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1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE NORTHERN DISTRICT OF ALABAMA  
3                   SOUTHERN DIVISION  
4

5  
6       CIVIL ACTION NO.: 2:21-cv-01530-AMM

7       EVAN MILLIGAN, et al.,

8                   Plaintiffs,

9       v.

10       WES ALLEN, et al.,

11                   Defendants.  
12       -----

13       CIVIL ACTION NO.: 2:21-cv-01536-AMM

14       MARCUS CASTER, et al.,

15                   Plaintiffs,

16       v.

17       WES ALLEN, et al.,

18                   Defendants.  
19

20                   DEPOSITION TESTIMONY OF:

21                           CHRISTOPHER BROWN

22                           June 18, 2024  
23

<p style="text-align: right;">Page 2</p> <p>1           S T I P U L A T I O N S</p> <p>2           IT IS STIPULATED AND AGREED</p> <p>3 by and between the parties through their</p> <p>4 respective counsel that the deposition of</p> <p>5 CHRISTOPHER BROWN may be taken before</p> <p>6 Lane C. Butler, a Court Reporter and</p> <p>7 Notary Public for the State at Large, at</p> <p>8 the law offices of Wallace, Jordan,</p> <p>9 Ratliff &amp; Brandt, 800 Shades Creek</p> <p>10 Parkway, Suite 400, Birmingham, Alabama,</p> <p>11 on the 18th day of June, 2024, commencing</p> <p>12 at approximately 9:15 a.m. Central.</p> <p>13           IT IS FURTHER STIPULATED</p> <p>14 AND AGREED that the signature to and the</p> <p>15 reading of the deposition by the witness</p> <p>16 is waived, the deposition to have the</p> <p>17 same force and effect as if full</p> <p>18 compliance had been had with all laws and</p> <p>19 rules of Court relating to the taking of</p> <p>20 the depositions.</p> <p>21           IT IS FURTHER STIPULATED</p> <p>22 AND AGREED that it shall not be necessary</p> <p>23 for any objections to be made by counsel</p>	<p style="text-align: right;">Page 4</p> <p>1           A P P E A R A N C E S</p> <p>2</p> <p>3 FOR THE MILLIGAN PLAINTIFFS (via Zoom):</p> <p>4</p> <p>5 Dayton Campbell-Harris, Esq.</p> <p>6 ACLU of NEW YORK</p> <p>7 125 Broad Street, 18th Floor</p> <p>8 New York, New York 10004</p> <p>9 dcampbell-harris@aclu.org</p> <p>10</p> <p>11 Kathryn Sadasivan, Esq.</p> <p>12 Stuart Naifeh, Esq.</p> <p>13 Brittany Carter, Esq.</p> <p>14 Colin Burke, Esq.</p> <p>15 NAACP LEGAL DEFENSE FUND</p> <p>16 40 Rector Street, Fifth Floor</p> <p>17 New York, New York 10006</p> <p>18 ksadasivan@naacpldf.org</p> <p>19</p> <p>20 Nicki Lawsen, Esq.</p> <p>21 WIGGINS CHILDS PANTAZIS FISHER &amp; GOLDFARB</p> <p>22 301 19th Street North</p> <p>23 Birmingham, Alabama 35203</p>
<p style="text-align: right;">Page 3</p> <p>1 to any questions except as to form or</p> <p>2 leading questions and that counsel for</p> <p>3 the parties may make objections and</p> <p>4 assign grounds at the time of trial or at</p> <p>5 the time said deposition is offered in</p> <p>6 evidence, or prior thereto.</p> <p>7           In accordance with the Federal</p> <p>8 Rules of Civil Procedure, I, Lane C.</p> <p>9 Butler, am hereby delivering to Dayton</p> <p>10 Campbell-Harris, Esq., the original</p> <p>11 transcript of the oral testimony taken</p> <p>12 the 18th day of June, 2024.</p> <p>13           Please be advised that this is</p> <p>14 the same and not retained by the Court</p> <p>15 Reporter, nor filed with the Court.</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 style="text-align: right;">Page 5</p> <p>1           A P P E A R A N C E S (continued)</p> <p>2</p> <p>3 FOR THE CASTER PLAINTIFFS (via Zoom):</p> <p>4</p> <p>5 Makeba Rutahindurwa, Esq.</p> <p>6 ELIAS LAW GROUP</p> <p>7 1700 Seventh Avenue</p> <p>8 Suite 2100</p> <p>9 Seattle, Washington 98101</p> <p>10 mrutahindurwa@elias.law</p> <p>11</p> <p>12</p> <p>13 FOR THE DEPONENT:</p> <p>14</p> <p>15 Albert Jordan, Esq.</p> <p>16 Wallace, Jordan, Ratliff &amp; Brandt</p> <p>17 800 Shades Creek Parkway</p> <p>18 Suite 400</p> <p>19 Birmingham, Alabama 35209</p> <p>20 alj@wallacejordan.com</p> <p>21</p> <p>22</p> <p>23</p>

<p style="text-align: right;">Page 6</p> <p>1 A P P E A R A N C E S (continued)</p> <p>2</p> <p>3 FOR THE NON-PARTY LEGISLATORS (via Zoom):</p> <p>4</p> <p>5 Christopher Weller, Esq.</p> <p>6 Mitchell Sikes, Esq.</p> <p>7 CAPELL &amp; HOWARD</p> <p>8 150 South Perry Street</p> <p>9 Montgomery, Alabama 36102</p> <p>10 chris.weller@chlaw.com</p> <p>11</p> <p>12</p> <p>13 FOR THE LEGISLATIVE INTERVENORS (via</p> <p>14 Zoom):</p> <p>15</p> <p>16 Michael Taunton, Esq.</p> <p>17 Dorman Walker, Esq.</p> <p>18 BALCH &amp; BINGHAM</p> <p>19 1901 Sixth Avenue North, Suite 1500</p> <p>20 Birmingham, Alabama 35203</p> <p>21 mtaunton@balch.com</p> <p>22</p> <p>23</p>	<p style="text-align: right;">Page 8</p> <p>1 I N D E X</p> <p>2</p> <p>3 EXAMINATION BY: PAGE NO.</p> <p>4 Mr. Campbell-Harris 10</p> <p>5 Mr. Jordan 155</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 E X H I B I T S</p> <p>11</p> <p>12 FOR THE PLAINTIFFS:</p> <p>13 Ex 1 Subpoena 85</p> <p>14 Ex 2 Text Messages 88</p> <p>15 Ex 3 Legislative Privilege 105</p> <p>16 Correspondence Documents</p> <p>17</p> <p>18 FOR THE DEPONENT:</p> <p>19 RSS 1 RedState Strategies Website 155</p> <p>20 Documents</p> <p>21</p> <p>22</p> <p>23</p>
<p style="text-align: right;">Page 7</p> <p>1 A P P E A R A N C E S (continued)</p> <p>2</p> <p>3 FOR THE STATE OF ALABAMA (via Zoom):</p> <p>4</p> <p>5 James Davis, Esq.</p> <p>6 ALABAMA ATTORNEY GENERAL'S OFFICE</p> <p>7 501 Washington Avenue</p> <p>8 Montgomery, Alabama 36104</p> <p>9 jim.davis@alabamaag.gov</p> <p>10</p> <p>11</p> <p>12 ALSO PRESENT (via Zoom):</p> <p>13</p> <p>14 Anusha Das</p> <p>15 Nina McKay</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 style="text-align: right;">Page 9</p> <p>1 I, Lane C. Butler, a Court</p> <p>2 Reporter and Notary Public, State of</p> <p>3 Alabama at Large, acting as Notary,</p> <p>4 certify that on this date, pursuant to</p> <p>5 the Federal Rules of Civil Procedure and</p> <p>6 the foregoing stipulation of counsel,</p> <p>7 there came before me at the law offices</p> <p>8 of Wallace, Jordan, Ratliff &amp; Brandt, 800</p> <p>9 Shades Creek Parkway, Suite 400,</p> <p>10 Birmingham, Alabama, commencing at</p> <p>11 approximately 9:15 a.m., on the 18th day</p> <p>12 of June, 2024, CHRISTOPHER BROWN, witness</p> <p>13 in the above cause, for oral examination,</p> <p>14 whereupon the following proceedings were</p> <p>15 had:</p> <p>16</p> <p>17 CHRISTOPHER BROWN,</p> <p>18 having first been duly sworn,</p> <p>19 was examined and testified as follows:</p> <p>20</p> <p>21 THE COURT REPORTER: Thank you.</p> <p>22 Attorneys, usual stipulations?</p> <p>23 MR. CAMPBELL-HARRIS: Yes.</p>

<p style="text-align: right;">Page 10</p> <p>1 MR. JORDAN: Yes.</p> <p>2</p> <p>3 EXAMINATION BY MR. CAMPBELL-HARRIS:</p> <p>4 Q. All right. Good morning, Mr.</p> <p>5 Brown. Thank you again for being here</p> <p>6 today. Can you please state and spell</p> <p>7 your name for the record.</p> <p>8 A. Christopher Brown,</p> <p>9 C-H-R-I-S-T-O-P-H-E-R, Brown, B-R-O-W-N.</p> <p>10 Q. Thank you. My name is Dayton</p> <p>11 Campbell-Harris, and I'm an attorney for</p> <p>12 the plaintiff here in Milligan v. Allen.</p> <p>13 Mr. Brown, have you ever been</p> <p>14 deposed?</p> <p>15 A. Not to my knowledge.</p> <p>16 Q. Okay. We're going to walk</p> <p>17 through some of the normal courses of</p> <p>18 business and go over a few logistical</p> <p>19 points concerning depositions before we</p> <p>20 jump into the substance of today's</p> <p>21 deposition. Is that okay?</p> <p>22 A. Sure.</p> <p>23 Q. Okay. So everything is being</p>	<p style="text-align: right;">Page 12</p> <p>1 question I ask, just say so, please, and</p> <p>2 I will try to explain or rephrase the</p> <p>3 question so you understand it. And if</p> <p>4 you answer a question, I will assume you</p> <p>5 understood it. Okay?</p> <p>6 A. Okay.</p> <p>7 Q. If you need a break at any</p> <p>8 point, please just let me know, and we'll</p> <p>9 do our best to accommodate you as long as</p> <p>10 there is no question pending. If there's</p> <p>11 a question pending, then you will need to</p> <p>12 answer before we take the break. Okay?</p> <p>13 A. Understood.</p> <p>14 Q. Did you take any medications</p> <p>15 today or this morning that might impact</p> <p>16 your ability to answer any questions</p> <p>17 truthfully or accurately?</p> <p>18 A. No.</p> <p>19 Q. Okay. And is there any reason</p> <p>20 why you might not be able to understand</p> <p>21 or respond accurately and truthfully to</p> <p>22 my questions today?</p> <p>23 A. Can you -- I mean, that -- I</p>
<p style="text-align: right;">Page 11</p> <p>1 transcribed today, so we all need to</p> <p>2 speak clearly, make sure we have the</p> <p>3 right microphones on, and avoid speaking</p> <p>4 over one another. Okay?</p> <p>5 A. Okay.</p> <p>6 Q. Okay. And we have a court</p> <p>7 reporter here. She is transcribing our</p> <p>8 conversation, so please make sure that</p> <p>9 all your responses are verbal because the</p> <p>10 court reporter cannot take down nods,</p> <p>11 grunts, or gestures. Does that make</p> <p>12 sense?</p> <p>13 A. Makes sense.</p> <p>14 Q. Perfect. And there are other</p> <p>15 attorneys in attendance over Zoom for</p> <p>16 other parties. Your counsel has the</p> <p>17 right to object to the form of my</p> <p>18 questions as we go. But unless your</p> <p>19 attorney instructs you otherwise, you</p> <p>20 must still answer my question. Does that</p> <p>21 make sense?</p> <p>22 A. Yes.</p> <p>23 Q. If you don't understand a</p>	<p style="text-align: right;">Page 13</p> <p>1 don't understand that question.</p> <p>2 Q. Is there any other reason that</p> <p>3 you believe you would be unable to</p> <p>4 truthfully or accurately respond to any</p> <p>5 question --</p> <p>6 A. No.</p> <p>7 Q. -- and answer?</p> <p>8 A. No.</p> <p>9 Q. Okay. Did you do anything to</p> <p>10 prepare for today's deposition?</p> <p>11 A. Not really, no.</p> <p>12 Q. Okay.</p> <p>13 A. I mean, I reviewed the -- only</p> <p>14 thing I did was review the documents, the</p> <p>15 legal documents.</p> <p>16 Q. Okay. Which legal documents did</p> <p>17 you review?</p> <p>18 A. The quash opinions from my</p> <p>19 attorney and the non-plaintiffs'</p> <p>20 attorneys, a letter. That's it.</p> <p>21 Q. Do you mean the motion to quash</p> <p>22 and the response --</p> <p>23 A. Yes.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q. -- and the reply?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Did you review the</p> <p>4 attachments to any of those motions?</p> <p>5 A. Yes. I believe so.</p> <p>6 Q. Okay. And did you review any</p> <p>7 other documents in preparation for</p> <p>8 today's deposition?</p> <p>9 A. No.</p> <p>10 Q. Okay. Did you discuss today's</p> <p>11 deposition with anyone besides your</p> <p>12 attorney, Mr. Jordan?</p> <p>13 A. No.</p> <p>14 Q. Okay. And you met with Mr.</p> <p>15 Jordan to prepare for today's deposition?</p> <p>16 A. Yes.</p> <p>17 Q. When did you meet with Mr.</p> <p>18 Jordan?</p> <p>19 A. Yesterday.</p> <p>20 Q. Did you meet with him any other</p> <p>21 times?</p> <p>22 A. No.</p> <p>23 Q. And how long did the meeting</p>	<p style="text-align: right;">Page 16</p> <p>1 located in?</p> <p>2 A. It's Jefferson County, Alabama.</p> <p>3 Cities are a little unclear on where city</p> <p>4 lines go.</p> <p>5 Q. Okay. Located in Jefferson</p> <p>6 County?</p> <p>7 A. County, Alabama. Right.</p> <p>8 Q. Okay. Did you bring any</p> <p>9 documents with you to today's deposition?</p> <p>10 A. No.</p> <p>11 Q. Okay. I have some questions now</p> <p>12 about your background before we get into</p> <p>13 some of the work you do. Okay?</p> <p>14 A. Okay.</p> <p>15 Q. Where were you born?</p> <p>16 A. Bryn Mawr, Pennsylvania.</p> <p>17 Q. Okay. And in what year?</p> <p>18 A. 1972.</p> <p>19 Q. Okay. And did you grow up in</p> <p>20 Pennsylvania as well?</p> <p>21 A. First nine years.</p> <p>22 Q. Okay. Where did you go after</p> <p>23 the first nine years, or where did you</p>
<p style="text-align: right;">Page 15</p> <p>1 last yesterday?</p> <p>2 A. About an hour.</p> <p>3 Q. Okay. Was anyone else present</p> <p>4 at the meeting?</p> <p>5 A. Yes.</p> <p>6 Q. Who else was present?</p> <p>7 A. My ten-year-old son.</p> <p>8 Q. Okay. Was the meeting over</p> <p>9 Zoom?</p> <p>10 A. No.</p> <p>11 Q. Okay. And where are you</p> <p>12 physically located for today's</p> <p>13 deposition?</p> <p>14 A. Wallace Jordan's law office.</p> <p>15 (Discussion held off the record.)</p> <p>16 Q. (By Mr. Campbell-Harris) So,</p> <p>17 where are you physically located today?</p> <p>18 A. Wallace Jordan's law office.</p> <p>19 Q. Okay. And where is that</p> <p>20 located?</p> <p>21 A. Exactly or roughly? I don't</p> <p>22 understand.</p> <p>23 Q. What city and state is it</p>	<p style="text-align: right;">Page 17</p> <p>1 move?</p> <p>2 A. Florida.</p> <p>3 Q. Okay. And did you go to college</p> <p>4 in Florida as well?</p> <p>5 A. Yes.</p> <p>6 Q. And what is your highest level</p> <p>7 of education?</p> <p>8 A. Bachelor's degree.</p> <p>9 Q. Okay. Where did you go to</p> <p>10 school?</p> <p>11 A. Florida State University.</p> <p>12 Q. And did you receive a degree</p> <p>13 from Florida State?</p> <p>14 A. I did.</p> <p>15 Q. What was your degree in?</p> <p>16 A. Political science.</p> <p>17 Q. Okay. Did you have any minors?</p> <p>18 A. Yes.</p> <p>19 Q. What were your minors?</p> <p>20 A. Communications.</p> <p>21 Q. Okay. And what year did you</p> <p>22 graduate in?</p> <p>23 A. 1996.</p>

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<p style="text-align: right;">Page 18</p> <p>1 Q. Okay. Were you a member of any</p> <p>2 clubs in college?</p> <p>3 A. College Republicans.</p> <p>4 Q. Okay. And did you join any</p> <p>5 professional organizations after college?</p> <p>6 A. No.</p> <p>7 Q. Okay. Are you currently a</p> <p>8 member of any political organizations?</p> <p>9 A. Yes.</p> <p>10 Q. What political organizations are</p> <p>11 you a member of?</p> <p>12 A. I'm a member of the Alabama</p> <p>13 Republican Party and the chairman of the</p> <p>14 Jefferson County Republican Party.</p> <p>15 Q. Okay. How long have you been a</p> <p>16 member of the Alabama Republican Party?</p> <p>17 A. I can't recall specifically, but</p> <p>18 more than ten years.</p> <p>19 Q. Okay. And how long have you</p> <p>20 been chairman of the Jefferson County</p> <p>21 Republican Party?</p> <p>22 A. February of 2023.</p> <p>23 Q. Okay. Did you have any other</p>	<p style="text-align: right;">Page 20</p> <p>1 current company.</p> <p>2 Q. What was your previous company?</p> <p>3 A. Southern Insights.</p> <p>4 Q. Okay. What did you do at</p> <p>5 Southern Insights?</p> <p>6 A. I gave general political</p> <p>7 strategy for candidates.</p> <p>8 Q. Okay. Were the candidates for</p> <p>9 particular political parties?</p> <p>10 A. Yes.</p> <p>11 Q. Which political parties were the</p> <p>12 candidates --</p> <p>13 A. Republican.</p> <p>14 Q. Republican, you said?</p> <p>15 A. Republican, yeah.</p> <p>16 Q. Okay. Thank you. Do you</p> <p>17 remember what the lobbying firm was that</p> <p>18 you worked with in Florida?</p> <p>19 A. Tidewater Consulting.</p> <p>20 Q. Okay.</p> <p>21 A. I should have said yes.</p> <p>22 Q. And where do you currently live</p> <p>23 today?</p>
<p style="text-align: right;">Page 19</p> <p>1 roles in the Jefferson County Republican</p> <p>2 Party before becoming chairman?</p> <p>3 A. Yes.</p> <p>4 Q. What were those roles?</p> <p>5 A. I served as chairman once</p> <p>6 before, 2007-2008, and then I was a</p> <p>7 treasurer of the county party from 2009</p> <p>8 until 2022.</p> <p>9 Q. Okay. Thank you. Can you tell</p> <p>10 me each of the jobs that you've had since</p> <p>11 graduating college through today?</p> <p>12 A. Sure. I worked for the Florida</p> <p>13 Republican Party right out of college,</p> <p>14 and then I worked there -- then I left</p> <p>15 and worked for a lobbying firm in</p> <p>16 Tallahassee for about a year. And then I</p> <p>17 went back to the Republican Party in</p> <p>18 Florida. It's the Republican Party of</p> <p>19 Florida is their official name. Then I</p> <p>20 moved to Alabama and I worked at the</p> <p>21 Alabama Republican Party. And then I</p> <p>22 started political consulting in 2005.</p> <p>23 But I had a previous company before my</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Vestavia, Alabama.</p> <p>2 Q. Okay. The company that you</p> <p>3 worked at before -- the company you</p> <p>4 founded before RedState, did it have any</p> <p>5 offices?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And where were the</p> <p>8 offices for Southern Strategies?</p> <p>9 A. Vestavia, Alabama.</p> <p>10 Q. Okay. Did it primarily serve</p> <p>11 political actors in Alabama?</p> <p>12 A. Primarily, yes.</p> <p>13 Q. Okay. Did it serve political</p> <p>14 actors outside of the state of Alabama?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. In what states did it</p> <p>17 offer services to political actors?</p> <p>18 A. I can't recall specifically. I</p> <p>19 know we did some work in Mississippi.</p> <p>20 Q. Okay. And sorry. You said you</p> <p>21 currently live in Alabama as well?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And what county in</p>

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<p style="text-align: right;">Page 22</p> <p>1 Alabama?</p> <p>2 A. Jefferson County.</p> <p>3 Q. Okay. And what do you do for a</p> <p>4 living today?</p> <p>5 A. I'm a political consultant.</p> <p>6 Q. Okay. How long have you been a</p> <p>7 political consultant?</p> <p>8 A. Eighteen -- roughly eighteen</p> <p>9 years.</p> <p>10 Q. Okay. And have you been a</p> <p>11 political consultant at the same company</p> <p>12 for 18 years?</p> <p>13 A. No.</p> <p>14 Q. Okay. How long have you been a</p> <p>15 political consultant at RedState</p> <p>16 Strategies?</p> <p>17 A. Over ten years. I'm trying to</p> <p>18 remember the exact date of formation. I</p> <p>19 don't remember that, but over ten years.</p> <p>20 Q. Okay. And can you tell me what</p> <p>21 RedState Strategies is?</p> <p>22 A. A full-service political</p> <p>23 consulting firm.</p>	<p style="text-align: right;">Page 24</p> <p>1 candidates that you offered services to</p> <p>2 at Southern Insights?</p> <p>3 A. Sure. Jim Carns, Clay Scofield,</p> <p>4 Scott Beason.</p> <p>5 Q. Okay. We'll come back to those</p> <p>6 individuals a little later. But were</p> <p>7 there any state legislators that you</p> <p>8 offered services to while you were</p> <p>9 working at Southern Insights?</p> <p>10 A. Yes.</p> <p>11 Q. Can you name some of those state</p> <p>12 legislators that you offered services to</p> <p>13 at Southern Insights?</p> <p>14 A. Jim Carns, Clay Scofield, Scott</p> <p>15 Beason.</p> <p>16 Q. Okay. Did you offer services to</p> <p>17 those same individuals at RedState?</p> <p>18 A. Some.</p> <p>19 Q. Okay. Who does RedState provide</p> <p>20 political consulting services to?</p> <p>21 A. A wide variety of candidates.</p> <p>22 Q. Okay. Can you provide some</p> <p>23 examples?</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Okay. And what does RedState</p> <p>2 Strategies do as a political full-service</p> <p>3 consulting firm?</p> <p>4 A. We offer a variety of services</p> <p>5 to political candidates.</p> <p>6 Q. Okay. Can you provide me some</p> <p>7 examples of the services you provide</p> <p>8 political candidates?</p> <p>9 A. General campaign strategy,</p> <p>10 legislative strategy, development of</p> <p>11 messages for campaigns.</p> <p>12 Q. And is that the same work that</p> <p>13 you did at Southern Strategies?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Do you remember any of</p> <p>16 the candidates that you offered services</p> <p>17 to at Southern Strategies?</p> <p>18 MR. JORDAN: Dayton, let me</p> <p>19 object. The name is Southern Insights.</p> <p>20 MR. CAMPBELL-HARRIS: Southern</p> <p>21 Insights. Thank you.</p> <p>22 MR. JORDAN: Yes, sir.</p> <p>23 Q. Okay. Can you name some of the</p>	<p style="text-align: right;">Page 25</p> <p>1 A. Can you restate that question?</p> <p>2 I mean, are you looking for --</p> <p>3 Q. Yeah. Does RedState Strategies</p> <p>4 only provide local consulting services to</p> <p>5 political candidates?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So RedState Strategies</p> <p>8 does not provide political consulting</p> <p>9 services to special interest groups?</p> <p>10 A. No.</p> <p>11 Q. Okay. And RedState Strategies</p> <p>12 does not offer political consulting</p> <p>13 services to national political parties?</p> <p>14 A. No.</p> <p>15 Q. Okay. When was RedState</p> <p>16 Strategies founded?</p> <p>17 A. I want to say 2012.</p> <p>18 Q. Okay. And who founded it?</p> <p>19 A. I did.</p> <p>20 Q. Okay. And why did you found</p> <p>21 RedState?</p> <p>22 A. I mean, I had a partner in the</p> <p>23 previous consulting firm, and we went our</p>

<p style="text-align: right;">Page 26</p> <p>1 separate ways.</p> <p>2 Q. Okay. Does RedState have any</p> <p>3 staff members besides yourself?</p> <p>4 A. No.</p> <p>5 Q. Okay. Has RedState ever had any</p> <p>6 additional staff besides yourself?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Who was that person or</p> <p>9 people?</p> <p>10 A. Well, it's been some time since</p> <p>11 I had a staffer, but it would have</p> <p>12 been -- her name was Erin Eckert.</p> <p>13 Q. Okay. And what was Erin's role?</p> <p>14 A. She was my assistant.</p> <p>15 Q. Besides Erin, there was no other</p> <p>16 staff at RedState?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. So you mentioned that</p> <p>19 RedState provides political consulting</p> <p>20 services to political candidates. Does</p> <p>21 that include state executives?</p> <p>22 A. At times, yes.</p> <p>23 Q. Okay. What were those instances</p>	<p style="text-align: right;">Page 28</p> <p>1 provides political candidates, are those</p> <p>2 limited to consulting on political</p> <p>3 campaign strategy?</p> <p>4 A. No.</p> <p>5 Q. Okay. What other -- how else</p> <p>6 does RedState provide services to</p> <p>7 political candidates?</p> <p>8 A. I mean, that's broad. But, I</p> <p>9 mean, one of the things I do is during</p> <p>10 the legislative session, my clients ask</p> <p>11 me to look at the bills they're --</p> <p>12 they're entertaining and give an opinion</p> <p>13 on the legislation.</p> <p>14 Q. Okay. Is the nature of the</p> <p>15 consulting you provide political</p> <p>16 candidates limited to review of</p> <p>17 legislation and political campaign</p> <p>18 strategy?</p> <p>19 A. No.</p> <p>20 Q. What other -- how else do you</p> <p>21 provide services to political candidates?</p> <p>22 A. I mean, I've offered general</p> <p>23 redistricting information to them.</p>
<p style="text-align: right;">Page 27</p> <p>1 that RedState provided political</p> <p>2 consulting services to state executives?</p> <p>3 A. I represent the state auditor.</p> <p>4 Q. Okay. Anyone else?</p> <p>5 A. Not currently, no.</p> <p>6 Q. Okay. What about previously or</p> <p>7 historically?</p> <p>8 A. RedState Strategies has never</p> <p>9 represented any other statewide executive</p> <p>10 officers besides the state auditor.</p> <p>11 Q. Okay. Thank you.</p> <p>12 Can you walk me through what</p> <p>13 some of your duties are as -- well,</p> <p>14 scratch that.</p> <p>15 What's your role at RedState</p> <p>16 currently?</p> <p>17 A. President.</p> <p>18 Q. Okay. Can you walk me through</p> <p>19 what your duties are as president of</p> <p>20 RedState?</p> <p>21 A. I mostly provide consulting for</p> <p>22 my existing clients as they need me.</p> <p>23 Q. Are the services that RedState</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Okay.</p> <p>2 A. I mean --</p> <p>3 Q. Anything else?</p> <p>4 A. I guess the question is -- I</p> <p>5 don't -- I cannot recall much more. I</p> <p>6 mean, I guess I need a more specific</p> <p>7 question.</p> <p>8 Q. Okay. And when you're referring</p> <p>9 to clients that RedState Strategies has,</p> <p>10 what type of actors are you referring to?</p> <p>11 A. Anyone that has ever contracted</p> <p>12 me to help them in any form or fashion.</p> <p>13 Q. Okay. And how does someone</p> <p>14 become a client of RedState Strategies?</p> <p>15 A. They engage me, and then they</p> <p>16 end up paying me consulting fees and</p> <p>17 other fees as needed.</p> <p>18 Q. What do you mean by they engage</p> <p>19 you?</p> <p>20 A. You know, I meet with a</p> <p>21 potential client. We talk about their</p> <p>22 candidacy or whatever they need them for.</p> <p>23 And then I agree to work for them, and</p>

8 (Pages 26 - 29)



<p style="text-align: right;">Page 30</p> <p>1 then I agree to be an actor for them.</p> <p>2 Q. Do you always receive</p> <p>3 compensation from the clients you serve?</p> <p>4 A. I only give consulting for</p> <p>5 people that pay me to consult.</p> <p>6 Q. Okay. Who initiates these</p> <p>7 engagements between RedState and the</p> <p>8 clients that you serve?</p> <p>9 A. The candidate, elected official,</p> <p>10 what have you.</p> <p>11 Q. Is that always the case?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Are these engagements</p> <p>14 with political actors, are they</p> <p>15 temporally limited at all?</p> <p>16 A. No.</p> <p>17 Q. Okay. The issues that you</p> <p>18 provide consulting on, are those limited</p> <p>19 in scope?</p> <p>20 A. No.</p> <p>21 Q. Okay. How do the political</p> <p>22 actors that RedState services, provides</p> <p>23 services to, learn about you?</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. And are you a registered</p> <p>2 lobbyist in Alabama?</p> <p>3 A. No.</p> <p>4 Q. Is RedState a registered</p> <p>5 lobbyist?</p> <p>6 A. No.</p> <p>7 Q. Have you ever been a registered</p> <p>8 lobbyist in Alabama?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And RedState has never</p> <p>11 been hired by any governmental entities;</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. Has RedState ever</p> <p>15 received any compensation from national</p> <p>16 political groups?</p> <p>17 A. No.</p> <p>18 Q. Okay. And RedState has been</p> <p>19 hired by individuals who hold elected</p> <p>20 office; correct?</p> <p>21 A. Or tried to hold elected office,</p> <p>22 yes.</p> <p>23 Q. Okay. Does RedState currently</p>
<p style="text-align: right;">Page 31</p> <p>1 A. I can't answer. I don't know.</p> <p>2 Q. Okay. How do you build your</p> <p>3 business with political actors at</p> <p>4 RedState?</p> <p>5 A. Now, my perception is I get my</p> <p>6 business through word of mouth, but I</p> <p>7 really have no definitive answer on that.</p> <p>8 Q. Okay. So from referrals from</p> <p>9 past clients?</p> <p>10 A. That's my observation, but I</p> <p>11 don't know that for a fact.</p> <p>12 Q. Okay. Is RedState only</p> <p>13 compensated monetarily, or are there</p> <p>14 other forms of compensation that you</p> <p>15 receive from clients?</p> <p>16 A. I don't understand what "other</p> <p>17 forms of compensation" would be.</p> <p>18 Q. For example, tickets to a gala</p> <p>19 or anything else of value besides money.</p> <p>20 A. No.</p> <p>21 Q. Okay. Does RedState have a</p> <p>22 budget?</p> <p>23 A. No.</p>	<p style="text-align: right;">Page 33</p> <p>1 have any clients?</p> <p>2 A. Yes.</p> <p>3 Q. Can you name who those clients</p> <p>4 are?</p> <p>5 A. Well, there are a lot. I can</p> <p>6 name some. Do you want me to name every</p> <p>7 one to the best of my memory?</p> <p>8 Q. To the best of your memory, yes.</p> <p>9 A. Senator Sam Givhan, Senator Tom</p> <p>10 Butler, Senator Jabo Waggoner, Senator</p> <p>11 Dan Roberts, Senator Shay Shelnett,</p> <p>12 Senator Will Barfoot, Senator Steve</p> <p>13 Livingston, Representative Jim Carns,</p> <p>14 Representative David Faulkner,</p> <p>15 Representative Van Smith, Representative</p> <p>16 Arnold Mooney, Representative Rick Rehm,</p> <p>17 Representative Jamie Kiel, Representative</p> <p>18 Danny Crawford, Representative Brock</p> <p>19 Colvin. I know I'm missing some.</p> <p>20 Q. I trust you. Thank you.</p> <p>21 Let's talk about some of the</p> <p>22 work that you did for these individuals.</p> <p>23 So you said you worked with Sam Givhan.</p>

<p style="text-align: right;">Page 34</p> <p>1 Is that correct?</p> <p>2 A. Givhan, G-I-V-H-A-N.</p> <p>3 Q. Okay. When did you perform</p> <p>4 political consulting services for Sam</p> <p>5 Divhan?</p> <p>6 A. It's Givhan with a G.</p> <p>7 Q. Givhan. Sorry.</p> <p>8 A. Right. I've run his campaigns.</p> <p>9 Q. Okay. When did you run Givhan's</p> <p>10 campaigns?</p> <p>11 A. I ran -- I first -- well, I</p> <p>12 worked with him under Southern Insights</p> <p>13 when he did not win, and then he was</p> <p>14 elected in the 2018 election cycle. I</p> <p>15 helped him on that one. And then I</p> <p>16 helped him in reelection in 2022.</p> <p>17 Q. Okay. So political campaign</p> <p>18 consulting for Givhan?</p> <p>19 A. Among other things, yes.</p> <p>20 Q. Well, what other things did you</p> <p>21 provide political consulting services</p> <p>22 for?</p> <p>23 A. I provide whatever advice they</p>	<p style="text-align: right;">Page 36</p> <p>1 me to talk about, I answer his questions.</p> <p>2 Q. Okay. Was redistricting among</p> <p>3 the topics you provided advice to Sam</p> <p>4 Givhan on?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And when did you provide</p> <p>7 redistricting advice to Sam Givhan?</p> <p>8 A. Prior to the redistricting of</p> <p>9 the legislative maps.</p> <p>10 Q. What year?</p> <p>11 A. I don't recall specifically, but</p> <p>12 I think it was 2021 possibly. I don't</p> <p>13 remember specifically.</p> <p>14 Q. Okay. So you offered</p> <p>15 redistricting advice to Sam Givhan</p> <p>16 following the 2020 census?</p> <p>17 A. That would be correct, yes.</p> <p>18 Q. Okay. Did you provide</p> <p>19 redistricting advice to Sam Givhan in</p> <p>20 2023?</p> <p>21 A. No.</p> <p>22 Q. Okay. And do you recall what</p> <p>23 maps you provided redistricting advice to</p>
<p style="text-align: right;">Page 35</p> <p>1 need at the time they need it.</p> <p>2 Q. Okay. And what advice did you</p> <p>3 provide Sam Givhan?</p> <p>4 A. As a --</p> <p>5 MR. JORDAN: Well, let me object</p> <p>6 to the form of that. And the reason, I</p> <p>7 think the question might be too broad and</p> <p>8 be asking for the substance of</p> <p>9 communications that are protected by the</p> <p>10 legislative privilege and his</p> <p>11 relationship. And I don't think you</p> <p>12 meant to do that, but I'm concerned that</p> <p>13 he might veer off into that just because</p> <p>14 he's being so attentive to your question.</p> <p>15 MR. CAMPBELL-HARRIS: I can</p> <p>16 rephrase the question.</p> <p>17 Q. Without divulging into the</p> <p>18 substance of conversations with Sam</p> <p>19 Givhan, what did you offer advice to him</p> <p>20 on?</p> <p>21 A. A broad variety of topics:</p> <p>22 campaign consulting, legislative</p> <p>23 consulting, you know. Whatever he needed</p>	<p style="text-align: right;">Page 37</p> <p>1 Sam Givhan in 2021 about?</p> <p>2 A. I do not.</p> <p>3 Q. Okay. Do you remember whether</p> <p>4 the maps you offered redistricting advice</p> <p>5 on were congressional or state</p> <p>6 legislative maps?</p> <p>7 A. It would have been legislative.</p> <p>8 Q. State legislative maps?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. The state senate maps and</p> <p>11 state house maps or one or the other?</p> <p>12 A. State senate.</p> <p>13 Q. Okay. Did you offer</p> <p>14 redistricting advice to Tom Butler as</p> <p>15 well?</p> <p>16 A. Not that I recall.</p> <p>17 Q. Okay. Did you offer</p> <p>18 redistricting advice to Dan Roberts?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. When did you provide</p> <p>21 redistricting advice to Dan Roberts?</p> <p>22 A. I mean, that's a very broad</p> <p>23 question, so can you rephrase?</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. I can. Did you offer 2 redistricting advice to Dan Roberts after 3 the 2010 census? 4 A. No. You mean 2020? 5 Q. My next question. Did you offer 6 redistricting advice to Dan Roberts 7 following the 2020 census? 8 A. Yes. 9 Q. Okay. And did you offer advice 10 to Dan Roberts about -- what maps? 11 A. In regard to that last question? 12 Q. After the 2020 census, what maps 13 did you offer political consulting advice 14 to Dan Roberts about? 15 MR. JORDAN: Let me object to 16 the form of that. You mean like whether 17 it's the -- office-related or a 18 particular -- you mean the office that 19 they relate to rather than a particular 20 map, particular communication? 21 MR. CAMPBELL-HARRIS: Let me 22 rephrase the question.</p>	<p style="text-align: right;">Page 40</p> <p>1 Alabama? 2 A. Do you have a specific time 3 frame? I mean -- 4 Q. No. 5 A. I mean, I -- I offered him 6 advice after the 2020 census on his 7 district. 8 Q. Okay. So you offered -- scratch 9 that. 10 Did you offer Shay Shelnutt 11 redistricting advice in 2021? 12 A. Yes. 13 Q. Okay. And did you offer Shay 14 Shelnutt redistricting advice in 2022? 15 A. No. 16 Q. Did you offer Shay Shelnutt 17 redistricting advice in 2023? 18 A. No. 19 Q. Okay. And did you offer 20 redistricting advice to Will Barfoot in 21 2021? 22 A. Yes. 23 Q. Okay. And did that concern the</p>
<p style="text-align: right;">Page 39</p> <p>1 advice to Dan Roberts about the 2 congressional map Alabama passed in 2021? 3 A. No. 4 Q. Okay. Did you offer 5 redistricting advice to Dan Roberts about 6 the congressional map passed in 2023? 7 A. Well, I guess the question is 8 that I don't understand the -- I mean, 9 because the map that passed was not a map 10 that I offered advice in. 11 Q. I'm not asking about the map. 12 I'm just asking, did you offer Dan 13 Roberts advice about redistricting in 14 Alabama in 2023? 15 A. Yes. 16 Q. Okay. And did you offer -- 17 scratch that. 18 You also offered political 19 consulting services to Shay Shelnutt? 20 Did I pronounce that correctly? 21 A. Correct, yes. 22 Q. And was any of that political 23 consulting advice about redistricting in</p>	<p style="text-align: right;">Page 41</p> <p>1 state senate map? 2 A. His district, yes. 3 Q. Okay. And did the advice you 4 offered to Shay Shelnutt also concern the 5 state senate map? 6 A. Yes. 7 Q. Okay. And you also offered 8 advice to Steve Livingston; correct? 9 A. In what regard? 10 Q. You offered advice about 11 redistricting to Steve Livingston in 12 2023; correct? 13 A. Yes, but very little. 14 Q. Okay. Did you offer advice on 15 redistricting in Alabama to Steve 16 Livingston in 2021? 17 A. Yes. 18 Q. Okay. What -- scratch that. 19 Did you offer advice about 20 redistricting in Alabama to Jim Carns 21 following the 2020 census? 22 A. Yes. 23 Q. Okay. And did that concern his</p>

<p style="text-align: right;">Page 42</p> <p>1 district and the state house map?</p> <p>2 A. Yes.</p> <p>3 Q. And did you offer advice to Mr.</p> <p>4 Faulkner about redistricting in Alabama</p> <p>5 following the 2020 census?</p> <p>6 A. Yes.</p> <p>7 Q. And did that concern Mr.</p> <p>8 Faulkner's district as well?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And you offered advice to</p> <p>11 Arnold Mooney about redistricting in</p> <p>12 Alabama following the 2020 census?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And did that advice</p> <p>15 concern his district?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And you offered advice to</p> <p>18 Jamie Kiel about redistricting in Alabama</p> <p>19 as well?</p> <p>20 A. Yes.</p> <p>21 Q. And what was the scope of that</p> <p>22 advice?</p> <p>23 A. It would have been in regard to</p>	<p style="text-align: right;">Page 44</p> <p>1 advice about these legislative members'</p> <p>2 districts, what were you paid to do?</p> <p>3 A. I wasn't specifically paid to do</p> <p>4 anything.</p> <p>5 Q. Okay. Did you enter into</p> <p>6 contracts with these legislators when you</p> <p>7 offered political consulting services?</p> <p>8 A. Not -- not specifically, no.</p> <p>9 Q. Did you enter into any contracts</p> <p>10 with these legislators in regards to the</p> <p>11 redistricting advice you offered them?</p> <p>12 A. No.</p> <p>13 Q. Okay. Did these legislators pay</p> <p>14 you for the redistricting advice you</p> <p>15 offered them?</p> <p>16 A. My clients pay me for a variety</p> <p>17 of consulting. I don't itemize what</p> <p>18 they're paying me for.</p> <p>19 Q. Okay. Do you bill these clients</p> <p>20 for the services you provide them?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And you keep copies of</p> <p>23 those bills that you send to the clients?</p>
<p style="text-align: right;">Page 43</p> <p>1 his legislative house district in 2021.</p> <p>2 Q. Okay. And you offered advice to</p> <p>3 Danny Crawford about redistricting in</p> <p>4 Alabama after the 2020 census?</p> <p>5 A. Yes.</p> <p>6 Q. And what was the scope of that</p> <p>7 advice?</p> <p>8 A. It would be in regard to his</p> <p>9 house district.</p> <p>10 Q. Okay.</p> <p>11 MR. JORDAN: Just one second.</p> <p>12 (Discussion held off the record.)</p> <p>13 MR. JORDAN: Sorry, Dayton.</p> <p>14 Thank you. Thanks for letting me pause</p> <p>15 you.</p> <p>16 MR. CAMPBELL-HARRIS: No</p> <p>17 problem.</p> <p>18 Q. (By Mr. Campbell-Harris) You</p> <p>19 also offered advice to Mr. Colvin about</p> <p>20 redistricting in Alabama. Is that</p> <p>21 correct?</p> <p>22 A. I did not.</p> <p>23 Q. Okay. When you say you offered</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Let's go back to the</p> <p>3 advice you offered Tom Butler. Can you</p> <p>4 tell me a little bit more about the kinds</p> <p>5 of input you offered him about his</p> <p>6 district?</p> <p>7 A. I didn't say I offered Tom</p> <p>8 Butler any advice on his district.</p> <p>9 Q. My apologies. Let's go to Dan</p> <p>10 Roberts. You offered advice to Dan</p> <p>11 Roberts about his district following the</p> <p>12 2020 census; right?</p> <p>13 A. Yes.</p> <p>14 Q. What kind of input did you offer</p> <p>15 him?</p> <p>16 MR. JORDAN: Are you asking for</p> <p>17 the substance of the communication?</p> <p>18 MR. CAMPBELL-HARRIS: I'm asking</p> <p>19 about the general topics without</p> <p>20 divulging into a topic, like the</p> <p>21 specifics.</p> <p>22 THE WITNESS: I'm not so sure I</p> <p>23 can do that.</p>

<p style="text-align: right;">Page 46</p> <p>1 MR. JORDAN: I'm just trying to 2 make sure that we're all faithful to the 3 presence of the objection and our ability 4 to fairly present issues on Thursday for 5 the Court in the hearing, so. 6 MR. WELLER: I think he's given 7 you -- Dayton, I think he's given you the 8 broad topic, and that is he gave advice 9 on redistricting. I'm very reluctant to 10 allow you to ask him questions beyond 11 that because then you get into the 12 content of the specific communications, 13 you know, with the nonparty legislators. 14 MR. CAMPBELL-HARRIS: Okay. Are 15 you instructing Mr. Brown not to answer 16 the question? 17 MR. WELLER: I don't have the 18 authority to instruct him one way or the 19 other. He's not my client. 20 MR. CAMPBELL-HARRIS: Okay. Mr. 21 Jordan, are you instructing Mr. Brown not 22 to answer? 23 MR. JORDAN: Well, we -- let's</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Okay. Have you offered 2 redistricting advice to any mapmakers in 3 the state of Alabama? 4 A. No. 5 Q. Okay. And since the 2020 6 census, has RedState been hired by anyone 7 else employed by the State of Alabama? 8 A. Can you be more specific? 9 Q. Well, since the 2020 census, has 10 RedState been hired by any state -- any 11 other state legislators in the state of 12 Alabama besides the ones we mentioned 13 already? 14 MR. JORDAN: Dayton, with all 15 due respect, again, I think he gave you a 16 pretty good list, and he said he wasn't 17 sure that he'd named them all. And, you 18 know, he may not remember them right now, 19 but there's quite a number, as you can 20 tell, so there may have been one that he 21 didn't mention, but that doesn't mean he 22 didn't work for them or that he 23 remembered it and just didn't tell you.</p>
<p style="text-align: right;">Page 47</p> <p>1 just go question by question. But at the 2 risk of avoiding -- or at the risk of 3 seeming to interrupt you, I wanted to let 4 you know that I had a concern about where 5 you seem to be going with this, and I 6 will instruct him to be faithful to the 7 legislative privilege with respect to the 8 particulars of advice that's offered. 9 And I think that he's done a pretty good 10 job of giving you general statements that 11 he offered advice on certain kinds of 12 districts, and I'm not sure that -- I'm 13 pretty sure it's not proper to go into 14 any more detail, with all due respect, 15 Counselor. 16 MR. CAMPBELL-HARRIS: Okay. 17 Q. Mr. Brown are you going to 18 follow your attorney's advice and not 19 answer my question about the kind of 20 input you offered -- 21 A. Yes. 22 Q. -- Mr. Roberts? 23 A. Yes.</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Mr. Brown, can you recall 2 whether there are any other state 3 legislators that RedState has worked with 4 as clients in the state of Alabama 5 following the 2020 census? 6 A. In addition to the ones I 7 already named? 8 Q. Correct. 9 A. Well, I can't remember who I 10 named now, so I -- it's possible I forgot 11 somebody, but I don't remember who I 12 stated, all of them right now. Sorry. 13 Q. Okay. No problem. 14 Does RedState have -- well, 15 scratch that. Does RedState have a 16 recordkeeping or document retention 17 policy? 18 A. No. 19 Q. Okay. Does RedState preserve 20 business documents? 21 A. As best I can, yes. 22 Q. Okay. How do you go about 23 preserving business documents?</p>



<p style="text-align: right;">Page 50</p> <p>1 A. You know, I either have it on my 2 computer or on, you know, a Dropbox, but 3 not everything is preserved adequately, 4 probably. 5 Q. Do you have separate computers 6 for RedState business and personal 7 business? 8 A. No. 9 Q. Okay. Do you have separate 10 account -- e-mail accounts for business 11 and personal use? 12 A. I have more than one e-mail 13 account. 14 Q. Okay. Do you use the same 15 e-mail account for RedState business as 16 you do for I guess personal business? 17 Well, scratch that. 18 What e-mail accounts -- how many 19 e-mail accounts do you have? 20 A. Two. 21 Q. Two? 22 A. Yes. 23 Q. Okay. And do you use one e-mail</p>	<p style="text-align: right;">Page 52</p> <p>1 A. I can't recall ever deleting a 2 document. 3 Q. Okay. Okay. That's all the 4 questions I have about RedState. Thank 5 you Mr. Brown. 6 I know we've been going for 7 almost an hour. Would you want to take a 8 break at this point, or do you want to 9 keep going? 10 A. I'd keep going. 11 Q. All right. Let's talk about a 12 little bit more your involvement in 13 redistricting. How did you first get 14 involved in redistricting work? 15 A. You know, as a consultant, I 16 decided to offer a variety of resources 17 to my clients to best serve them, and I 18 decided that this was a service that I 19 could provide. 20 Q. Okay. Do you recall roughly 21 what year you started working in 22 redistricting? 23 A. Maybe 2020, maybe.</p>
<p style="text-align: right;">Page 51</p> <p>1 account for personal use and another for 2 business? 3 A. No. 4 Q. How do you use your e-mail 5 accounts? 6 A. I generally use the RedState 7 Strategies e-mail account for virtually 8 everything. 9 Q. Okay. So you have one computer 10 that you use for personal and business, 11 and you primarily use the RedState e-mail 12 for personal use and business use? 13 A. Yes. 14 Q. Okay. Does RedState upload or 15 download documents to any hard drive or 16 to a cloud-based drive? 17 A. Sometimes I upload documents to 18 Dropbox. 19 Q. Okay. And does RedState delete 20 documents after a certain time period? 21 A. Not normally, no. 22 Q. Okay. And you're responsible 23 for deleting documents at RedState?</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Okay. Prior to the 2020 census, 2 you did not offer clients political 3 advice about redistricting? 4 A. I can't definitively say yes or 5 no. It's possible. I just don't recall. 6 Q. Okay. Has all your 7 redistricting work been in the state of 8 Alabama, or have you done redistricting 9 work in other states? 10 A. Only Alabama. 11 Q. Okay. Have you received any 12 training on mapmaking? 13 A. Yes. 14 Q. Okay. What training did you 15 receive? 16 A. I watched the tutorial on how to 17 use the software. 18 Q. What software are you referring 19 to? 20 A. Maptitude. 21 Q. Okay. When did you watch that 22 tutorial? 23 A. Around the time the census was</p>



<p style="text-align: right;">Page 54</p> <p>1 completed.</p> <p>2 Q. Okay. So around 2020?</p> <p>3 A. Yeah.</p> <p>4 Q. Okay. And have you received any</p> <p>5 other training?</p> <p>6 A. No.</p> <p>7 Q. Okay. And have you received</p> <p>8 training on reading the census?</p> <p>9 A. No.</p> <p>10 Q. Okay. Have you received any</p> <p>11 training on interpreting demographic</p> <p>12 data?</p> <p>13 A. No.</p> <p>14 Q. Okay. Can you tell me what</p> <p>15 racially polarized voting leads to?</p> <p>16 A. Excuse me? Repeat.</p> <p>17 Q. Are you familiar with the term</p> <p>18 "racially polarized voting"?</p> <p>19 A. Not really, no.</p> <p>20 Q. Okay. Are you able to conduct a</p> <p>21 racially polarized voting analysis?</p> <p>22 A. No.</p> <p>23 Q. Okay. And you haven't received</p>	<p style="text-align: right;">Page 56</p> <p>1 congresspeople.</p> <p>2 A. Yes.</p> <p>3 Q. Okay. How many plans have you</p> <p>4 drawn on behalf of elected officials in</p> <p>5 the state of Alabama?</p> <p>6 A. I can't recall a specific</p> <p>7 number. There were lots of plans that I</p> <p>8 have drawn.</p> <p>9 Q. Okay. More than ten?</p> <p>10 A. Yes.</p> <p>11 Q. More than twenty?</p> <p>12 A. Yes.</p> <p>13 Q. More than fifty?</p> <p>14 A. I can't answer that. I'm not</p> <p>15 sure of that.</p> <p>16 Q. Okay. And were these plans</p> <p>17 state legislative plans or congressional</p> <p>18 plans?</p> <p>19 A. A combination of both.</p> <p>20 Q. Okay. Have you drawn plans for</p> <p>21 specific counties?</p> <p>22 A. No.</p> <p>23 Q. Okay. Have you drawn plans for</p>
<p style="text-align: right;">Page 55</p> <p>1 any training on conducting a racially</p> <p>2 polarized voting analysis?</p> <p>3 A. No.</p> <p>4 Q. Okay. Have you drawn any</p> <p>5 redistricting plans for the state of</p> <p>6 Alabama?</p> <p>7 MR. JORDAN: Object to the form.</p> <p>8 You mean in connection with legislation</p> <p>9 that may be considering the shape of</p> <p>10 districts? You don't mean hired by</p> <p>11 Alabama, as an agent for Alabama? You</p> <p>12 don't mean as an agent for Alabama?</p> <p>13 MR. CAMPBELL-HARRIS: No.</p> <p>14 MR. JORDAN: The question was</p> <p>15 possibly broad, too broad. That was all.</p> <p>16 Q. Mr. Brown, do you need me to</p> <p>17 repeat the question?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Have you drawn any</p> <p>20 redistricting plans on behalf of state</p> <p>21 actors in the state of Alabama?</p> <p>22 A. Can you define state actor?</p> <p>23 Q. Elected state legislators or</p>	<p style="text-align: right;">Page 57</p> <p>1 parishes?</p> <p>2 A. What's a parish?</p> <p>3 Q. Like a county in Louisiana.</p> <p>4 A. No.</p> <p>5 Q. Okay. Have you drawn any school</p> <p>6 board district plans?</p> <p>7 A. No.</p> <p>8 Q. Okay. Have you drawn any city</p> <p>9 council district plans?</p> <p>10 A. No.</p> <p>11 Q. Okay. Thank you.</p> <p>12 You weren't involved in</p> <p>13 redistricting in Alabama following the</p> <p>14 2010 census; correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. Let's talk about the 2021</p> <p>17 redistricting cycle in Alabama. How did</p> <p>18 RedState first become involved in the</p> <p>19 2021 redistricting process in Alabama?</p> <p>20 A. As I said, I offer -- I was</p> <p>21 offering a variety of services to my</p> <p>22 clients to best prepare them for anything</p> <p>23 that they were doing, so I decided to be</p>

<p style="text-align: right;">Page 58</p> <p>1 able to offer that service to them in 2 that cycle.</p> <p>3 Q. Did all your clients approach 4 you seeking services on redistricting in 5 Alabama following the 2021 cycle? 6 A. I'm not so sure of that. Can 7 you rephrase that question because I'm 8 not sure about that. It's -- go ahead.</p> <p>9 Q. I can. Did the clients that you 10 offered redistricting advice to following 11 the 2020 census, did they initiate 12 conversations with you to seek that 13 advice? 14 A. Some. 15 Q. Okay. Which clients initiated 16 those conversations with you? 17 A. I cannot recall specifically. 18 Q. Okay. But -- sorry. 19 A. No. I was going to say it is -- 20 in the legislative process, I offer them 21 all advice to their districts that were 22 legislators, but I can't recall who 23 initiated which.</p>	<p style="text-align: right;">Page 60</p> <p>1 house maps during the 2021 redistricting 2 cycle in Alabama? 3 A. Again, I guess the question is 4 -- the context is a little broad. I 5 mean, can you -- 6 Q. Let me rephrase. I think you 7 kind of answered this question already. 8 When did you provide the 9 redistricting advice services to your 10 clients in 2021? 11 A. I believe I provided all prior 12 to the final -- I mean, before the maps 13 were determined. I gave them all advice 14 before the maps were determined. 15 Q. Okay. So safe to say between 16 the time the census data was released and 17 before the maps were enacted into law? 18 A. Yes. 19 Q. Okay. But you can't recall 20 specific instances of when you worked on 21 specific plans or maps for specific 22 clients at this time? 23 A. During 2021?</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. Safe to say, Mr. Brown, some 2 clients initiated the conversations with 3 you and you initiated the conversations 4 with other clients? 5 A. Yes. 6 Q. Okay. Do you recall what maps 7 you worked on for your clients during the 8 2021 redistricting cycle in Alabama? 9 A. You mean specific maps? 10 Q. Correct. 11 A. No. 12 Q. Okay. Are you familiar with 13 House Bill 1 during the 2021 14 redistricting cycle? 15 A. I know that was a redistricting 16 map, but I can't tell you what map it 17 was. 18 Q. Okay. Did you work on any 19 congressional maps for your clients 20 during the 2021 redistricting cycle in 21 Alabama? 22 A. No. 23 Q. Okay. Did you work on any state</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Correct. 2 A. No. 3 Q. You can recall or you cannot 4 recall? 5 A. No, I cannot recall. 6 Q. Okay. Thank you. 7 Were you asked to provide any 8 input on any congressional redistricting 9 bills in 2021? 10 A. No. 11 Q. Okay. Were you asked to provide 12 input on any state house bills in 2021? 13 A. Not specifically, no. 14 Q. Okay. And were you asked to 15 provide any input on any state senate 16 redistricting bills in 2021? 17 A. Not specifically, no. 18 Q. Okay. Did anyone send you any 19 bills or maps for your review during the 20 2021 redistricting cycle in Alabama? 21 A. No. I mean, I think I acquired 22 them myself when the bills were dropped. 23 Q. Okay. Do you recall which bills</p>

<p style="text-align: right;">Page 62</p> <p>1 that you acquired?</p> <p>2 A. I do not remember, no.</p> <p>3 Q. Okay. Did you contact anyone in</p> <p>4 the state legislature about any</p> <p>5 redistricting plan or bills during the</p> <p>6 2021 Alabama redistricting cycle?</p> <p>7 A. Not that I recall.</p> <p>8 Q. Okay. Were you asked to provide</p> <p>9 any testimony during the Alabama 2021</p> <p>10 redistricting cycle --</p> <p>11 A. No.</p> <p>12 Q. -- about any maps or plans?</p> <p>13 A. No.</p> <p>14 Q. And did you provide any</p> <p>15 technical assistance to the</p> <p>16 reapportionment committee during the 2021</p> <p>17 redistricting cycle in Alabama?</p> <p>18 A. Not that I recall.</p> <p>19 Q. Okay. You were involved in the</p> <p>20 2023 special session concerning Alabama's</p> <p>21 congressional redistricting?</p> <p>22 A. I mean, I think that question is</p> <p>23 very broad, so, I mean, can you be more</p>	<p style="text-align: right;">Page 64</p> <p>1 A. Sure.</p> <p>2 Q. What work did you perform on --</p> <p>3 well, scratch that. Let's break this</p> <p>4 down a little bit.</p> <p>5 Are you familiar with the</p> <p>6 Opportunity plan?</p> <p>7 A. Vaguely, yes.</p> <p>8 Q. Okay. Do you recall when you</p> <p>9 first saw the Opportunity plan in 2023?</p> <p>10 A. I do not.</p> <p>11 Q. Did you author the Opportunity</p> <p>12 plan?</p> <p>13 A. I don't believe so, no. The</p> <p>14 names -- the names of those plans, I</p> <p>15 don't -- I don't recall the exact plan</p> <p>16 unless it was in front of me.</p> <p>17 Q. Okay. If you saw the plan,</p> <p>18 you'd be able to say if you authored the</p> <p>19 plan or not, though?</p> <p>20 A. Possibly.</p> <p>21 Q. Did you author any plans during</p> <p>22 the 2023 special session redistricting</p> <p>23 cycle?</p>
<p style="text-align: right;">Page 63</p> <p>1 specific?</p> <p>2 Q. Sure. Did you work on any plans</p> <p>3 or maps from June 9th to July 21st, 2023,</p> <p>4 concerning Alabama's congressional</p> <p>5 redistricting plans?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. What maps?</p> <p>8 A. There were a number of maps. I</p> <p>9 cannot remember specifically what maps</p> <p>10 they are.</p> <p>11 Q. That's okay. Do you recall what</p> <p>12 the work you did was for any maps --</p> <p>13 A. Yes.</p> <p>14 Q. -- in 2023? Okay. What work</p> <p>15 did you do for any plans?</p> <p>16 MR. JORDAN: Object to that to</p> <p>17 the extent asked -- object to that to the</p> <p>18 extent it requests him to provide the</p> <p>19 content of communications to a legislator</p> <p>20 other than Mr. Livingston.</p> <p>21 MR. CAMPBELL-HARRIS: Okay.</p> <p>22 Q. Do you want me to repeat the</p> <p>23 question, Mr. Brown?</p>	<p style="text-align: right;">Page 65</p> <p>1 A. I mean, I think "author" is a</p> <p>2 broad variety of questions because I</p> <p>3 don't -- I didn't author anything.</p> <p>4 Q. Did you create any redistricting</p> <p>5 plans on Maptitude during the 2023</p> <p>6 special session in Alabama?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Did you provide those</p> <p>9 plans to any state legislators?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Which state legislators</p> <p>12 did you provide the plans you authored</p> <p>13 to?</p> <p>14 A. Senator Dan Roberts.</p> <p>15 Q. Okay. Do you recall when you</p> <p>16 provided Senator Dan Roberts with the</p> <p>17 plan you created?</p> <p>18 A. Well, again, I didn't create the</p> <p>19 plan --</p> <p>20 Q. Okay.</p> <p>21 A. -- necessarily. "Create" is a</p> <p>22 broad term. I guess I want clarity on</p> <p>23 what you mean "create" is before I answer</p>

<p style="text-align: right;">Page 66</p> <p>1 the question.</p> <p>2 Q. The map that you developed on</p> <p>3 Maptitude you provided to Dan Roberts.</p> <p>4 Is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. When did you provide Dan</p> <p>7 Roberts the plan you developed on</p> <p>8 Maptitude?</p> <p>9 A. I don't recall.</p> <p>10 MR. WELLER: I think I'm going</p> <p>11 to object here because, again, you're now</p> <p>12 starting to talk about specific</p> <p>13 communications between Mr. Brown and</p> <p>14 Senator Roberts.</p> <p>15 MR. JORDAN: Same objection.</p> <p>16 Q. Okay. Are you going to follow</p> <p>17 your attorney's advice, Mr. Brown?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 MR. CAMPBELL-HARRIS: I would</p> <p>21 say that the date of the communication is</p> <p>22 not privileged, but we can save that</p> <p>23 for --</p>	<p style="text-align: right;">Page 68</p> <p>1 supposed to do. Sorry.</p> <p>2 I was directed by one of my</p> <p>3 clients to help assist him in the</p> <p>4 redistricting process.</p> <p>5 Q. Okay. Do you recall when you</p> <p>6 worked on the plan following the ask from</p> <p>7 one of your clients?</p> <p>8 A. Not specifically.</p> <p>9 Q. Okay. But you worked on the</p> <p>10 plan at the direction of one of your</p> <p>11 clients?</p> <p>12 A. Or more -- more than one client.</p> <p>13 Q. Okay. Was there more than one</p> <p>14 client who directed you to work on the</p> <p>15 plan that you developed on Maptitude?</p> <p>16 A. What plan are you referring to?</p> <p>17 I mean, because I had more than 30 plans,</p> <p>18 so.</p> <p>19 Q. Okay. The plan that we were --</p> <p>20 scratch that.</p> <p>21 The plan you provided Senator</p> <p>22 Roberts, were there other individuals who</p> <p>23 directed you to develop maps during the</p>
<p style="text-align: right;">Page 67</p> <p>1 MR. WELLER: It's not. I'm not</p> <p>2 so concerned, Dayton, about the date.</p> <p>3 It's just that you're starting to go into</p> <p>4 the specific exchange of what documents.</p> <p>5 MR. CAMPBELL-HARRIS: Okay.</p> <p>6 Q. Okay. Let me rephrase the</p> <p>7 question.</p> <p>8 Do you recall what date, Mr.</p> <p>9 Brown, you shared the plan that you</p> <p>10 developed on Maptitude, do you recall</p> <p>11 when you shared that plan with Senator</p> <p>12 Roberts?</p> <p>13 A. I do not.</p> <p>14 Q. Not substance, just the date.</p> <p>15 A. I do not.</p> <p>16 Q. Okay. Why did you develop that</p> <p>17 plan on Maptitude?</p> <p>18 MR. JORDAN: Object to the form</p> <p>19 of the question.</p> <p>20 THE WITNESS: Can he hear you?</p> <p>21 MR. JORDAN: You can answer.</p> <p>22 THE WITNESS: Oh, I can answer.</p> <p>23 A. Sorry. I'm not sure what I was</p>	<p style="text-align: right;">Page 69</p> <p>1 2023 special session?</p> <p>2 A. I mean, that question is a</p> <p>3 complicated question because in the</p> <p>4 redistricting process, maps evolve over</p> <p>5 the course of time from different inputs</p> <p>6 from different people.</p> <p>7 Q. Okay. Did other Alabama state</p> <p>8 legislators offer you input on the maps</p> <p>9 that you were working on?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. During the 2023 special</p> <p>12 session?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. How many people had input</p> <p>15 on the maps that you were working on in</p> <p>16 the 2023 special session?</p> <p>17 A. Maybe two.</p> <p>18 Q. Okay. And was -- scratch that.</p> <p>19 Why do you say maybe two and not</p> <p>20 definitively two?</p> <p>21 A. I only recall two people. There</p> <p>22 may be more, but I don't recall any more</p> <p>23 than two.</p>

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1 Q. Okay. And this map, the map  
2 that you received input on from the two  
3 people, is that the same map you offered  
4 Dan Roberts?  
5 A. I mean, it's a very, very  
6 complicated question you're asking, but I  
7 guess the answer is yes, but it's not  
8 that simple.  
9 Q. Okay. Why is it not that  
10 simple?  
11 A. As I said, maps evolve over the  
12 course of time, and it's like when you're  
13 trying to accomplish a project that --  
14 you know, one map might have been an  
15 original basis and it might have gone a  
16 direction that was abandoned and another  
17 map maybe would go different. So it's  
18 hard to specifically answer that  
19 question. Do you know what I mean? I  
20 mean, I.  
21 Q. Without going into the substance  
22 of the asks from these clients, who were  
23 the clients that offered you input on

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1 this map?  
2 A. The only two I can definitively  
3 say would be Dan Roberts and Will  
4 Barfoot.  
5 Q. Okay. Without going to the  
6 substance of any communications, did  
7 Senator Barfoot or Senator Roberts offer  
8 you any guidance on how to develop the  
9 map?  
10 A. Yes.  
11 MR. WELLER: Wait. I'm going to  
12 object because now you're asking  
13 specifically the types of communications  
14 that are ongoing here, and for him to  
15 testify to that is indirectly revealing  
16 the content of the communication.  
17 THE WITNESS: Sorry I answered.  
18 MR. JORDAN: We object, too. I  
19 realize he has already answered it, but  
20 please don't go any further on that.  
21 Q. Did you work with any  
22 nonlegislators on these maps that you  
23 developed in the 2023 special session?

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1 A. No.  
2 MR. JORDAN: Wait a minute,  
3 Dayton.  
4 THE COURT REPORTER: Are we  
5 going off the record?  
6 MR. CAMPBELL-HARRIS: Let's go  
7 off the record for a second.  
8 (Break taken.)  
9 MR. CAMPBELL-HARRIS: We're back  
10 on the record. It is 11:29 a.m. Eastern  
11 time, 10:29 Central.  
12 Q. (By Mr. Campbell-Harris) Mr.  
13 Brown, I want to circle back a little bit  
14 to questions about your compensation.  
15 Do you recall how much you were  
16 paid in 2023 for your political  
17 consulting services?  
18 A. I do not.  
19 Q. Okay. But you have records of  
20 the payments you received for your  
21 political consulting services in 2023?  
22 A. Yes.  
23 Q. Okay. And when you bill clients

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1 for the services you provide, what  
2 details do you add on those bills?  
3 A. I just put "Consulting."  
4 Q. That's it?  
5 A. That's it.  
6 Q. Okay. Do you know whether --  
7 well, scratch that.  
8 Are you familiar with the  
9 Community of Interest plan?  
10 A. I believe so, but I can't  
11 remember it.  
12 Q. Okay. Do you recall when you  
13 first saw the Community of Interest plan  
14 in the 2023 special session?  
15 A. Not specifically.  
16 Q. Okay. Are you familiar with the  
17 Livingston 2 plan?  
18 A. Vaguely.  
19 Q. Okay. Do you recall when you  
20 first saw the Livingston 2 plan during  
21 the 2023 special session?  
22 A. I do not.  
23 Q. Okay. And are you familiar with



<p style="text-align: right;">Page 74</p> <p>1 the SB5 plan?</p> <p>2 A. Again, yeah, vaguely.</p> <p>3 Q. Okay. Do you recall when you</p> <p>4 first saw the SB5 plan?</p> <p>5 A. I do not.</p> <p>6 Q. Okay. Do you recall whether or</p> <p>7 not it was in June or July of 2023?</p> <p>8 A. Yeah. It would have been during</p> <p>9 the redistricting session.</p> <p>10 Q. Okay. Are you aware of whether</p> <p>11 any map that you drew was introduced as a</p> <p>12 bill during the special session in 2023?</p> <p>13 A. I think so, yes.</p> <p>14 Q. Okay. What bill had a map that</p> <p>15 you drew in it?</p> <p>16 A. Again, drew -- me drawing is not</p> <p>17 an exact representation of what I was</p> <p>18 doing, in my term -- my opinion, but it</p> <p>19 would have been a map that Senator</p> <p>20 Roberts would have introduced.</p> <p>21 Q. Okay. Were there any maps that</p> <p>22 Senator Livingston introduced that you</p> <p>23 drew?</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Mr. Brown, are you going to</p> <p>2 follow your attorney's advice?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Did clients ask you to</p> <p>5 provide input on any bills or maps during</p> <p>6 the 2023 special session?</p> <p>7 MR. WELLER: I'm going to object</p> <p>8 to that too.</p> <p>9 MR. JORDAN: We do, too, Dayton,</p> <p>10 and I instruct him not to answer.</p> <p>11 Q. Are you going to follow your</p> <p>12 attorney's advice, Mr. Brown?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Did anyone send you any</p> <p>15 bills or maps for your review in 2023</p> <p>16 during the special session?</p> <p>17 A. No.</p> <p>18 Q. Okay. Did you initiate any</p> <p>19 conversations with anyone about</p> <p>20 redistricting bills or maps during the</p> <p>21 special session in 2023?</p> <p>22 A. Well, can you give me an example</p> <p>23 of what "anyone" would be? I mean,</p>
<p style="text-align: right;">Page 75</p> <p>1 A. No.</p> <p>2 Q. Okay. And did you work on the</p> <p>3 maps that you drew because you were hired</p> <p>4 to draw or work on those maps?</p> <p>5 A. I think the question of hired</p> <p>6 is -- I offer my clients a wide variety</p> <p>7 of services, and when they ask me for</p> <p>8 things, I often do what they request,</p> <p>9 without compensation sometimes.</p> <p>10 Q. Okay. Were -- scratch that.</p> <p>11 Did some of the clients who you</p> <p>12 provided services to ask you to work on</p> <p>13 any maps for the 2023 special session in</p> <p>14 Alabama?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Which clients were those?</p> <p>17 MR. WELLER: Object.</p> <p>18 MR. JORDAN: Yeah. It's kind of</p> <p>19 a specific, isn't it, Dayton, about the</p> <p>20 communications? We covered the</p> <p>21 legislative privilege. We direct him not</p> <p>22 to answer. How's that?</p> <p>23 MR. CAMPBELL-HARRIS: Okay.</p>	<p style="text-align: right;">Page 77</p> <p>1 that's -- anyone? You mean like if I</p> <p>2 talked to my mother?</p> <p>3 Q. Anyone, correct.</p> <p>4 A. I can't recall specifically who</p> <p>5 I talked to.</p> <p>6 Q. Okay. Did any legislators share</p> <p>7 any bills or maps with you during the</p> <p>8 special session in 2023?</p> <p>9 A. No.</p> <p>10 MR. JORDAN: I think we'd object</p> <p>11 to that.</p> <p>12 MR. CAMPBELL-HARRIS: Okay.</p> <p>13 MR. JORDAN: I'd ask him not to</p> <p>14 answer. I guess he's already said no.</p> <p>15 THE WITNESS: Sorry. I'll</p> <p>16 pause.</p> <p>17 Q. Were you asked to provide any</p> <p>18 testimony during the 2023 special</p> <p>19 session?</p> <p>20 A. No.</p> <p>21 Q. Okay. And did you provide any</p> <p>22 technical assistance to Alabama's</p> <p>23 reapportionment committee in 2023?</p>



<p style="text-align: right;">Page 78</p> <p>1 A. No.</p> <p>2 Q. Did you attend committee</p> <p>3 hearings related to the pass of the 2023</p> <p>4 plan in 2023?</p> <p>5 A. No.</p> <p>6 Q. And if I say "2023 plan," do you</p> <p>7 understand that I'm referring to a plan</p> <p>8 that was signed into law on July 21st,</p> <p>9 2023?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And you weren't retained</p> <p>12 in any capacity by the Alabama Permanent</p> <p>13 Legislative Committee; right?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. And the chairs of the</p> <p>16 committee didn't retain or hire you?</p> <p>17 MR. JORDAN: Object to the form</p> <p>18 of that.</p> <p>19 MR. CAMPBELL-HARRIS: I can</p> <p>20 rephrase.</p> <p>21 Q. Did the chair -- did either</p> <p>22 chair of the Alabama Permanent</p> <p>23 Legislative Committee retain or hire you</p> <p style="text-align: right;">Page 79</p> <p>1 for political consulting services related</p> <p>2 to redistricting?</p> <p>3 A. No.</p> <p>4 Q. Okay. Did you communicate with</p> <p>5 State Senator Lance Bell about Alabama's</p> <p>6 congressional redistricting in 2023?</p> <p>7 A. No.</p> <p>8 Q. Did you communicate with Donnie</p> <p>9 Chesteen about Alabama's congressional</p> <p>10 redistricting in 2023?</p> <p>11 A. No.</p> <p>12 Q. Did you communicate with State</p> <p>13 Senator Jeff Williams about Alabama's</p> <p>14 congressional redistricting in 2023?</p> <p>15 A. No.</p> <p>16 Q. Besides state legislators</p> <p>17 themselves, did you communicate with any</p> <p>18 of their staff about Alabama</p> <p>19 redistricting in 2023?</p> <p>20 A. No.</p> <p>21 Q. Okay.</p> <p>22 THE WITNESS: Did he freeze? It</p> <p>23 froze.</p>	<p style="text-align: right;">Page 80</p> <p>1 (Discussion held off the record.)</p> <p>2 Q. (By Mr. Campbell-Harris) Mr.</p> <p>3 Brown, did anyone from Alabama's Office</p> <p>4 of Attorney General speak with you about</p> <p>5 or communicate with you about Alabama</p> <p>6 congressional redistricting in 2023?</p> <p>7 A. No.</p> <p>8 Q. Did anyone from the Solicitor</p> <p>9 General's Office communicate with you</p> <p>10 about Alabama's congressional</p> <p>11 redistricting in 2023?</p> <p>12 A. No.</p> <p>13 Q. Did any members of the U.S.</p> <p>14 House of Representatives from Alabama's</p> <p>15 congressional delegation speak with you</p> <p>16 about Alabama congressional redistricting</p> <p>17 in 2023?</p> <p>18 A. No.</p> <p>19 Q. Okay. Did anyone from their</p> <p>20 staff communicate with you about the same</p> <p>21 topic?</p> <p>22 A. No.</p> <p>23 Q. Okay.</p> <p style="text-align: right;">Page 81</p> <p>1 MR. JORDAN: Just a second,</p> <p>2 Dayton.</p> <p>3 MR. CAMPBELL-HARRIS: We can go</p> <p>4 off the record for a second.</p> <p>5 (Discussion held off the record.)</p> <p>6 MR. JORDAN: So this -- Dayton,</p> <p>7 your question was anybody from a</p> <p>8 congressional staff communicate with him?</p> <p>9 Was that the question?</p> <p>10 MR. CAMPBELL-HARRIS: Correct,</p> <p>11 yes.</p> <p>12 MR. JORDAN: And I think he</p> <p>13 wants to amend his answer.</p> <p>14 THE WITNESS: Can I amend my</p> <p>15 answer?</p> <p>16 Q. (By Mr. Campbell-Harris) You</p> <p>17 can.</p> <p>18 A. Bill Harris, the state director</p> <p>19 for Barry Moore.</p> <p>20 Q. For Barry Moore, you said?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay. And is that what your</p> <p>23 counsel just spoke with you about off the</p>
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21 (Pages 78 - 81)

<p style="text-align: right;">Page 82</p> <p>1 record?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Did you speak with anyone</p> <p>4 from the Republican National Committee,</p> <p>5 the RNC, about Alabama congressional</p> <p>6 redistricting during 2023?</p> <p>7 A. No.</p> <p>8 Q. Did you speak with any other</p> <p>9 political consultants about Alabama's</p> <p>10 congressional redistricting in 2023?</p> <p>11 A. Not that I recall.</p> <p>12 Q. Okay. Is it possible that you</p> <p>13 spoke with other political consultants</p> <p>14 about Alabama redistricting in 2023?</p> <p>15 A. I want to say the answer is no,</p> <p>16 but I can't definitively say no.</p> <p>17 Q. Okay. Fair enough.</p> <p>18 Did you speak with any lobbyists</p> <p>19 about Alabama redistricting in 2023?</p> <p>20 A. No.</p> <p>21 Q. Besides the people that we have</p> <p>22 discussed so far, did you speak with</p> <p>23 anyone else about congressional</p>	<p style="text-align: right;">Page 84</p> <p>1 I mean, I don't remember -- it's possible</p> <p>2 that two or more clients might have been</p> <p>3 in the same room with me, but mostly it</p> <p>4 was me and one client.</p> <p>5 Q. Okay. And not going into the</p> <p>6 substance of conversations, but do you</p> <p>7 recall what was discussed in any of those</p> <p>8 meetings?</p> <p>9 A. Not specifically.</p> <p>10 Q. Okay. Not specifically off the</p> <p>11 top of your head?</p> <p>12 A. I mean, yes, correct.</p> <p>13 Q. Okay. Okay. Let's talk about</p> <p>14 some of the relationships you have with a</p> <p>15 few of the clients. We're going to</p> <p>16 introduce an exhibit that I'm going to</p> <p>17 premark as Exhibit 1, and then I'm going</p> <p>18 to share on the screen, or that my</p> <p>19 colleague is going to share on the</p> <p>20 screen. And it is -- well, I'll ask you</p> <p>21 to identify it when you get a chance.</p> <p>22 MR. JORDAN: Do you have it?</p> <p>23 THE COURT REPORTER: No. I</p>
<p style="text-align: right;">Page 83</p> <p>1 redistricting in Alabama in 2023?</p> <p>2 A. No.</p> <p>3 Q. Okay. Did you participate in</p> <p>4 any meetings related to Alabama's 2021</p> <p>5 congressional map?</p> <p>6 A. What type of meetings are you</p> <p>7 referring to? Because I met with</p> <p>8 individual clients about their districts.</p> <p>9 You're saying congressional map?</p> <p>10 Q. Congressional map, correct.</p> <p>11 A. Then the answer is no.</p> <p>12 Q. Okay. Did you participate in</p> <p>13 any meetings with clients about Alabama's</p> <p>14 2023 congressional map?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. When were those meetings,</p> <p>17 to the best of your recollection?</p> <p>18 A. It would have been in that June,</p> <p>19 July, before the session ended, you know.</p> <p>20 Q. Okay. Do you recall who was</p> <p>21 present at any of those meetings?</p> <p>22 A. It would have always been me and</p> <p>23 one client singularly for the most part.</p>	<p style="text-align: right;">Page 85</p> <p>1 don't have anything.</p> <p>2 Q. But in the meantime, Mr. Brown,</p> <p>3 do you take notes at the meetings with</p> <p>4 your clients?</p> <p>5 A. Not normally, no.</p> <p>6 Q. Okay. Do you sometimes take</p> <p>7 notes at the meetings with your clients?</p> <p>8 A. It's possible.</p> <p>9 Q. Okay. Okay. Mr. Brown, have</p> <p>10 you seen this document before?</p> <p>11 (Plaintiff's Exhibit 1 was marked for</p> <p>12 identification and is attached.)</p> <p>13 A. Yes.</p> <p>14 Q. Okay. What is the document?</p> <p>15 And we can scroll down if you need to.</p> <p>16 A. I mean, it looks like the</p> <p>17 subpoena I received to turn over</p> <p>18 documents and communications in regards</p> <p>19 to the redistricting case.</p> <p>20 Q. Okay. Do you recall receiving</p> <p>21 this document?</p> <p>22 A. Is this the official subpoena</p> <p>23 that was delivered to my home?</p>

<p style="text-align: right;">Page 86</p> <p>1 Q. I believe so, yes.</p> <p>2 A. Then yes.</p> <p>3 Q. What did you do after receiving</p> <p>4 the subpoena?</p> <p>5 A. I met with my attorney.</p> <p>6 Q. Okay. And did you read the</p> <p>7 subpoena yourself?</p> <p>8 A. I did, but I didn't quite</p> <p>9 understand it.</p> <p>10 Q. Okay. Besides contacting your</p> <p>11 attorney, did you contact anyone else</p> <p>12 after receiving this subpoena?</p> <p>13 A. I don't recall.</p> <p>14 Q. Okay. Let's turn to page 5 and</p> <p>15 paragraph 3. And take a moment to review</p> <p>16 paragraph 3 and let me know when you're</p> <p>17 done.</p> <p>18 A. Well, there's like something</p> <p>19 covering up some of it on the screen.</p> <p>20 MR. JORDAN: Scroll down just a</p> <p>21 little bit. There you go.</p> <p>22 THE WITNESS: Thank you.</p> <p>23 (Witness reviews document.)</p>	<p style="text-align: right;">Page 88</p> <p>1 A. Not that I recall.</p> <p>2 Q. Okay. Did anyone instruct you</p> <p>3 or your counsel on asserting any other</p> <p>4 privileges with respect to the documents</p> <p>5 sought in this case?</p> <p>6 A. Yeah. I believe that all of the</p> <p>7 nine that had conversations during that</p> <p>8 period sent me an e-mail asserting their</p> <p>9 legislative privilege in regard to this</p> <p>10 information.</p> <p>11 Q. Okay. And you're referring to</p> <p>12 the nine legislators who filed the motion</p> <p>13 to quash?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 MR. CAMPBELL-HARRIS: We can</p> <p>17 pull this down, and we're going to put up</p> <p>18 another exhibit that I'm going to mark as</p> <p>19 Exhibit 2.</p> <p>20 Q. Do you see the document, Mr.</p> <p>21 Brown?</p> <p>22 (Plaintiff's Exhibit 2 was marked for</p> <p>23 identification and is attached.)</p>
<p style="text-align: right;">Page 87</p> <p>1 A. I mean, I'm reading it. I don't</p> <p>2 understand what it says, so. Number 3?</p> <p>3 Q. Yes, number 3.</p> <p>4 A. Yeah. I'm reading it, but I</p> <p>5 still don't quite understand what the</p> <p>6 intention is of it.</p> <p>7 Q. Okay. You see that it says up</p> <p>8 here in the first sentence after the</p> <p>9 first comma, it asks that "You shall</p> <p>10 serve upon the undersigned counsel a</p> <p>11 written list that identifies each such</p> <p>12 document and states the grounds on which</p> <p>13 each such document is asserted to be</p> <p>14 privileged or immune from disclosure"?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 A. I see that.</p> <p>18 Q. Okay. Did anyone instruct you</p> <p>19 or your counsel on asserting</p> <p>20 attorney-client privilege for documents</p> <p>21 with respect to this case?</p> <p>22 A. Attorney-client privilege?</p> <p>23 Q. Correct.</p>	<p style="text-align: right;">Page 89</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Can you read the contents</p> <p>3 of the document okay?</p> <p>4 A. Mostly, yes.</p> <p>5 Q. Okay.</p> <p>6 A. I'm going to have to get a</p> <p>7 little closer, but I got it. Go ahead.</p> <p>8 Q. Okay.</p> <p>9 MR. CAMPBELL-HARRIS: I'm going</p> <p>10 to ask that my colleague open up --</p> <p>11 expand a little bit so Mr. Brown can</p> <p>12 better see the document.</p> <p>13 THE WITNESS: That's better.</p> <p>14 MR. CAMPBELL-HARRIS: Thank you</p> <p>15 so much.</p> <p>16 Q. What is this document, Mr.</p> <p>17 Brown?</p> <p>18 A. It appears to be a text exchange</p> <p>19 with me and Senator Steve Livingston.</p> <p>20 Q. Okay. You see, though, that on</p> <p>21 June 11th, 2023, you sent Senator</p> <p>22 Livingston a text; right?</p> <p>23 A. It appears so, yes.</p>

<p style="text-align: right;">Page 90</p> <p>1 Q. Okay. Were there any</p> <p>2 communications between you and Senator</p> <p>3 Livingston about Alabama redistricting</p> <p>4 preceding this June 11th, 2023, text?</p> <p>5 A. I don't recall any.</p> <p>6 Q. Okay. Were there -- okay.</p> <p>7 And you say here that you have</p> <p>8 eight different maps that you are running</p> <p>9 performance numbers on. Is that</p> <p>10 accurate?</p> <p>11 A. It appears so, yes.</p> <p>12 Q. Okay. Why were you running</p> <p>13 those performance numbers?</p> <p>14 A. I was attempting to ascertain</p> <p>15 that the maps that were determined,</p> <p>16 whether they were going to meet the</p> <p>17 standards of the Court.</p> <p>18 Q. Okay. What standards of the</p> <p>19 Court are you referring to?</p> <p>20 A. I mean, roughly, to create an</p> <p>21 opportunity district.</p> <p>22 Q. Okay. An opportunity district</p> <p>23 for black voters in Alabama?</p>	<p style="text-align: right;">Page 92</p> <p>1 A. No.</p> <p>2 Q. Okay. Did Senator Livingston</p> <p>3 hire you to work on Alabama redistricting</p> <p>4 in 2023?</p> <p>5 A. No.</p> <p>6 Q. Okay. Do you know what maps are</p> <p>7 being referred to here?</p> <p>8 A. Not specifically.</p> <p>9 Q. Okay. Let's scroll down a</p> <p>10 little bit, the same page.</p> <p>11 You text Senator Livingston</p> <p>12 again on June 14th, 2023; right?</p> <p>13 A. Looks like it, yeah.</p> <p>14 Q. Okay. Why did you text him on</p> <p>15 June 14th?</p> <p>16 A. I don't recall why.</p> <p>17 Q. Okay. Did you run these</p> <p>18 performance numbers referenced in the</p> <p>19 June 11th text as part of the consulting</p> <p>20 services you offered your clients?</p> <p>21 A. I would say yes.</p> <p>22 Q. Okay.</p> <p>23 A. Well, let me clarify that. I</p>
<p style="text-align: right;">Page 91</p> <p>1 A. Yeah, I guess. Yes. I mean,</p> <p>2 I'm not a definitive person on what that</p> <p>3 meant, but yes. I mean, I didn't have</p> <p>4 clear understanding of what that was</p> <p>5 probably at that time, and I'm still not</p> <p>6 so sure I do still have clear</p> <p>7 understanding on what that means.</p> <p>8 Q. Okay. Why did you send Senator</p> <p>9 Livingston this text?</p> <p>10 A. I don't recall specifically</p> <p>11 other than that I was developing</p> <p>12 congressional -- I mean, at least working</p> <p>13 on congressional plans to work through</p> <p>14 the Court could accomplish -- that would</p> <p>15 work for the Court. Excuse me. Let me</p> <p>16 clean that up.</p> <p>17 Q. Okay. Were you asked to run</p> <p>18 these performance numbers by Senator</p> <p>19 Livingston?</p> <p>20 A. No.</p> <p>21 Q. Okay. Did someone ask that --</p> <p>22 did someone else ask you to run these</p> <p>23 performance numbers?</p>	<p style="text-align: right;">Page 93</p> <p>1 did not run any performance numbers.</p> <p>2 Q. Who ran the performance numbers?</p> <p>3 A. There's a gentleman by the name</p> <p>4 of Joe Domnanovich that ran them for me.</p> <p>5 Q. Okay. We'll get to that a</p> <p>6 little later.</p> <p>7 So on June 14th, did you and</p> <p>8 Senator Livingston have a meeting</p> <p>9 planned?</p> <p>10 A. I don't think I did. I can't --</p> <p>11 I can't recall specifically.</p> <p>12 Q. Okay. Okay. So you say here,</p> <p>13 "Coming through?" What is that referring</p> <p>14 to?</p> <p>15 A. I'm assuming that means was he</p> <p>16 driving back from Montgomery to his home.</p> <p>17 Q. Okay. And then why did you say</p> <p>18 that "I'm clear the rest of the day"?</p> <p>19 A. I make myself available for my</p> <p>20 clients as needed.</p> <p>21 Q. Okay. And do you understand</p> <p>22 what is being referred to here by Senator</p> <p>23 Livingston as "monkey town"?</p>

<p style="text-align: right;">Page 94</p> <p>1 A. I'm assuming he's referring to</p> <p>2 Montgomery.</p> <p>3 Q. Okay. Did you and Senator</p> <p>4 Livingston and Dan -- is this Dan Roberts</p> <p>5 who is being referred to in your last</p> <p>6 text on --</p> <p>7 A. I'm assuming it is, yes.</p> <p>8 Q. Okay. Did you, Senator</p> <p>9 Livingston, and Dan Roberts have a</p> <p>10 meeting, communication of sorts, the</p> <p>11 evening of June 14th?</p> <p>12 A. I do not recall, but I don't</p> <p>13 believe we did.</p> <p>14 Q. Okay. Why did you say, "Dan and</p> <p>15 I are" -- I guess that's a typo -- "free</p> <p>16 anytime this evening"?</p> <p>17 A. I cannot recall specifically.</p> <p>18 Q. Okay. On June 17th, Senator</p> <p>19 Livingston asked to call you. Is that</p> <p>20 correct?</p> <p>21 A. I believe that that was a</p> <p>22 response to -- I had called him, and it</p> <p>23 was one of those automated responses. So</p>	<p style="text-align: right;">Page 96</p> <p>1 don't know this verbatim -- that CD 1 was</p> <p>2 trying to -- they were trying to keep CD</p> <p>3 1 intact with Mobile and Baldwin as a</p> <p>4 coastal community of interest, and I</p> <p>5 believe that's what I'm referring to,</p> <p>6 keeping Mobile, Baldwin, CD 1 as a</p> <p>7 community of interest.</p> <p>8 Q. Okay. Did you have a phone call</p> <p>9 with Senator Livingston on -- well, let's</p> <p>10 scroll down a little bit. On here, did</p> <p>11 you have a phone call with Senator</p> <p>12 Livingston on June 21st, 2023?</p> <p>13 A. I don't know.</p> <p>14 Q. Pardon me?</p> <p>15 A. I don't know.</p> <p>16 Q. Okay. Let's scroll down to the</p> <p>17 June 27th, 2023, text here.</p> <p>18 On June 27, 2023, you're also</p> <p>19 trying to initiate a conversation with</p> <p>20 Senator Livingston again; correct?</p> <p>21 A. Correct.</p> <p>22 Q. Did he respond to your June</p> <p>23 27th, 2023, message? And we can scroll</p>
<p style="text-align: right;">Page 95</p> <p>1 I don't think --</p> <p>2 Q. Got it.</p> <p>3 A. -- he initiated it. But I can't</p> <p>4 specifically understand what I wanted to</p> <p>5 talk to him about.</p> <p>6 Q. Okay. But you initiated a call</p> <p>7 to Senator Livingston on June --</p> <p>8 A. I believe that that's what that</p> <p>9 is, but I don't know that specifically.</p> <p>10 Q. Okay. Did you both have a phone</p> <p>11 call later that day?</p> <p>12 A. I don't know.</p> <p>13 Q. Okay. Later on, on June 17th,</p> <p>14 you text Senator Livingston about having</p> <p>15 a workable map that you say, "mostly</p> <p>16 protects what Randy is wanting in CD 1."</p> <p>17 I'm wondering what you mean by</p> <p>18 that.</p> <p>19 A. Can you --</p> <p>20 Q. Let's scroll down a little bit.</p> <p>21 I don't think we see it on the screen,</p> <p>22 actually.</p> <p>23 A. It was my understanding -- and I</p>	<p style="text-align: right;">Page 97</p> <p>1 down a little bit.</p> <p>2 A. I don't -- I don't know, but I</p> <p>3 do not believe he did.</p> <p>4 Q. Okay. So he didn't call you</p> <p>5 back in response or e-mail you?</p> <p>6 A. Oh, I know he didn't e-mail me,</p> <p>7 but I don't -- I cannot -- I don't recall</p> <p>8 talking to him about it.</p> <p>9 Q. Okay. Why do you say you know</p> <p>10 he didn't e-mail you?</p> <p>11 A. Because in this process I've</p> <p>12 gone through my communications with</p> <p>13 legislators via e-mail and I know what</p> <p>14 they are.</p> <p>15 Q. Okay. On the next day, on June</p> <p>16 28th, you texted Senator Livingston</p> <p>17 again; correct?</p> <p>18 A. Looks like it, yeah.</p> <p>19 Q. Okay. And he responded</p> <p>20 "Thanks"?</p> <p>21 A. Yeah. Yes.</p> <p>22 Q. Okay. Did you both have a</p> <p>23 follow-up discussion in regards to your</p>

25 (Pages 94 - 97)



<p style="text-align: right;">Page 98</p> <p>1 final text message? "If you want to see 2 a map, let me know. Would 41.6 BVAP 3 work?" Did you both have a discussion 4 about that information that day? 5 A. I do not know, but I don't 6 believe we did. 7 Q. Okay. And on July 20th, 2023, 8 you initiated another conversation with 9 Senator Livingston? 10 A. Yes. 11 Q. And what was his response? 12 A. It looks like a check mark. 13 Q. Did he respond in any other way 14 over the phone? 15 A. I don't -- I don't know. I 16 don't remember. 17 Q. Okay. Okay. And then on July 18 21st, you reached out to Senator 19 Livingston again? 20 A. Yes. 21 Q. And did he respond to your 22 message? 23 A. Not via text. I don't know. I</p>	<p style="text-align: right;">Page 100</p> <p>1 Senator Livingston via e-mail at all? 2 A. Sometimes. 3 Q. Okay. And in those September 4 13th, September 19th, September 20th, it 5 looks like, if we scroll down a little 6 bit further, September 22nd messages, you 7 shared documents with Senator Livingston; 8 correct? 9 A. Yes. That's what it appears 10 like. 11 Q. Okay. He did not request those 12 documents from you? 13 A. He did not. 14 Q. Did he respond to your messages 15 with the documents with a phone call? 16 A. I don't -- I don't recall. 17 Q. Okay. Did he respond in person 18 to the messages you sent with documents? 19 A. No. 20 Q. Okay. Scroll down a little bit 21 to September 26, 2023. So here, you 22 initiate another conversation with 23 Senator Livingston; correct?</p>
<p style="text-align: right;">Page 99</p> <p>1 don't think so, not there. 2 Q. Okay. He could have responded 3 in another form? Is that what you're 4 saying? 5 A. It's possible, but I don't 6 remember. 7 Q. Okay. Besides responding with a 8 phone call, are there other means by 9 which Senator Livingston would respond to 10 your text messages? 11 A. No. 12 Q. Okay. On September 12th, you 13 initiated another conversation with 14 Senator Livingston; right? 15 A. Yes. 16 Q. And again on -- let's scroll 17 down a little bit -- on September 13th? 18 A. Yes. 19 Q. And you initiate another 20 conversation with Senator Livingston on 21 September 19th? 22 A. Appears so, yes. 23 Q. Okay. Do you communicate with</p>	<p style="text-align: right;">Page 101</p> <p>1 A. Yes. 2 Q. Okay. Why did you send Senator 3 Livingston a statement from Joe Reed of 4 the Alabama Democratic Conference? 5 A. I provide my clients with 6 information that I see that I think that 7 they are wanting to see. 8 Q. Okay. Let's scroll down a 9 little bit. You say "power grab" here. 10 What do you mean by that? 11 A. To the best of my recollection, 12 it would be that it was a Democrat power 13 grab to try to make sure they had another 14 Democrat seat. 15 Q. Okay. On October the 3rd, 2023, 16 you initiate another conversation with 17 Senator Livingston? 18 A. It appears so, yes. 19 Q. And you say: "He can't let it 20 go. Can he?" Correct? 21 A. Yes. 22 Q. Who are you referring to here? 23 A. I have no idea.</p>



<p style="text-align: right;">Page 102</p> <p>1 Q. Okay. Do you know what this</p> <p>2 "he" cannot let go of?</p> <p>3 A. I have no idea what that text</p> <p>4 message was about.</p> <p>5 Q. Okay. Do you know whether</p> <p>6 Senator Livingston responded to that text</p> <p>7 message?</p> <p>8 A. I do not recall anything with</p> <p>9 regard to that text message.</p> <p>10 Q. Okay. And on October 12th,</p> <p>11 2023, you initiate another conversation</p> <p>12 with Senator Livingston?</p> <p>13 A. Yes.</p> <p>14 Q. And you share a CNN article;</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. Why did you share this article</p> <p>18 with Senator Livingston?</p> <p>19 A. Again, from time to time, if I</p> <p>20 see something that is interesting to my</p> <p>21 clients, I share that with my clients.</p> <p>22 Q. Okay. Do you -- when you find</p> <p>23 something interesting that you think will</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Okay. Did you bill Senator</p> <p>2 Livingston for these communications and</p> <p>3 materials that you were sharing with him</p> <p>4 in this text message thread?</p> <p>5 A. I mean -- I mean, I'm going to</p> <p>6 answer this question, but I bill him for</p> <p>7 consulting advice I give him. I don't</p> <p>8 bill him for anything specifically.</p> <p>9 Q. Okay.</p> <p>10 A. If I bill any of my clients.</p> <p>11 Q. The information you shared with</p> <p>12 Senator Livingston in this exhibit, did</p> <p>13 you bill Senator Livingston for the</p> <p>14 information you provided?</p> <p>15 A. I don't -- I don't recall.</p> <p>16 Possibly.</p> <p>17 Q. Okay. And would you have a copy</p> <p>18 of that bill if you had a bill?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 MR. CAMPBELL-HARRIS: Okay. We</p> <p>22 can pull this exhibit down. And I'm</p> <p>23 going to put up another exhibit that I'm</p>
<p style="text-align: right;">Page 103</p> <p>1 be engaging to your clients, why do you</p> <p>2 share those materials with them?</p> <p>3 A. Because I think that that's an</p> <p>4 interest that they -- mostly, I only</p> <p>5 share things that I believe they're</p> <p>6 interested in.</p> <p>7 Q. Okay. Is that to help maintain</p> <p>8 the relationships with the clients?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Have you initiated any</p> <p>11 conversations with Senator Livingston</p> <p>12 since October 12th, 2023?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Do you recall when you</p> <p>15 initiated those conversations?</p> <p>16 A. Not specifically. I speak to</p> <p>17 him often.</p> <p>18 Q. Let me narrow it a little bit.</p> <p>19 Have you initiated any conversations with</p> <p>20 Senator Livingston since October 12th,</p> <p>21 2023, about Alabama's congressional</p> <p>22 redistricting?</p> <p>23 A. Not that I recall.</p>	<p style="text-align: right;">Page 105</p> <p>1 going to mark as Exhibit 3.</p> <p>2 Q. Okay. Mr. Brown, can you tell</p> <p>3 what this -- do you know what this</p> <p>4 document is that I'm sharing with you?</p> <p>5 (Plaintiff's Exhibit 3 was marked for</p> <p>6 identification and is attached.)</p> <p>7 A. Well, I read what it is on the</p> <p>8 screen.</p> <p>9 Q. Okay. Do you recognize this</p> <p>10 document?</p> <p>11 A. I've never seen it before in</p> <p>12 this -- I mean, I don't -- I've never</p> <p>13 seen this document before.</p> <p>14 Q. Okay. Let's scroll down to page</p> <p>15 3. Do you recognize this e-mail?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And what is this e-mail?</p> <p>18 We can scroll down a little bit if it's</p> <p>19 easier.</p> <p>20 A. Yeah. It appears to be that</p> <p>21 he's -- I'm claiming legislative</p> <p>22 privilege on my communications after I</p> <p>23 was handed the subpoena.</p>

<p style="text-align: right;">Page 106</p> <p>1 Q. Okay. Do you see that there are 2 three individuals copied on this e-mail 3 though? 4 A. Yes. 5 Q. Okay. Who are they? 6 A. Bert Jordan is my attorney, and 7 I believe the other two are attorneys for 8 the legislature. I don't know 9 specifically. 10 Q. There's also an attachment to 11 this e-mail note titled "RedState 12 Strategies doc-April 5th, 2024." 13 What is that attachment? 14 A. I don't know, unless that was a 15 copy of the original subpoena. 16 Q. Okay. Are there -- you see this 17 e-mail note. It's from Dan Roberts? 18 A. Yes. 19 Q. Okay. Are there communications 20 between you and Senator Roberts about the 21 subpoena referenced here on page 3 that 22 predate April 6th, 2024? 23 A. I don't believe so.</p>	<p style="text-align: right;">Page 108</p> <p>1 phone conversation happened? 2 A. I do not. 3 Q. Okay. Did anyone else 4 participate in that phone conversation? 5 A. No. 6 Q. Okay. Do you recall how your 7 relationship with Senator Roberts began? 8 A. Yes. 9 Q. How did it begin? 10 A. He hired me to be his general 11 political consultant after he became a 12 candidate for Senate District 15 in 2018, 13 17, '18, sometime in there, for that 14 cycle. I don't remember specifically. 15 Q. Okay. Do you -- backtracking a 16 little bit. Do you recall how your 17 relationship with Senator Livingston also 18 started? 19 A. Yes. He hired me to be his 20 general political consultant before he 21 ran for office the first time. I'm 22 thinking 2013, 2014. 23 Q. Okay. Let's scroll to the</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. Okay. Between April 6th and 2 April 13th of 2024, did you communicate 3 with Senator Roberts about the subpoena 4 you received -- 5 A. Can you repeat the -- 6 Q. -- outside of this e-mail 7 exchange? Sorry. 8 A. Can you repeat the question? 9 Q. Yes. Between the dates of April 10 6th, 2024, and April 13th, 2024, did you 11 communicate with Senator Roberts about 12 the subpoena you received from the 13 plaintiffs in this case outside of this 14 e-mail exchange? 15 A. I believe I had a phone 16 conversation telling him that he was 17 going to be getting the subpoena and to 18 check his e-mail. 19 Q. Okay. Did you discuss anything 20 else with Senator Roberts on that phone 21 conversation? 22 A. No. 23 Q. Okay. Do you recall when that</p>	<p style="text-align: right;">Page 109</p> <p>1 bottom of page 3 which kind of carries 2 over to page 4. 3 A. That explains it. 4 Q. This is a note you sent Dan; 5 correct? 6 A. Yes. 7 Q. Okay. And here, you write, 8 "From my initial review of my record of 9 communications there are items responsive 10 to the subpoena." Correct? 11 A. Correct. 12 Q. Okay. You then suggest the 13 materials are rather irrelevant or are 14 "subject to privilege from production on 15 the ground that they are part of your 16 legislative privilege," "your" being Dan 17 Roberts'; correct? 18 A. Correct. 19 Q. How did you determine that the 20 materials you're referring to here are 21 potentially subject to legislative 22 privilege? 23 A. My attorney, Bert Jordan,</p>

<p style="text-align: right;">Page 110</p> <p>1 advised me of such.</p> <p>2 Q. Okay. Did you do anything else?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 A. Well, wait a second. Reform</p> <p>6 that -- what do you mean by "anything</p> <p>7 else"?</p> <p>8 Q. Did you do anything else to</p> <p>9 determine whether or not the materials</p> <p>10 you're referring to in this e-mail note</p> <p>11 are potentially subject to legislative</p> <p>12 privilege?</p> <p>13 A. I mean, I did, after I got the</p> <p>14 subpoena, meet with my counsel, and we</p> <p>15 went through all of my records to</p> <p>16 determine what could possibly be</p> <p>17 relevant, and that is how that was</p> <p>18 determined what could be deemed relevant.</p> <p>19 Q. Okay. Did you and Senator</p> <p>20 Roberts have communications about the</p> <p>21 litigation over HB1, the congressional</p> <p>22 plan passed in Alabama in 2021?</p> <p>23 A. I mean, I communicate with a lot</p>	<p style="text-align: right;">Page 112</p> <p>1 redistricting in Alabama?</p> <p>2 A. Not specifically, no.</p> <p>3 Q. Is it possible that you and</p> <p>4 Senator Roberts communicated about</p> <p>5 congressional redistricting in Alabama</p> <p>6 before June 8th, 2023?</p> <p>7 A. It's possible.</p> <p>8 Q. Okay. Let's scroll up again to</p> <p>9 page -- up higher on page 3 to your</p> <p>10 response.</p> <p>11 The second sentence of the first</p> <p>12 full paragraph, you say, "Thank you for</p> <p>13 affording me the" -- or Senator Roberts</p> <p>14 said to you, "Thank you for affording me</p> <p>15 the opportunity to reiterate that I do in</p> <p>16 fact wish to maintain and continue to</p> <p>17 invoke legislative privilege over all</p> <p>18 applicable interactions, communications,</p> <p>19 conversations, work product, documents,</p> <p>20 and records you have or are privy to as a</p> <p>21 result of your engagement with me in</p> <p>22 furtherance of my legislative-related</p> <p>23 activities."</p>
<p style="text-align: right;">Page 111</p> <p>1 -- Senator Roberts a lot, so I'm assuming</p> <p>2 it's probably yes, but I communicate with</p> <p>3 him with a wide variety of topics.</p> <p>4 Q. Okay. Do you recall who</p> <p>5 initiated those conversations about the</p> <p>6 litigation over HB1 between you and</p> <p>7 Senator Roberts?</p> <p>8 A. No.</p> <p>9 Q. Okay. And I know you said you</p> <p>10 communicate with Senator Roberts a lot,</p> <p>11 but do you recall any rough specific</p> <p>12 instances of when you had those</p> <p>13 communications about the litigation over</p> <p>14 HB1 with Senator Roberts?</p> <p>15 A. No.</p> <p>16 Q. Okay. Did you and Senator</p> <p>17 Roberts have any communications about the</p> <p>18 litigation over the 2023 plan following</p> <p>19 its enactment on July 21st, 2023?</p> <p>20 A. I don't recall.</p> <p>21 Q. Okay. Do you recall when in</p> <p>22 2023 you and Senator Roberts began</p> <p>23 communicating about congressional</p>	<p style="text-align: right;">Page 113</p> <p>1 Did I read that correctly?</p> <p>2 A. It appears so.</p> <p>3 Q. Okay. You notice that Senator</p> <p>4 Roberts uses the word "reiterate" here.</p> <p>5 I'm wondering, when did he first tell you</p> <p>6 he wanted to invoke legislative privilege</p> <p>7 over materials in this case?</p> <p>8 A. I don't recall.</p> <p>9 Q. Okay. Did he tell you previous</p> <p>10 to -- prior to this e-mail that he wanted</p> <p>11 to invoke legislative privilege over</p> <p>12 those materials referenced in this e-mail</p> <p>13 note in this case?</p> <p>14 A. I don't -- I don't recall.</p> <p>15 Q. Okay. Let's go to the second</p> <p>16 paragraph. And take a moment to review</p> <p>17 it, and let me know when you're done.</p> <p>18 A. The second -- "When possible,"</p> <p>19 that paragraph?</p> <p>20 Q. Yes. It starts with "When</p> <p>21 possible."</p> <p>22 (Witness reviews document.)</p> <p>23 A. Okay.</p>

<p style="text-align: right;">Page 114</p> <p>1 Q. Okay. Did you send Senator 2 Roberts a list of potentially privileged 3 documents, the itemized descriptive index 4 of records? 5 A. No. 6 MR. JORDAN: We sent him a 7 privilege log. 8 A. No, no. I mean, the question 9 was did I send it. No. But my attorney 10 did. 11 Q. Okay. 12 A. I mean, you have to ask the 13 question -- I mean, I'm answering the 14 question you asked. Sorry. 15 Q. Did you, through counsel, send 16 Senator Roberts the itemized list 17 referenced here? 18 A. I believe so, yes. 19 Q. Okay. Do you know how Senator 20 Roberts determined whether the materials 21 you listed in that index of records were 22 privileged -- 23 A. I do not.</p>	<p style="text-align: right;">Page 116</p> <p>1 Roberts determined his own -- his own 2 communications. Sorry. 3 Q. No problem. Thank you. 4 Did you, independent of working 5 with counsel, try to determine whether 6 any materials in the itemized and 7 descriptive index of records that you 8 shared with Senator Roberts were 9 privileged now? 10 A. I mean, I reviewed the 11 information, but it wasn't for me to 12 determine whether it was privileged 13 because it wasn't me. 14 Q. Okay. So the basis of 15 privilege, that came from Senator Roberts 16 to you? 17 A. Correct. That's my 18 understanding. Right. 19 Q. Okay. Thank you. 20 Okay. Let's turn -- let's go 21 down to page 7 starting with "Dear Will." 22 And please take a moment to review, and 23 let me know when you're ready to talk</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. -- or were potentially 2 privileged? 3 A. I do not. 4 Q. Okay. What communication did 5 you receive back from Senator Roberts 6 after sending him the descriptive index 7 of records? 8 A. Again, I didn't send it. My 9 counsel did. So I did not see any 10 responses unless my counsel saw a 11 response. 12 Q. Okay. So you do not know 13 whether or not Senator Roberts responded 14 to any list of potentially privileged 15 materials that you, through counsel, sent 16 him? 17 A. I do not have knowledge of that, 18 no. 19 Q. Okay. And you don't know, then, 20 how Senator Roberts indicated which 21 materials were privileged and which were 22 not? 23 A. I can't speak to how Senator</p>	<p style="text-align: right;">Page 117</p> <p>1 about this e-mail note. 2 A. Okay. I'm ready. 3 Q. Okay. Are there communications 4 between you and Senator Barfoot about 5 this subpoena that predate -- pardon me? 6 A. I didn't say anything. 7 Q. Oh. Are there communications 8 between you and Senator Barfoot about the 9 subpoena that predate April 6? 10 A. The only thing I can say is 11 every single one of them I've telephoned 12 to check their e-mail that it was coming 13 so that they knew it was coming. Other 14 than that, no. 15 Q. Okay. So for each of the nine 16 legislators referenced in that motion to 17 quash, you e-mailed them or called them 18 after receiving the subpoena to let them 19 know that you received the subpoena? 20 A. Well the timeline is not exactly 21 that specific, but it would have been 22 that I would have met with my counsel, 23 that we were going to send an e-mail.</p>

<p style="text-align: right;">Page 118</p> <p>1 Several of these people don't check their 2 e-mail on a regular basis, so I wanted 3 them to make sure they checked their 4 e-mails so they knew it was coming. So 5 the purpose of the call prior to me 6 sending an e-mail was that there was 7 going to be an e-mail they needed to 8 review, and that was it. 9 Q. Okay. In the fourth paragraph 10 on page 7, you again suggest that the 11 materials -- that materials might be 12 responsive to the subpoena but subject to 13 privilege. Is that accurate? 14 A. Well, this was -- this was 15 drafted by my attorney to send to my 16 clients, so yes, it is accurate. But it 17 was drafted by my attorney to send to my 18 clients. I did not draft it without 19 consulting my attorney. 20 Q. Okay. 21 MR. JORDAN: And do not -- do 22 not speak to him of the substance of your 23 communications with your lawyers unless</p>	<p style="text-align: right;">Page 120</p> <p>1 to determine whether or not the materials 2 to any of the legislators were privileged 3 or not? 4 A. No. 5 Q. Okay. Did you and Senator 6 Barfoot have any communications, without 7 going into the substance of those 8 communications, of any legislation that 9 you had an input on during the 2023 10 redistricting cycle? 11 MR. WELLER: I'm going to object 12 to that because you're asking about the 13 specific basis of the communications. 14 MR. JORDAN: Same objection. 15 Don't answer. 16 Q. Are you going to follow your 17 attorney's advice, Mr. Brown? 18 A. Yes. 19 Q. Okay. Did you communicate with 20 Senator Barfoot about redistricting 21 legislation during the 2023 cycle, 22 without going to the substance -- 23 MR. WELLER: Same objection.</p>
<p style="text-align: right;">Page 119</p> <p>1 you want to waive your attorney-client 2 privilege. 3 THE WITNESS: Okay. So I did -- 4 I messed up? All right. 5 Q. And I apologize, Mr. Brown. A 6 lot of these questions are going to sound 7 repetitive, but -- 8 A. Sure. 9 Q. -- I just want to be thorough. 10 So, how did you initially 11 determine that the materials you're 12 referring to here on page 7 to Senator 13 Barfoot, how did you determine that those 14 materials are potentially subject to 15 legislative privilege? 16 A. As I previously stated, I met 17 with my attorney. We looked at my 18 records. We determined what we thought 19 was relevant and created that -- that 20 document. And then that was how it was 21 determined who was going to get this 22 e-mail. 23 Q. Okay. Did you do anything else</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. -- of those communications? 2 MR. WELLER: Same objection. 3 MR. JORDAN: We object as well, 4 Dayton. 5 Don't answer. 6 Q. All right. You're going to 7 follow your attorney's advice, Mr. Brown? 8 A. Yes. 9 Q. Okay. Did you provide political 10 consulting services to Senator Barfoot 11 during the 2023 Alabama redistricting 12 cycle? 13 A. I provide political consulting 14 services to Senator Barfoot on an ongoing 15 basis. 16 Q. Okay. Including during the 2023 17 redistricting cycle? 18 A. I assume, yes. Yes. 19 Q. Okay. Did you and Senator 20 Barfoot have communications about the 21 litigation over HB1 after HB1 passed in 22 2021? 23 THE WITNESS: You want me to</p>



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1 answer that?

2 MR. JORDAN: I'm not going to

3 say anything.

4 THE WITNESS: What?

5 MR. JORDAN: Go ahead.

6 A. I believe so, yes.

7 Q. Okay. Do you recall who

8 initiated those conversations about the

9 litigation over HB1?

10 A. I do not.

11 Q. Okay. Do you recall whether you

12 billed Senator Barfoot for those

13 conversations about the litigation over

14 HB1?

15 A. I do not.

16 Q. Okay.

17 A. But again, as I said, I don't

18 bill on specifically issues. I bill on

19 broad consulting. It's not specific.

20 Q. What do you mean by "broad

21 consulting"?

22 A. If I'm to bill a client, I bill

23 them on my time, not on a issue-by-issue

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1 basis because we talk on a wide variety

2 of issues.

3 Q. When you bill clients by time,

4 does that include text message exchanges?

5 A. It could.

6 Q. Okay. Does that include phone

7 conversations?

8 A. It could.

9 Q. Okay. And can that include

10 meetings in person?

11 A. It could.

12 Q. Okay. And that could include

13 working on maps in Maptitude?

14 A. It could.

15 Q. Okay. Could that include also

16 sharing news articles that the client

17 might find interesting?

18 A. I probably would not bill on me

19 offering information to them.

20 Q. Okay.

21 A. But I perceive that as a part of

22 my full-service opportunity to be a

23 consultant for them, that I try to keep

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1 them informed of what I see that I think

2 they'll find relevant.

3 Q. Okay. Are there any clients

4 that you do not bill?

5 A. No.

6 Q. Okay. Going back to questions

7 about Senator Barfoot specifically, did

8 you and him have communications about the

9 litigation over the 2023 plan following

10 its enactment on July 21st, 2023?

11 A. I don't recall specifically.

12 Q. Okay. Do you recall when in

13 2023 you and Senator Barfoot began

14 communicating about congressional

15 redistricting in Alabama?

16 A. It would have been around the

17 time of the redistricting special

18 session, but I can't recall specifically.

19 Q. Is it possible that those

20 communications began before June 8th,

21 2023?

22 A. It is possible.

23 Q. Okay. Let's scroll up to page

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1 6. So Senator Barfoot here, he, like

2 Senator Roberts, reiterates his wish to

3 invoke legislative privilege.

4 Do you recall when he first told

5 you he wanted to invoke legislative

6 privilege in this case?

7 A. It would have been on receipt of

8 this e-mail.

9 Q. Okay. That was the first time?

10 A. I believe that to be the case,

11 but I don't recall.

12 Q. Okay. And in the second

13 paragraph, you again reference an

14 itemized and descriptive index of

15 records. Is that correct?

16 A. Yes.

17 Q. Did you send Senator Barfoot a

18 list of potentially privileged documents?

19 A. Yes, through my legal counsel.

20 Q. Okay. And do you recall how

21 through legal counsel you went about

22 determining whether the documents you

23 shared with him were privileged?



<p style="text-align: right;">Page 126</p> <p>1 A. As I stated earlier, we went 2 through the process of the requests that 3 were made in the subpoena to determine 4 what was relevant. 5 Q. Okay. Did you do that together? 6 A. Me and my legal counsel? 7 Q. Correct. 8 A. Yes. Or with the staffer of 9 his. 10 Q. Okay. Do you know how Senator 11 Barfoot determined whether the materials 12 you listed in the index of records were 13 privileged? 14 A. I cannot speak to how Senator 15 Barfoot determined that, no. 16 Q. Okay. Did you receive 17 communications back from Senator Barfoot 18 after you, through legal counsel, sent 19 him the itemized index of records? 20 A. In regard to this or in general? 21 Q. In regards to the assertion of 22 privilege. 23 A. No.</p>	<p style="text-align: right;">Page 128</p> <p>1 A. Yes. 2 Q. Okay. Okay. And this is -- 3 okay. Can we scroll up to page 8? I 4 just want to -- yeah. 5 So here, it says former Senator 6 Clay Scofield, but the e-mail, it's 7 actually referencing Mack Butler. Is 8 that right? 9 A. It appears. Like I said, I've 10 never seen this document before me. 11 Q. Okay. Let's go to page 25, 12 where I believe you have an e-mail from 13 former Senator Scofield. 14 A. Okay. 15 Q. Okay. Does this look like an 16 e-mail to Senator -- former Senator 17 Scofield, Mr. Brown? 18 A. Yes. 19 Q. Okay. And are there any 20 communications between you and former 21 Senator Scofield about the subpoena that 22 predate April 6? 23 A. Yes.</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. Okay. Okay. Let's go down to 2 page 9. 3 MR. WELLER: Dayton, can we take 4 a break? We've been going for about an 5 hour and a half. 6 MR. CAMPBELL-HARRIS: Yes, 7 absolutely. 8 MR. WELLER: Let's take ten. 9 Q. Sound good to you, Mr. Brown? 10 A. Sure. 11 MR. CAMPBELL-HARRIS: Okay. 12 (Break taken.) 13 Q. (By Mr. Campbell-Harris) We're 14 going to go back and put up what I 15 believe I've marked as Exhibit 3 and 16 scroll to page 9, starting with "Dear 17 Mack." 18 Okay. Do you recognize this 19 e-mail, Mr. Brown? 20 A. Yes. 21 Q. Okay. And this e-mail on page 22 9, it's addressed to Mack Butler. Is 23 that correct?</p>	<p style="text-align: right;">Page 129</p> <p>1 Q. There are communications? 2 A. Oh, no, no. I guess I didn't 3 understand the question. 4 Q. Sorry. I can repeat it. 5 A. Yes. 6 Q. Are there communications between 7 you and former Senator Scofield about the 8 subpoena you received in early April 2024 9 that predate this April 6 e-mail? 10 A. No. Thank you for letting me 11 clarify. I misunderstood the question. 12 Q. No problem. Thank you. 13 Did -- okay. In the fourth 14 paragraph on page 25, you again suggest 15 that the materials -- there are materials 16 that might be responsive to the subpoena 17 but subject to former Senator Scofield's 18 privilege. Is that correct? And we can 19 scroll down a bit so you can see the full 20 paragraph. 21 A. It appears to be correct, yes. 22 Q. Okay. And did you, with 23 counsel, go through the potentially</p>

<p style="text-align: right;">Page 130</p> <p>1 privileged materials to create the 2 itemized record, index record? 3 A. Yes. 4 Q. Okay. 5 MR. WELLER: You know, Dayton, I 6 don't mean to try and shortcut you here, 7 but why don't you just ask him if he's 8 done that for all the nine 9 nonlegislators, kind of cut to the -- 10 it's up to you, I mean, but if you're 11 going to go through every one of them, it 12 might take a while. 13 MR. CAMPBELL-HARRIS: Yeah. 14 Q. Is there -- besides going 15 through counsel to review the items in 16 the itemized index, did you take any 17 other action to determine whether or not 18 the documents that are potentially 19 privileged could be privileged or not? 20 A. I don't understand the question. 21 Q. You worked with counsel to 22 determine what documents could be subject 23 to legislative privilege for each of</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. Okay. And did you and former 2 Senator Scofield have communications 3 about the litigation over the 2023 plan 4 after it passed on July 21st, 2023? 5 A. Possibly, but I don't recall. 6 Q. Okay. Is it possible that you 7 communicated with each of the nonparty 8 legislators who filed the motion to quash 9 about HB1 passed in 2021 and the 10 litigation over HB1? 11 A. Can you repeat the question? 12 Q. I can. Is it possible that -- 13 well, scratch that. 14 Did you communicate with each of 15 the nonparty legislators who signed on to 16 the motion to quash the subpoena you 17 received, did you communicate with them 18 about the litigation over HB1 passed in 19 2021? 20 A. It's possible, but I don't 21 recall. 22 Q. Okay. It's possible for each 23 one of those nonparty legislators?</p>
<p style="text-align: right;">Page 131</p> <p>1 these nine legislators; correct? 2 A. Yes. 3 Q. Did you take any other action 4 besides working with counsel to determine 5 whether or not those documents are 6 potentially privileged? 7 A. No. I don't believe so, if I 8 understand your question correctly. 9 Q. Okay. Do you know how any of 10 the nine legislators who signed on to the 11 legislative -- this motion to quash 12 determined whether or not communications 13 you sent them in those index of records, 14 do you know how any of those nonparty 15 legislators determined whether those 16 materials were privileged or not? 17 A. I cannot speak to how any of 18 them determined that, no. 19 Q. Okay. Did you and former 20 Senator Scofield have communications 21 about the litigation over HB1 in 2021 22 after it passed in 2021? 23 A. I don't recall.</p>	<p style="text-align: right;">Page 133</p> <p>1 A. It's possible, but again, I 2 don't recall. 3 Q. Okay. And did you speak with -- 4 or scratch that. 5 Did you communicate or have 6 communications with any of the nonparty 7 legislators about the litigation over the 8 2023 plan after it passed on July 21st, 9 2023? 10 A. It's possible, but I don't 11 recall specifics. 12 Q. Okay. It's possible for each of 13 those nonparty legislators? 14 A. Unlikely for some, more likely 15 for others. 16 Q. Okay. Do you know which 17 nonparty legislators it is unlikely that 18 you communicated with them about the 19 litigation over the 2023 plan? 20 A. I would say it would -- unlikely 21 that it would be Mooney or Rehm or Butler 22 or Yarbrough or Kiel, unlikely. 23 Q. Okay. Did you have</p>

<p style="text-align: right;">Page 134</p> <p>1 communications with Representative Chris 2 Pringle about HB1 in 2021? 3 A. No. 4 Q. Okay. Did you have 5 communications about the litigation over 6 HB1 with Chris Pringle that passed in 7 2021? 8 A. No. 9 Q. Did you have communications with 10 Chris Pringle about redistricting in 11 Alabama at all in 2023? 12 A. No. 13 Q. Okay. Have you ever retained 14 Chris Pringle as a client of yours? 15 A. No.</p>	<p style="text-align: right;">Page 136</p> <p>1 Privilege Log - Emails"? 2 A. It appears so. I don't have 3 knowledge of that. 4 Q. Okay. Do you know what those 5 documents are? 6 A. I have an idea, yeah. 7 Q. What are those documents? 8 A. They would have been 9 correspondence with me and Mr. 10 Domnanovich in an effort to determine 11 performance numbers of congressional 12 maps. 13 Q. Okay. Who is Joe Domnanovich? 14 A. He's a personal friend of mine. 15 Q. Okay. Is he a business partner 16 of RedState? 17 A. No. 18 Q. Okay. Does he perform work for 19 RedState? 20 A. Not compensated. 21 Q. Okay. Does he perform work for 22 RedState clients on your behalf? 23 A. I mean, I guess the answer is</p>
<p>16 Q. Okay. For each of the nonparty 17 legislators who signed on to the motion 18 to quash, did you communicate with any of 19 them about congressional redistricting in 20 Alabama prior to June 8th, 2023? 21 A. I don't recall. 22 Q. Okay. Is it possible? 23 A. It's possible. I talk with my</p>	<p>16 of RedState? 17 A. No. 18 Q. Okay. Does he perform work for 19 RedState? 20 A. Not compensated. 21 Q. Okay. Does he perform work for 22 RedState clients on your behalf? 23 A. I mean, I guess the answer is</p>
<p style="text-align: right;">Page 135</p> <p>1 clients on a wide variety of topics, and 2 often they bring them up. And I can't 3 recall every conversation I've had. 4 Q. Fair enough. Let's go to page 5 21 of Exhibit 3 and specifically to the 6 paragraph that says -- that mentions the 7 itemized and descriptive index of 8 records. 9 A. It hasn't moved. Who is this 10 one referring to? 11 Q. Yeah. 12 MR. CAMPBELL-HARRIS: And let's 13 scroll down a little bit. Keep scrolling 14 down. Keep scrolling. Maybe it's on 22. 15 Yeah. 16 Q. Do you see the paragraph that 17 says, "Also attached is a log of these 18 items," and then it continues? 19 A. Yes. 20 Q. Okay. Did you, through counsel, 21 send Representative Yarbrough two 22 documents titled "Domnanovich - Privilege 23 Log - Text Messages" and "Domnanovich -</p>	<p style="text-align: right;">Page 137</p> <p>1 possibly yes because I asked him to do 2 something for me on behalf of clients, 3 but it's not a typical relationship, if 4 that's what you're asking. 5 Q. Okay. Is he an attorney? 6 A. Not to my knowledge. 7 Q. Okay. Is he an attorney of any 8 of the nonparty legislators? 9 A. I don't believe -- I don't 10 believe he's an attorney. 11 Q. Okay. Do you recall when you 12 started communicating with Mr. 13 Domnanovich about Alabama redistricting 14 in 2023? 15 A. Not specifically, no. 16 Q. Okay. Do you recall whether you 17 initiated conversations with Mr. 18 Domnanovich about Alabama redistricting 19 in 2023 or whether he initiated 20 conversations with you about Alabama 21 redistricting in 2023? 22 A. I would have initiated 23 conversations with him.</p>

<p style="text-align: right;">Page 138</p> <p>1 Q. Okay. And why is that?</p> <p>2 A. Mr. Domnanovich is a friend and</p> <p>3 a data guy, and he often gives me insight</p> <p>4 in all aspects of my party and</p> <p>5 professional life on information.</p> <p>6 Q. Okay. Would you describe Mr.</p> <p>7 Domnanovich as a data analyst?</p> <p>8 A. Amateur, yes.</p> <p>9 Q. Okay. Did you involve</p> <p>10 Domnanovich in assessing the performance</p> <p>11 of congressional maps in 2023?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Why would you say amateur</p> <p>14 data analyst?</p> <p>15 A. Well, I don't think it's his</p> <p>16 profession.</p> <p>17 Q. Do you know what training Mr.</p> <p>18 Domnanovich has on data analytics?</p> <p>19 A. I do not.</p> <p>20 Q. Okay. Do you know what Mr.</p> <p>21 Domnanovich's involvement was with the</p> <p>22 2023 plan?</p> <p>23 A. I don't believe he had any.</p>	<p style="text-align: right;">Page 140</p> <p>1 A. Yes.</p> <p>2 Q. Okay. But you do not recall</p> <p>3 which specific maps. Is that correct?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. Did you and Mr.</p> <p>6 Domnanovich have communications about the</p> <p>7 2023 plan after it was enacted on July</p> <p>8 21st, 2023?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. Okay. Did you and Mr.</p> <p>11 Domnanovich have communications about HB1</p> <p>12 after it was enacted in 2021?</p> <p>13 A. I don't recall that, no.</p> <p>14 Q. Okay. Do you know what Mr.</p> <p>15 Domnanovich does for a living?</p> <p>16 A. I do not.</p> <p>17 Q. Okay. How long have you known</p> <p>18 Mr. Domnanovich?</p> <p>19 A. Probably 20 years.</p> <p>20 Q. Okay. How did your relationship</p> <p>21 with Mr. Domnanovich begin?</p> <p>22 A. I met him through Republican</p> <p>23 Party activities.</p>
<p style="text-align: right;">Page 139</p> <p>1 Q. Okay. Do you know whether Mr.</p> <p>2 Domnanovich communicated with anyone</p> <p>3 about the 2023 plan -- maps with anyone</p> <p>4 who was not a legislator?</p> <p>5 A. Only me.</p> <p>6 Q. Do you know whether Mr.</p> <p>7 Domnanovich communicated with any</p> <p>8 legislative staff about any 2023 plans?</p> <p>9 A. I don't have knowledge of that,</p> <p>10 no.</p> <p>11 Q. Okay. And just to confirm, Mr.</p> <p>12 Domnanovich is not an employee of</p> <p>13 RedState?</p> <p>14 A. He's not -- he's not an</p> <p>15 employee, no.</p> <p>16 Q. Okay. Do you recall what maps</p> <p>17 Mr. Domnanovich performed any data</p> <p>18 analytics on in 2023?</p> <p>19 A. I do not.</p> <p>20 Q. Okay. But you recall that he</p> <p>21 did run numbers or perform data analytics</p> <p>22 work on maps during the 2023 Alabama</p> <p>23 special session?</p>	<p style="text-align: right;">Page 141</p> <p>1 Q. Okay. Is it your understanding</p> <p>2 that Mr. Domnanovich is also a member of</p> <p>3 the Alabama Republican Party?</p> <p>4 A. He is.</p> <p>5 Q. Okay. And is Mr. Domnanovich</p> <p>6 also a member of the Jefferson County</p> <p>7 Republican Party?</p> <p>8 A. He is.</p> <p>9 Q. Okay. Do you know whether or</p> <p>10 not -- scratch that.</p> <p>11 Well, no. Do you know whether</p> <p>12 or not Mr. Domnanovich shared any maps</p> <p>13 with anyone else who was not a</p> <p>14 legislator?</p> <p>15 A. I don't know that, but I don't</p> <p>16 believe that he did.</p> <p>17 Q. Okay. Okay. Mr. Domnanovich</p> <p>18 doesn't work in the Alabama State</p> <p>19 Legislature?</p> <p>20 A. No.</p> <p>21 Q. Okay. Do you have a</p> <p>22 relationship with I think former Senator</p> <p>23 Jim McClendon?</p>


<p style="text-align: right;">Page 142</p> <p>1 A. No.</p> <p>2 Q. Okay. Did you ever have a</p> <p>3 business relationship with former Senator</p> <p>4 Jim McClendon?</p> <p>5 A. No.</p> <p>6 Q. Do you know Edmund LaCour?</p> <p>7 A. I know who he is, yes.</p> <p>8 Q. Do you have a relationship with</p> <p>9 Eddie LaCour at all?</p> <p>10 A. No, I do not.</p> <p>11 Q. Okay. How do you know Eddie</p> <p>12 LaCour?</p> <p>13 A. I know his name and I know where</p> <p>14 he works. I can't tell you what he looks</p> <p>15 like.</p> <p>16 Q. Okay. Fair enough.</p> <p>17 Is there anything else that you</p> <p>18 intend to testify about at the June 20th</p> <p>19 hearing that we have not already</p> <p>20 discussed?</p> <p>21 A. Can I check with my counsel</p> <p>22 before I answer that question? I don't</p> <p>23 know. I don't think there is unless</p>	<p style="text-align: right;">Page 144</p> <p>1 handful of them from Roberts, Barfoot,</p> <p>2 and Kiel.</p> <p>3 MR. CAMPBELL-HARRIS: I know --</p> <p>4 MR. JORDAN: If you don't, I'll</p> <p>5 send the rest, you know, right away.</p> <p>6 MR. CAMPBELL-HARRIS: Yeah. Why</p> <p>7 don't we do this --</p> <p>8 MR. JORDAN: I think you have</p> <p>9 all the correspondence from early on in</p> <p>10 April that was attached to Mr. Weller's</p> <p>11 objection that indicates there's a log</p> <p>12 with respect to, you know, each of these</p> <p>13 clients. And if you didn't get it</p> <p>14 yesterday, it was an utter accident, and</p> <p>15 I can get it to you, you know,</p> <p>16 momentarily if need be. You haven't</p> <p>17 asked any questions about particular logs</p> <p>18 today, but I want to make sure you know</p> <p>19 that we meant to provide them. And I</p> <p>20 guess we -- and I can do it, you know,</p> <p>21 right away. But all I can say is I'm not</p> <p>22 as skilled with those attachments as I</p> <p>23 should be. And I don't quite understand</p>
<p style="text-align: right;">Page 143</p> <p>1 he's -- unless he tells me there is.</p> <p>2 MR. JORDAN: Well, you know,</p> <p>3 Dayton, he wouldn't be making those</p> <p>4 judgments about the hearing. And you</p> <p>5 seem to be pretty comprehensive in your</p> <p>6 knowledge about it.</p> <p>7 I will say that it appears to me</p> <p>8 that I attempted to send you guys</p> <p>9 privilege logs, I think it was yesterday,</p> <p>10 for each of the nine people that he has</p> <p>11 as clients that I believe you have</p> <p>12 letters for. And just in reviewing my</p> <p>13 e-mails to Kathryn yesterday, I'm not</p> <p>14 positive you have all nine. And if you</p> <p>15 -- and part of that's just a reflection</p> <p>16 of my deficits with e-mail and</p> <p>17 attachments. And if you guys could check</p> <p>18 to see if you have all the logs, I would</p> <p>19 be grateful. I meant to send all the</p> <p>20 logs. I know --</p> <p>21 MR. WELLER: And --</p> <p>22 MR. JORDAN: Yeah. I have some</p> <p>23 concern that you may have only gotten a</p>	<p style="text-align: right;">Page 145</p> <p>1 why it may be that only three went</p> <p>2 instead of all nine.</p> <p>3 MR. WELLER: Let me make a</p> <p>4 statement for the record about the logs.</p> <p>5 Just for the record, I don't feel that</p> <p>6 the legislators have an obligation under</p> <p>7 the current case law in the Eleventh</p> <p>8 Circuit to provide a log of the</p> <p>9 privileged documents. But if the Court</p> <p>10 requires that we submit those logs for</p> <p>11 its review, then certainly we will do</p> <p>12 that. But I don't think it's incumbent</p> <p>13 on us, especially after Chief Judge</p> <p>14 Pryor's decision in the Pernell case that</p> <p>15 a log is required of us for any of the</p> <p>16 communications.</p> <p>17 MR. JORDAN: And I don't mean to</p> <p>18 disagree with Mr. Weller about that,</p> <p>19 Dayton. All I'm saying is I'm just</p> <p>20 trying to avoid confusion or</p> <p>21 misunderstanding about the subjects of</p> <p>22 the hearing, potentially, and to make</p> <p>23 sure that we've been forthcoming as we</p>



<p style="text-align: right;">Page 146</p> <p>1 reasonably can be.</p> <p>2 MR. CAMPBELL-HARRIS: I</p> <p>3 appreciate that.</p> <p>4 MR. JORDAN: Subject to the</p> <p>5 privileges.</p> <p>6 MR. CAMPBELL-HARRIS: Of course.</p> <p>7 We have logs from it looks like Rehm,</p> <p>8 Roberts, Scofield, Mooney, Yarbrough,</p> <p>9 Domnanovich, Barfoot, Carns, Butler, and</p> <p>10 I think that is it.</p> <p>11 MR. JORDAN: Is there a Kiel?</p> <p>12 MR. WELLER: You should have</p> <p>13 Kiel.</p> <p>14 MR. CAMPBELL-HARRIS: Let's see.</p> <p>15 Yes. We have Kiel as well.</p> <p>16 MR. JORDAN: Good. I think that</p> <p>17 there are -- one of the virtues of the</p> <p>18 logs is it gives you a -- if you got a</p> <p>19 complete set, is that it gives you a</p> <p>20 complete list of his clients that he</p> <p>21 might not have been able to recite all</p> <p>22 the names when you first asked, but</p> <p>23 that's one of the virtues of the logs.</p>	<p style="text-align: right;">Page 148</p> <p>1 that are expected to ask questions? I</p> <p>2 know we have a lot of people</p> <p>3 participating and other parties.</p> <p>4 MR. TAUNTON: We won't have</p> <p>5 questions, I don't think.</p> <p>6 MR. DAVIS: We won't.</p> <p>7 MS. RUTAHINDURWA: No questions</p> <p>8 for Caster plaintiffs either.</p> <p>9 (Break taken.)</p> <p>10 Q. (By Mr. Campbell-Harris) Okay.</p> <p>11 Mr. Brown, thank you so much again for</p> <p>12 being here. I just have a few more</p> <p>13 follow-up questions.</p> <p>14 First, I just want to confirm</p> <p>15 that Mr. Domnanovich, did -- he never</p> <p>16 participated in any communications</p> <p>17 involving legislators. Is that correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Okay. And then, what did you</p> <p>20 and your attorney discuss over the break</p> <p>21 from 1:00, or noon your time to about</p> <p>22 12:15?</p> <p>23 MR. JORDAN: Well, wait a</p>
<p style="text-align: right;">Page 147</p> <p>1 MR. CAMPBELL-HARRIS: Yeah. And</p> <p>2 I purposely didn't bring them up as well</p> <p>3 to avoid --</p> <p>4 MR. JORDAN: So it sounds like</p> <p>5 you probably do have them all, but I'll</p> <p>6 double-check. Just I asked them to be</p> <p>7 printed for me in preparation for this,</p> <p>8 and I didn't get but a partial set, and</p> <p>9 that's why I was wanting to clarify for</p> <p>10 you.</p> <p>11 MR. CAMPBELL-HARRIS: I</p> <p>12 appreciate that, Mr. Jordan. I think</p> <p>13 we're going to take maybe five minutes to</p> <p>14 regroup internally with my colleagues and</p> <p>15 then maybe we can go back on the record.</p> <p>16 Mr. Weller and Mr. Jordan, do</p> <p>17 you expect to have like follow-up</p> <p>18 questions?</p> <p>19 MR. WELLER: If I do, it'll be</p> <p>20 very few. I'm going to confer.</p> <p>21 MR. CAMPBELL-HARRIS: Okay.</p> <p>22 MR. JORDAN: Yeah. We want to</p> <p>23 talk. What about -- are there others</p>	<p style="text-align: right;">Page 149</p> <p>1 minute. You mean what I want to present</p> <p>2 or what advice I gave him? That would</p> <p>3 be -- wouldn't that be attorney-client</p> <p>4 privilege? We would object.</p> <p>5 MR. CAMPBELL-HARRIS: Not during</p> <p>6 the deposition because he's under oath</p> <p>7 right now, and so anything you talk about</p> <p>8 with a client is open to my probing. And</p> <p>9 if you want to instruct him not to</p> <p>10 answer, you can do so, but it is -- I can</p> <p>11 ask about that during the deposition.</p> <p>12 MR. JORDAN: Yeah. I would</p> <p>13 object to that and instruct him not to</p> <p>14 answer.</p> <p>15 MR. CAMPBELL-HARRIS: Okay.</p> <p>16 Q. Are you going to follow your</p> <p>17 attorney's advice, Mr. Brown?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Did you have discussions</p> <p>20 with your attorney over our last break?</p> <p>21 A. Not really.</p> <p>22 Q. Okay. You did not talk to your</p> <p>23 attorney over the last break we had?</p>

<p style="text-align: right;">Page 150</p> <p>1 A. I mean, we spoke, but it wasn't</p> <p>2 substantive, I guess.</p> <p>3 Q. Okay. Okay. Those are all the</p> <p>4 questions that I --</p> <p>5 MR. JORDAN: Let me follow up</p> <p>6 with your question on the -- it's almost</p> <p>7 the nature of voir dire.</p> <p>8 During the break, did you follow</p> <p>9 me around my office as I attempted to</p> <p>10 gather these exhibits?</p> <p>11 THE WITNESS: Yes.</p> <p>12 MR. JORDAN: Thank you.</p> <p>13 MR. CAMPBELL-HARRIS: Okay.</p> <p>14 Those are all the questions I have, Mr.</p> <p>15 Brown. We're going to leave the</p> <p>16 deposition open based on the hearing, but</p> <p>17 those are all the questions I have at</p> <p>18 this time, so I pass the witness. And</p> <p>19 thank you so much again for taking the</p> <p>20 time to be here today to answer our</p> <p>21 questions. I appreciate it.</p> <p>22 MR. JORDAN: Okay. Whose turn</p> <p>23 is it next?</p>	<p style="text-align: right;">Page 152</p> <p>1 MR. WELLER: Let me just raise</p> <p>2 my brief objection. It's not an</p> <p>3 objection, of course, to the stipulation</p> <p>4 of authenticity. I just want to preserve</p> <p>5 our right to argue to the Court that the</p> <p>6 requirement that we produce privilege</p> <p>7 logs is -- it's not a requirement.</p> <p>8 That's all I have on that.</p> <p>9 MR. JORDAN: And I can -- well,</p> <p>10 I realize that's a general stipulation</p> <p>11 descriptive, and I think we understand</p> <p>12 what it is. But I believe you indicated</p> <p>13 that I had delivered them to Kathryn</p> <p>14 yesterday. And I can itemize them more</p> <p>15 clearly if you wish at this point by</p> <p>16 name.</p> <p>17 MR. CAMPBELL-HARRIS: Okay. We</p> <p>18 can stipulate to the fact that, Mr.</p> <p>19 Jordan, you sent us privilege logs. We'd</p> <p>20 like to see like an exhibit list for the</p> <p>21 hearing, so that way we can determine</p> <p>22 whether or not we're going to have</p> <p>23 objections or not. But we do stipulate</p>
<p style="text-align: right;">Page 151</p> <p>1 MR. CAMPBELL-HARRIS: It's all</p> <p>2 yours, Mr. Jordan.</p> <p>3 MR. JORDAN: Are there any</p> <p>4 parties to the case that have questions?</p> <p>5 Other parties?</p> <p>6 MR. WELLER: I don't have any</p> <p>7 questions unless I need to follow up on</p> <p>8 something you may ask.</p> <p>9 MR. JORDAN: I wanted to put on</p> <p>10 the record, Mr. Campbell-Harris, our wish</p> <p>11 to stipulate to the authenticity of the</p> <p>12 privilege logs that itemized</p> <p>13 communications between RedState and its</p> <p>14 client legislators that are responsive to</p> <p>15 requests in the subpoena. And there are</p> <p>16 nine different legislators. And for</p> <p>17 some, there's more than one log. And I</p> <p>18 believe you have the set of</p> <p>19 communications with all of them. And if</p> <p>20 not, we can put them in the record right</p> <p>21 now. But I would like you to stipulate</p> <p>22 that those are authentic at least for</p> <p>23 purposes of this hearing on Thursday.</p>	<p style="text-align: right;">Page 153</p> <p>1 to the fact that yes, you did send us</p> <p>2 privilege logs.</p> <p>3 MR. JORDAN: With respect to</p> <p>4 each of the legislators that -- for whom</p> <p>5 we claim legislative privilege.</p> <p>6 MR. CAMPBELL-HARRIS: Just to</p> <p>7 the fact that you sent us privilege logs</p> <p>8 of communications withheld.</p> <p>9 MR. JORDAN: Communications</p> <p>10 between Mr. Brown and the legislator;</p> <p>11 right?</p> <p>12 MR. CAMPBELL-HARRIS: Well, we</p> <p>13 want to see -- just withheld</p> <p>14 communications, we stipulate that --</p> <p>15 MR. JORDAN: Yes, they are.</p> <p>16 That's right. These are communications</p> <p>17 that were withheld, but we just created a</p> <p>18 log of them, an itemization of them</p> <p>19 describing the date that they were sent,</p> <p>20 the request that they purported to be</p> <p>21 responsive to, and the nature of the</p> <p>22 privilege. And we did that with respect</p> <p>23 to each legislator and communications.</p>

<p style="text-align: right;">Page 154</p> <p>1 And some include communications between</p> <p>2 Mr. Brown and more than one legislator.</p> <p>3 Some of them are called -- for instance,</p> <p>4 there's one log that's group messages</p> <p>5 that includes Dan Roberts and Will</p> <p>6 Barfoot.</p> <p>7 MR. CAMPBELL-HARRIS: You sent</p> <p>8 us the logs yesterday, and we haven't had</p> <p>9 a chance to review --</p> <p>10 MR. JORDAN: Fair enough.</p> <p>11 MR. CAMPBELL-HARRIS: -- all the</p> <p>12 logs yet. So we'd like to have a chance</p> <p>13 to review them. We haven't had a</p> <p>14 chance -- yeah, we'd like to review them,</p> <p>15 and then maybe we can come to an</p> <p>16 agreement. But at this time, we can only</p> <p>17 stipulate to the fact --</p> <p>18 MR. JORDAN: Fair enough. Fair</p> <p>19 enough.</p> <p>20 MR. CAMPBELL-HARRIS: Okay.</p> <p>21 MR. JORDAN: So I would like to</p> <p>22 ask the court to mark a document as RSS</p> <p>23 Exhibit 1, a document with nine pages.</p>	<p style="text-align: right;">Page 156</p> <p>1 came to you after you finished your work</p> <p>2 at Southern Insights. Is that correct?</p> <p>3 A. The vast majority of them were</p> <p>4 RedState Strategies' solo clients.</p> <p>5 Q. Okay. And then you have some</p> <p>6 clients on there who are persons who were</p> <p>7 seeking election to statewide office. Is</p> <p>8 that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And those include -- are those</p> <p>11 mostly judges or others?</p> <p>12 A. I mean, in recent history, yes,</p> <p>13 statewide judge/judicial candidates, yes.</p> <p>14 Q. Okay. And is this thing that</p> <p>15 I've marked as RSS-1 a true and correct</p> <p>16 copy of your -- the website for RedState</p> <p>17 Strategies as it exists today?</p> <p>18 A. I believe so, yes.</p> <p>19 Q. All right.</p> <p>20 MR. JORDAN: We'll offer Exhibit</p> <p>21 1 for -- RSS-1 to the record.</p> <p>22 Those are my questions.</p> <p>23 MR. WELLER: I have no</p>
<p style="text-align: right;">Page 155</p> <p>1</p> <p>2 EXAMINATION BY MR. JORDAN:</p> <p>3 Q. I'm going to show it to Mr.</p> <p>4 Brown and ask him if he can tell us what</p> <p>5 that is.</p> <p>6 (Exhibit RSS-1 was marked for</p> <p>7 identification and is attached.)</p> <p>8 A. Yeah. These are printed copies</p> <p>9 of my company website.</p> <p>10 Q. That's a RedState Strategies?</p> <p>11 A. Redstate-strategies.com.</p> <p>12 Q. And this website -- this</p> <p>13 document I showed you has a date at the</p> <p>14 bottom, today, does it not?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And you've got a list of</p> <p>17 your current and/or former clients on</p> <p>18 here; right?</p> <p>19 A. I do have a tab on my website</p> <p>20 that lists my current and former clients,</p> <p>21 yes.</p> <p>22 Q. Okay. And that includes some</p> <p>23 clients that were personal to you and</p>	<p style="text-align: right;">Page 157</p> <p>1 questions.</p> <p>2 MR. TAUNTON: I don't have any</p> <p>3 questions, but I was going to raise just</p> <p>4 one thing before we end.</p> <p>5 Dayton, you said that your plan</p> <p>6 was to leave the deposition open pending</p> <p>7 the hearing this coming Thursday. I'm</p> <p>8 just going to note that could have the</p> <p>9 unintended consequence of Mr. Jordan</p> <p>10 being able to communicate properly with</p> <p>11 his client the next couple of days and</p> <p>12 just wondered if maybe it's better to</p> <p>13 close this deposition and open a new one,</p> <p>14 depending on --</p> <p>15 THE COURT REPORTER: I think</p> <p>16 we're having a little trouble hearing</p> <p>17 you, Michael, if you could speak up,</p> <p>18 please.</p> <p>19 MR. TAUNTON: Okay. Sorry. Can</p> <p>20 you hear me now?</p> <p>21 MR. JORDAN: Yeah. Better, a</p> <p>22 lot better.</p> <p>23 MR. TAUNTON: I said I note that</p>

<p style="text-align: right;">Page 158</p> <p>1 you had said your plan was to leave open 2 this deposition pending the hearing on 3 Thursday. I'm worried that could have 4 some -- it's not really mine to look at, 5 I guess, but that could have some 6 unintended consequence on Mr. Jordan's 7 ability to communicate properly with his 8 client between now and Thursday, and I 9 wonder if maybe the better procedure 10 would be to close this deposition and 11 then open a second deposition if need be. 12 Just a thought. 13 MR. CAMPBELL-HARRIS: If, Mr. 14 Jordan, you and your client are willing 15 to stipulate to the fact that we would be 16 entitled to a new deposition if the Court 17 rules in our favor on the privilege 18 issue, then we can agree to close the 19 deposition today. But you let me know 20 how that sounds to you all. 21 MR. JORDAN: Well, we would 22 stipulate that we don't think the fact 23 that you took his deposition today</p>	<p style="text-align: right;">Page 160</p> <p>1 should the Court rule in our favor, then 2 we can open a new deposition if the Court 3 allows us to have that discovery 4 opportunity. 5 MR. JORDAN: Good. That's okay. 6 MR. CAMPBELL-HARRIS: Okay. 7 MR. TAUNTON: Yeah. I just saw 8 that issue come up in another case 9 recently and didn't want to run into it 10 again here. That's all. 11 MR. JORDAN: Thanks for bringing 12 it up. 13 14 END OF DEPOSITION 15 (12:34 p.m. Central) 16 17 CHRISTOPHER BROWN 18 19 Subscribed and sworn to before me 20 this ____ day of _____, 2024. 21 22 23 NOTARY PUBLIC</p>
<p style="text-align: right;">Page 159</p> <p>1 precludes you from taking his deposition 2 later if the Court wants you to take it 3 or wants to allow you to. That's 4 somewhat different from saying it's open. 5 But I don't want the fact that we 6 attempted to be efficient and allow you 7 to take his deposition today to itself 8 preclude you from doing it if the Court 9 thinks it's proper to have additional 10 deposition testimony from Mr. Brown, that 11 fact preventing you from doing so. I 12 don't want to be precluded from 13 consulting with my client in preparation 14 for the hearing on Thursday for testimony 15 if need be. 16 MR. CAMPBELL-HARRIS: That makes 17 sense. 18 MR. JORDAN: Okay. 19 MR. CAMPBELL-HARRIS: I mean, I 20 think we're on the same page. Yeah. 21 MR. JORDAN: Okay. 22 MR. CAMPBELL-HARRIS: So we can 23 close the deposition on the basis that</p>	<p style="text-align: right;">Page 161</p> <p>1 C E R T I F I C A T E 2 STATE OF ALABAMA ) 3 COUNTY OF JEFFERSON ) 4 I hereby certify that the above 5 and foregoing proceeding was taken down 6 by me by stenographic means, and that the 7 content herein was produced in transcript 8 form by computer aid under my 9 supervision, and that the foregoing 10 represents, to the best of my ability, a 11 true and correct transcript of the 12 proceedings occurring on said date at 13 said time. 14 I further certify that I am 15 neither of counsel nor of kin to the 16 parties to the action; nor am I in 17 anywise interested in the result of said 18 case. 19 20  21 LANE C. BUTLER, RPR, CRR, CCR 22 CCR# 418 -- Expires 9/30/24 23 Commissioner, State of Alabama My Commission Expires: 2/11/25</p>

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ERRATA SHEET  
VERITEXT/NEW YORK REPORTING, LLC

CASE NAME: Milligan, Evan, Et Al. v. Wes Allen, Et Al.  
DATE OF DEPOSITION: 6/18/2024  
WITNESSES' NAME: Christopher R. Brown

Christopher R. Brown  
SUBSCRIBED AND SWORN TO BEFORE ME  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

(NOTARY PUBLIC) MY COMMISSION EXPIRES:



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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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