



**Planet Depos®**  
We Make It Happen™

---

# Transcript of Gerald Nix

**Date:** July 17, 2024

**Case:** Caster, et al. -v- Allen, et al.

**Planet Depos**

**Phone:** 888.433.3767

**Email:** [transcripts@planetdepos.com](mailto:transcripts@planetdepos.com)

**www.planetdepos.com**

Transcript of Gerald Nix  
Conducted on July 17, 2024

1 (1 to 4)

1	3
1 UNITED STATES DISTRICT COURT	1 A P P E A R A N C E S
2 FOR THE NORTHERN DISTRICT OF ALABAMA	2
3 -----x	3 ON BEHALF OF THE PLAINTIFFS:
4 MARCUS CASTER, et al., :	4 MAKEBA RUTAHINDURWA, ESQUIRE
5 Plaintiffs, : Case No.	5 ABHA KHANNA, ESQUIRE
6 vs. : 2:21-CV-1536-AMM	6 ELIAS LAW GROUP LLP
7 WES ALLEN, et al., :	7 250 Massachusetts Ave NW, Suite 400
8 Defendant. :	8 Washington, District of Columbia 20001
9 -----x	9 202.968.4490
10	10 (Present via videoconference)
11	11
12	12
13 Deposition of GERALD NIX	13 ON BEHALF OF THE DEFENDANTS:
14 Conducted virtually	14 MISTY S. FAIRBANKS-MESSICK, ESQUIRE
15 Wednesday, July 17, 2024	15 RICHARD MINK, ESQUIRE
16 11:02 a.m. EST	16 SECRETARY OF THE STATE OF ALABAMA
17	17 State Capitol Building
18	18 Suite S-105
19	19 600 Dexter Avenue
20	20 Montgomery, Alabama 36130
21	21 334.242.7200
22	22 (Present via videoconference)
23 Job No.: 545790	23
24 Pages: 1 - 58	24
25 Recorded By: Kelli Welch, CER	25
2	4
1 Deposition of GERALD NIX,	1 A P P E A R A N C E S (continued)
2 conducted virtually.	2
3	3 ON BEHALF OF THE WITNESS, GERALD NIX AND THE
4	4 ALABAMA DEPARTMENT OF LABOR:
5	5 DONALD HARRISON, ESQUIRE
6	6 ALYSONNE HATFIELD, ESQUIRE
7	7 DEPUTY SECRETARY/GENERAL COUNSEL,
8	8 ALABAMA DEPARTMENT OF LABOR
9	9 649 Monroe Street
10	10 Montgomery, Alabama 36131
11	11 205.917.1151
12	12
13 Pursuant to Notice, before	13
14 Kelli Welch, CER, Notary Public in and for the	14 ON BEHALF OF DEFENDANT:
15 State of Kansas.	15 MICHAEL P. TAUNTON, ESQUIRE
16	16 BALCH & BINGHAM LLP
17	17 1901 Sixth Avenue North
18	18 Suite 1500
19	19 Birmingham Alabama 35203
20	20 205.226.3451
21	21 (Present via videoconference)
22	22
23	23
24	24
25	25

Transcript of Gerald Nix  
Conducted on July 17, 2024

2 (5 to 8)

5	7																				
<p style="text-align: center;">A P P E A R A N C E S (continued)</p> <p>ON BEHALF OF PLAINTIFF:</p> <p>COLIN BURKE, ESQUIRE</p> <p>KATHRYN SADASIVAN, ESQUIRE</p> <p>NAACP LEGAL DEFENSE &amp;</p> <p>EDUCATIONAL FUND, INC.</p> <p>40 Rector Street, 5th Floor</p> <p>New York, New York 10006</p> <p>212.965.2200</p> <p>(Present via videoconference)</p> <p>ON BEHALF OF THE SINGLETON PLAINTIFF:</p> <p>JAMES BLACKSHER, ESQUIRE</p> <p>JAMES BLACKSHER, ATTORNEY AT LAW</p> <p>825 Linwood Road</p> <p>Birmingham, Alabama 35222</p> <p>205.612.3752</p> <p>ALSO PRESENT:</p> <p>HAYDEN MILLER, LAW CLERK</p> <p>ALABAMA DEPARTMENT OF LABOR</p>	<p style="text-align: center;">P R O C E E D I N G S</p> <p>THE REPORTER: I am a notary authorized to administer oaths and this deposition will be recorded by electronic means. All parties understand and agree that any certified transcript produced from the recording of this proceeding is intended for all uses permitted under applicable procedural and evidentiary rules and laws, and shall constitute written stipulation. The parties stipulate to the use and certification of this testimony consistent with applicable law of such. In hearing no objection, I will now swear in the witness.</p> <p>Whereupon,</p> <p style="text-align: center;">G E R A L D N I X,</p> <p>being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:</p> <p>EXAMINATION BY COUNSEL FOR THE PLAINTIFF</p> <p>BY MS. RUTAHINDURWA:</p> <p>Q Good morning, Mr. Nix.</p> <p><b>A Good morning.</b></p> <p>Q Can you hear me okay?</p> <p><b>A Yes.</b></p>																				
6	8																				
<p style="text-align: center;">C O N T E N T S</p> <table> <tr> <td>EXAMINATION OF GERALD NIX</td><td style="text-align: right;">PAGE</td></tr> <tr> <td>By Ms Rutahindurwa</td><td style="text-align: right;">7</td></tr> <tr> <td>By Mr. Burke</td><td style="text-align: right;">52</td></tr> <tr> <td>By Ms. Ms. Fairbanks-Messick</td><td style="text-align: right;">54</td></tr> </table> <p style="text-align: center;">E X H I B I T S</p> <p>(Attached to transcript.)</p> <table> <tr> <td>DEPOSITION EXHIBIT</td><td style="text-align: right;">PAGE</td></tr> <tr> <td>Exhibit# Description</td><td></td></tr> <tr> <td>01 Subpeona to Testify at a Deposition in a Civil Action</td><td style="text-align: right;">11</td></tr> <tr> <td>02 State Defendants' Sixth Supplement to Their Initial Disclosures</td><td style="text-align: right;">31</td></tr> <tr> <td>03 State of the Workforce Report XVII</td><td style="text-align: right;">42</td></tr> <tr> <td>04 Mobile County Profile, Alabama Department of Labor</td><td style="text-align: right;">47</td></tr> </table>	EXAMINATION OF GERALD NIX	PAGE	By Ms Rutahindurwa	7	By Mr. Burke	52	By Ms. Ms. Fairbanks-Messick	54	DEPOSITION EXHIBIT	PAGE	Exhibit# Description		01 Subpeona to Testify at a Deposition in a Civil Action	11	02 State Defendants' Sixth Supplement to Their Initial Disclosures	31	03 State of the Workforce Report XVII	42	04 Mobile County Profile, Alabama Department of Labor	47	<p>Q My name's Makeba Rutahindurwa. I represent one of the plaintiff groups, the Caster Plaintiffs in this matter. Can you please state your name for the record?</p> <p><b>A This is Gerald Nix.</b></p> <p>Q And did you bring anything with you to the deposition today?</p> <p><b>A Wallet and keys.</b></p> <p>MS. FAIRBANKS-MESSICK: Before you get started, could we please agree to the usual stipulations except reserving the right to read and sign if the witness would like to do that?</p> <p>MS. RUTAHINDURWA: Yes.</p> <p>MS. FAIRBANKS-MESSICK: And then -- so that an objection by any defense counsel is an objection for all of us so we don't have to all interrupt.</p> <p>MS. RUTAHINDURWA: Yeah. The Caster Plaintiffs agree to that. Sorry I didn't bring it up beforehand. I thought the court reporter had -- had mentioned it in her -- in her statement, but yeah. Caster Plaintiffs agree.</p> <p>MS. FAIRBANKS-MESSICK: Is there an objection from any of the other plaintiffs?</p> <p>MR. BURKE: Milligan Plaintiffs also</p>
EXAMINATION OF GERALD NIX	PAGE																				
By Ms Rutahindurwa	7																				
By Mr. Burke	52																				
By Ms. Ms. Fairbanks-Messick	54																				
DEPOSITION EXHIBIT	PAGE																				
Exhibit# Description																					
01 Subpeona to Testify at a Deposition in a Civil Action	11																				
02 State Defendants' Sixth Supplement to Their Initial Disclosures	31																				
03 State of the Workforce Report XVII	42																				
04 Mobile County Profile, Alabama Department of Labor	47																				

Transcript of Gerald Nix  
Conducted on July 17, 2024

3 (9 to 12)

<p style="text-align: right;">9</p> <p>1 agree.</p> <p>2 MR. BLACKSHER: No objection from</p> <p>3 Singleton.</p> <p>4 MS. FAIRBANKS-MESSICK: Thank you all.</p> <p>5 BY MS. RUTAHINDURWA:</p> <p>6 Q Great. Do you have any documents in</p> <p>7 front of you?</p> <p>8 <b>A No, I do not.</b></p> <p>9 Q Have you been deposed before?</p> <p>10 <b>A No, I have not.</b></p> <p>11 Q Okay. So I'll go over some ground</p> <p>12 rules for today's deposition. Since you haven't</p> <p>13 been deposed before, this -- the ground rules</p> <p>14 might be a little bit longer than -- and more --</p> <p>15 I -- I might give more information about how this</p> <p>16 deposition will go and stuff like that. Bear</p> <p>17 with me if it seems obvious. I -- I'm just doing</p> <p>18 it to make sure that we're all on the same page.</p> <p>19 So this deposition is being</p> <p>20 conducted via Zoom. There's a court reporter</p> <p>21 here that's taking down everything that we say.</p> <p>22 I just ask that, you know, we speak slowly, maybe</p> <p>23 more slowly than we're used to and that we don't</p> <p>24 talk over each other and that when you respond to</p> <p>25 a question, you do so verbally and not with, you</p>	<p style="text-align: right;">11</p> <p>1 <b>A Yes.</b></p> <p>2 Q And I -- because this is via Zoom, I'm</p> <p>3 going to be sharing my screen sometimes to show</p> <p>4 you exhibits or other kinds of documents. If you</p> <p>5 can't see the exhibit well, please just let me</p> <p>6 know and I'll try and work a around it or send an</p> <p>7 e-mail to Counsel so that they have that exhibit.</p> <p>8 Does that make sense?</p> <p>9 <b>A Yes.</b></p> <p>10 MS. RUTAHINDURWA: So I'm going to</p> <p>11 share my screen. And this will be marked as</p> <p>12 Exhibit 1.</p> <p>13 (EXHIBIT 1 MARKED FOR IDENTIFICATION)</p> <p>14 BY MS. RUTAHINDURWA:</p> <p>15 Q Can you see this document okay?</p> <p>16 <b>A Yes.</b></p> <p>17 Q And the document is titled Subpoena to</p> <p>18 Testify at a Deposition in a Civil Action. Your</p> <p>19 name is here. The case action title is up here.</p> <p>20 Have you seen this document before?</p> <p>21 <b>A No, I have not.</b></p> <p>22 Q Okay. Do you understand that you're</p> <p>23 appearing today pursuant to a subpoena to testify</p> <p>24 about your work with the Alabama Department of</p> <p>25 Labor?</p>
<p style="text-align: right;">10</p> <p>1 know, head nods or any other gestures like that.</p> <p>2 Does that make sense?</p> <p>3 <b>A Yes.</b></p> <p>4 Q And if my question's unclear to you in</p> <p>5 any way, please let me know. I'll try to clarify</p> <p>6 or rephrase my question. But if you do answer a</p> <p>7 question, I'm going to assume that you understood</p> <p>8 my question. Okay?</p> <p>9 <b>A Okay.</b></p> <p>10 Q Your attorney -- you have an attorney</p> <p>11 with you, and then there are also attorneys</p> <p>12 representing the State of Alabama in this</p> <p>13 litigation. They may lodge objections from time</p> <p>14 to time as we're talking about -- as I ask my</p> <p>15 questions. These are to preserve the record for</p> <p>16 a judge to consider later. The expectation is</p> <p>17 that you still answer the question unless your</p> <p>18 attorney specifically asks you not to. Does that</p> <p>19 make sense?</p> <p>20 <b>A It does.</b></p> <p>21 Q If you need a break at all, please let</p> <p>22 me know. I'm happy to take breaks. The only</p> <p>23 thing that I ask is that if there is a question</p> <p>24 pending, you answer my question before we go on</p> <p>25 break. Sound good?</p>	<p style="text-align: right;">12</p> <p>1 <b>A Yes.</b></p> <p>2 Q And the subpoena that was issued that</p> <p>3 I just showed you, it was issued by the Caster</p> <p>4 Plaintiffs, but as you know, there are two other</p> <p>5 plaintiffs groups appearing today, the Milligan</p> <p>6 Plaintiffs and the Singleton Plaintiffs. They</p> <p>7 may have some questions for you after I'm done,</p> <p>8 and your testimony today is being provided for</p> <p>9 all three cases. Do you understand that?</p> <p>10 <b>A Yes.</b></p> <p>11 Q Your testimony today is under oath.</p> <p>12 Is there any reason that you cannot provide</p> <p>13 complete and truthful testimony today?</p> <p>14 <b>A No.</b></p> <p>15 Q And where are you presently located?</p> <p>16 <b>A I'm in the Attorney General's office</b></p> <p>17 <b>in a conference room.</b></p> <p>18 Q Is there anyone in the room with you</p> <p>19 apart from the two attorneys present?</p> <p>20 <b>A Well, we have three present. But --</b></p> <p>21 Q Anyone else apart from the attorneys?</p> <p>22 <b>A No.</b></p> <p>23 Q Are there -- is -- are you being</p> <p>24 projected onto a computer?</p> <p>25 <b>A No. There's a monitor in front of me.</b></p>

Transcript of Gerald Nix  
Conducted on July 17, 2024

4 (13 to 16)

<p style="text-align: right;">13</p> <p>1 Q Okay. Any platforms or devices on the</p> <p>2 monitor apart from the Zoom?</p> <p>3 A No.</p> <p>4 Q Do you have a phone nearby?</p> <p>5 A I do not. No. Oh, not my phone,</p> <p>6 anyway. I'm sorry. Yeah.</p> <p>7 Q Thank you for -- for being clear. My</p> <p>8 question wasn't clear enough. So do you have</p> <p>9 your own personal phone with you?</p> <p>10 A I do not.</p> <p>11 Q Okay. And the expectation is if</p> <p>12 someone walks into the room or if the phone rings</p> <p>13 or for any other reason if there's a disturbance,</p> <p>14 we just pause and you'll let me know. Okay?</p> <p>15 A Okay.</p> <p>16 Q Did you do anything to prepare for</p> <p>17 today's deposition?</p> <p>18 A No, I have not.</p> <p>19 Q Did you review any documents before</p> <p>20 taking your deposition today?</p> <p>21 A I was shown what may be of a concern</p> <p>22 with some county profiles, but that's the only</p> <p>23 thing that I'm aware of.</p> <p>24 Q And when you say you were shown county</p> <p>25 profiles, would those be profiles produced by the</p>	<p style="text-align: right;">15</p> <p>1 that our conversations with Mr. Nix are</p> <p>2 privileged. We also assert common interest and</p> <p>3 we note for the record that every conversation</p> <p>4 that the Attorney General's office had with Mr.</p> <p>5 Nix about this litigation also involved Counsel</p> <p>6 of the Department. So I will object and assert</p> <p>7 privileges to questions about conversations that</p> <p>8 I've had with him. And I expect that Mr.</p> <p>9 Harrison will also assert attorney-client</p> <p>10 privilege as to those conversations.</p> <p>11 MR. HARRISON: I -- I do. To the</p> <p>12 extent I'm needed, based on the -- on the -- on</p> <p>13 the kind of the preamble, I do assert</p> <p>14 attorney-client privilege with regard to</p> <p>15 conversations that I've had with Mr. Nix and that</p> <p>16 these attorneys have had with Mr. Nix.</p> <p>17 MS. RUTAHINDURWA: Okay. I apologize.</p> <p>18 Can we go off the record for 30 seconds? I have</p> <p>19 noise coming out of my window that I want to</p> <p>20 close the window.</p> <p>21 MR. HARRISON: Sure.</p> <p>22 MS. FAIRBANKS-MESSICK: Absolutely.</p> <p>23 (OFF THE RECORD)</p> <p>24 THE REPORTER: Thank you. We're back</p> <p>25 on the record.</p>
<p style="text-align: right;">14</p> <p>1 Alabama Department of Labor about specific labor</p> <p>2 statistics by county?</p> <p>3 A Yes. The county profiles is the name</p> <p>4 that we give it, and it appears on the Labor</p> <p>5 Market Information portion of the Alabama</p> <p>6 Department of Labor website.</p> <p>7 Q Which counties -- which county</p> <p>8 profiles were you shown?</p> <p>9 A Honestly, I cannot remember.</p> <p>10 Q When were you shown those documents?</p> <p>11 A Maybe a month ago.</p> <p>12 Q Is the Attorney General's office</p> <p>13 representing you today in this deposition?</p> <p>14 MS. FAIRBANKS-MESSICK: That's</p> <p>15 actually a little bit complex. Mr. Nix is a</p> <p>16 state employee testifying about state work. The</p> <p>17 Attorney General represents all the state in all</p> <p>18 litigation, including this, by state law. So Mr.</p> <p>19 Harrison, as General Counsel, and Ms. Hatfield as</p> <p>20 Assistant General Counsel are here to represent</p> <p>21 the witness in the Department of Labor's</p> <p>22 interests. However, they -- well, I don't know</p> <p>23 about Ms. Hatfield. Mr. Harrison is an Assistant</p> <p>24 Attorney General just like I am. We report to</p> <p>25 the Attorney General. And we take the position</p>	<p style="text-align: right;">16</p> <p>1 BY MS. RUTAHINDURWA:</p> <p>2 Q Did you speak with anyone apart from</p> <p>3 your -- did you speak with anyone apart from your</p> <p>4 attorneys to prepare for today's deposition?</p> <p>5 A No, I have not.</p> <p>6 Q Who from the Alabama Attorney's</p> <p>7 General's office did you meet with?</p> <p>8 A That would be the Misty and Richard</p> <p>9 that are here in the -- the office with me.</p> <p>10 Q How many times did you meet with them?</p> <p>11 A It was just one time.</p> <p>12 Q When was that?</p> <p>13 A It was roughly a month ago, when I was</p> <p>14 initially brought in to hear what was going on.</p> <p>15 Q And what's your understanding of why</p> <p>16 you were brought on into this litigation?</p> <p>17 A There were potential concerns about</p> <p>18 possibly commuting patterns in the county</p> <p>19 profiles that we have developed.</p> <p>20 Q Anything else you can think of that</p> <p>21 you did to prepare for today's deposition?</p> <p>22 MS. FAIRBANKS-MESSICK: Objection to</p> <p>23 form. Yes. I'm sorry. We still answer.</p> <p>24 THE WITNESS: Okay. Just making sure.</p> <p>25 Nothing that comes to mind. No.</p>

Transcript of Gerald Nix  
Conducted on July 17, 2024

5 (17 to 20)

17	<p>1 BY MS. RUTAHINDURWA:</p> <p>2 Q I'd like to go over your background</p> <p>3 and professional history a bit. Where do you</p> <p>4 currently live?</p> <p>5 A I live in Prattville, Alabama.</p> <p>6 Q How long have you lived there?</p> <p>7 A Since roughly 2020. I mean, I --</p> <p>8 sorry, not 2020. My apologies. 2000.</p> <p>9 THE REPORTER: If I -- if -- if I may.</p> <p>10 Pardon. Did you say Prattville?</p> <p>11 THE WITNESS: Yes. Yes.</p> <p>12 THE REPORTER: Thank you.</p> <p>13 BY MS. RUTAHINDURWA:</p> <p>14 Q Where were you born?</p> <p>15 A I was born in Houston, Texas.</p> <p>16 Q When did you move to Alabama?</p> <p>17 A I was in the fourth grade when we</p> <p>18 moved to Alabama.</p> <p>19 Q Do you consider Alabama home?</p> <p>20 A I do.</p> <p>21 Q Apart from Houston, Texas and Alabama,</p> <p>22 have you lived in any other states?</p> <p>23 A A very short time in Missouri and then</p> <p>24 also in Georgia.</p> <p>25 Q What brought you to Missouri?</p>	19
18	<p>1 A I believe it was three years, roughly.</p> <p>2 I -- honestly, I can't remember. I'm sorry.</p> <p>3 Q So you've been with the Department of</p> <p>4 Labor for approximately seven -- seven years?</p> <p>5 Does that sound about right?</p> <p>6 A Since 2016.</p> <p>7 Q What are your general responsibilities</p> <p>8 as a senior statistician?</p> <p>9 A My primary responsibilities are to</p> <p>10 update publications and reports that are on the</p> <p>11 workforce development portion of the Labor Market</p> <p>12 Information website within the Alabama Department</p> <p>13 of Labor website. I also promote our use of</p> <p>14 Labor Market Information across the state.</p> <p>15 Q And what -- what does it entail to</p> <p>16 update publications and reports?</p> <p>17 A Generally, we update our reports once</p> <p>18 a year. It's a matter of going to the source of</p> <p>19 the data, finding out if they've issued an</p> <p>20 update, published an update on their website.</p> <p>21 Then we download and put it into our publications</p> <p>22 and disseminate on the -- the website from there.</p> <p>23 Q Are most of the Department of Labor's</p> <p>24 reports on the workforce development platform?</p> <p>25 Are they using outside data sources or data from</p>	20



Transcript of Gerald Nix  
Conducted on July 17, 2024

6 (21 to 24)

<p style="text-align: right;">21</p> <p>1 within the Department of Labor?</p> <p>2 <b>A Generally, everything that we use is</b></p> <p>3 <b>going to be publicly available data. That's it.</b></p> <p>4 Q Can you identify some data sources?</p> <p>5 <b>A Yes. US Census Bureau, OnTheMap,</b></p> <p>6 <b>which is a product of the Census Bureau, the LEHD</b></p> <p>7 <b>website, which is Local Employment Dynamics.</b></p> <p>8 <b>That's a majority of what we use for our -- our</b></p> <p>9 <b>sources of data.</b></p> <p>10 Q Is there a specific requirement,</p> <p>11 either a state -- state regulation or state law</p> <p>12 that requires the Department of Labor to update</p> <p>13 their publications every year?</p> <p>14 <b>A None that I'm aware of. That has just</b></p> <p>15 <b>been what my role has become, is to constantly</b></p> <p>16 <b>review the publications to see if anything is</b></p> <p>17 <b>needed for updates and just learning that the --</b></p> <p>18 <b>the publication time is generally once a year.</b></p> <p>19 Q As part of your work updating</p> <p>20 publications and reports, do you go out into the</p> <p>21 community, into specific communities and speak</p> <p>22 with people?</p> <p>23 <b>A I will travel across the state as</b></p> <p>24 <b>invited.</b></p> <p>25 Q Have you ever been invited to travel</p>	<p style="text-align: right;">23</p> <p>1 THE WITNESS: Our publications include</p> <p>2 high demand occupations. Our state is divided up</p> <p>3 into seven workforce regions, and most of the</p> <p>4 time, it is going to be discussing what the --</p> <p>5 what we term as hot jobs are within their</p> <p>6 specific region.</p> <p>7 BY MS. RUTAHINDURWA:</p> <p>8 Q And identifying the hot jobs within</p> <p>9 specific regions is part of your work updating</p> <p>10 reports and publications; is that -- is that</p> <p>11 right?</p> <p>12 <b>A I specifically do not do the</b></p> <p>13 <b>identification of the occupations. I just</b></p> <p>14 <b>develop the publications that they go into and</b></p> <p>15 <b>then publish those on the website.</b></p> <p>16 Q Who do you report to?</p> <p>17 <b>A My direct supervisor is Tammy Jenkins.</b></p> <p>18 Q And what's her job title?</p> <p>19 <b>A Stat Supervisor, I believe is the</b></p> <p>20 <b>correct term.</b></p> <p>21 Q Do you have any employees that report</p> <p>22 to you?</p> <p>23 <b>A No, I do not.</b></p> <p>24 Q And apologies. I know you've already</p> <p>25 said this. Can you identify the specific</p>
<p style="text-align: right;">22</p> <p>1 to a specific community or county?</p> <p>2 <b>A Yes.</b></p> <p>3 Q Where have you traveled for your work?</p> <p>4 <b>A Let's see. Lowndes County,</b></p> <p>5 <b>Tuscaloosa, Birmingham, Lee County, Montgomery</b></p> <p>6 <b>County, Mobile County, Jack -- no, sorry, DeKalb</b></p> <p>7 <b>County. There's more I'd have to actually look</b></p> <p>8 <b>at a map and I could pick out all the counties,</b></p> <p>9 <b>but I have traveled quite a bit.</b></p> <p>10 Q And who generally is inviting you to</p> <p>11 travel to their county?</p> <p>12 MS. FAIRBANKS-MESSICK: Object to the</p> <p>13 form.</p> <p>14 THE WITNESS: I could be invited by a</p> <p>15 workforce board. So a local workforce board.</p> <p>16 Could be a high school, junior high, could be an</p> <p>17 economic development team. And that's -- that's</p> <p>18 generally the -- that's the majority of -- of --</p> <p>19 of what I get invites from.</p> <p>20 BY MS. RUTAHINDURWA:</p> <p>21 Q And when you're invited to, by the</p> <p>22 workforce board, for example, what are you asked</p> <p>23 to -- to talk about or -- or discuss?</p> <p>24 MS. FAIRBANKS-MESSICK: Object to the</p> <p>25 form.</p>	<p style="text-align: right;">24</p> <p>1 division that you work within?</p> <p>2 <b>A So working for the Alabama Department</b></p> <p>3 <b>of Labor, I work in the Labor Market Information</b></p> <p>4 <b>Division, specifically in the workforce</b></p> <p>5 <b>development unit.</b></p> <p>6 Q Thank you.</p> <p>7 <b>A No problem.</b></p> <p>8 Q So does the Labor Market Information</p> <p>9 Division -- strike that.</p> <p>10 How many units does the Labor</p> <p>11 Market Information Division have?</p> <p>12 <b>A Six. I'm sorry. It's five or six.</b></p> <p>13 <b>I'm -- I'm -- I'm thinking. Should be six. Yes.</b></p> <p>14 Q And does your unit work with those</p> <p>15 other units in the division -- within the</p> <p>16 division?</p> <p>17 <b>A We -- we sometimes need to either get</b></p> <p>18 <b>information from them or get clarification on</b></p> <p>19 <b>some data we may have downloaded, and so we work</b></p> <p>20 <b>back and forth that way, and you know, just --</b></p> <p>21 <b>yeah. Sorry.</b></p> <p>22 Q Can you identify the other units that</p> <p>23 you know of at the -- on the top of your head</p> <p>24 right now?</p> <p>25 <b>A They're -- they're all BLS units, so</b></p>

PLANET DEPOS

888.433.3767 | WWW.PLANETDEPOS.COM

Transcript of Gerald Nix  
Conducted on July 17, 2024

7 (25 to 28)

<p style="text-align: right;">25</p> <p>1 that would be the Current Employment Statistics</p> <p>2 unit. QCEW, which is the Quarterly Census of</p> <p>3 Employment Wages. OEWS, which is the</p> <p>4 Occupational Employment Wage Survey. LAUS, which</p> <p>5 is Local Area Unemployment Survey, us, and then</p> <p>6 OSH, which is the OSHA portion -- portion.</p> <p>7 Q And what does BLS stand for?</p> <p>8 A Bureau of Labor Statistics. The</p> <p>9 federal -- federal group.</p> <p>10 Q Do you work regularly with any</p> <p>11 divisions within the Department of Labor?</p> <p>12 A Outside?</p> <p>13 Q Outside of the Labor Market</p> <p>14 Information Division?</p> <p>15 A Employment Services comes to mind.</p> <p>16 And generally what that entails is me just</p> <p>17 letting them know when we have new publications</p> <p>18 available.</p> <p>19 Q Do you work with any other state</p> <p>20 agencies outside the Department of Labor?</p> <p>21 A Yes.</p> <p>22 Q Which agencies do you work with?</p> <p>23 A ACHE, which is the Commission for</p> <p>24 Higher Education, and ACCS, which is the</p> <p>25 Community College System.</p>	<p style="text-align: right;">27</p> <p>1 responsibilities were in that position?</p> <p>2 A Yes, I -- I can.</p> <p>3 Q And what were your responsibilities?</p> <p>4 A Apologies. I -- I'm -- I'm trying to</p> <p>5 remember.</p> <p>6 Q Oh, it's okay. You -- you reminded me</p> <p>7 that sometimes I need to clarify my questions, so</p> <p>8 that's why I followed up.</p> <p>9 A I -- I did update publications then as</p> <p>10 well, but instead of being in charge of making --</p> <p>11 of reviewing them and updating them, I was</p> <p>12 basically instructed to update them. Like my</p> <p>13 supervisor would let me know when to do the</p> <p>14 updates at that point. And I -- I still</p> <p>15 traveled, did presentations at that time. That</p> <p>16 -- that would -- it's -- it's roughly the same.</p> <p>17 I -- I just -- now I actually do the updating on</p> <p>18 the website as well.</p> <p>19 Q So when you were a labor market</p> <p>20 analyst, you had a supervisor instructing you</p> <p>21 which updates to make and then they would</p> <p>22 implement the updates onto the website; is that</p> <p>23 fair?</p> <p>24 A Yes.</p> <p>25 Q What were your responsibilities as a</p>
<p style="text-align: right;">26</p> <p>1 Q And what do you guys work on together?</p> <p>2 MS. FAIRBANKS-MESSICK: Object to the</p> <p>3 form.</p> <p>4 THE WITNESS: Generally, if I need</p> <p>5 data from one of them, I just e-mail someone</p> <p>6 within their -- within their department.</p> <p>7 BY MS. RUTAHINDURWA:</p> <p>8 Q Any other agencies that you work with</p> <p>9 outside of the department?</p> <p>10 A The -- I've -- I've done some work in</p> <p>11 the past with the Governor's Office of Employment</p> <p>12 and Workforce Transformation, but that's it that</p> <p>13 I can remember.</p> <p>14 Q And what did you work on with the</p> <p>15 Governor's Office of Employment and Workforce</p> <p>16 Transformation?</p> <p>17 A That was just updating our demand jobs</p> <p>18 for them.</p> <p>19 Q Does your position require any formal</p> <p>20 training?</p> <p>21 A I believe a statistician's or</p> <p>22 statistics class in college.</p> <p>23 Q You stated that prior to being a</p> <p>24 senior statistician, you were a labor market</p> <p>25 analyst. Can you describe what your</p>	<p style="text-align: right;">28</p> <p>1 statistician?</p> <p>2 A When I started as a statistician, it</p> <p>3 was instructed updating of publications, reports,</p> <p>4 and then quite a bit of online learning, as far</p> <p>5 as software packages go.</p> <p>6 Q When you're making updates to these</p> <p>7 publications and reports, is there a site check?</p> <p>8 Is -- is there a way to ensure that the updates</p> <p>9 you're making are accurate?</p> <p>10 A If I can clarify, do you mean if what</p> <p>11 I do is -- matches what's on the data that we</p> <p>12 have downloaded or what -- if the data's accurate?</p> <p>13 Q Let's break it up in two. The first</p> <p>14 is -- right. So do you ensure that the data that</p> <p>15 you're publishing matches the original data</p> <p>16 source that you received the information from?</p> <p>17 A Yes. Once I'm done with a</p> <p>18 publication, then I'll have someone else review</p> <p>19 it to make sure that it matches.</p> <p>20 Q And then do you have any role in</p> <p>21 ensuring that that data source had accurate data</p> <p>22 with which you pulled from?</p> <p>23 A No, I do not.</p> <p>24 Q You mentioned one job in retail.</p> <p>25 Apart from that -- that position before you</p>



Transcript of Gerald Nix  
Conducted on July 17, 2024

8 (29 to 32)

<p style="text-align: right;">29</p> <p>1 started working at the Department of Labor, did 2 you have any other jobs? 3 <b>A No, I worked in retail for 25 years.</b> 4 Q And did you work for the same company 5 in retail? 6 <b>A No, I did not.</b> 7 Q What was the last company that you 8 worked for before transitioning to the Department 9 of Labor? 10 <b>A That would be Office Depot.</b> 11 Q What were your responsibilities when 12 you were working in retail? 13 MS. FAIRBANKS-MESSICK: Object to the 14 form. 15 THE WITNESS: Responsibilities may 16 have included scheduling, employment reviews, 17 workload assignments to different people. We did 18 inventory analysis. Of course, customer service, 19 on that side of it, and training there as well. 20 BY MS. RUTAHINDURWA: 21 Q Why did you decide to take a job with 22 the Department of Labor? 23 <b>A I was looking for something that was</b> 24 <b>more family friendly.</b> 25 Q Is it your understanding today that</p>	<p style="text-align: right;">31</p> <p>1 <b>A Yes. My expertise would be within</b> 2 <b>workforce development, but not the other units</b> 3 <b>within Labor Market Information or other units</b> 4 <b>within the Alabama Department of Labor.</b> 5 Q Do you know if you've been asked to 6 testify as an expert witness in this case? 7 MS. FAIRBANKS-MESSICK: Object to the 8 form. 9 THE WITNESS: Sorry. 10 MS. FAIRBANKS-MESSICK: Go ahead and 11 answer. 12 THE WITNESS: I believe so, yes. 13 BY MS. RUTAHINDURWA: 14 Q Have you ever testified for the state 15 in a lawsuit before? 16 <b>A No, I have not.</b> 17 MS. RUTAHINDURWA: I am going to share 18 with you what's been marked as Exhibit 2. 19 (EXHIBIT 2 MARKED FOR IDENTIFICATION) 20 BY MS. RUTAHINDURWA: 21 Q Can you see this document okay? 22 <b>A Yes.</b> 23 Q These are the case captions for the 24 three cases that identified earlier and the title 25 of the document is State Defendant's Sixth</p>
<p style="text-align: right;">30</p> <p>1 the state has disclosed you as a fact witness 2 that may have relevant information in this 3 litigation? 4 <b>A I'm sorry, can you repeat that?</b> 5 Q Is it your understanding that the 6 state has disclosed you as a fact witness with 7 potentially relevant information to this 8 litigation? 9 <b>A Yes.</b> 10 Q Do you know why the state disclosed 11 you as a potential fact witness in this lawsuit? 12 MS. FAIRBANKS-MESSICK: Object to the 13 form. 14 THE WITNESS: I believe it was based 15 on my work with updating publications on our 16 website. 17 BY MS. RUTAHINDURWA: 18 Q What testimony do you intend to 19 provide if asked to testify at trial? 20 <b>A I'm sorry, I don't quite understand</b> 21 <b>the question.</b> 22 Q If you were to be asked to testify at 23 trial in this lawsuit, would your testimony be 24 limited to your work with the Department of 25 Labor's Workforce Development Division or unit?</p>	<p style="text-align: right;">32</p> <p>1 Supplement to Their Initial Disclosures. Have 2 you seen this document before? 3 <b>A I have not.</b> 4 Q When you go to this subheading here, 5 it asks for the name and, if known, the address 6 and telephone number of each individual likely to 7 have discoverable information, along with the 8 subjects of that information that the disclosing 9 party may use to support its claims or defenses, 10 unless the use would be solely for impeachment. 11 And then when you scroll down to Page 3, we have 12 Gerald Nix, Senior Statistician with the Alabama 13 Department of Labor, and that's you? 14 <b>A Yes.</b> 15 Q Down here with subject of information, 16 it states, "Mr. Nix has information about 17 publications on the Workforce Development portion 18 of the Alabama Department of Labor's website and 19 his work for the Alabama Department of Labor." 20 Do you see that? 21 <b>A Yes.</b> 22 Q So is it your understanding that this 23 is what you are expected to test about -- testify 24 about if you indeed testify in these lawsuits? 25 MS. FAIRBANKS-MESSICK: Object to the</p>

Transcript of Gerald Nix  
Conducted on July 17, 2024

9 (33 to 36)

<p style="text-align: right;">33</p> <p>1 form.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MS. RUTAHINDURWA:</p> <p>4 Q When were you first made aware that</p> <p>5 you'd be disclosed as a witness in the -- this</p> <p>6 litigation?</p> <p>7 A Roughly a month ago.</p> <p>8 Q How many times did you speak with the</p> <p>9 Attorney General's office prior to today?</p> <p>10 MS. FAIRBANKS-MESSICK: Object to the</p> <p>11 form.</p> <p>12 THE WITNESS: There was a meeting that</p> <p>13 we had in -- roughly a month ago. And -- I'm</p> <p>14 sorry, I -- there was also a Zoom meeting just to</p> <p>15 make sure that, and I -- I think I --</p> <p>16 MS. FAIRBANKS-MESSICK: Okay. I'm</p> <p>17 sorry, please don't tell her about the content of</p> <p>18 the communications. Just tell her -- her</p> <p>19 question was more, Did we meet?</p> <p>20 THE WITNESS: Okay. Sorry. Yeah, a</p> <p>21 month ago and then a couple weeks ago.</p> <p>22 BY MS. RUTAHINDURWA:</p> <p>23 Q How long did each of those meetings</p> <p>24 last?</p> <p>25 A I believe the initial meeting that I</p>	<p style="text-align: right;">35</p> <p>1 something about that. Yeah.</p> <p>2 BY MS. RUTAHINDURWA:</p> <p>3 Q And that would've been --</p> <p>4 Q -- online news articles?</p> <p>5 A Yes.</p> <p>6 Q Do you have any knowledge of what</p> <p>7 Section 2 of the Voting Rights Act is?</p> <p>8 A No.</p> <p>9 Q What's your understanding of why your</p> <p>10 testimony would potentially be relevant to a</p> <p>11 lawsuit pertaining to redistricting?</p> <p>12 A I don't know.</p> <p>13 Q Do you expect to testify about the</p> <p>14 racial demographic composition of Alabama?</p> <p>15 A I -- no. Sorry. I --</p> <p>16 MS. FAIRBANKS-MESSICK: Do you need</p> <p>17 her to repeat the question or for the court</p> <p>18 reporter to read it back?</p> <p>19 THE WITNESS: Could you? Yeah. Could</p> <p>20 you repeat the question, please?</p> <p>21 BY MS. RUTAHINDURWA:</p> <p>22 Q Of course. Do you expect to testify</p> <p>23 about the racial demographic composition of the</p> <p>24 state of Alabama?</p> <p>25 A No. I --</p>
<p style="text-align: right;">34</p> <p>1 was a part of I -- 30 minutes for me and maybe 10</p> <p>2 minutes on the follow up.</p> <p>3 Q Did you take any notes during the --</p> <p>4 the two meetings?</p> <p>5 A I did not.</p> <p>6 Q Have you seen the complaints that have</p> <p>7 been filed in this litigation?</p> <p>8 A I have not.</p> <p>9 Q Have you seen any documents or other</p> <p>10 briefings that have been filed in these lawsuits?</p> <p>11 A No.</p> <p>12 Q What's your understanding of what this</p> <p>13 litigation is about?</p> <p>14 A I honestly haven't looked at anything,</p> <p>15 so I'm not sure.</p> <p>16 Q Have you -- do you have any experience</p> <p>17 with redistricting?</p> <p>18 A I know what it is.</p> <p>19 Q Do you know -- strike that.</p> <p>20 Have you been made aware that</p> <p>21 Alabama was required to redraw its redistricting</p> <p>22 lines?</p> <p>23 MS. FAIRBANKS-MESSICK: Object to the</p> <p>24 form.</p> <p>25 THE WITNESS: I may have read</p>	<p style="text-align: right;">36</p> <p>1 Q Does race show up in your work at all</p> <p>2 when you're updating publications?</p> <p>3 A No.</p> <p>4 Q Do you calculate or find data on</p> <p>5 employment rates in the state by race?</p> <p>6 A No.</p> <p>7 Q Do you analyze or find data about the</p> <p>8 potential for job opportunities or employability</p> <p>9 in the state by race?</p> <p>10 A No.</p> <p>11 Q As part of your job, do you analyze</p> <p>12 what's been termed underemployment?</p> <p>13 A We do have one report that shows</p> <p>14 underemployment, yes.</p> <p>15 Q And in that report, do you analyze</p> <p>16 underemployment in the state by race?</p> <p>17 A We do -- no. No. We don't do the</p> <p>18 analysis.</p> <p>19 Q Do you publish any statistics about</p> <p>20 underemployment in the state by race?</p> <p>21 A No.</p> <p>22 Q To your knowledge, do you know which</p> <p>23 races have higher underemployment rates in the</p> <p>24 state of Alabama?</p> <p>25 A No.</p>

Transcript of Gerald Nix  
Conducted on July 17, 2024

10 (37 to 40)

<p style="text-align: right;">37</p> <p>1 Q To your knowledge, do you know which</p> <p>2 races have higher unemployment rates in Alabama?</p> <p>3 A No.</p> <p>4 Q Would you expect to testify about the</p> <p>5 political cohesiveness of the Black population in</p> <p>6 Alabama?</p> <p>7 A No.</p> <p>8 Q Would you expect to testify about the</p> <p>9 political cohesiveness of the white population in</p> <p>10 Alabama?</p> <p>11 A No.</p> <p>12 Q As part of your responsibilities in</p> <p>13 your job, have you analyzed or studied the extent</p> <p>14 to which Black Alabamians bear the effects of</p> <p>15 discrimination in employment?</p> <p>16 A No.</p> <p>17 Q So would you expect to testify about</p> <p>18 any kind of historical analysis on employment</p> <p>19 rates in the state of Alabama?</p> <p>20 MS. FAIRBANKS-MESSICK: Can I ask the</p> <p>21 court reporter to read that one back, please?</p> <p>22 THE REPORTER: Standby, please.</p> <p>23 (The pending question was played back.)</p> <p>24 THE WITNESS: No.</p> <p>25 MR. BLACKSHER: Ms. Welch, this is Jim</p>	<p style="text-align: right;">39</p> <p>1 two years.</p> <p>2 Q How often are the state and regional</p> <p>3 reports updated?</p> <p>4 MS. FAIRBANKS-MESSICK: Object to the</p> <p>5 form.</p> <p>6 THE WITNESS: It varies depending on</p> <p>7 the data source.</p> <p>8 BY MS. RUTAHINDURWA:</p> <p>9 Q What about the county profiles?</p> <p>10 A Annually.</p> <p>11 Q And how often are the help wanted</p> <p>12 online updated?</p> <p>13 A Monthly.</p> <p>14 Q And what about -- apologies. What was</p> <p>15 the last one, Accelerate --</p> <p>16 A Accelerate Alabama.</p> <p>17 Q How often is Accelerate Alabama</p> <p>18 updated?</p> <p>19 A Biannual -- Biannually -- -wow. Every</p> <p>20 two years.</p> <p>21 Q Can you describe what Accelerate</p> <p>22 Alabama is?</p> <p>23 A It's analysis of industries as</p> <p>24 designated by the Department of Commerce, part of</p> <p>25 the Made in Alabama.</p>
<p style="text-align: right;">38</p> <p>1 Blacksher. Excuse me. I'm being called away. I</p> <p>2 -- I don't know if I'll return before the</p> <p>3 deposition ends, but if -- if I -- I don't, I</p> <p>4 have no questions and will not need a copy.</p> <p>5 THE REPORTER: Understood. Thank you,</p> <p>6 sir.</p> <p>7 MR. BLACKSHER: Thank you.</p> <p>8 BY MS. RUTAHINDURWA:</p> <p>9 Q What publications have you worked on</p> <p>10 for the Workforce Development Portion of the</p> <p>11 department's website?</p> <p>12 A The demand occupations, state and</p> <p>13 regional reports, county profiles, help wanted</p> <p>14 online, Accelerate Alabama.</p> <p>15 Q What was the last one?</p> <p>16 A Accelerate Alabama.</p> <p>17 Q And are each of these categories of</p> <p>18 reports updated every year?</p> <p>19 MS. FAIRBANKS-MESSICK: Object to the</p> <p>20 form.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MS. RUTAHINDURWA:</p> <p>23 Q How often are demand occupations</p> <p>24 updated?</p> <p>25 A The occupational projections are every</p>	<p style="text-align: right;">40</p> <p>1 Q And when you say analysis of</p> <p>2 industries, it's about the productivity of a</p> <p>3 specific injury -- industry, the number of jobs,</p> <p>4 like, what -- what -- what kind of analysis of</p> <p>5 industries are you engaging in?</p> <p>6 A A breakdown of like how many employers</p> <p>7 may exist within an industry, what the employment</p> <p>8 may be. There is an age breakdown within each</p> <p>9 industry by age group. And then we also look at</p> <p>10 wages by those industries.</p> <p>11 Q Are the help wanted, the Accelerate</p> <p>12 Alabama, are those data profiles included in</p> <p>13 state and regional reports?</p> <p>14 MS. FAIRBANKS-MESSICK: Object to the</p> <p>15 form.</p> <p>16 THE WITNESS: No.</p> <p>17 BY MS. RUTAHINDURWA:</p> <p>18 Q Are they included in county profiles?</p> <p>19 MS. FAIRBANKS-MESSICK: Object to the</p> <p>20 form.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MS. RUTAHINDURWA:</p> <p>23 Q How are publications determined by the</p> <p>24 Department to be researched and written?</p> <p>25 MS. FAIRBANKS-MESSICK: Object to the</p>

Transcript of Gerald Nix  
Conducted on July 17, 2024

11 (41 to 44)

41	<p>1 form.</p> <p>2 THE WITNESS: The publications were</p> <p>3 developed before I started with the Alabama</p> <p>4 Department of Labor. I have just fallen into</p> <p>5 updating them.</p> <p>6 BY MS. RUTAHINDURWA:</p> <p>7 Q Do you know if any of the publications</p> <p>8 coincide with state funding or federal funding?</p> <p>9 MS. FAIRBANKS-MESSICK: Object to the</p> <p>10 form. I -- I find the word coincide in that</p> <p>11 sentence confusing.</p> <p>12 BY MS. RUTAHINDURWA:</p> <p>13 Q Sure. I'm happy to rephrase. Do the</p> <p>14 publications -- are the publication -- the work</p> <p>15 on the publications supported by specific state</p> <p>16 grants or federal funding?</p> <p>17 THE WITNESS: (Inaudible.)</p> <p>18 THE REPORTER: I'm sorry. I did not</p> <p>19 hear that.</p> <p>20 MS. FAIRBANKS-MESSICK: He asked if</p> <p>21 he's allowed to ask me a question.</p> <p>22 MR. HARRISON: Just answer on your</p> <p>23 knowledge.</p> <p>24 MS. FAIRBANKS-MESSICK: Yeah.</p> <p>25 THE WITNESS: Okay.</p>	43
42	<p>1 MS. FAIRBANKS-MESSICK: If you don't</p> <p>2 -- if you need her to rephrase, you can do that.</p> <p>3 THE WITNESS: Okay. We are funded by</p> <p>4 a federal grant as part of the WIOA program.</p> <p>5 BY MS. RUTAHINDURWA:</p> <p>6 Q The entire unit is funded by that?</p> <p>7 <b>A Yes. Yeah. Workforce Development</b></p> <p>8 <b>specifically. Yeah.</b></p> <p>9 MS. RUTAHINDURWA: I'm going to show</p> <p>10 you what's been marked as Exhibit 3.</p> <p>11 (EXHIBIT 3 MARKED FOR IDENTIFICATION)</p> <p>12 BY MS. RUTAHINDURWA:</p> <p>13 Q It's the State of the Workforce</p> <p>14 report, Southwest Alabama Works. I believe this</p> <p>15 is 17. I'm bad with Roman numerals. Do you</p> <p>16 recognize this report?</p> <p>17 <b>A I do.</b></p> <p>18 Q Did you help publish this report?</p> <p>19 <b>A No.</b></p> <p>20 Q Do you know which unit works on this</p> <p>21 report?</p> <p>22 <b>A That is produced by the Center --</b></p> <p>23 <b>center for Business and Economic Research with</b></p> <p>24 <b>the University of Alabama.</b></p> <p>25 Q This map here. Is this a map of</p>	44
	<p>1 Region 7?</p> <p>2 MS. FAIRBANKS-MESSICK: Object to the</p> <p>3 form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MS. RUTAHINDURWA:</p> <p>6 Q Are there any specific characteristics</p> <p>7 that define the Region 7?</p> <p>8 MS. FAIRBANKS-MESSICK: Object to the</p> <p>9 form.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MS. RUTAHINDURWA:</p> <p>12 Q Have you visited counties in Region 7</p> <p>13 before?</p> <p>14 <b>A Yes.</b></p> <p>15 Q Can you describe the counties that you</p> <p>16 visited?</p> <p>17 <b>A Can you clarify?</b></p> <p>18 Q Yeah. Are the counties more rural?</p> <p>19 Are the counties have large urban centers? Like</p> <p>20 how would you describe Region 7 as a -- as a</p> <p>21 workforce?</p> <p>22 MS. FAIRBANKS-MESSICK: Object to the</p> <p>23 form.</p> <p>24 THE WITNESS: I've been both to Mobile</p> <p>25 and, I believe, Escambia County, and I have to</p>	

Transcript of Gerald Nix  
Conducted on July 17, 2024

12 (45 to 48)

45	<p>1 Q And when did they decrease to seven</p> <p>2 regions?</p> <p>3 A I believe it was 2016, the same year I</p> <p>4 started.</p> <p>5 Q Do you know why the number changed</p> <p>6 from 10 to seven?</p> <p>7 A No.</p> <p>8 Q When you travel to counties, do you</p> <p>9 ever conduct any on the ground surveys?</p> <p>10 A No.</p> <p>11 Q Have you published any reports on the</p> <p>12 intersection between educational attainment and</p> <p>13 employment?</p> <p>14 A I'm sorry, could you clarify that</p> <p>15 question?</p> <p>16 Q Have you published any reports or</p> <p>17 updated any publications on matters relating to</p> <p>18 educational attainment and how it impacts</p> <p>19 employment?</p> <p>20 A Not that I'm aware of, no.</p> <p>21 Q Have you analyzed the commuting</p> <p>22 patterns of workers in Region 7?</p> <p>23 A I -- yes. Yes, I have.</p> <p>24 Q And in the most recent analysis that</p> <p>25 you updated, what patterns have you found with</p>	47	<p>1 you what's been marked as Exhibit 4.</p> <p>2 (EXHIBIT 4 MARKED FOR IDENTIFICATION)</p> <p>3 BY MS. RUTAHINDURWA:</p> <p>4 Q Can you see this document okay?</p> <p>5 A Yes.</p> <p>6 Q This is the Mobile County profile.</p> <p>7 Did you play a role in updating this profile?</p> <p>8 A Yes.</p> <p>9 Q When was the last time you've seen</p> <p>10 this document?</p> <p>11 A This specific document, maybe six</p> <p>12 months ago.</p> <p>13 Q We're going now to page 12 of this</p> <p>14 report. It's a 2021 commuting patterns in the</p> <p>15 county. Is this kind of what you were describing</p> <p>16 about disseminating information about where</p> <p>17 people live who work in the county?</p> <p>18 A Yes.</p> <p>19 Q And here it shows that the majority of</p> <p>20 the people who work in Mobile County live in</p> <p>21 Mobile County; is that right?</p> <p>22 A Yes.</p> <p>23 Q But then there are also the colored --</p> <p>24 the blue and light blue shades of coloration that</p> <p>25 the counties identify where other people who work</p>
46	<p>1 respect to commuters in Region 7?</p> <p>2 MS. FAIRBANKS-MESSICK: Objection to</p> <p>3 the form.</p> <p>4 THE WITNESS: May I clarify something?</p> <p>5 BY MS. RUTAHINDURWA:</p> <p>6 Q Of course.</p> <p>7 A When -- when you asked about analysis,</p> <p>8 I don't actually do analysis of them. We just</p> <p>9 disseminate from US Census Bureau publications.</p> <p>10 Just to be clear.</p> <p>11 Q Yeah. Thank you for clarifying. And</p> <p>12 so I can rephrase the question. In the most</p> <p>13 recent publication where you disseminated</p> <p>14 information on commuting patterns of workers in</p> <p>15 Region 7, what patterns did you -- what</p> <p>16 information did you provide on the commuting</p> <p>17 patterns in Region 7?</p> <p>18 MS. FAIRBANKS-MESSICK: Object to the</p> <p>19 form.</p> <p>20 THE WITNESS: We look at where people</p> <p>21 work who live in a specific county, and that</p> <p>22 applies to all counties. And then we also look</p> <p>23 at where people live that work in that same</p> <p>24 county as well.</p> <p>25 MS. RUTAHINDURWA: I'm going to show</p>	48	<p>1 in Mobile County live, right? Is that right?</p> <p>2 A Yes.</p> <p>3 Q Can you identify the other counties in</p> <p>4 this region that have residents who work in</p> <p>5 Mobile County?</p> <p>6 MS. FAIRBANKS-MESSICK: Object to the</p> <p>7 form.</p> <p>8 THE WITNESS: When you say you</p> <p>9 identified, do you want me to read them out? And</p> <p>10 are you -- you said the region. So do you mean</p> <p>11 everything that's on that map, or just specific</p> <p>12 to Southwest Alabama?</p> <p>13 BY MS. RUTAHINDURWA:</p> <p>14 Q Yeah. Just which counties have --</p> <p>15 your -- your title -- strike that.</p> <p>16 Your title is statistician, right?</p> <p>17 A Yes.</p> <p>18 Q Would you say that this visualization</p> <p>19 shows statistically significant counties where</p> <p>20 residents commute to Mobile for work?</p> <p>21 MS. FAIRBANKS-MESSICK: Object to the</p> <p>22 form.</p> <p>23 THE WITNESS: Can you repeat the</p> <p>24 question?</p> <p>25 BY MS. RUTAHINDURWA:</p>



Transcript of Gerald Nix  
Conducted on July 17, 2024

13 (49 to 52)

<p style="text-align: right;">49</p> <p>1 Q Yeah. So for example, the second</p> <p>2 highest share is Baldwin County. 12.8 percent of</p> <p>3 the population in Mobile County live in Baldwin</p> <p>4 County. Is that -- is that -- am I reading that</p> <p>5 right?</p> <p>6 A Yes.</p> <p>7 Q Is 12.8 percent a statistically</p> <p>8 significant number?</p> <p>9 MS. FAIRBANKS-MESSICK: Object to the</p> <p>10 form.</p> <p>11 THE WITNESS: If you're asking my</p> <p>12 opinion, I would say no.</p> <p>13 BY MS. RUTAHINDURWA:</p> <p>14 Q Okay. So how -- how are these -- how</p> <p>15 is this graph created, then? Why are certain</p> <p>16 counties highlighted and then all other locations</p> <p>17 specified at the bottom here?</p> <p>18 A The original form was to show the top</p> <p>19 10 counties that commute into Mobile County for</p> <p>20 work, and then due to space constraints, we</p> <p>21 combined all others into the all other locations</p> <p>22 at the bottom.</p> <p>23 Q Got it. Okay. And based on your</p> <p>24 experience, do you know what industries these</p> <p>25 commuters work in that brings them to Mobile</p>	<p style="text-align: right;">51</p> <p>1 A Yes.</p> <p>2 MS. RUTAHINDURWA: Can we take a five</p> <p>3 minute break? I'm just looking at my outline</p> <p>4 here.</p> <p>5 MS. FAIRBANKS-MESSICK: Absolutely.</p> <p>6 Thank you.</p> <p>7 BY MS. RUTAHINDURWA:</p> <p>8 Q I just have a couple clarifying</p> <p>9 questions for you. So you do not analyze any of</p> <p>10 the data when updating publications; is that</p> <p>11 right?</p> <p>12 A That is correct.</p> <p>13 Q And you do not confirm the accuracy of</p> <p>14 the data sources used when updating your</p> <p>15 publications, right?</p> <p>16 A No, we do not.</p> <p>17 Q And you do not create any of the data</p> <p>18 yourself? The data is all from outside sources,</p> <p>19 right?</p> <p>20 A We do not create. Yeah.</p> <p>21 MS. RUTAHINDURWA: Those are all the</p> <p>22 questions I have for now. Caster Plaintiffs want</p> <p>23 to leave the deposition open to ask questions</p> <p>24 about communications related to the</p> <p>25 attorney-client privilege, should those</p>
<p style="text-align: right;">50</p> <p>1 County?</p> <p>2 MS. FAIRBANKS-MESSICK: Object to the</p> <p>3 form.</p> <p>4 THE WITNESS: No.</p> <p>5 BY MS. RUTAHINDURWA:</p> <p>6 Q Did you review any of the expert</p> <p>7 reports produced in this litigation?</p> <p>8 A No.</p> <p>9 Q Do you know of a Dr. Wilfred Riley?</p> <p>10 A No.</p> <p>11 Q Do you know of a Dr. Regina Moore?</p> <p>12 A No.</p> <p>13 Q Do you intend to testify about</p> <p>14 anything specific within the expert reports</p> <p>15 produced in this litigation?</p> <p>16 A If called upon, I'll speak to it. Is</p> <p>17 that -- I'm sorry. Does that answer your</p> <p>18 question?</p> <p>19 Q Yep. That answers my question. So to</p> <p>20 date you haven't read or looked at any of the</p> <p>21 expert reports?</p> <p>22 A No.</p> <p>23 Q And if called upon to testify, your</p> <p>24 testimony would be limited to your work with the</p> <p>25 Workforce Development Unit; is that fair to say?</p>	<p style="text-align: right;">52</p> <p>1 communications be deemed actually not protected</p> <p>2 by the attorney-client privilege. And so we want</p> <p>3 to put that on the record, but otherwise, I don't</p> <p>4 have any questions, and thank you for your time.</p> <p>5 MS. FAIRBANKS-MESSICK: Before we find</p> <p>6 out if any other plaintiffs, I guess we're down</p> <p>7 to Milligan at this point, have questions, I'll</p> <p>8 put on the record that we do object to you</p> <p>9 holding the deposition open and further, we're</p> <p>10 not aware of any authority that you have to</p> <p>11 unilaterally hold the deposition open over our</p> <p>12 objection. We consider the deposition yesterday</p> <p>13 closed and believe this one will close as well.</p> <p>14 But of course, we recognize that if you go to the</p> <p>15 Court and the Court believes that you're entitled</p> <p>16 to more testimony, that the Court can order the</p> <p>17 deposition reopened. Do the Milligan Plaintiffs</p> <p>18 have any questions for this witness?</p> <p>19 EXAMINATION BY COUNSEL FOR THE MILLIGAN PLAINTIFFS</p> <p>20 BY MR. BURKE:</p> <p>21 Q Yes. We just have a couple clarifying</p> <p>22 questions. So I'm Colin Burke. I'm with the</p> <p>23 NAACP Legal Defense Fund, and I represent the</p> <p>24 Milligan Plaintiffs in this action. And did you</p> <p>25 earlier testify that you were an expert witness</p>



Transcript of Gerald Nix  
Conducted on July 17, 2024

14 (53 to 56)

53	<p>1 in this case?</p> <p>2 <b>A I was told that I was being called as</b></p> <p>3 <b>an expert witness.</b></p> <p>4 Q Okay. And have you produced a report</p> <p>5 in this litigation?</p> <p>6 MS. FAIRBANKS-MESSICK: Colin, we'll</p> <p>7 stipulate that he is on an expert report.</p> <p>8 Obviously, the deadline for disclosing experts</p> <p>9 has passed, and we have not provided you one from</p> <p>10 him.</p> <p>11 MR. BURKE: Okay. Thank you.</p> <p>12 BY MR. BURKE:</p> <p>13 Q Have you drafted a declaration in this</p> <p>14 litigation?</p> <p>15 <b>A No.</b></p> <p>16 Q Have you seen a declaration in this</p> <p>17 litigation?</p> <p>18 <b>A No.</b></p> <p>19 Q And are you planning to produce a</p> <p>20 declaration in this litigation?</p> <p>21 <b>A No.</b></p> <p>22 Q Are you planning to produce anything</p> <p>23 written in this litigation?</p> <p>24 <b>A No.</b></p> <p>25 MR. BURKE: I believe that's all my</p>	55	<p>1 mistakes, and Mr. Harrison or his team would</p> <p>2 absolutely help you with that process.</p> <p>3 THE WITNESS: Yes.</p> <p>4 THE REPORTER: And may I take</p> <p>5 transcript orders, please, starting with -- I'm</p> <p>6 going to try it again. Ms. Rutahindurwa?</p> <p>7 MS. RUTAHINDURWA: Yep. We'll order a</p> <p>8 transcript. Thank you.</p> <p>9 THE REPORTER: Okay. Ms. Messick?</p> <p>10 MS. FAIRBANKS-MESSICK: The same as</p> <p>11 Mr. Blacksher's, please.</p> <p>12 THE REPORTER: Okay. Mr. Taunton?</p> <p>13 MR. TAUNTON: (Inaudible.)</p> <p>14 THE REPORTER: I'm sorry?</p> <p>15 MR. TAUNTON: Yes. Electronic only.</p> <p>16 THE REPORTER: Thank you. Ms.</p> <p>17 Sadasivan?</p> <p>18 MS. SADASIVAN: Yeah. We'll also do</p> <p>19 electronic only.</p> <p>20 THE REPORTER: Okay. Mr. Blacksher</p> <p>21 said no. Mr. Harrison?</p> <p>22 MR. HARRISON: Misty, do you have a</p> <p>23 preference for us here? We can have our own if</p> <p>24 you'd like, or --</p> <p>25 MS. FAIRBANKS-MESSICK: No. Labor</p>
54	<p>1 questions. Thank you so much for your time.</p> <p>2 EXAMINATION BY COUNSEL FOR THE DEFENDANTS</p> <p>3 BY MS. FAIRBANKS-MESSICK:</p> <p>4 Q Mr. Nix, I just have a couple of</p> <p>5 questions for you today. Have you testified to</p> <p>6 the best of your knowledge and under -- and</p> <p>7 recollection as you sit here today?</p> <p>8 <b>A Yes.</b></p> <p>9 Q And when trial comes, will you do your</p> <p>10 best to answer whatever questions are put to you</p> <p>11 with that you are called as a witness?</p> <p>12 <b>A Yes.</b></p> <p>13 Q We have no further questions.</p> <p>14 MS. RUTAHINDURWA: I think that we can</p> <p>15 go off the record, then. Thank you again for</p> <p>16 your time, Mr. Nix. We appreciate it.</p> <p>17 THE REPORTER: And if I may, before we</p> <p>18 go off the record, could I ask if the witness</p> <p>19 will read and sign?</p> <p>20 MS. FAIRBANKS-MESSICK: We would</p> <p>21 encourage you to reserve the opportunity to read</p> <p>22 and sign, but that means you would be able to</p> <p>23 read the deposition transcript to look for</p> <p>24 mistakes, and if you find any, you would be able</p> <p>25 to let the court reporter know about those</p>	56	<p>1 doesn't need one.</p> <p>2 MR. HARRISON: Yeah. We don't --</p> <p>3 MS. FAIRBANKS-MESSICK: We're part of</p> <p>4 the same law firm.</p> <p>5 MR. HARRISON: We do not need one.</p> <p>6 Thank you.</p> <p>7 (Off the record at 12:18 p.m.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Transcript of Gerald Nix  
Conducted on July 17, 2024

15 (57 to 60)

57

## 1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2 I, Kelli Welch, CER, the officer  
3 before whom the foregoing proceedings were taken,  
4 do hereby certify that any witness(es) in the  
5 foregoing proceedings were fully sworn; that the  
6 proceedings were recorded by me and thereafter  
7 reduced to typewriting by a qualified  
8 transcriptionist; that said digital audio  
9 recording of said proceedings are a true and  
10 accurate record to the best of my knowledge,  
11 skills, and ability; and that I am neither  
12 counsel for, related to, nor employed by any  
13 of the parties to this case and have no  
14 interest, financial or otherwise, in its outcome.

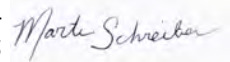
15  
16 

17  
18 \_\_\_\_\_  
19 Kelli Welch, CER, Notary Public in and for the  
20 State of Kansas.

58

## 1 CERTIFICATION OF TRANSCRIPT

2 I, Marti Schreiber, do hereby certify  
3 that this transcript was prepared from the digital  
4 audio recording of the foregoing proceeding; that  
5 said proceedings were reduced to typewriting under  
6 my supervision; that said transcript is a true and  
7 accurate record of the proceedings to the best of  
8 my knowledge, skills, and ability; and that I am  
9 neither counsel for, related to, nor employed by any  
10 of the parties to the case and have no interest,  
11 financial or otherwise, in its outcome.

12  
13  
14 

15  
16 \_\_\_\_\_  
17 Marti Schreiber,  
18 Planet Depos, LLC  
19 July 29, 2024

(Signature)

No. 545790

Re: Deposition of **Gerald Nix**

Date: 7/17/2024

Case: Caster, et al. -v- Allen, et al.

Return to: [transcripts@planetdepos.com](mailto:transcripts@planetdepos.com)

[illegible]

9/4/2024  
(Date)

(Signature)

No. 545790

Re: Deposition of **Gerald Nix**

Date: 7/17/2024

Case: Caster, et al. -v- Allen, et al.


Return to: transcripts@planetdepos.com

ACKNOWLEDGMENT OF DEPONENT

I, Gerald Nix, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

9/4/2024

(Date)

A handwritten signature in black ink, appearing to be 'G. Nix', written over a horizontal line.

(Signature)