 THE WITNESS: No.</p> <p>15 Q. (By Mr. Burke) You may still</p> <p>16 answer. Okay. Great.</p> <p>17 And did you do anything to prepare</p> <p>18 for today's deposition?</p> <p>19 A. Other than just review what my</p> <p>20 divisions do on the basis -- on a daily</p> <p>21 basis.</p> <p>22 Q. And how long did you do that for?</p> <p>23 A. About 20 minutes.</p> <p>24 Q. And did you meet with anyone to</p> <p>25 prepare for today's deposition?</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
9-12

<p>Page 9</p> <p>1 A. No one but my attorney.</p> <p>2 Q. And how long did you meet with</p> <p>3 your attorney?</p> <p>4 A. Ten minutes.</p> <p>5 Q. And did you review any documents?</p> <p>6 A. No.</p> <p>7 Q. And is anyone in the room with</p> <p>8 you?</p> <p>9 A. Yes.</p> <p>10 Q. Who is that?</p> <p>11 A. ADECA general counsel, Meg</p> <p>12 Williams-Fiedler and Misty Fairbanks with the</p> <p>13 attorney general's office.</p> <p>14 Q. Is there anyone else?</p> <p>15 A. Excuse me. Misty -- I just met</p> <p>16 Misty this morning, in fact. Misty Fairbanks</p> <p>17 Messick.</p> <p>18 Q. Thank you. And is there anyone</p> <p>19 else in the room with you?</p> <p>20 A. No.</p> <p>21 Q. Have you discussed your deposition</p> <p>22 with anyone?</p> <p>23 A. No.</p> <p>24 Q. Do you know why you're here today?</p> <p>25 A. Not really.</p>	<p>Page 11</p> <p>1 when you say "this case," I'm going to assume</p> <p>2 you mean all three.</p> <p>3 MR. BURKE: Yes.</p> <p>4 MS. MESSICK: And if you mean</p> <p>5 something different, just --</p> <p>6 MR. BURKE: Thank you for that</p> <p>7 clarification, yes.</p> <p>8 Q. Do you have any e-mail accounts?</p> <p>9 A. Me?</p> <p>10 Q. Yes.</p> <p>11 A. kenwboswell@gmail.com. And then</p> <p>12 my state e-mail address.</p> <p>13 Q. Which is what?</p> <p>14 A. [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 Q. And do you have any social media</p> <p>17 accounts?</p> <p>18 A. No. Excuse me. Point of</p> <p>19 correction. The account here at ADECA, if</p> <p>20 you want to call that my account. It's an</p> <p>21 agency media that we actually get information</p> <p>22 out to the public as well as the legislators.</p> <p>23 Q. And which social media accounts</p> <p>24 would those be?</p> <p>25 A. I have no clue. I can get that</p>
<p>Page 10</p> <p>1 MS. MESSICK: Object to the form.</p> <p>2 Q. (By Mr. Burke) How did you first</p> <p>3 learn about this deposition?</p> <p>4 MS. MESSICK: Colin, you cut out.</p> <p>5 I didn't hear what the first word of that</p> <p>6 sentence was.</p> <p>7 Q. (By Mr. Burke) How did you first</p> <p>8 learn about this deposition?</p> <p>9 A. My general counsel here at</p> <p>10 ADECA, Ms. Fiedler.</p> <p>11 Q. And do you know what this case is</p> <p>12 about?</p> <p>13 A. Ms. Fiedler said it had to do</p> <p>14 with second congressional district lines, and</p> <p>15 I said, What do we have to do with that?</p> <p>16 Q. And how did you first learn about</p> <p>17 this case?</p> <p>18 A. Ms. Fiedler.</p> <p>19 Q. So did you read the complaint in</p> <p>20 this case?</p> <p>21 A. No.</p> <p>22 Q. And did you read any of the court</p> <p>23 orders or opinions in this case?</p> <p>24 A. No.</p> <p>25 MS. MESSICK: Just for the record,</p>	<p>Page 12</p> <p>1 information for you. We will be happy to</p> <p>2 provide that.</p> <p>3 Q. Okay. And what is your current</p> <p>4 address?</p> <p>5 A. [REDACTED]</p> <p>6 [REDACTED], is my residence. 401</p> <p>7 Adams Avenue is the work address in</p> <p>8 Montgomery.</p> <p>9 Q. Okay. Thank you.</p> <p>10 A. You're welcome.</p> <p>11 Q. And where were you born?</p> <p>12 A. Elba, Alabama in the County of</p> <p>13 Coffee.</p> <p>14 Q. And what year were you born?</p> <p>15 A. 1958.</p> <p>16 Q. And where did you grow up?</p> <p>17 A. Elba, Alabama.</p> <p>18 Q. And how long did you live there?</p> <p>19 A. I moved from there at age 18 --</p> <p>20 no, excuse me, 19 years old.</p> <p>21 Q. For clarification, you moved to</p> <p>22 Elba, Alabama when you were 19?</p> <p>23 A. No, I moved from Elba, Alabama</p> <p>24 at age 19.</p> <p>25 Q. Thank you.</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
13-16

Page 13	Page 15
<p>1 And where did you finish high 2 school? 3 A. Elba, Alabama. 4 Q. And what was the name of that high 5 school? 6 A. Elba High School. 7 Q. And what is the highest level of 8 education that you have completed? 9 A. 12 grades. 10 Q. And what year did you complete 11 your highest level of education? 12 A. 1977. 13 Q. And what degree did you obtain? 14 MS. MESSICK: Object to the form. 15 THE WITNESS: No degree. 16 Q. (By Mr. Burke) Do you have any 17 certificates or any specialties? 18 A. Insurance license. I have -- 19 Q. And did you ever attend -- 20 MS. MESSICK: Colin, he was still 21 answering. 22 THE WITNESS: -- certifications 23 through the legal municipalities, and I have a 24 planning -- not a degree, but a planning 25 certification.</p>	<p>1 Q. (By Mr. Burke) Yes. To be clear, 2 when I say "segregated," I mean that black 3 students were not allowed to attend the same 4 school that white students attended. 5 A. Black students attended the 6 school with me. 7 Q. Okay. So, to be clear, then, 8 under that definition, your school was not 9 segregated? 10 A. Correct. 11 Q. Is that correct? 12 And do you know if either of your 13 parents attended a segregated school? 14 A. My parents didn't attend school. 15 They were illiterate, could not read or 16 write. 17 Q. Did you attend a college? 18 A. No. 19 Q. So after graduating high school, 20 what did you do? 21 A. I went to work at Dorsey 22 Trailers. I actually went to work at Dorsey 23 Trailers. 24 Q. And can you please briefly 25 describe your job history since you graduated</p>
Page 14	Page 16
<p>1 Q. (By Mr. Burke) Thank you. And my 2 apologies for jumping in. 3 And did you ever attend a 4 segregated school? 5 A. I did. 6 Q. And which school was that? 7 A. Elba High School. 8 Q. And do you recall if your schools 9 were desegregated? 10 A. No. 11 Q. And where did your parents grow 12 up? 13 A. Coffee County. 14 Q. And earlier did you say that your 15 high school was not desegregated? 16 A. It was -- it was segregated. 17 When I was in the second grade is when Elba 18 Elementary became segregated. The first 19 black child rode home from school with me 20 because nobody else would let him sit with 21 him. 22 MS. MESSICK: It sounds like there 23 may be a misunderstanding at a point in time. 24 THE WITNESS: I don't understand 25 what the question is.</p>	<p>1 high school? 2 A. I actually worked at Dorsey 3 Trailers until I was 22 years of age, entered 4 into the National Guard. I stayed in the 5 National Guard for eight years. I went into 6 the insurance business. I stayed in the 7 insurance business and opened an insurance 8 agency for approximately 35 years. Also I 9 had a real estate development business, 10 developing real estate, residential lots. 11 Also did some -- bought and sold cows for a 12 living. And anything that was honest that 13 could make a dollar, and we could make a 14 deal, that's how I made a living. 15 And then I became mayor. I 16 served on the city council from 2000 to 2003, 17 2003 until 2017, I was mayor and then came to 18 work after Governor Kay Ivey May 15th of 19 2017. 20 Q. And where were you mayor? 21 A. Enterprise, Alabama. 22 Q. And what is the demographic 23 composition of the city of enterprise? 24 MS. MESSICK: Object to the form. 25 THE WITNESS: The demographic</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
17-20

Page 17	Page 19
<p>1 composition would be approximately -- and I'm</p> <p>2 giving an approximate. It's going to be</p> <p>3 probably 65/35 or 70/30.</p> <p>4 Q. (By Mr. Burke) 70/30 what?</p> <p>5 A. 70 percent white, 30 percent</p> <p>6 black and Hispanic.</p> <p>7 Q. And has there ever been a black</p> <p>8 mayor of the city of Enterprise?</p> <p>9 A. Yes.</p> <p>10 Q. And who was that?</p> <p>11 A. William E. Cooper. He was</p> <p>12 council member with me and served. And he</p> <p>13 was the president of the council, and he</p> <p>14 filled my position.</p> <p>15 Q. So when did he become mayor?</p> <p>16 A. 2017.</p> <p>17 Q. And do you know how long he has</p> <p>18 been or was mayor?</p> <p>19 A. He is currently the mayor.</p> <p>20 Q. And do you know whether Coffee</p> <p>21 County has ever been accused of violating the</p> <p>22 Voting Rights Act?</p> <p>23 A. None to my knowledge.</p> <p>24 Q. And do you know whether Elba has</p> <p>25 ever been accused of violating the Voting</p>	<p>1 lieutenant governor.</p> <p>2 Q. What capacity did you acquaint</p> <p>3 yourself with Governor Ivey when she was</p> <p>4 treasurer?</p> <p>5 A. Politics from the standpoint of</p> <p>6 her serving on the boards and me being the</p> <p>7 mayor and getting to know her when -- for an</p> <p>8 example, she served on the DOT transportation</p> <p>9 board. And I would ask for her help on items</p> <p>10 and influence on helping Enterprise.</p> <p>11 Q. And as director, what are your</p> <p>12 responsibilities?</p> <p>13 A. To administer the day-to-day</p> <p>14 affairs of ADECA. The primary mission is to</p> <p>15 make Alabama a better Alabama through the</p> <p>16 grant process.</p> <p>17 Q. And have you held any other roles</p> <p>18 at ADECA other than director?</p> <p>19 A. No.</p> <p>20 Q. And now moving on to your</p> <p>21 testimony in this case, what do you intend to</p> <p>22 testify about in this case?</p> <p>23 MS. MESSICK: Object to the form.</p> <p>24 THE WITNESS: I don't know. The</p> <p>25 questions that you ask me, I'm going to give</p>
Page 18	Page 20
<p>1 Rights Act?</p> <p>2 A. None to my knowledge.</p> <p>3 (Whereupon Mr. Taunton joined the</p> <p>4 deposition.)</p> <p>5 Q. (By Mr. Burke) And do you know</p> <p>6 whether Enterprise has ever been accused of</p> <p>7 violating the Voting Rights Act?</p> <p>8 A. None to my knowledge.</p> <p>9 Q. And what do you currently do for a</p> <p>10 living?</p> <p>11 A. I'm the director of the Alabama</p> <p>12 Department of Economic and Community Affairs.</p> <p>13 Q. And how long have you been working</p> <p>14 there?</p> <p>15 A. Since May 15th, 2017.</p> <p>16 Q. And how did you get this position?</p> <p>17 A. Appointed by Governor Kay Ivey.</p> <p>18 Q. Did you know Governor Ivey before</p> <p>19 you began this position?</p> <p>20 A. Yes.</p> <p>21 Q. And how did you know Governor</p> <p>22 Ivey?</p> <p>23 A. She was once the treasurer. I</p> <p>24 got to know her during her tenure as</p> <p>25 treasurer. And during her tenure as</p>	<p>1 you an answer.</p> <p>2 Q. (By Mr. Burke) Okay.</p> <p>3 I'm going to introduce Exhibit 1,</p> <p>4 which my colleague will use the share screen</p> <p>5 function to do.</p> <p>6 (Whereupon, Plaintiff's</p> <p>7 Exhibit 1 was marked for</p> <p>8 identification.)</p> <p>9 Q. (By Mr. Burke) And have you seen</p> <p>10 this document before?</p> <p>11 MS. MESSICK: Could you scroll up,</p> <p>12 please, past the style so that he can see the</p> <p>13 substance? Thank you.</p> <p>14 THE WITNESS: Outside of that</p> <p>15 first page that was shown to me by</p> <p>16 Ms. Fiedler, I didn't look at anything past</p> <p>17 that first page.</p> <p>18 MS. MESSICK: And let the record</p> <p>19 reflect when he says the first page, he's</p> <p>20 talking about is what probably page 2 of the</p> <p>21 PDF, that states Defendants Supplement to</p> <p>22 Initial Disclosures since the style is on the</p> <p>23 first page.</p> <p>24 Q. (By Mr. Burke) And it says here on</p> <p>25 page 2, Director Boswell has information about</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
21-24

<p style="text-align: right;">Page 21</p> <p>1 ADECA's work, which includes expanding</p> <p>2 broadband access and administering dozens of</p> <p>3 grant programs focused on creating jobs,</p> <p>4 strengthening the state's economy, and</p> <p>5 improving and lives and welfare of the state's</p> <p>6 residents. Did I read that correctly?</p> <p>7 A. Yes.</p> <p>8 Q. And you'll understand that if I</p> <p>9 refer to your department, I'm referring to the</p> <p>10 Alabama Department of Economic and Community</p> <p>11 Affairs?</p> <p>12 A. Yes.</p> <p>13 Q. Does your department have a</p> <p>14 specific mission?</p> <p>15 A. Make Alabama better every day</p> <p>16 through the grant process.</p> <p>17 Q. And what does your department do</p> <p>18 to achieve that mission?</p> <p>19 A. Through the competitive grant</p> <p>20 process with multiple divisions, whether it</p> <p>21 be community economic development, community</p> <p>22 development block grants, the energy</p> <p>23 division, whether it be with the Delta</p> <p>24 Regional Authority, Appalachian Regional</p> <p>25 Commission, Southeast Regional Planning,</p>	<p style="text-align: right;">Page 23</p> <p>1 sure that we do everything that we can for</p> <p>2 every Alabamian to have access to broadband.</p> <p>3 And we also have the EB portion</p> <p>4 that falls under up under energy division,</p> <p>5 electric vehicle division, which supports</p> <p>6 industry and 47,000 automotive workers that</p> <p>7 are employed here in the State of Alabama.</p> <p>8 And one of our primary goals is to actually</p> <p>9 implement and grant 79 million to the</p> <p>10 national electric vehicle infrastructure</p> <p>11 program, otherwise known as NEVI.</p> <p>12 Q. And regarding your department's</p> <p>13 funding, when it receives Federal grants, are</p> <p>14 they allocated to specific programs?</p> <p>15 A. Yes. For an example, HUD would</p> <p>16 be for community development block grants,</p> <p>17 which is a competitive process that is</p> <p>18 actually awarded on an annual basis. Those</p> <p>19 block grants primarily go for water/suer. We</p> <p>20 also have a community development or a</p> <p>21 community enhancement program through there</p> <p>22 that, you know, does things such as</p> <p>23 playgrounds and also helps fund community</p> <p>24 centers and things of that nature.</p> <p>25 Q. And you testified that your</p>
<p style="text-align: right;">Page 22</p> <p>1 Commission, and through our law enforcement</p> <p>2 safety training division.</p> <p>3 (A short discussion was held.)</p> <p>4 THE WITNESS: The Federal</p> <p>5 initiative programs, which includes Delta</p> <p>6 Regional Authority, the Appalachian Regional</p> <p>7 Commission or either the Southeast Crescent</p> <p>8 Regional Commission. Not only that, but we</p> <p>9 also work with the energy division, and we</p> <p>10 also work with the law enforcement training</p> <p>11 safety division.</p> <p>12 Q. And how is your department funded?</p> <p>13 A. Primarily Federal funds through</p> <p>14 the department of energy, through the -- with</p> <p>15 the energy division, HUD, with the CED</p> <p>16 division, also department of justice with the</p> <p>17 law enforcement training safety division.</p> <p>18 And then those Federal initiatives would be</p> <p>19 the Delta Regional Authority, Appalachian</p> <p>20 Regional Commission, and the Southeast</p> <p>21 Crescent Regional commission. And then we</p> <p>22 also have -- excuse me. I left out the</p> <p>23 Broadband Division, which is one of Governor</p> <p>24 Ivey's big initiatives of deploying broadband</p> <p>25 throughout the State of Alabama and making</p>	<p style="text-align: right;">Page 24</p> <p>1 department helps with expanding broadband</p> <p>2 access in Alabama. How does your department</p> <p>3 expand broadband access in Alabama?</p> <p>4 A. Two ways. This journey began in</p> <p>5 '17 when with the Governor's initiative that</p> <p>6 she wanted to make sure that we do everything</p> <p>7 possible to actually deploy broadband and</p> <p>8 make sure that all Alabamians have access.</p> <p>9 We began that process by working with</p> <p>10 legislators, developing legislation of which</p> <p>11 was not in place prior to her coming on as</p> <p>12 governor. The actual legislature, over a</p> <p>13 period of time, we allocated \$25 million a</p> <p>14 year for a total of about 82.5 million. And</p> <p>15 that went for the last mile in rural areas of</p> <p>16 the State of Alabama.</p> <p>17 Then we also have been awarded</p> <p>18 ARKA dollars under ARPA one -- I think it was</p> <p>19 82-plus million dollars. And we actually was</p> <p>20 under the Middle-Mile Program. We covered 65</p> <p>21 of the 67 counties with Middle-Mile. That is</p> <p>22 ongoing. That project is not complete. But</p> <p>23 it is ongoing.</p> <p>24 Not only that, but we also have</p> <p>25 ARPA 2 that -- it covers the Alabama Anchor</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
25-28

<p style="text-align: right;">Page 25</p> <p>1 Institute Middle-Mile, which complements the</p> <p>2 Middle-Mile Program. It helps connect</p> <p>3 schools, first responders, and colleges into</p> <p>4 the Middle-Mile Program.</p> <p>5 Then you have the Capital</p> <p>6 Projects Program, which was set aside for</p> <p>7 Last Mile. And we are actually awarding all</p> <p>8 of these as we speak.</p> <p>9 And then you will have in the</p> <p>10 2025 time frame, from FCC, approximately \$1.4</p> <p>11 billion coming in for B money that will be</p> <p>12 utilized that plays and complements all of</p> <p>13 those that I've spoke about earlier.</p> <p>14 Q. And you're using an acronym here.</p> <p>15 What is ARPA?</p> <p>16 A. American Rescue Plan -- American</p> <p>17 Rescue Plan. Yeah, American Rescue Plan.</p> <p>18 That's ARPA. I don't know what the A stands</p> <p>19 for, ARPA.</p> <p>20 MS. MESSICK: We can't help.</p> <p>21 THE WITNESS: I can get you the</p> <p>22 answer to these questions. I just don't have</p> <p>23 that answer in front of me. But I'm like you,</p> <p>24 I'm going by acronyms, and it's very difficult</p> <p>25 to keep them separated.</p>	<p style="text-align: right;">Page 27</p> <p>1 Q. Okay. And so far how much money</p> <p>2 has your department allocated towards</p> <p>3 expanding access to broadband in Alabama?</p> <p>4 A. I will have to get those numbers</p> <p>5 to you because it's very difficult to keep</p> <p>6 those numbers in my head. I know the</p> <p>7 Middle-Mile was approximately 82.5 million.</p> <p>8 And then you have the -- and,</p> <p>9 again, I'll give you approximate numbers.</p> <p>10 But I'll be happy to provide the exact</p> <p>11 numbers to you. I want to say the ARPA one</p> <p>12 and ARPA two -- no. ARPA one was 82.5</p> <p>13 million. And then you had the -- ARPA 2 was</p> <p>14 approximately 240ish million. And then you</p> <p>15 had the Capital Projects Fund, which was</p> <p>16 approximately in the 167 to 169 million</p> <p>17 range.</p> <p>18 And then we have not been</p> <p>19 awarded, but we are going through the</p> <p>20 process, of the last award for the B dollars.</p> <p>21 And we have been notified that those will</p> <p>22 approximately be \$1.4 billion with a B.</p> <p>23 But, again, to follow up, we</p> <p>24 will get you the exact numbers. Those are</p> <p>25 approximately.</p>
<p style="text-align: right;">Page 26</p> <p>1 Q. Of course. I appreciate it.</p> <p>2 A. Anything that you need, we'll be</p> <p>3 happy to provide it.</p> <p>4 Q. Okay. Thank you. I appreciate</p> <p>5 that. So you spoke about the Middle-Mile</p> <p>6 Program. Can you describe that more?</p> <p>7 A. I'll do my best.</p> <p>8 Q. Thank you.</p> <p>9 A. All right. You are very</p> <p>10 familiar with the Last-Mile. That's what you</p> <p>11 connect to as a homeowner or a business</p> <p>12 person. Middle-Mile is a trunk line that</p> <p>13 literally you have to connect that Last Mile</p> <p>14 to. That's your big strand of wire that has</p> <p>15 many stands of wire on each side. So if you</p> <p>16 don't have the Middle-mile, that is connected</p> <p>17 to every county in the State of Alabama, then</p> <p>18 you cannot implement the Last-Mile. It's</p> <p>19 very costly to lay that first Middle-Mile,</p> <p>20 and we've had -- with these awards, we have</p> <p>21 had companies willing to match to make -- to</p> <p>22 reduce the capital expenditures to them and</p> <p>23 lesser costs to actually help them deploy</p> <p>24 that Middle-mile to hook into the Last-Mile</p> <p>25 as we know it.</p>	<p style="text-align: right;">Page 28</p> <p>1 MS. MESSICK: Actually Colin, I</p> <p>2 would -- the purpose of the deposition is to</p> <p>3 for them to ask you what you know today. You</p> <p>4 don't need to commit to provide anything in</p> <p>5 the future.</p> <p>6 THE WITNESS: I apologize.</p> <p>7 MS. MESSICK: So if you would</p> <p>8 please answer their questions to the best of</p> <p>9 your ability as you sit here today.</p> <p>10 THE WITNESS: Thank you.</p> <p>11 Q. (By Mr. Burke) And does your</p> <p>12 department study the impact of the programs</p> <p>13 that it funds?</p> <p>14 A. To the best of our ability.</p> <p>15 Q. And how do you do that?</p> <p>16 MS. MESSICK: Object to the form.</p> <p>17 THE WITNESS: The best I can tell</p> <p>18 you, is we put out RFPs, they respond to those</p> <p>19 grant applications based on the number of</p> <p>20 people in connectivity that will be connected</p> <p>21 and their match. So, naturally, the more</p> <p>22 people that we can connect, the more moneys</p> <p>23 that they're willing -- the companies are</p> <p>24 willing to match. And that elevates them</p> <p>25 toward a grant award.</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
29-32

Page 29

1 Q. (By Mr. Burke) So does your
2 department circulate surveys in order to
3 understand the impact that its -- that the
4 grant program that it funds, the impact that
5 those programs have?
6 A. I will have to get that
7 information from my division chief.
8 MS. MESSICK: Colin, can we go off
9 the record for a second?
10 (A short discussion was held.)
11 Q. (By Mr. Burke) I believe you said
12 that you just said that you're not sure if
13 your department circulates surveys to measure
14 the impact of the programs that it funds; is
15 that correct?
16 A. To the best of my recollection,
17 I said I would have to get that information
18 from my division chief.
19 Q. Okay. Is it fair to say that
20 you're not sure?
21 A. To the best of my recollection,
22 I will have to get that information from my
23 division chief.
24 Q. And in your understanding, what
25 have been the results of your department's

Page 30

1 efforts to expand broadband access?
2 A. The best way I can measure that
3 is Alabama has come from number 47 nationally
4 to approximately 22 or 23 nationally.
5 Q. And what source are you citing
6 there?
7 MS. MESSICK: Object to the form.
8 THE WITNESS: Information that we
9 received from the Federal government in our
10 ranking.
11 Q. (By Mr. Burke) Do you know what
12 agency or department gave you that ranking
13 information?
14 A. No.
15 Q. And does your department know how
16 your programs that expand access to broadband
17 affect certain demographics in the State of
18 Alabama?
19 MS. MESSICK: Object to the form.
20 THE WITNESS: Repeat that, please.
21 Q. (By Mr. Burke) Does your
22 department know how its programs to expand
23 access to broadband, how it impacts certain
24 populations in Alabama?
25 A. Not to my knowledge.

Page 31

1 MS. MESSICK: Object to the form.
2 Q. (By Mr. Burke) So in your own
3 words, can you describe the impact that your
4 broadband expansion programs have had on
5 specific populations in Alabama?
6 A. I think it's had a wonderful on
7 all Alabamians that did not have access
8 before. For an example, during the time of
9 Corona Virus, Corona Virus allowed us to
10 spend dollars on Alabama broadband
11 connectivity for students. We were able to
12 take those dollars and focus on low to
13 moderate income levels that did not and could
14 not afford internet. We operated with what
15 they call cell on wheels. And we also
16 provided, with those Internet provider's help
17 that wanted to participate, those low to
18 moderate income level people with the money
19 to pay for their internet services as well as
20 all the devices to do that with. It was very
21 important to this agency that the ability for
22 children of all demographics, no matter
23 white, black, or Hispanic, but focusing on
24 low to moderate income level people had the
25 ability to actively participate and be able

Page 32

1 to do their schoolwork and not be left
2 behind.
3 Q. And did you look at its impact
4 broken down by race?
5 A. Yes. Excuse me. Let me correct
6 that. Not necessarily by race, but by
7 income. That's how we were able to help
8 people, was because of low to moderate income
9 level people. That is the only way that they
10 could literally be eligible, no matter what
11 race.
12 Q. And in your work, have you noticed
13 a disparity in access to broadband among
14 certain populations in Alabama?
15 MS. MESSICK: Object to the form.
16 THE WITNESS: There's disparity
17 everywhere where you don't have access. And
18 that is -- that is our mission and goal, is to
19 get it to those people that do not have access
20 to it. You know, we're working at a feverish
21 pace based on the ability to get workers to
22 install and based on companies' ability to
23 receive the material to install the
24 internet -- fiber, excuse me.
25 Q. And which areas would you say lack

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
33-36

<p style="text-align: right;">Page 33</p> <p>1 adequate access to broadband?</p> <p>2 MS. MESSICK: Object to the form.</p> <p>3 THE WITNESS: In my opinion, all</p> <p>4 areas of the state, but we are focusing</p> <p>5 primarily on the rural areas.</p> <p>6 Q. (By Mr. Burke) And can you</p> <p>7 identify some of those counties that you're</p> <p>8 specifically focused on?</p> <p>9 A. All 67.</p> <p>10 Q. Well, you said rural areas, and so</p> <p>11 I'm wondering which counties that you're</p> <p>12 referring to specifically.</p> <p>13 MS. MESSICK: Object to the form.</p> <p>14 THE WITNESS: No disrespect, but</p> <p>15 all 67 counties have rural areas.</p> <p>16 Q. (By Mr. Burke) Okay.</p> <p>17 So we can move on to the</p> <p>18 decisionmaking process on who to award grants</p> <p>19 to. How does your department decide which</p> <p>20 programs to fund?</p> <p>21 MS. MESSICK: Object to the form.</p> <p>22 THE WITNESS: Repeat that</p> <p>23 question.</p> <p>24 Q. (By Mr. Burke) How does your</p> <p>25 department decide which programs to fund?</p>	<p style="text-align: right;">Page 35</p> <p>1 at what the application has described to make</p> <p>2 sure that it is valid. And then the</p> <p>3 application process is awarded based on its</p> <p>4 merits. And based on the awards -- of the</p> <p>5 actual grading process. That's the best and</p> <p>6 simplest way that I can break it down for you</p> <p>7 that would be applicable to all divisions.</p> <p>8 Q. (By Mr. Burke) And to be clear, is</p> <p>9 it only public entities that apply for these</p> <p>10 grants from your department?</p> <p>11 A. Public entities from the</p> <p>12 standpoint of HUD, the Federal initiatives,</p> <p>13 we do have -- allow some non for profits to</p> <p>14 apply. But on the broadband side, it would</p> <p>15 be internet service providers/companies that</p> <p>16 is defined by legislation.</p> <p>17 Q. And how does your department</p> <p>18 publicize this application process?</p> <p>19 A. Through our website. And if we</p> <p>20 have individuals that actually -- meaning</p> <p>21 mayors, meaning companies, meaning non for</p> <p>22 profits that have actually asked for us to</p> <p>23 notify them, then they can do so, and we can</p> <p>24 put them on our notification list.</p> <p>25 Q. And do these tend to be online</p>
<p style="text-align: right;">Page 34</p> <p>1 MS. MESSICK: Object to the form.</p> <p>2 THE WITNESS: Does that mean</p> <p>3 answer or not answer?</p> <p>4 MS. MESSICK: When I object to the</p> <p>5 form, you should still answer if you can. But</p> <p>6 Colin, they have a tremendous number of</p> <p>7 divisions and programs, all with different</p> <p>8 rules from different places. So I don't know</p> <p>9 how he can answer that.</p> <p>10 Q. (By Mr. Burke) Director, are you</p> <p>11 able to answer that or --</p> <p>12 A. It's through an application</p> <p>13 process. These people apply. We make people</p> <p>14 aware, entities aware, not individuals, but</p> <p>15 primarily municipalities, public</p> <p>16 municipalities, public entities, through the</p> <p>17 HUD process. And we -- you know, they are</p> <p>18 more than willing, if they want to actually</p> <p>19 get into the grant process, they apply</p> <p>20 through the application process. We have a</p> <p>21 grading process that abides by different</p> <p>22 criteria to each division. And then from the</p> <p>23 competitive process, based on match, based on</p> <p>24 the ability or the need, then we actually</p> <p>25 send people out to those communities to look</p>	<p style="text-align: right;">Page 36</p> <p>1 applications for these grant programs?</p> <p>2 A. Repeat that. I'm sorry.</p> <p>3 Q. Do these tend to be online</p> <p>4 applications for these grant programs?</p> <p>5 A. They have access to the</p> <p>6 application online. But they have to fill it</p> <p>7 out. For an example, the HUD has to be --</p> <p>8 all of them, to my knowledge, has to be</p> <p>9 filled out and sent it physically for us to</p> <p>10 actually grade and look at it.</p> <p>11 Q. And with regard to your programs</p> <p>12 that expand access to broadband, which</p> <p>13 criteria does your department use to select</p> <p>14 grant recipients?</p> <p>15 A. Repeat that.</p> <p>16 Q. With regards to the broadband</p> <p>17 access program, which criteria does your</p> <p>18 department use to select grant recipients?</p> <p>19 MS. MESSICK: Object to the form.</p> <p>20 THE WITNESS: Now, you said</p> <p>21 broadband accessibility. That's broadband</p> <p>22 accessibility fund. Then you have ARPA one.</p> <p>23 You have ARPA two. And then you have capital</p> <p>24 projects. Can be more clearer in your</p> <p>25 question?</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
37-40

Page 37	Page 39
<p>1 Q. (By Mr. Burke) Yeah. We can take</p> <p>2 each in turn. For ARPA one, what are the</p> <p>3 criteria that your department uses to select</p> <p>4 grant recipients?</p> <p>5 A. Based on the application, we do</p> <p>6 the same with those that we do -- it's a</p> <p>7 competitive process. They submit their</p> <p>8 application based on points, match dollars,</p> <p>9 how many people that are going to have access</p> <p>10 to broadband is what goes into the criteria</p> <p>11 of an award.</p> <p>12 Now, that's an overall</p> <p>13 general -- general. Outside of general, I</p> <p>14 don't -- I don't think I can get any deeper</p> <p>15 than that.</p> <p>16 Q. And regarding ARPA two, what --</p> <p>17 which criteria does your department use to</p> <p>18 select grant recipients?</p> <p>19 A. Same as applicable.</p> <p>20 Q. And the capital project programs?</p> <p>21 A. There could be some difference</p> <p>22 because of Federal rules and regulations.</p> <p>23 But overall the same approach is taken.</p> <p>24 There may be some nuances that the Federal</p> <p>25 government allows or not allow -- wants to</p>	<p>1 were your largest grant awards to?</p> <p>2 MS. MESSICK: Object to the form.</p> <p>3 THE WITNESS: I don't have the</p> <p>4 answer to that off the top of my head.</p> <p>5 Q. (By Mr. Burke) Are there areas of</p> <p>6 the state where you tend to receive less</p> <p>7 applications with regards to the broadband</p> <p>8 access programs that we discussed earlier?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. Are there areas of the state where</p> <p>11 you tend to give less grants with regards to</p> <p>12 the broadband access program?</p> <p>13 A. Not to my knowledge.</p> <p>14 Q. And have you reviewed any of the</p> <p>15 expert reports in this case?</p> <p>16 A. No. Excuse me. Clarify that,</p> <p>17 please. Clarify the question.</p> <p>18 Q. In this case, plaintiffs have</p> <p>19 produced a number of expert reports. And I'm</p> <p>20 asking --</p> <p>21 A. No.</p> <p>22 Q. Okay.</p> <p>23 A. No. Thank you for that</p> <p>24 clarification.</p> <p>25 MR. BURKE: And we've been going</p>
Page 38	Page 40
<p>1 occur, but outside of that, all of it is</p> <p>2 through the competitive process.</p> <p>3 Q. And does your department attach</p> <p>4 conditions to receiving a grant?</p> <p>5 A. Describe "conditions."</p> <p>6 Q. Do recipients have to do</p> <p>7 anything -- I'm sorry. Strike that.</p> <p>8 Do recipients have to do anything</p> <p>9 to comply with certain regulations from your</p> <p>10 department because they received a grant?</p> <p>11 A. Depending on the Federal</p> <p>12 government and what pot of money it come</p> <p>13 from, yes.</p> <p>14 Q. And what are those conditions with</p> <p>15 regard to the capital projects program?</p> <p>16 A. I don't have the answer to that</p> <p>17 question because I'm a 30,000-foot guy. I</p> <p>18 have a division chief that takes care of</p> <p>19 that.</p> <p>20 Q. What about the ARPA one program?</p> <p>21 A. The same is applicable.</p> <p>22 Q. And what about the ARPA two</p> <p>23 program?</p> <p>24 A. The same answer is applicable.</p> <p>25 Q. In the past year, which programs</p>	<p>1 for about an hour. So let's take a</p> <p>2 five-minute break.</p> <p>3 (A short break was taken.)</p> <p>4 Q. (By Mr. Burke) Are you familiar</p> <p>5 with the American Community Survey?</p> <p>6 A. No.</p> <p>7 Q. And does the department receive</p> <p>8 money from the Federal Bipartisan</p> <p>9 Infrastructure Bill that was signed by</p> <p>10 President Biden in November 2021?</p> <p>11 A. You keep referring to it as a</p> <p>12 department. It's an agency. Repeat that</p> <p>13 again, please.</p> <p>14 Q. Has your agency received funding</p> <p>15 from the Federal Bipartisan Infrastructure bill</p> <p>16 signed by President Biden in November 2021?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know which programs it went</p> <p>19 towards?</p> <p>20 A. It would be the ARPA one, ARPA</p> <p>21 two. I think I'm right on that.</p> <p>22 MS. MESSICK: I'm sorry. No one</p> <p>23 can help you. Just --</p> <p>24 THE WITNESS: I'm going to answer</p> <p>25 that question like this. I've been specific</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
41-44

<p style="text-align: right;">Page 41</p> <p>1 in what we have received. And I -- when you 2 say "infrastructure," I don't know. I just 3 know that what I've described to you is what 4 we have received. So I don't want to be 5 inaccurate and not telling you something that 6 we have or have not. So I'm going to be clear 7 in that. There's so much money floating 8 around, I can't -- there's so much of it, it's 9 hard to keep it separate.</p> <p>10 Q. (By Mr. Burke) So just for a clear 11 record, you don't know if your agency received 12 funding from the Federal Bipartisan 13 Infrastructure bill?</p> <p>14 A. I don't think we have, but I 15 don't know. That's the best way to answer 16 that. I don't know.</p> <p>17 Q. Okay. And your agency works 18 statewide, correct, in the State of Alabama?</p> <p>19 A. Yes.</p> <p>20 Q. So do you have an understanding of 21 what the Black Belt is?</p> <p>22 A. Let me clarify that. Okay. 23 With the exception of what we call 24 entitlement cities. And those cities 25 actually write their own plan to HUD, mainly</p>	<p style="text-align: right;">Page 43</p> <p>1 Q. You're referring to HUD plans. 2 What is a HUD plan?</p> <p>3 A. Housing Urban -- Housing Urban 4 Development plan.</p> <p>5 Q. Why does a city write a Housing 6 Urban Development plan?</p> <p>7 A. You'll have to ask that city.</p> <p>8 Q. But if they do so, then your 9 agency does not provide funding for them?</p> <p>10 A. Correct. You can't double dip.</p> <p>11 Q. And what is your understanding of 12 what is contained in a city's HUD plan?</p> <p>13 MS. MESSICK: Object to the form.</p> <p>14 THE WITNESS: To the best of my 15 knowledge, they get to write those plans 16 exactly the way they want. Now -- that is 17 accepted by HUD. For an example, I can only 18 tell you what our HUD plan is. And it's broad 19 in nature. And we keep it that way so that we 20 can try to help as many people as we possibly 21 can. And it's primarily focused -- for you to 22 get a grant under HUD, it has to be 51 percent 23 low to moderate income level people that it's 24 going to serve or help. And it could be 25 sewer. It could be water. It could be a</p>
<p style="text-align: right;">Page 42</p> <p>1 primarily, but not all would be metropolitan 2 areas such as, first, Montgomery; two would 3 be -- and these are examples. Not all. 4 Mobile, Huntsville. Some communities as 5 small as Fairhope, Alabama, writes their own 6 HUD plans.</p> <p>7 Now, outside of that, yes, we 8 actually are applicable to all 67 counties 9 with the exception of entitlement counties. 10 Now, the entitlement counties would be Mobile 11 County for an example. Not all of them. 12 Limestone would be one, if my recollection 13 serves me correctly. But those are some 14 examples.</p> <p>15 You have municipalities that 16 actually write their own HUD plans. And then 17 you have some counties that will write their 18 own. If they write their own plans, then 19 they get a direct injection from them, and 20 they adhere to their plan as written.</p> <p>21 Now, our state agency writes a 22 blanket plan for those that don't participate 23 in the entitlement plan. And, yes, we 24 operate all over the state for those that are 25 not operating in the entitlement capacity.</p>	<p style="text-align: right;">Page 44</p> <p>1 community action center. Or not a community 2 action. But a community center. It could be 3 something like a miracle fee that's going to 4 help children be able to play baseball with 5 disability. So that's how broad in nature it 6 could be at the state level.</p> <p>7 Now -- and I was not being 8 disrespectful when I told you that it all 9 depends on what a municipality writes. I 10 don't know. So if those municipalities write 11 the plan, and HUD accepts those, then they get 12 to use it as such.</p> <p>13 But I know the State's plan has to 14 literally serve 51 percent low to moderate 15 income people. Or they have to benefit 51 16 percent of the low to moderate income level 17 people.</p> <p>18 Q. Okay. And I believe earlier you 19 said that your agency works statewide in 20 Alabama; that's correct?</p> <p>21 A. Yes.</p> <p>22 Q. So do you have an understanding of 23 what the Black Belt is?</p> <p>24 A. I do.</p> <p>25 Q. And how would you define the Black</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
45-48

Page 45	Page 47
<p>1 Belt?</p> <p>2 A. A rural low to moderate income</p> <p>3 level community and county.</p> <p>4 Q. And does your department have any</p> <p>5 programs that specifically target the Black</p> <p>6 Belt area?</p> <p>7 A. We do. We set aside -- forgive</p> <p>8 me for not knowing the number. But we do set</p> <p>9 aside in a certain capacity for the Black</p> <p>10 Belt counties in being able to serve and make</p> <p>11 sure that we do everything that we can help</p> <p>12 promote from the standpoint of quality of</p> <p>13 life to include water, sewer, roads, and</p> <p>14 things that has been described previously.</p> <p>15 Q. And to be clear, what are you</p> <p>16 referring to when you say "things that have</p> <p>17 been described previously"?</p> <p>18 A. Water, sewer, roads, and quality</p> <p>19 of life issues.</p> <p>20 Q. And does that include access to</p> <p>21 broadband?</p> <p>22 A. Broadband is based on</p> <p>23 accessibility, and it's based on internet</p> <p>24 service provider's ability and the point</p> <p>25 system and the match level and the amount of</p>	<p>1 Belt other than the HUD program?</p> <p>2 A. None to my knowledge.</p> <p>3 Q. And in your understanding, why is</p> <p>4 money specifically allocated or, in your</p> <p>5 words, set aside to the Black Belt?</p> <p>6 A. Repeat that, please.</p> <p>7 Q. In your understanding, why is</p> <p>8 money set aside specifically for the Black</p> <p>9 Belt?</p> <p>10 A. Because it is rural low to</p> <p>11 moderate primarily income level people that</p> <p>12 lives in the Black Belt.</p> <p>13 Q. And do you know why specifically</p> <p>14 they chose the Black Belt to allocate money?</p> <p>15 MS. MESSICK: Object to the form.</p> <p>16 THE WITNESS: Other than what I've</p> <p>17 described to you, that is all I'm aware of.</p> <p>18 Q. (By Mr. Burke) And so moving on,</p> <p>19 in Exhibit 1, it says that your department</p> <p>20 works towards, quote, "Improving the lives and</p> <p>21 welfare of the state's residents." Does that</p> <p>22 work include the area of public</p> <p>23 transportation?</p> <p>24 A. That does not fall under my</p> <p>25 purview to my --</p>
Page 46	Page 48
<p>1 people that it's going to serve, as I had</p> <p>2 stated earlier. You're talking about two</p> <p>3 different programs.</p> <p>4 Q. Okay. And what was the program</p> <p>5 that you were referencing when you said --</p> <p>6 when you were referencing the Black Belt?</p> <p>7 A. Well, you had began asking about</p> <p>8 HUD. So I assumed -- and assumptions will</p> <p>9 get me nowhere -- that we were on the HUD</p> <p>10 subject matter.</p> <p>11 Q. Apologies. I should have been</p> <p>12 clearer. I meant generally do you have</p> <p>13 programs that are targeted specifically</p> <p>14 towards the Black Belt?</p> <p>15 A. Primarily it is focused from the</p> <p>16 standpoint of we use HUD dollars in the Black</p> <p>17 Belt, as I had stated earlier. I don't have</p> <p>18 that number amount. That's -- that we</p> <p>19 actually set aside for that. But it's set</p> <p>20 aside; water, sewer, roads, and quality of</p> <p>21 life.</p> <p>22 Q. And in your --</p> <p>23 A. And that's the HUD program.</p> <p>24 Q. Do you have other programs that</p> <p>25 are specifically targeted towards the Black</p>	<p>1 MS. MESSICK: Let the record</p> <p>2 reflect that co-counsel started screen</p> <p>3 sharing. And so that has come up for him to</p> <p>4 look at.</p> <p>5 Q. (By Mr. Burke) And this is</p> <p>6 Exhibit 1 that we showed you earlier.</p> <p>7 A. Ask the question again, please.</p> <p>8 Q. Sure. So in Exhibit 1, it says</p> <p>9 that your department works towards, quote,</p> <p>10 "Improving the lives and welfare of the</p> <p>11 state's residents."</p> <p>12 A. Yes.</p> <p>13 Q. Do you see that? Does that work</p> <p>14 include the area of public transportation?</p> <p>15 A. Not to my knowledge. I think</p> <p>16 that falls up under the Alabama Department of</p> <p>17 Transportation.</p> <p>18 Q. Okay.</p> <p>19 A. Now, you did say public</p> <p>20 transportation, am I correct.</p> <p>21 Q. Yes.</p> <p>22 A. To my memory or to my knowledge,</p> <p>23 we don't do public transportation. That does</p> <p>24 fall up under ALDOT, Alabama Department of</p> <p>25 Transportation.</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
49-52

Page 49

1 Q. Okay. Does your agency do work
2 that includes private transportation?

3 A. No, sir. We cannot work with
4 privates unless it's a non for profit. And
5 we do very -- I don't know of anything that
6 we do with transportation with non for
7 profits or -- we can't do anything with
8 private entities.

9 Q. And does your agency work include
10 spending on healthcare?

11 A. It all depends. Example, it may
12 be a qualified item under the Delta Regional
13 Authority. Okay. As far as healthcare for
14 low to moderate income people, I can't
15 remember the acronym to where they have a day
16 to three days set aside in certain
17 communities that request it. It's where they
18 bring in both National Guard as well as the
19 Reserves to treat people's teeth, check them
20 for diabetes, and things of that nature.
21 There may be opportunities through the Delta
22 Regional Authority through -- providing
23 doctors through UAB, those entities that want
24 to participate in the -- I can't remember the
25 name of the program. But where doctors needs

Page 50

1 to be dispatched to a rural area or a low to
2 moderate area of the state. Delta Regional
3 Authority actually participates that.
4 Appalachian Regional Commission
5 has provided medical devices on a competitive
6 basis when non for profit hospitals apply for
7 it. And the same is applicable, non for
8 profits or hospitals that are non for profits
9 are eligible. I think -- anyway, I can't
10 remember. I'm not even going to try to
11 remember. But it is -- it is a program that
12 will help dispatch doctors, and they also
13 have the programs that I had described.
14 Q. And in the programs where doctors
15 to go to rural areas, does that include the
16 Black Belt?

17 A. Yes.

18 Q. And in your work, have you noticed
19 areas in Alabama with less access to
20 healthcare than other areas of state?

21 A. Currently Alabama as a whole in
22 the rural areas are having very difficult
23 times with medical care, all 67 counties
24 simply because volume is not there, and the
25 base to fund the medical care from the local

Page 51

1 level is very difficult.

2 Q. Are there some rural areas that
3 tend to be worse off than other areas of the
4 state in terms of healthcare access?

5 A. Repeat that. I'm sorry.
6 There's a slight delay.

7 Q. No, that's okay.

8 Are there some rural areas that
9 are -- that you would notice with less access
10 to healthcare that other areas of the state?

11 A. No. I mean, it's all over the
12 state. If I actually specified any
13 particular area, I would be doing this answer
14 injustice. The Black Belt suffers. The
15 norther part of the state suffers. The
16 southern part of the state suffers as well
17 as -- the Black Belt is in the west. But the
18 eastern side. So all of them are suffering
19 from the standpoint of rural hospitals.

20 Q. So you wouldn't say areas in the
21 Black Belt suffers disproportionately relative
22 to the rest of the state?

23 A. All of them. If you asked that
24 question to a person in Clay County that's in
25 east Alabama, they're going to give you the

Page 52

1 same answer as that person in the Black Belt.
2 If you can't get healthcare, you can't get
3 healthcare, and healthcare is needed by
4 everybody. And that's my opinion personally.
5 I don't have anything to support that. But
6 I'm just telling you that, I'm in all 67
7 counties, and medical care is an issue.

8 Q. And does your agency track the
9 results of your work on improving healthcare
10 access?

11 A. No. I mean, from my
12 perspective, to my knowledge, we don't. But
13 we do ask, once an application is submitted,
14 that it has some type of performance
15 engagement in there and what the result is
16 going to be. And that's how -- one of the
17 criteria that we actually help award the
18 grant with.

19 Q. To the best of your knowledge,
20 what has the impact of your work been on
21 improving access to healthcare specifically in
22 the Black Belt?

23 A. Well, we were able to help, any
24 kind of grant, any part of the state, the
25 Black Belt, it doesn't matter. Where we're

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
53-56

<p style="text-align: right;">Page 53</p> <p>1 able to help makes a difference. You're</p> <p>2 helping that individual. You're helping that</p> <p>3 community improve. And having the</p> <p>4 opportunity to be able to be a part of that</p> <p>5 as an agency means a great deal.</p> <p>6 Q. And what are your views on any --</p> <p>7 on how your work in healthcare in Alabama may</p> <p>8 be impacted if Alabama expanded Medicare?</p> <p>9 A. I don't have an opinion on that.</p> <p>10 Q. And is there anything else that we</p> <p>11 haven't discussed today that you would</p> <p>12 anticipate testifying about?</p> <p>13 MS. MESSICK: Object to the form.</p> <p>14 THE WITNESS: Not to my knowledge.</p> <p>15 Q. (By Mr. Burke) Is there anything</p> <p>16 else that you think might be relevant in this</p> <p>17 case?</p> <p>18 MS. MESSICK: Object to the form.</p> <p>19 THE WITNESS: Not to my knowledge.</p> <p>20 Q. (By Mr. Burke) And are there any</p> <p>21 other topics that you intend to testify about</p> <p>22 that we have not covered?</p> <p>23 MS. MESSICK: Object to the form.</p> <p>24 THE WITNESS: Not to my knowledge.</p> <p>25 MR. BURKE: Okay. I think that is</p>	<p style="text-align: right;">Page 55</p> <p>1 the general counsel did.</p> <p>2 Q. Okay. And do you know which</p> <p>3 documents were provided?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Okay. Do you know why documents</p> <p>6 were provided?</p> <p>7 A. Other than what I stated</p> <p>8 earlier, that's all I can tell you.</p> <p>9 Q. I'm going to show you some</p> <p>10 documents. And hopefully we can have a smooth</p> <p>11 transition in this virtual zoom. One second.</p> <p>12 Can you see this document?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. And let's mark this. I believe</p> <p>15 there's only been one other exhibit. So let's</p> <p>16 mark this as Plaintiff's Exhibit 2, previously</p> <p>17 produced in this litigation as SOS 156602.</p> <p>18 Do you recognize this document?</p> <p>19 (Whereupon, Plaintiff's</p> <p>20 Exhibit 2 was marked for</p> <p>21 identification.)</p> <p>22 THE WITNESS: I haven't seen it up</p> <p>23 until now.</p> <p>24 Q. (By Ms. Rutahindurwa) Okay. So</p> <p>25 you didn't draft this spreadsheet?</p>
<p style="text-align: right;">Page 54</p> <p>1 all of my questions. Co-counsel or other</p> <p>2 parties may have questions.</p> <p>3 MS. RUTAHINDURWA: Yeah. I have a</p> <p>4 couple of questions. Can we take a</p> <p>5 five-minute break, so I can go over my notes</p> <p>6 and make sure I'm not repeating anything</p> <p>7 that's already been discussed.</p> <p>8 MS. MESSICK: Thank you.</p> <p>9 MS. RUTAHINDURWA: Thanks.</p> <p>10 (A short break was taken.)</p> <p>11 EXAMINATION BY MS. RUTAHINDURWA:</p> <p>12 Q. Hi, Director Boswell. My name is</p> <p>13 Makeba. I represent another set of plaintiffs</p> <p>14 in this matter, the Caster Plaintiffs. I'll</p> <p>15 try not to repeat anything that's already been</p> <p>16 discussed. I would like to ask you</p> <p>17 specifically about some of the documents that</p> <p>18 have been produced in this litigation related</p> <p>19 to A-D-E-C-A. And is it A-D-E-C-A or ADECA?</p> <p>20 Like how do you pronounce it?</p> <p>21 A. ADECA.</p> <p>22 Q. Okay. Did you provide the</p> <p>23 attorney general's office with any documents</p> <p>24 in this litigation?</p> <p>25 A. I personally did not. I think</p>	<p style="text-align: right;">Page 56</p> <p>1 A. No, ma'am.</p> <p>2 Q. And you don't know who did?</p> <p>3 A. I would -- no.</p> <p>4 Q. Is ADECA responsible for</p> <p>5 overseeing the Community Planning and</p> <p>6 Development program?</p> <p>7 A. We are.</p> <p>8 Q. Can you explain what that program</p> <p>9 is?</p> <p>10 A. The Community Development Block</p> <p>11 Grant program?</p> <p>12 Q. Yes.</p> <p>13 A. All right. That is a program</p> <p>14 that is administered through HUD, Housing</p> <p>15 Urban -- Housing Urban Development. And we</p> <p>16 primarily focus -- we write it very broad so</p> <p>17 that we can be broad in our responses to our</p> <p>18 competitive grant process. Part of it we set</p> <p>19 aside for economic development, community</p> <p>20 economic development. And in that community</p> <p>21 economic development, when mayors, county</p> <p>22 commissioners come into the agency, sometimes</p> <p>23 with their economic developer and sometimes</p> <p>24 with a prospect, then we sit down, and they</p> <p>25 give us what their needs are, not what their</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
57-60

<p style="text-align: right;">Page 57</p> <p>1 wants are, but what their needs are in those 2 low to moderate income communities. Or 3 excuse me. Let me back it up. In the 4 communities of which that company is going to 5 set. Some of the criteria that we ask is, 6 how many jobs that it's going to produce, 7 wage rate, and that 51 percent of those 8 people that are going to be hired has to be 9 of a low to moderate income level. Those are 10 the criteria for us to be able to help them 11 with the community economic development 12 portion of the HUD dollars in the state 13 planning that we have written for HUD. Other 14 dollars -- 15 Q. And do -- go ahead. Please 16 continue. 17 A. Okay. Other dollars, which is a 18 competitive process, is the Community 19 Development Block Grant program. It is set 20 aside if you've got a small city, large city, 21 large county, small county. You have 22 planning. And those are just a few within 23 that. I mean, I can't remember them all at 24 this particular point. We take applications 25 on an annual basis based on the point system</p>	<p style="text-align: right;">Page 59</p> <p>1 MS. RUTAHINDURWA: Yes. 2 MS. MESSICK: It's really hard to 3 see. 4 THE WITNESS: Your first column -- 5 the first column is the Community Economic 6 Development Division. That's where the CDBG 7 dollars are actually administered. 8 Q. (By Ms. Rutahindurwa) Okay. 9 A. All right. On -- that would 10 be -- I'm thinking this HOME, that's going to 11 be administered through energy. Okay. And 12 the ESG will be administered through energy, 13 the department -- our energy division. Okay. 14 Q. Okay. 15 A. The HOPWA would be administered, 16 to the best of my recollection -- no. No. 17 Every one of those -- every one of those are 18 administered through CED. They are -- all of 19 those. 20 Q. And these are all HUD grant 21 programs? 22 A. To the best of my recollection, 23 yes. 24 Q. Okay. And then if you look at the 25 leftmost column here, apart from Jefferson</p>
<p style="text-align: right;">Page 58</p> <p>1 that I described earlier, based on the match 2 system that I had described earlier, will 3 actually determine who actually receives a 4 grant. 5 Now, those that did not receive 6 a grant -- or those that do receive a grant, 7 then they will not get awarded another grant 8 until that project is done. What that 9 enables is, is those that didn't get one this 10 year may get one the next year because what 11 we try to do is keep a running cycle, be fair 12 to all communities and counties to make sure 13 that they have access and a possible award of 14 a grant in the future. So that's what we do 15 with the Community Development Block Grant 16 program. 17 Q. And looking at this spreadsheet 18 here, I know you weren't the one that drafted 19 it. But what is this spreadsheet showing in 20 your opinion? 21 MS. MESSICK: Object to the form. 22 THE WITNESS: All right. You have 23 the CDBG. 24 MS. MESSICK: Makeba, can you make 25 it bigger?</p>	<p style="text-align: right;">Page 60</p> <p>1 County and Mobile County, it lists a bunch of 2 cities; is that right -- fair to say? 3 MS. MESSICK: Object to the form. 4 THE WITNESS: Please repeat that 5 question. I'm sorry. 6 Q. (By Ms. Rutahindurwa) If you look 7 at the leftmost column under name, it lists 8 cities and then two counties, Jefferson County 9 and Mobile County? 10 MS. MESSICK: Object to the form. 11 THE WITNESS: It does list the 12 cities and the counties, yes. 13 Q. (By Ms. Rutahindurwa) And it seems 14 like these are the cities, at least for the 15 spreadsheet's purposes, that received some 16 form of funding in the one, two, three, 17 four -- the four areas where there actually 18 was funding allocated, which is CDBG, HOME, 19 ESG, and HOPWA. Is that fair to say? 20 MS. MESSICK: Object to the form. 21 THE WITNESS: Based on what I'm 22 seeing and my interpretation, anything below 23 the State of Alabama would be what I'd 24 consider entitlement communities. They have 25 written their own plan. And every</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
61-64

<p style="text-align: right;">Page 61</p> <p>1 municipality and every county has that option. 2 They could do that to my knowledge. 3 Q. Okay. And so I know you've 4 explained this a little bit. But when you say 5 "entitlement communities," those are 6 communities that the State of Alabama is not 7 allocating funds to, they themselves are 8 directly going to HUD? 9 A. Yes. 10 Q. Okay. And entitlement communities 11 can be cities or counties? 12 A. Yes, if they so choose 13 Q. So looking here at -- you see 14 there's -- the city of Mobile is one specific 15 column. But then at the very bottom, there's 16 Mobile County. So fair to say the city of 17 mobile has a separate entitlement community, 18 and then Mobile County has another entitlement 19 community? 20 A. No. 21 Q. Okay. So explain to me why the 22 city of mobile would be separate from Mobile 23 County here. 24 A. They're two different entities. 25 Q. They're two different entities --</p>	<p style="text-align: right;">Page 63</p> <p>1 fair to say? 2 A. Actually my communications 3 project team did. But I did have final say. 4 Q. Okay. I'm going to scroll to 5 page 5. This talks about the Alabama Digital 6 Expansion Division. And I think this relates 7 to expanding access of broadband that you 8 discussed earlier; is that fair to say? 9 A. I haven't read it completely, 10 but yes. 11 Q. And I want to go down to the third 12 paragraph. It says, Beginning in 2023, ADECA 13 director, Kenneth Boswell, joined Governor 14 Ivey for a broadband tour of Alabama to 15 announce some of the projects being launched 16 in different areas of the state. The tour 17 included stops in Oakman, Cullman, Atmore, 18 Troy, and culminated in Governor Ivey's 19 hometown of Camden, with the announcement of 20 more than 188 million in grants through the 21 Alabama Anchor Institution and Middle-Mile 22 Grant program. Do you recall visiting these 23 cities? 24 A. I have been to Oakman. I've 25 been to Cullman. I've been to Atmore. I</p>
<p style="text-align: right;">Page 62</p> <p>1 A. And they can write their own 2 plans because they're two different entities. 3 You've got a county government, and you have 4 a municipal government. 5 Q. Okay. So any county can seek 6 funding even if a city within that county also 7 seeks founding? 8 A. To the best of my knowledge, 9 yes. 10 Q. Let's take this down. I'm going 11 to share with you what we'll mark as 12 Exhibit 3. This was previously produced in 13 this litigation as SOS 154710. Do you 14 recognize this document? 15 (Whereupon, Plaintiff's 16 Exhibit 3 was marked for 17 identification.) 18 THE WITNESS: One sits here over 19 here behind my conference table. And it's 20 accessible through the website as well as 21 anybody that walks in off the street. It's 22 the annual report. 23 Q. (By Ms. Rutahindurwa) And as 24 director of ADECA, you oversaw the drafting 25 and development of this annual report; is that</p>	<p style="text-align: right;">Page 64</p> <p>1 have been to Troy. And I have been to 2 Camden. 3 Q. Do you recall any other cities on 4 this broadband tour that may not have been 5 listed in this document? 6 A. None that I'm aware of on that 7 tour. 8 Q. How did you determine what cities 9 to visit on this tour? 10 A. I did not determine that. I 11 actually worked with the governor's office. 12 The governor's office -- these were the 13 announcements. They determined where we 14 were -- or where the announcements were going 15 to be made. 16 Q. Do you know how the governor's 17 office determined where the announcements 18 would be made? 19 A. I do not. 20 MS. MESSICK: Makeba, if you're 21 going to keep asking him about this document, 22 I'd like to give him a copy. 23 MS. RUTAHINDURWA: Oh, yeah, of 24 course. 25 MS. MESSICK: She said it's</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
65-68

Page 65	Page 67
<p>1 page 5.</p> <p>2 Q. (By Ms. Rutahindurwa) I'm going to</p> <p>3 move on to page 8 of this report, which is</p> <p>4 titled, Federal Initiatives and Recreation</p> <p>5 Division.</p> <p>6 A. Page 8?</p> <p>7 Q. Yep.</p> <p>8 A. Okay. I don't --</p> <p>9 MS. MESSICK: Yeah. Makeba is</p> <p>10 giving you what page in the PDF. But there</p> <p>11 are page numbers on the document.</p> <p>12 MS. RUTAHINDURWA: It's page 4 of</p> <p>13 the document.</p> <p>14 THE WITNESS: Okay.</p> <p>15 Q. (By Ms. Rutahindurwa) And the</p> <p>16 second paragraph says, While the division is</p> <p>17 less than two years old, most of its programs</p> <p>18 have been stables at ADECA for years. Can you</p> <p>19 explain where the programs, I guess, were</p> <p>20 resided prior to this division being created?</p> <p>21 A. They were located in the CED</p> <p>22 division. And I needed a person that could</p> <p>23 oversee these and report directly to me on</p> <p>24 these particular programs. And when I was</p> <p>25 not available or amenable for meetings that</p>	<p>1 It's been set aside by Congress for years and</p> <p>2 years and years. But it just was not funded.</p> <p>3 With Dr. Jennifer Clyburn Reed, Congressman</p> <p>4 Reed, his daughter is the co-chair -- and we</p> <p>5 actually are funded through Congress</p> <p>6 currently, but just at a lower level than you</p> <p>7 would with the ARC, Appalachian Regional</p> <p>8 Commission or the Delta Regional Authority.</p> <p>9 Q. Do you know why it wasn't funded?</p> <p>10 A. I do not.</p> <p>11 Q. Okay. And did you ask for it to</p> <p>12 be funded, or did it just come about naturally</p> <p>13 that it became funded?</p> <p>14 A. Okay.</p> <p>15 MS. MESSICK: Object to the form.</p> <p>16 THE WITNESS: It's my</p> <p>17 understanding that -- it's not my</p> <p>18 understanding. There's other states that</p> <p>19 actually lobbied harder than the state of</p> <p>20 Alabama because their numbers of actual</p> <p>21 participation that would help their</p> <p>22 constituents and people were larger than. And</p> <p>23 so were we in favor of? Absolutely. Any time</p> <p>24 we can get Federal dollars into our state,</p> <p>25 yes. But the other states took more of a</p>
Page 66	Page 68
<p>1 they could represent me.</p> <p>2 Q. Got it.</p> <p>3 So this division came about from a</p> <p>4 need by you to ensure that there was direct</p> <p>5 communication and oversight of these programs;</p> <p>6 is that fair to say?</p> <p>7 A. Yes.</p> <p>8 Q. And the programs in this division</p> <p>9 are the Appalachian Regional Commission, the</p> <p>10 Delta Regional Authority, and the Southeast</p> <p>11 Crescent Regional Commission. What is ADECA's</p> <p>12 role in working with these programs?</p> <p>13 A. My role, as well as ADECA's</p> <p>14 role, is to get out into the community and</p> <p>15 make them aware of what the programs are and</p> <p>16 working with the regional councils that are</p> <p>17 located throughout the state. I believe</p> <p>18 there's 13 of those. And to help promote</p> <p>19 these programs within these regions.</p> <p>20 Q. And in here it says, on the third</p> <p>21 paragraph down, it describes the Southeast</p> <p>22 Crescent Regional Commission as newer. What</p> <p>23 do you mean by that?</p> <p>24 A. Yes. It was just actually</p> <p>25 brought up under -- or actually developed.</p>	<p>1 lobbying role to get this set up.</p> <p>2 Q. (By Ms. Rutahindurwa) Okay.</p> <p>3 Once a county in the state is part</p> <p>4 of a commission, is it -- or a part of the</p> <p>5 Regional Authority or part of the Appalachian</p> <p>6 Regional Commission, any one of these three</p> <p>7 programs, does it remain part of that program</p> <p>8 forever, or is assessed on the timely basis?</p> <p>9 A. No.</p> <p>10 MS. MESSICK: Object to the form.</p> <p>11 THE WITNESS: All right.</p> <p>12 It's my understanding that the</p> <p>13 levels at which it is funded and the amount of</p> <p>14 dollars -- matched dollars that are set aside</p> <p>15 goes up and down based on their distress and</p> <p>16 non-distressed levels, i.e., an example of</p> <p>17 that would be Hale County. In an ARC region,</p> <p>18 sometimes it would be considered as a</p> <p>19 distressed. Sometimes it will be considered</p> <p>20 as a non-distressed area. If it's distressed,</p> <p>21 there's less match than if it's a</p> <p>22 non-distressed. And that's based on</p> <p>23 information that the Appalachian Regional</p> <p>24 Commission staff gathers on an annual basis.</p> <p>25 Q. Okay. So let's keep Hale County,</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
69-72

Page 69	Page 71
1 for example. It's part --	1 some access, but not complete access. And it
2 A. I'm sorry.	2 could have to do with the bandwidth. As far
3 Q. Let's stick with Hale County as	3 as the speed at which broadband is delivered
4 another example. Hale County is part of the	4 could be one of the criteria that creates it
5 Appalachian Regional Commission. But it's	5 to be an underserved area as well.
6 also one of the DRA counties. Will it always	6 Q. Okay. And within the five-year
7 remain part of both of those programs?	7 plan, there's both a plan to ensure unserved
8 A. Repeat that one more time.	8 areas gets served and underserved areas are
9 Q. Will it always remain part of the	9 better served; is that a fair description of
10 ARC and part of the DRA?	10 the five-year plan?
11 A. To my knowledge, I have no	11 A. Yes.
12 answer to that.	12 Q. I'm going to go to page 11 of this
13 Q. Okay.	13 report, which is also page 11 of the executive
14 A. I could not. That would be a	14 summary, if you have physical copy with you.
15 question that I would have to get an answer	15 And this section is called, Unserved
16 to for you. That's my answer.	16 Locations. And there's a map as well of the
17 Q. And to your knowledge, the State	17 unserved locations going from light blue to
18 doesn't identify which counties belong in	18 dark blue of the percent of locations unserved
19 the -- each specific program, right, that's	19 per census block. So based on your --
20 decided by the Federal government?	20 A. Can you blow that up a little
21 A. To my knowledge, it is decided	21 bit?
22 by the Federal government.	22 Q. Absolutely. But we might lose --
23 Q. Okay. Let's take that down.	23 I'll focus on the map because that's what you
24 I'm sharing with you what's marked	24 want to ask you about. But you saw here, the
25 as Exhibit 4. I believe this is titled, The	25 title, Unserved Locations?
Page 70	Page 72
1 Five-Year Action Plan. It was previously	1 A. Uh-huh.
2 produced in this litigation as SOS 157206. Do	2 Q. And at the bottom, there's the
3 you recognize this document?	3 key. It says, percent of locations unserved
4 (Whereupon, Plaintiff's	4 per census block. Based on this map, what
5 Exhibit 4 was marked for	5 areas have the highest percentage of locations
6 identification.)	6 unserved per census block?
7 THE WITNESS: I've seen that	7 A. The western side.
8 picture, yes, ma'am.	8 Q. That's the side right here?
9 Q. (By Ms. Rutahindurwa) Did you have	9 A. Yes, ma'am, to include -- to
10 a role in drafting this document?	10 include the southeast portion. Or excuse me.
11 A. My division and communications	11 Yeah, the northwest -- or the western side.
12 department did, and I actually signed off on	12 Q. So right here as well, and then
13 it.	13 some pockets right here?
14 Q. What is the five-year action plan?	14 A. Yes.
15 A. It describes what we're trying	15 MS. MESSICK: Object to the form.
16 to complete in the next five years. It's	16 Q. (By Ms. Rutahindurwa) Am I
17 nothing more than a plan and a guide.	17 explaining that right?
18 Q. And this relates specifically to	18 A. Yes.
19 access to broadband; is that right?	19 MS. MESSICK: Object to the form.
20 A. Yes.	20 Q. (By Ms. Rutahindurwa) So you
21 Q. In this report, it distinguishes	21 mentioned the western side here. These are
22 between unserved and underserved. Can you	22 counties. Do you know if these counties are
23 explain what the difference is?	23 part of the Black Belt?
24 A. Unserved means no -- no access	24 MS. MESSICK: Object to the form.
25 at all to broadband. Underserved means has	25 THE WITNESS: Yes.

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
73-76

<p style="text-align: right;">Page 73</p> <p>1 Q. (By Ms. Rutahindurwa) And then you</p> <p>2 mentioned kind of the southwestern side here.</p> <p>3 Do you know if these counties are part of the</p> <p>4 Black Belt?</p> <p>5 MS. MESSICK: Object to the form.</p> <p>6 THE WITNESS: The one to the upper</p> <p>7 left that you pointed out first would be</p> <p>8 considered the extreme Black Belt. I think</p> <p>9 some of those counties in the second portion</p> <p>10 of that would be considered as portions of the</p> <p>11 Black Belt.</p> <p>12 Q. (By Ms. Rutahindurwa) And then</p> <p>13 there's a pocket on kind of the eastern side</p> <p>14 east of Montgomery right here that has some</p> <p>15 dark blue pockets. And that would be part of</p> <p>16 the Black Belt as well?</p> <p>17 MS. MESSICK: Object to the form.</p> <p>18 THE WITNESS: Answer it or not?</p> <p>19 Q. MS. MESSICK: Yes, please answer.</p> <p>20 THE WITNESS: No, ma'am.</p> <p>21 Q. (By Ms. Rutahindurwa) Okay. Where</p> <p>22 would that be then?</p> <p>23 A. That would --</p> <p>24 MS. MESSICK: Object to the form.</p> <p>25 THE WITNESS: That would be the</p>	<p style="text-align: right;">Page 75</p> <p>1 Q. So it lists here -- it's titled,</p> <p>2 Agencies Administering Alabama's Low Income</p> <p>3 Home Energy Assistance Program. How are these</p> <p>4 agencies created?</p> <p>5 A. To the best of my recollection,</p> <p>6 I think the legislature creates those.</p> <p>7 Q. Okay. And on page 2, it lists all</p> <p>8 the agencies going into page 3 as well. So</p> <p>9 these would be agencies that coincide with the</p> <p>10 different numbers; is that fair?</p> <p>11 A. Yes.</p> <p>12 Q. And do you know if the legislature</p> <p>13 created these agencies specifically to</p> <p>14 administer LIHEAP?</p> <p>15 A. I do not know.</p> <p>16 Q. Okay. What's ADECA's role in --</p> <p>17 what's the relationship that ADECA has with</p> <p>18 these agencies?</p> <p>19 A. With the Community Action</p> <p>20 Agency?</p> <p>21 Q. Yes.</p> <p>22 A. Well, actually, they are</p> <p>23 subgrantees or grantees. So they would be</p> <p>24 considered a subgrantee to us. The Federal</p> <p>25 dollars flows through us, and we grant to</p>
<p style="text-align: right;">Page 74</p> <p>1 east to southeast side of the state.</p> <p>2 Q. (By Ms. Rutahindurwa) Are there</p> <p>3 any Black Belt counties in the east to</p> <p>4 southeast side of the state?</p> <p>5 A. No, not to my knowledge.</p> <p>6 MS. RUTAHINDURWA: All right. We</p> <p>7 can take this down.</p> <p>8 (Whereupon Plaintiff's Exhibit 5</p> <p>9 was marked for identification.)</p> <p>10 Q. (By Ms. Rutahindurwa) I'm showing</p> <p>11 you what will be marked as Exhibit 5, which</p> <p>12 was previously produced in this litigation as</p> <p>13 SOS 157232 (sic). Do you recognize this</p> <p>14 document?</p> <p>15 A. Yeah, I do.</p> <p>16 Q. You also oversaw the creation and</p> <p>17 signed off on this document; is that fair?</p> <p>18 A. The Energy Division and</p> <p>19 Communications Division actually developed</p> <p>20 it. I did sign off on it.</p> <p>21 MS. MESSICK: Makeba, can you read</p> <p>22 that number again?</p> <p>23 MS. RUTAHINDURWA: Yeah, it's SOS</p> <p>24 15 -- oh, I see. Thank you. I messed up.</p> <p>25 156232.</p>	<p style="text-align: right;">Page 76</p> <p>1 those agencies. Those agencies actually</p> <p>2 awards the money on the merits and criteria</p> <p>3 of the program.</p> <p>4 Q. Okay. And we can take that down.</p> <p>5 I have one more document to show you.</p> <p>6 This will be marked as Exhibit 6,</p> <p>7 previously produced in this litigation as</p> <p>8 SOS 156301. Do you recognize this document?</p> <p>9 A. I do.</p> <p>10 (Whereupon, Plaintiff's</p> <p>11 Exhibit 6 was marked for</p> <p>12 identification.)</p> <p>13 Q. (By Ms. Rutahindurwa) What does</p> <p>14 this show?</p> <p>15 A. It is where the Community Action</p> <p>16 Agency takes the Federal dollars to help</p> <p>17 assist those lower income applicants for</p> <p>18 water assistance.</p> <p>19 Q. And what does WAP stand for?</p> <p>20 A. Water Assistance Program, I do</p> <p>21 believe.</p> <p>22 Q. Okay.</p> <p>23 A. We have so many acronyms.</p> <p>24 Q. No, I understand.</p> <p>25 And when you say water assistance,</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
77-80

<p style="text-align: right;">Page 77</p> <p>1 what do you mean by that?</p> <p>2 A. It's a program that was</p> <p>3 developed by the Federal government to help</p> <p>4 low to moderate income applicants with their</p> <p>5 water bills.</p> <p>6 Q. You see here that the Community</p> <p>7 Action Agencies are different than the ones</p> <p>8 formed for IHEAP (sic) – or LIHEAP. Sorry.</p> <p>9 I'm getting the acronyms wrong. Do you agree</p> <p>10 with me that they're different?</p> <p>11 A. They are.</p> <p>12 Q. Do you know how these agencies are</p> <p>13 formed?</p> <p>14 A. No. I will have to ask my</p> <p>15 division chief.</p> <p>16 Q. Do you think it would be the same</p> <p>17 as with LIHEAP, that it was created by the</p> <p>18 legislature?</p> <p>19 MS. MESSICK: Object to the form?</p> <p>20 THE WITNESS: I don't know.</p> <p>21 Q. (By Ms. Rutahindurwa) And I take</p> <p>22 it you don't know why certain counties are</p> <p>23 grouped in certain regions then?</p> <p>24 MS. MESSICK: Object to the form.</p> <p>25 THE WITNESS: I do not. May I</p>	<p style="text-align: right;">Page 79</p> <p>1 MS. MESSICK: Object to the form.</p> <p>2 And actually also privileged, Makeba.</p> <p>3 We assert attorney/client</p> <p>4 privilege in terms of that question.</p> <p>5 MS. RUTAHINDURWA: Okay. I can</p> <p>6 strike that.</p> <p>7 Q. When was the last time that you</p> <p>8 saw the 2023 annual report?</p> <p>9 A. When I reviewed it.</p> <p>10 Q. And would that have been before</p> <p>11 publishing?</p> <p>12 A. Yes.</p> <p>13 Q. And any -- the documents that I</p> <p>14 showed you, did you review any of them in</p> <p>15 preparation for today's deposition?</p> <p>16 A. No.</p> <p>17 Q. Okay. All right.</p> <p>18 A. It's all memory. It's all</p> <p>19 memory.</p> <p>20 MS. RUTAHINDURWA: You have a good</p> <p>21 memory. Those are all the questions that I</p> <p>22 have. Thanks for your time, Director.</p> <p>23 THE WITNESS: Thank you.</p> <p>24 MR. MESSICK: And it looks like</p> <p>25 Singleton has left.</p>
<p style="text-align: right;">Page 78</p> <p>1 ask -- on the map that you put up before?</p> <p>2 Q. (By Ms. Rutahindurwa) Yeah. Do</p> <p>3 you want to see it again?</p> <p>4 A. The one prior to that one, prior</p> <p>5 to the LIHEAP.</p> <p>6 Q. The one prior to LIHEAP.</p> <p>7 A. The water assistance program.</p> <p>8 Pull up the LIHEAP.</p> <p>9 Q. Okay. Yes.</p> <p>10 A. All right. I don't know how</p> <p>11 that map was drawn up.</p> <p>12 After further thought, it could</p> <p>13 be by our division. It could be by the</p> <p>14 legislature. I don't know. I want a</p> <p>15 clarification on that.</p> <p>16 Q. Thanks for the clarification.</p> <p>17 That makes sense.</p> <p>18 All of the documents that I just</p> <p>19 showed you today, you personally did not</p> <p>20 provide them to the attorney general's office;</p> <p>21 right?</p> <p>22 A. My general counsel.</p> <p>23 Q. And did the attorney general ask</p> <p>24 for these specific documents?</p> <p>25 A. I do --</p>	<p style="text-align: right;">Page 80</p> <p>1 EXAMINATION BY MS. MESSICK:</p> <p>2 Q. Director Boswell, I do have a few</p> <p>3 questions for you.</p> <p>4 A. Okay.</p> <p>5 Q. First of all, I want to go back to</p> <p>6 Exhibit 2, which Makeba showed you. And I am</p> <p>7 going to try to share my screen as well.</p> <p>8 Underneath the column headers, what is the</p> <p>9 first entry on this chart?</p> <p>10 A. State of Alabama.</p> <p>11 Q. And does that row, to your</p> <p>12 knowledge, represent the money that ADECA is</p> <p>13 getting through these programs?</p> <p>14 A. Yes.</p> <p>15 Q. And then the entities below are</p> <p>16 the entitlement cities and counties?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. So the State of Alabama is</p> <p>19 not a total of what's below it, it's separate</p> <p>20 as to what ADECA does?</p> <p>21 A. Yes.</p> <p>22 Q. Does ADECA decide who is an</p> <p>23 entitlement community?</p> <p>24 A. No.</p> <p>25 Q. The CDBG column, is that through</p>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
81-84

Page 81	Page 83
<p>1 the CED division here at ADECA?</p> <p>2 A. Yes.</p> <p>3 Q. And then the HOME, ESG, HOPWA, and</p> <p>4 HTF, those are through the energy division?</p> <p>5 A. No. It's through the CDE</p> <p>6 division. I made that clarification earlier.</p> <p>7 Q. Okay. So every single column --</p> <p>8 A. All of these columns are under</p> <p>9 the CED division.</p> <p>10 Q. Okay.</p> <p>11 A. After I studied it a while ago.</p> <p>12 All of these acronyms.</p> <p>13 Q. When you were asked if ADECA</p> <p>14 serves all 67 -- or provides grants to all 67</p> <p>15 counties, you mentioned the entitlement</p> <p>16 communities as an exception to that. Are --</p> <p>17 the entitlement communities, does that only</p> <p>18 apply to the CED division and the HUD funding</p> <p>19 that you've been talking about?</p> <p>20 A. Yes.</p> <p>21 Q. So is it possible that ADECA would</p> <p>22 have served -- Mobile County, for instance,</p> <p>23 through some of its other programs?</p> <p>24 A. Yes.</p> <p>25 Q. And HUD has come up repeatedly.</p>	<p>1 question back?</p> <p>2 (Record read.)</p> <p>3 Q. When ADECA is awarding state</p> <p>4 money, you said that the state sets the</p> <p>5 criteria?</p> <p>6 A. Yes.</p> <p>7 Q. And I would like to know more</p> <p>8 specifically, is it ADECA the sets the</p> <p>9 criteria, or is the criteria set generally in</p> <p>10 the legislation?</p> <p>11 A. In the legislation.</p> <p>12 Q. Thank you. To the best of your</p> <p>13 knowledge, are the criteria for most or all of</p> <p>14 the grants that ADECA works on available on</p> <p>15 ADECA's website?</p> <p>16 A. Yes.</p> <p>17 Q. Have you answered questions here</p> <p>18 today to the best of your ability and to the</p> <p>19 best of your knowledge and recollection as you</p> <p>20 sit here today?</p> <p>21 A. Yes.</p> <p>22 Q. If you are called upon to testify</p> <p>23 at trial, will you answer the questions that</p> <p>24 you are asked to the best of your ability?</p> <p>25 A. Yes.</p>
Page 82	Page 84
<p>1 Are there other Federal entities that are</p> <p>2 providing money that ADECA provides as grants?</p> <p>3 A. Yes.</p> <p>4 Q. Do you also receive money from the</p> <p>5 state?</p> <p>6 A. Yes.</p> <p>7 Q. And do you receive money from</p> <p>8 anywhere else that you then turn into grants?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. When ADECA is awarding Federal</p> <p>11 money, does the Federal government set the</p> <p>12 criteria?</p> <p>13 A. Yes.</p> <p>14 Q. And when ADECA is awarding state</p> <p>15 money, who sets the criteria?</p> <p>16 A. The state.</p> <p>17 Q. Would that be ADECA or in the</p> <p>18 legislation?</p> <p>19 A. Legislation.</p> <p>20 MS. RUTAHINDURWA: I'm sorry,</p> <p>21 Misty, I didn't get the answer. I didn't hear</p> <p>22 the answer.</p> <p>23 THE WITNESS: Sure. Ask the</p> <p>24 question again.</p> <p>25 MS. MESSICK: Could you read the</p>	<p>1 MS. MESSICK: I don't have any</p> <p>2 more questions for you. The plaintiffs may</p> <p>3 have some follow-up questions or counsel for</p> <p>4 the legislature, who are co-defendants may</p> <p>5 have questions.</p> <p>6 MR. TAUNTON: I don't have any</p> <p>7 question. Thank you, sir.</p> <p>8 MR. BURKE: None for me. Thank</p> <p>9 you for your time, Director.</p> <p>10 MS. RUTAHINDURWA: And no more for</p> <p>11 me as well. Thanks.</p> <p>12 (The deposition concluded at 11:18 a.m.)</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>

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
85-88

Page 85		Page 87	
1	CERTIFICATE	1	DEPOSITION ERRATA SHEET
2		2	Page No. ____ Line No. ____ Change to: ____
3	STATE OF ALABAMA)	3	____
4	CALHOUN COUNTY)	4	Reason for change: ____
5		5	Page No. ____ Line No. ____ Change to: ____
6	I hereby certify that the above	6	____
7	proceedings were taken down by me and	7	Reason for change: ____
8	transcribed by me using computer-aided	8	Page No. ____ Line No. ____ Change to: ____
9	transcription, and that the above is a true	9	____
10	and correct transcript of the said proceedings	10	Reason for change: ____
11	given by said witness.	11	Page No. ____ Line No. ____ Change to: ____
12	I further certify that I am neither	12	____
13	of counsel nor of kin to the parties to the	13	Reason for change: ____
14	action, nor am I in anywise interested in the	14	Page No. ____ Line No. ____ Change to: ____
15	result of said cause.	15	____
16	I further certify that I am duly	16	Reason for change: ____
17	licensed by the Alabama Board of Court	17	Page No. ____ Line No. ____ Change to: ____
18	Reporting as a Certified Court Reporter as	18	____
19	evidenced by the ACCR number found below.	19	Reason for change: ____
20		20	Page No. ____ Line No. ____ Change to: ____
21	COMMISSIONER - NOTARY PUBLIC	21	____
22	<i>Cindy C. Jenkins</i>	22	Reason for change: ____
23		23	____
24	CINDY C. JENKINS, CSR	24	SIGNATURE: _____ DATE: _____
25	ACCR #470 - Exp. 9/30/2022	25	Kenneth Boswell
Page 86		Page 88	
1	DEPOSITION ERRATA SHEET	1	DEPOSITION ERRATA SHEET
2		2	Page No. ____ Line No. ____ Change to: ____
3	DECLARATION UNDER PENALTY OF PERJURY	3	____
4	I declare under penalty of perjury that	4	Reason for change: ____
5	I have read the entire transcript of	5	Page No. ____ Line No. ____ Change to: ____
6	my Deposition taken in the captioned matter	6	____
7	or the same has been read to me, and	7	Reason for change: ____
8	the same is true and accurate, save and	8	Page No. ____ Line No. ____ Change to: ____
9	except for changes and/or corrections, if	9	____
10	any, as indicated by me on the DEPOSITION	10	Reason for change: ____
11	ERRATA SHEET hereof, with the understanding	11	Page No. ____ Line No. ____ Change to: ____
12	that I offer these changes as if still under	12	____
13	oath.	13	Reason for change: ____
14	Signed on the ____ day of _____,	14	Page No. ____ Line No. ____ Change to: ____
15	20__.	15	____
16		16	Reason for change: ____
17	_____ Kenneth Boswell	17	Page No. ____ Line No. ____ Change to: ____
18		18	____
19		19	Reason for change: ____
20		20	Page No. ____ Line No. ____ Change to: ____
21		21	____
22		22	Reason for change: ____
23		23	SIGNATURE: _____ DATE: _____
24		24	Kenneth Boswell
25		25	

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
89-91

Page 89	Page 91
1 Reference No.: 11598712	1 Reference No.: 11598712
2 Case: MILLIGAN V. ALLEN	2 Case: MILLIGAN V. ALLEN
3	3 Page No. _____ Line No. _____ Change to: _____
4	4
5 DECLARATION UNDER PENALTY OF PERJURY	5 Reason for change: _____
6 I declare under penalty of perjury that	6 Page No. _____ Line No. _____ Change to: _____
7 I have read the entire transcript of my Depo-	7
8 sition taken in the captioned matter or the	8 Reason for change: _____
9 same has been read to me, and the same is	9 Page No. _____ Line No. _____ Change to: _____
10 true and accurate, save and except for	10
11 changes and/or corrections, if any, as indi-	11 Reason for change: _____
12 cated by me on the DEPOSITION ERRATA SHEET	12 Page No. _____ Line No. _____ Change to: _____
13 hereof, with the understanding that I offer	13
14 these changes as if still under oath.	14 Reason for change: _____
15	15 Page No. _____ Line No. _____ Change to: _____
16	16
17	17 Reason for change: _____
18	18 Page No. _____ Line No. _____ Change to: _____
19	19
20	20 Reason for change: _____
21	21 Page No. _____ Line No. _____ Change to: _____
22	22
23	23 Reason for change: _____
24	24
25	25 SIGNATURE: _____ DATE: _____
1 Reference No.: 11598712	1 Reference No.: 11598712
2 Case: MILLIGAN V. ALLEN	2 Case: MILLIGAN V. ALLEN
3	3 Page No. _____ Line No. _____ Change to: _____
4	4
5	5 Reason for change: _____
6	6 Page No. _____ Line No. _____ Change to: _____
7	7
8	8 Reason for change: _____
9	9 Page No. _____ Line No. _____ Change to: _____
10	10
11	11 Reason for change: _____
12	12 Page No. _____ Line No. _____ Change to: _____
13	13
14	14 Reason for change: _____
15	15 Page No. _____ Line No. _____ Change to: _____
16	16
17	17 Reason for change: _____
18	18 Page No. _____ Line No. _____ Change to: _____
19	19
20	20 Reason for change: _____
21	21 Page No. _____ Line No. _____ Change to: _____
22	22
23	23 Reason for change: _____
24	24
25	25 SIGNATURE: _____ DATE: _____

KENNETH BOSWELL
MILLIGAN V. ALLEN

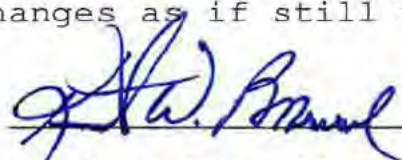
August 12, 2024
89

Reference No.: 11598712

Case: MILLIGAN V. ALLEN

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.



Kenneth Boswell

NOTARIZATION OF CHANGES

(If Required)

Subscribed and sworn to on the 6th day of

September, 2024 before me,

(Notary Sign) 

(Print Name) Jordan Williamson

Notary Public,

in and for the State of Alabama

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
90

Reference No.: 11598712
Case: MILLIGAN V. ALLEN

Page No. 13 Line No. 23 Change to: League of

Reason for change: incorrect title of entity

Page No. 23 Line No. 3 Change to: EV

Reason for change: incorrect abbreviation

Page No. 24 Line No. 18 Change to: ARPA

Reason for change: incorrect abbreviation

Page No. 25 Line No. 11 Change to: BEAD

Reason for change: incorrect abbreviation

Page No. 27 Line No. 20 Change to: BEAD

Reason for change: incorrect abbreviation

Page No. 34 Line No. 17 Change to: strike HUD

Reason for change: wrong entity

Page No. 37 Line No. 19 Change to: is

Reason for change: typo

SIGNATURE: Kenneth Boswell DATE: 9/6/2024

KENNETH BOSWELL
MILLIGAN V. ALLENAugust 12, 2024
91

1 Reference No.: 11598712
2 Case: MILLIGAN V. ALLEN

3 Page No. 51 Line No. 15 Change to: northern

4
5 Reason for change: missing "n"

6 Page No. 61 Line No. 16 Change to: City

7
8 Reason for change: capitalize "C"

9 Page No. 61 Line No. 17 Change to: Mobile

10
11 Reason for change: capitalize "M"

12 Page No. 61 Line No. 22 Change to: _____

13 City of Mobile

14 Reason for change: capitalize

15 Page No. 65 Line No. 18 Change to: staples

16
17 Reason for change: typo

18 Page No. 23 Line No. 19 Change to: sewer

19
20 Reason for change: typo

21 Page No. 51 Line No. 10 Change to: than

22
23 Reason for change: typo

24 SIGNATURE: Kenneth Boswell
25 Kenneth Boswell

DATE: 9/6/2024

KENNETH BOSWELL
MILLIGAN V. ALLEN

August 12, 2024

9192

Reference No.: 11598712
Case: MILLIGAN V. ALLEN

Page No. 81 Line No. 5 Change to: CED

Reason for change: Wrong abbreviation

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

Page No. _____ Line No. _____ Change to: _____

Reason for change: _____

SIGNATURE: _____

Kenneth Boswell

DATE: 9/6/2024



800.211.DEPO (3376)
EsquireSolutions.com