

JEFF WILLIAMS
MILLIGAN V. ALLENSeptember 06, 2024
DISTRICT COURT
N.D. OF ALABAMA
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<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4 NO.: 2:21-CV-01530-AMM</p> <p>5 EVAN MILLIGAN, et al.,</p> <p>6 Plaintiffs,</p> <p>7 v.</p> <p>8 WES ALLEN, et al.,</p> <p>9 Defendants.</p> <p>10</p> <p>11 DEPOSITION TRANSCRIPT OF</p> <p>12 JEFF WILLIAMS</p> <p>13 September 6, 2024</p> <p>14 1:07 P.M.</p> <p>15</p> <p>16 The deposition of JEFF WILLIAMS was taken</p> <p>17 before Karen Smith, CCR, on September 6, 2024, by</p> <p>18 Harmony Gbe, Esq., via Zoom, commencing at</p> <p>19 approximately 1:07 P.M., at the Office of</p> <p>20 Attorney General, 501 Washington Avenue,</p> <p>21 Montgomery, Alabama, pursuant to the stipulations</p> <p>22 set forth herein.</p> <p>23</p>	<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ON BEHALF OF THE MILLIGAN PLAINTIFFS:</p> <p>4 Harmony Gbe, Esq.</p> <p>5 HOGAN LOVELLS US LLP</p> <p>6 1999 Avenue of the Stars, Suite 1400</p> <p>7 Los Angeles, CA 90067</p> <p>8 harmony.gbe@hoganlovells.com</p> <p>9</p> <p>10 ON BEHALF OF THE COCHAIRS: RANDY HINAMAN, STEVE</p> <p>11 LIVINGSTON, AND CHRIS PRINGLE:</p> <p>12 Dorman Walker, Esq.</p> <p>13 BALCH & BINGHAM</p> <p>14 105 Tallapoosa Street, Suite 200</p> <p>15 Montgomery, AL 36104</p> <p>16 dwalker@balch.com</p> <p>17</p> <p>18 ON BEHALF OF THE SECRETARY OF STATE, WES ALLEN:</p> <p>19 Misty S. Fairbanks Messick, Esq.</p> <p>20 Assistant Attorney General</p> <p>21 501 Washington Avenue</p> <p>22 Montgomery, AL 36130</p> <p>23 misty.messick@alabamaag.gov</p>
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<p>1 S T I P U L A T I O N</p> <p>2 IT IS STIPULATED AND AGREED by and</p> <p>3 between the parties through their respective</p> <p>4 counsel that the deposition of JEFF WILLIAMS may</p> <p>5 be taken before Karen Smith, CCR and Notary</p> <p>6 Public, State of Alabama at Large, at the Office</p> <p>7 of Attorney General, 501 Washington Avenue,</p> <p>8 Montgomery, Alabama 36104 on September 6, 2024,</p> <p>9 commencing at approximately 1:07 P.M.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED that</p> <p>11 it shall not be necessary for any objections to</p> <p>12 be made by counsel to any questions, except as to</p> <p>13 form or leading questions and that counsel for</p> <p>14 the parties may make objections and assign</p> <p>15 grounds at the time of trial or at the time said</p> <p>16 deposition is offered in evidence, or prior</p> <p>17 thereto.</p> <p>18 IT IS FURTHER STIPULATED AND AGREED that</p> <p>19 notice of filing of the deposition by the</p> <p>20 Commissioner is waived.</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 EXAMINATION INDEX</p> <p>2 JEFF WILLIAMS</p> <p>3 BY MS. GBE 5</p> <p>4 MS. MESSICK</p> <p>5</p> <p>6 * * * * *</p> <p>7</p> <p>8 EXHIBIT INDEX</p> <p>9 Plaintiff's</p> <p>10 Exhibit 1 Declaration 22</p> <p>11 Exhibit 2 Map 28</p> <p>12 Exhibit 3 Deposition notice 12</p> <p>13 Exhibit 4 SmartBank Regional Leadership 17</p> <p>14 Exhibit 5 SB5 Enrolled 29</p> <p>15 Exhibit 6 Remedial plan 3 35</p> <p>16 Exhibit 7 News article 43</p> <p>17 Defendant's</p> <p>Exhibit 1 Map of Alabama counties 49</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

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<p style="text-align: right;">Page 5</p> <p>1 I, Karen Smith, a Court Reporter of 2 Birmingham, Alabama, and a Notary Public for the 3 State of Alabama at Large, acting as 4 Commissioner, certify that on this date, as 5 provided by the Alabama Rules of Civil Procedure 6 and the foregoing stipulation of counsel, there 7 came before me on the 6th day of September, 2024, 8 at the Office of Attorney General, 501 Washington 9 Avenue, Montgomery, Alabama 35406, commencing at 10 approximately 1:07 P.M., JEFF WILLIAMS, witness 11 in the above cause, for oral examination, 12 whereupon the following proceedings were had: 13 JEFF WILLIAMS, 14 being first duly sworn, was examined and 15 testified as follows: 16 MS. MESSICK: I would encourage the 17 witness to reserve the right to read and sign. 18 Is that something you'd like to do? 19 THE WITNESS: I'd like to reserve the 20 right to read and sign, yes. 21 MS. MESSICK: Thank you. 22 Harmony, we have also been doing an 23 objection from one is an objection for all on</p>	<p style="text-align: right;">Page 7</p> <p>1 case? 2 A. Yes, ma'am, in last August I believe. 3 Q. And have you been deposed in any other 4 case in the last year? 5 A. I have not. 6 Q. Have you been -- have you testified at 7 trial at any point in the last year? 8 A. No, I have not. 9 Q. You understand that you are testifying 10 under oath today? 11 A. I do. 12 Q. Is there anything that might prevent 13 you from understanding my questions or 14 answering truthfully this morning? 15 A. No, there's not. 16 Q. Are you represented by counsel today? 17 A. I am not. 18 Q. So since your last deposition was a bit 19 ago, I'm just going to go over some basic 20 ground rules for the deposition. If you have 21 any questions as I go through these with you, 22 feel free to stop me and ask. But basically I 23 will be asking you a series of questions, and</p>
<p style="text-align: right;">Page 6</p> <p>1 the same side of the V. 2 Dorman, is that okay with you? 3 MR. WALKER: Yes, it is. 4 MS. MESSICK: Okay. Is that all right 5 with plaintiffs? 6 MS. GBE: That is all right with the 7 Mulligan plaintiffs. 8 MS. MESSICK: All right. And it 9 appears no one else is here at this time. If 10 we see another team show up, I might interrupt 11 to get that on the record. 12 MS. GBE: Understood. Likewise if 13 Caster appears, I will probably make a similar 14 statement on the record. 15 EXAMINATION 16 BY MS. GBE: 17 Q. Good afternoon, Mr. Williams. How are 18 you? 19 A. Good afternoon. I'm fine. I hope you 20 are. 21 Q. I am. Thank you. You may recall we've 22 spoken once before in your last deposition in 23 this case. Do you recall being deposed in this</p>	<p style="text-align: right;">Page 8</p> <p>1 you are going to answer them to the best of 2 your ability. Do you understand that? 3 A. I do. 4 Q. I will ask that you please provide 5 verbal answers to my questions so that our 6 court reporter, who you've met, can help us 7 make a clear record. For example, instead of 8 giving a head nod and saying uh-huh, please 9 provide a verbal yes or no or whatever the 10 appropriate answer is. Do you understand that? 11 A. I understand. 12 Q. Relatedly, we should strive not to talk 13 over one another. So there's of course some 14 challenges posed by a remote setup. There may 15 be a lag in the end of my question or the end 16 of your answer, but I will just ask you to take 17 some pauses and listen to my question carefully 18 and I will do the same and listen to your 19 answers and we will do our best not to speak 20 over each other. Okay? 21 A. Sounds good. 22 Q. You understand that you should give the 23 same seriousness and truthfulness in answering</p>

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<p style="text-align: right;">Page 9</p> <p>1 my questions here today as you would if you 2 were testifying in court before a judge or a 3 jury, correct? 4 A. Of course. 5 Q. And if you do not understand a 6 question, please tell me. Otherwise, I will 7 assume that you understood. 8 A. I understand. 9 Q. All right. 10 A. Yes. 11 Q. If any attorney makes an objection, 12 which I suspect happen, you must still answer 13 the question unless you are specifically 14 instructed by counsel not to answer. Do you 15 understand? 16 A. I do. 17 Q. Please let me know if you need a break 18 at any point. I will just ask that if there is 19 a question pending, you answer that question 20 before we take a break. But this is not meant 21 to be an endurance test. If you need to take a 22 break for any reason, just let me know and we 23 can go off the record. All right?</p>	<p style="text-align: right;">Page 11</p> <p>1 hearing you. 2 A. The attorney general's office in 3 Montgomery. 4 Q. Thank you. Is there anyone in the room 5 with you right now? 6 A. Yes. I have the court reporter and 7 Misty Messick. 8 Q. Do you have any email, chat, text, or 9 instant messaging functions currently open? 10 A. I do not. 11 Q. And how did you learn about today's 12 deposition? 13 A. Ms. Messick called me I would say a few 14 weeks ago, three weeks ago or so, and asked me 15 if I would be willing to be deposed again. 16 Q. Did you discuss -- during the 17 conversation you just referenced, did you 18 discuss anything else with Ms. Messick? 19 A. No, I didn't. No, other than my 20 willingness and the approximate time line and 21 the expectation as far as time line. 22 Q. And when you are referring to time 23 line, you mean the time line of your</p>
<p style="text-align: right;">Page 10</p> <p>1 A. Okay. 2 Q. As we go through the questions, you may 3 realize that a prior answer was not entirely 4 accurate. If you realize that, I ask that you 5 just let me know so that we can correct the 6 record. Okay? 7 A. Okay. 8 Q. Do you understand all these 9 instructions that we've just discussed or do 10 you have any questions? 11 A. I do and no questions. 12 Q. Okay. With that out of the way, 13 Mr. Williams, do you understand that you are 14 testifying here today as a witness in the 15 Milligan v. Allen case? 16 MS. MESSICK: Object to the form. 17 A. I do. 18 Q. And where are you right now -- 19 A. The attorney -- 20 Q. -- physically? 21 A. At the attorney general's office. 22 Q. I will ask that you speak up just a 23 little bit because I'm having a bit of trouble</p>	<p style="text-align: right;">Page 12</p> <p>1 deposition? 2 A. Correct. 3 Q. Have you -- were you -- strike that. 4 Have you seen the deposition notice for 5 your deposition today? Does that sound 6 familiar at all? 7 A. I have. 8 Q. So I'm going to mark and share what I'm 9 actually going to mark as Exhibit 3, which is 10 your deposition notice in this case. And you 11 should have a printed copy available to you as 12 well. Let me know if you don't have that. 13 (Whereupon, Plaintiff's Exhibit 3 14 was marked for identification 15 and copy of same is attached hereto.) 16 MS. MESSICK: I thought we decided we 17 weren't going to print that. 18 MS. GBE: I'm sorry. We actually did. 19 THE WITNESS: I've got one here. 20 MS. GBE: So we will just rely on the 21 -- thank you for reminding me, Misty. We will 22 just rely on the screen share. 23 Q. But I'm only going to show you the</p>

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<p style="text-align: right;">Page 13</p> <p>1 first page, so. Do you see that on your 2 screen? 3 A. I do. 4 Q. Okay. Good. And is this the document 5 that you were referring to when you said that 6 you saw the deposition notice? 7 A. It appears to be. 8 Q. Okay. I'm going to go ahead and take 9 this down. 10 What did you do to prepare for your 11 deposition today? 12 A. I reviewed my previous declaration and 13 reviewed the deposition from last year. Also I 14 had a call with Ms. Messick just to review sort 15 of the rules and procedures of depositions. 16 Q. Okay. And so you mentioned three 17 things. You said that you reviewed your 18 declaration. Are you referring to the 19 declaration that you signed and provided to the 20 attorney general's office to submit in this 21 case? 22 A. Yes, ma'am. 23 Q. And then I think you referred to</p>	<p style="text-align: right;">Page 15</p> <p>1 deposition. You know, obviously to be truthful 2 and so forth and make sure you understand the 3 question, those type of things. 4 Q. Did you speak with any other attorneys 5 in the attorney general's office to prepare for 6 your deposition today? 7 A. I did not. 8 Q. Did you meet with anyone who is not an 9 attorney to prepare for your deposition today? 10 A. I did not. 11 Q. Did you review any document to prepare 12 for your deposition today? 13 MS. MESSICK: Object to the form. 14 A. Not outside what I've mentioned. 15 Q. Did you do anything else to prepare for 16 your deposition? 17 A. No. No. 18 Q. Are you being compensated by anyone for 19 being here today? 20 A. I am not. 21 Q. So let's discuss your personal 22 background for a bit. What do you currently do 23 for a living?</p>
<p style="text-align: right;">Page 14</p> <p>1 something having to do with your last 2 deposition. Can you clarify what you meant by 3 that? 4 A. The document that recorded my previous 5 deposition. 6 Q. I see. So the deposition transcript? 7 A. Correct. 8 Q. The writing of the conversation that we 9 had? 10 A. Yes, ma'am, that's correct. 11 Q. Okay. And then you said that you had a 12 conversation with Ms. Messick; is that right? 13 A. Correct. 14 Q. Did you have several conversations with 15 Ms. Messick? 16 A. No. 17 MS. MESSICK: Object to the form. 18 A. No. I only recall maybe three calls. 19 The second call may have been just coordinating 20 and time lines, making sure I was good with 21 this date and this time. And then the third 22 call, the final call, was just to prepare me, 23 make sure I understood what to expect in a</p>	<p style="text-align: right;">Page 16</p> <p>1 A. I'm the regional president for 2 SmartBank. I cover the South Alabama and East 3 Gulf Coast region. 4 Q. So what are your responsibilities in 5 that role? 6 A. I have six markets that report to me, 7 Montgomery, Dothan, Auburn, Destin, Panama 8 City, and Tallahassee. I'm responsible for the 9 market presidents in those areas that report to 10 me. Mostly we deal with corporate and private 11 mortgage and retail banking. 12 Q. And when you say they report to you, 13 what do you mean by that? 14 A. They're my direct reports. The market 15 presidents in each of those markets report to 16 me as the regional president. 17 Q. So I'm going to show you another 18 document. 19 MS. GBE: Misty, this was one of the 20 documents that we printed. It's the local 21 leadership website. 22 Q. So you should have a printed copy, 23 Mr. Williams, and I'm putting it up on the</p>

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<p style="text-align: right;">Page 17</p> <p>1 screen now. Please take a moment to review the</p> <p>2 document. And I'm going to mark this as</p> <p>3 Exhibit 4 for the record.</p> <p>4 (Whereupon, Plaintiff's Exhibit 4</p> <p>5 was marked for identification</p> <p>6 and copy of same is attached hereto.)</p> <p>7 MS. MESSICK: I'm giving him the</p> <p>8 document now.</p> <p>9 A. Okay. I'm familiar with it.</p> <p>10 Q. So this is -- what I'm sharing on the</p> <p>11 screen and what you have in front of you is a</p> <p>12 printout of the SmartBank website showing its</p> <p>13 regional leadership. I want to call your</p> <p>14 attention to Page 10 where it lists the market</p> <p>15 leadership. Do you see that?</p> <p>16 A. I don't see that they're numbered. I'm</p> <p>17 going to -- going to what you have on the</p> <p>18 screen. Yes, ma'am, I'm there now.</p> <p>19 Q. Okay, good. And who is listed as the</p> <p>20 market president for Baldwin County?</p> <p>21 A. Ed Hammele.</p> <p>22 MS. MESSICK: Object to the form.</p> <p>23 Q. And now looking at page -- the page</p>	<p style="text-align: right;">Page 19</p> <p>1 that's not under my region. But, no, I would</p> <p>2 think it enhances it, having leader -- a senior</p> <p>3 leader, a highly professional banker, an</p> <p>4 experienced banker leading that market. I</p> <p>5 think it only enhances our capabilities.</p> <p>6 Q. Okay. You can put that document to the</p> <p>7 side.</p> <p>8 Other than your position at SmartBank, do</p> <p>9 you currently hold any other employment</p> <p>10 positions?</p> <p>11 A. No other employment positions.</p> <p>12 Q. Do you currently hold any other -- or</p> <p>13 any nonemployment positions?</p> <p>14 A. Yes.</p> <p>15 Q. And what are those?</p> <p>16 A. I'm the vice chairman for the Dothan</p> <p>17 Housing Authority, and I'm the incoming</p> <p>18 chairman for the Dothan Area Chamber of</p> <p>19 Commerce effective October.</p> <p>20 Q. So let's take those separately. As</p> <p>21 vice chairman of the Dothan Housing Authority,</p> <p>22 how long have you been in that role?</p> <p>23 A. I've been in the role of vice chairman</p>
<p style="text-align: right;">Page 18</p> <p>1 right below it. So we're going to be looking</p> <p>2 at Pages 10 and 11. Who is listed as the</p> <p>3 market president for Mobile?</p> <p>4 MS. MESSICK: Object to the form.</p> <p>5 A. Ryan New.</p> <p>6 Q. Does SmartBank have one market</p> <p>7 president for Baldwin County and another one</p> <p>8 for Mobile because it considers those counties</p> <p>9 to be different markets?</p> <p>10 A. First, I will say that those are not --</p> <p>11 that's not in my territory so -- but I will</p> <p>12 address it. Yes, that's the case. We consider</p> <p>13 them as two separate markets.</p> <p>14 Q. And why is that?</p> <p>15 A. Because Baldwin County is a very large</p> <p>16 and fast-growing county, and it needs its own</p> <p>17 leadership. And Mobile is a very large city</p> <p>18 for the same reason.</p> <p>19 Q. Does having those two areas under</p> <p>20 different leadership hinder the bank's</p> <p>21 operation in any way?</p> <p>22 A. Again, that's not my territory so it's</p> <p>23 hard for me to speak to an area of the bank</p>	<p style="text-align: right;">Page 20</p> <p>1 I believe since 2008 or '9. I can't recall.</p> <p>2 And I have been on the commission since 2000 --</p> <p>3 no. Let me correct myself. I have been a vice</p> <p>4 chairman since either 2018 or 2019, and I've</p> <p>5 been on the commission since 2017.</p> <p>6 Q. I'm sorry. I just took the prior</p> <p>7 exhibit down.</p> <p>8 Okay. And in your role as vice chairman</p> <p>9 of the housing authority, what are your</p> <p>10 responsibilities?</p> <p>11 A. To conduct the board meetings should</p> <p>12 the chairman be absent and to vote on various</p> <p>13 resolutions that involve the governance of the</p> <p>14 housing authority and to oversee the finance</p> <p>15 committee, strategic planning, and so forth.</p> <p>16 Q. And you also mentioned that you are the</p> <p>17 incoming chairman of the Dothan Chamber of</p> <p>18 Commerce; is that right?</p> <p>19 A. That's correct.</p> <p>20 Q. And how long have you been in that</p> <p>21 role?</p> <p>22 A. I was appointed as -- we don't call it</p> <p>23 vice chairman. We call it incoming chairman.</p>

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<p style="text-align: right;">Page 21</p> <p>1 I was appointed to that role in October of 2 2023, so I will take over the chairman role in 3 October, so next month, October 2024. 4 Q. And what are your responsibilities as 5 incoming chairman of the Dothan Chamber of 6 Commerce? 7 A. As incoming chairman it's to be a 8 member of the executive committee, which is the 9 -- we call it the management part of the board 10 of directors; to attend the board meetings; to 11 be an advocate for the chamber to, you know, 12 develop relationships with our membership, 13 understanding their needs; to help rolling out 14 programs. So as the chairman, I will be 15 responsible for actually conducting the board 16 meetings and conducting any events that we have 17 such as a business hall of fame or whatever it 18 may be. 19 Q. And how long would your term be once 20 you take over in October? 21 A. One year.</p>	<p style="text-align: right;">Page 23</p> <p>1 Q. And if you go to the last page, Page 8, 2 do you recognize the signature as yours? 3 A. I do. 4 Q. Okay. So I have a few questions about 5 your declaration testimony specifically as it 6 relates to the Wiregrass region. Let's take a 7 look at Paragraph 17, which I believe is on 8 Page 7. Do you see that? 9 A. I do. 10 Q. So on Paragraph 17 of your declaration, 11 you state that the Wiregrass area does not have 12 the same advantages as the major population 13 centers such as Birmingham, Huntsville, or 14 Mobile, correct? 15 A. That's correct. 16 Q. What advantages are you referring to? 17 A. Interstate access, a major airport, a 18 port, for instance, in the case of Mobile. We 19 are more of a spread-out population rather than 20 having it condensed as far as a large metro 21 area such as Birmingham. Very different 22 geography. We're more agricultural focused. 23 We have a military base. We have more light</p>
<p style="text-align: right;">Page 22</p> <p>1 do you hold any other positions? 2 A. I do not currently. 3 Q. Since we last talked back in August and 4 excluding obviously today's deposition, have 5 you had any other involvement in this case? 6 A. I have not. 7 Q. So now let's take a look at the 8 declaration you signed and provided to the 9 attorney general's office. So I'm going to 10 share that on the screen, and you should also 11 have a printed copy. And this will be marked 12 as Exhibit 1. It was also marked as Exhibit 1 13 in your prior deposition. 14 (Whereupon, Plaintiff's Exhibit 1 15 was marked for identification 16 and copy of same is attached hereto.) 17 MS. MESSICK: I'm giving it to him now. 18 Q. And please take a moment to review it 19 just to refresh yourself. 20 A. I'm familiar with it. 21 Q. Okay. Do you recognize this exhibit as 22 your declaration? 23 A. I do.</p>	<p style="text-align: right;">Page 24</p> <p>1 manufacturing where those areas have heavy 2 manufacturing, tourism, much more economic 3 advantages than southeast Alabama. 4 Q. But U.S. Senator Katie Britt who was 5 elected in 2023, she is a Wiregrass native, 6 correct? 7 A. Yes, ma'am. 8 MS. MESSICK: Object to the form. 9 A. Yes, ma'am. 10 Q. In Paragraph 17 of your declaration you 11 also reference, quote, "major obstacles to 12 creating economic prosperity in the Wiregrass 13 region." Do you see that? 14 A. I do. 15 Q. But isn't it true that over the past 16 several years the Dothan Housing Authority has 17 been able to work with developers to create 18 additional housing opportunities as you 19 testified to in your own declaration? 20 MS. MESSICK: Object to the form. 21 A. That's correct. 22 Q. And that includes multiple resident 23 service programs to enhance quality of life,</p>

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<p style="text-align: right;">Page 25</p> <p>1 improve family self-sufficiency, and increase 2 employment opportunities, correct? 3 A. That's correct. 4 Q. I also want to ask you about your 5 familiarity with Fort Novosel and its economic 6 impact on the Wiregrass. As you've testified 7 earlier today, you've been involved with the 8 Dothan Chamber of Commerce for a few years; is 9 that correct? 10 A. That's correct. 11 Q. Based on your involvement with the 12 chamber -- actually, sorry. Strike that. 13 Let's look at another paragraph of your 14 declaration. Can you look at Paragraph 12? 15 A. I'm there. 16 Q. So based on your involvement with the 17 chamber of commerce, you stated in Paragraph 12 18 of your declaration that you believe it would 19 be very expensive and difficult to replace Fort 20 Novosel; is that right? 21 MS. MESSICK: Object to the form. 22 A. That's correct. I believe that. 23 Q. Is it your view that Fort Novosel</p>	<p style="text-align: right;">Page 27</p> <p>1 line with southeast Alabama and Montgomery? 2 MS. MESSICK: Object to the form. 3 A. It's possible because depending on who 4 our representative is, they may not understand 5 the importance of Fort Novosel and the economic 6 impact that it has and the fact that the fort 7 can't -- I would find it -- based on my 8 experience in the military plus I just toured 9 the fort in July so I'm very familiar with it. 10 I believe it would be almost impossible to 11 replace. It would not make economic sense to 12 replace. And so having somebody -- having 13 representation from our area that understands 14 the true impact that the fort has and truly 15 what it means to the military is important. 16 Q. Why were you -- is there a reason you 17 were touring the fort in July? 18 A. Yes. The chamber board toured the fort 19 in July -- 20 Q. All right. So you -- 21 A. -- just to understand the economic 22 impact. 23 Q. Oh, I'm sorry.</p>
<p style="text-align: right;">Page 26</p> <p>1 operations will suffer if Dothan and Houston 2 County are not kept in line with Montgomery and 3 some of the other counties along the 4 southeastern border of Alabama? 5 MS. MESSICK: Object to the form. 6 A. I don't know that I know the answer for 7 that -- to that for sure. My belief is being, 8 I guess, lumped in with Mobile gives us a 9 disadvantage because of the large population 10 center that Mobile has and just a very 11 different business and economic climate. But 12 I'm not sure that it would impact Fort Novosel. 13 Q. You also stated in Paragraph 12 of your 14 declaration that Fort Novosel has a one billion 15 dollar annual economic impact on the Wiregrass; 16 is that right? 17 A. That's what I understand from the 18 chamber. I do not know that firsthand, but 19 that's what I understand through my interaction 20 with the chamber and the fort. 21 Q. Do you have any reason to believe that 22 Fort Novosel's economic growth will suffer if 23 Dothan and Houston Counties are not kept in</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Just to better understand how we could 2 support the fort and understand its economic 3 impact. 4 Q. All right. So I'm going to take this 5 document down, and you can put it to the side. 6 I'm going to show you another document 7 that we also reviewed during your last 8 deposition, and I will mark it as Exhibit 2. 9 It is the enacted map -- the congressional map 10 the Alabama legislature passed in 2023, and we 11 looked at it during your last deposition so 12 hopefully it looks familiar. But please take a 13 moment to review it. 14 (Whereupon, Plaintiff's Exhibit 2 15 was marked for identification 16 and copy of same is attached hereto.) 17 MS. MESSICK: Just a minute. I have to 18 get it for him. Do you want the exhibit to be 19 just the one-page map? 20 MS. GBE: No. It can be the full -- 21 the two-page document, but we're just going to 22 look at the first page. 23 THE WITNESS: I can see it on the</p>

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<p style="text-align: right;">Page 29</p> <p>1 screen just fine as well.</p> <p>2 MS. MESSICK: This way you can see the</p> <p>3 whole map.</p> <p>4 Q. So I will, as I said, represent to you</p> <p>5 that this is the congressional map that the</p> <p>6 Alabama legislature passed last July that was</p> <p>7 later enjoined by the Court. I showed you this</p> <p>8 map during your first deposition. Do you</p> <p>9 recall that?</p> <p>10 A. I believe I do, yes.</p> <p>11 Q. Have you reviewed this map at any point</p> <p>12 outside of your deposition?</p> <p>13 A. I have not.</p> <p>14 Q. So I'm going to put another document on</p> <p>15 the screen now, and this one we will mark as</p> <p>16 Exhibit 5 once I have it up. Do you see a</p> <p>17 document on your screen? It says SB5, Enrolled</p> <p>18 at the top.</p> <p>19 (Whereupon, Plaintiff's Exhibit 5</p> <p>20 was marked for identification</p> <p>21 and copy of same is attached hereto.)</p> <p>22 A. I do.</p> <p>23 Q. Okay. And hopefully Misty will be able</p>	<p style="text-align: right;">Page 31</p> <p>1 MS. MESSICK: I'm sorry. Go ahead.</p> <p>2 What did you say, Harmony?</p> <p>3 MS. GBE: Oh, no. I thought I heard</p> <p>4 something. Apologies.</p> <p>5 MS. MESSICK: I thought you were done</p> <p>6 and I objected.</p> <p>7 Q. So if you could take a look at Page 3</p> <p>8 of the document that's in front of you right</p> <p>9 now.</p> <p>10 A. I'm there.</p> <p>11 Q. Do you see at the top it says under</p> <p>12 4(a), A community of interest is a defined</p> <p>13 area?</p> <p>14 A. I do.</p> <p>15 Q. Okay. So I will ask that you please</p> <p>16 read to yourself Sections 4(a) through (c).</p> <p>17 A. Okay.</p> <p>18 Q. Now, looking at 4(d) where it says, The</p> <p>19 legislature declares, do you see that?</p> <p>20 A. I do.</p> <p>21 Q. Can you read that section out loud,</p> <p>22 please?</p> <p>23 A. The legislature declares that at least</p>
<p style="text-align: right;">Page 30</p> <p>1 to provide you a printed copy as well.</p> <p>2 A. I have it in hand.</p> <p>3 Q. Okay, great. Terrific. Please take a</p> <p>4 moment to review the document.</p> <p>5 MS. MESSICK: Are you asking him to</p> <p>6 read it? It's 12 pages.</p> <p>7 Q. Just -- I am not asking you to read</p> <p>8 every word line by line, but please just look</p> <p>9 through the document to get a sense of what it</p> <p>10 is. I will direct you to specific portions</p> <p>11 with my questions.</p> <p>12 A. I believe I have a sense of the</p> <p>13 document.</p> <p>14 Q. Great. Have you seen this document</p> <p>15 before?</p> <p>16 A. I have not, not to my recollection.</p> <p>17 Q. So I will represent to you that this is</p> <p>18 the language of the bill, senate bill 5 from</p> <p>19 the legislature that accompanied the page that</p> <p>20 we just looked at which was marked as Exhibit</p> <p>21 2.</p> <p>22 MS. MESSICK: Object to the form.</p> <p>23 Q. So if you could take a --</p>	<p style="text-align: right;">Page 32</p> <p>1 the three following regions are communities of</p> <p>2 interest that shall be kept together to the</p> <p>3 fullest extent possible in this congressional</p> <p>4 redistricting plan: Black Belt, the Gulf</p> <p>5 Coast, and the Wiregrass.</p> <p>6 Q. Thank you. Okay. So I want to ask you</p> <p>7 some questions about the Black Belt and the</p> <p>8 Wiregrass communities of interest. Let's take</p> <p>9 a look at the counties that the legislature</p> <p>10 identified as part of those two communities of</p> <p>11 interest. So if you go to the bottom of Page 3</p> <p>12 and 4, we see the core counties that compose</p> <p>13 the Black Belt, according to the legislature.</p> <p>14 Do you see that?</p> <p>15 A. I do.</p> <p>16 MS. MESSICK: Object to the form.</p> <p>17 A. I do.</p> <p>18 Q. And those counties include Barbour,</p> <p>19 Crenshaw, and Pike. Do you see that?</p> <p>20 A. I do.</p> <p>21 Q. Okay. Now let's turn to Page 7.</p> <p>22 Number g(1). Do you see that paragraph?</p> <p>23 A. I do.</p>

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<p style="text-align: right;">Page 33</p> <p>1 Q. So g(1) shows the counties that compose 2 the Wiregrass region according to the 3 legislature; is that right? 4 A. Yes, I see it. 5 Q. And those counties also include 6 Barbour, Crenshaw, and Pike, correct? 7 A. Correct. 8 Q. Do you agree with the legislature's 9 assessment that that Black Belt and Wiregrass 10 communities of interest actually overlap in a 11 few counties? 12 MS. MESSICK: Object to the form. 13 A. I'm not as familiar with the Black Belt 14 as I am the Wiregrass, but I can say that the 15 counties listed on g(1) are what we would 16 consider to be part of the Wiregrass. They may 17 also have some of the same characteristics as 18 the Black Belt counties as well. 19 Q. Since you were last deposed, were you 20 shown any maps by anyone from the legislature? 21 A. No. No, ma'am. 22 Q. Since you were last deposed, were you 23 shown any maps by anyone from the attorney</p>	<p style="text-align: right;">Page 35</p> <p>1 (Whereupon, Plaintiff's Exhibit 6 2 was marked for identification 3 and copy of same is attached hereto.) 4 A. I've reviewed it. 5 Q. Do you have any views about this 6 particular map? 7 A. I do. 8 Q. And what are those views? 9 A. That the Wiregrass counties 10 traditional, the five counties around the 11 Dothan area are considered in the 12 Mobile-Baldwin MSA, and that is a large 13 population area that will have a significant 14 influence over elections for state and federal 15 representatives. And, again, as I mentioned 16 earlier, a very different type of geography, 17 industry, economic drivers than the Wiregrass 18 counties. 19 Q. Do you have any other concerns about 20 this map? 21 A. I believe that Barbour, Pike counties 22 should -- and probably Covington should be 23 included as part of one -- one district. I</p>
<p style="text-align: right;">Page 34</p> <p>1 general's office? 2 A. No, ma'am. 3 Q. Have you reviewed the map that the 4 Court in this case ultimately approved for 5 Alabama's upcoming congressional election? 6 A. I have through my normal reading of the 7 news. 8 Q. Were you asked to review it by anyone? 9 A. I was not. 10 Q. Okay. So I will -- we will look at 11 that map now together. I will put it on the 12 screen and you should also have a printed copy 13 in front of you. 14 MS. MESSICK: I'm giving him a copy 15 now. 16 A. I have it. 17 Q. So what I'm showing you on the screen 18 and what has been provided to you as a printed 19 copy is the Court-approved 2023 congressional 20 map for Alabama also referred to as special 21 master remedial plan 3. And I will mark this 22 for the record as Exhibit 6. Please take a 23 moment to review it, Mr. Williams.</p>	<p style="text-align: right;">Page 36</p> <p>1 believe those counties are very much similar to 2 the other counties in the Wiregrass -- 3 Q. Anything else? 4 A. -- and traditionally work together as 5 well. 6 Q. Oh, I'm sorry. 7 A. They traditionally work together as 8 well. 9 Q. Anything else? 10 A. Not that jumps out at me now. 11 Q. Did you communicate the concerns that 12 you just raised with anyone in the attorney 13 general's office? 14 A. I did not. 15 Q. With the legislature? 16 A. I did not. 17 Q. Okay. So let's take the two maps side 18 by side. So I'm looking at what we marked as 19 Exhibit 2, which is the map that the 20 legislature passed also called Livingston 21 Congressional Plan 3, and then what we marked 22 as Exhibit 6, which is the Court-approved map. 23 Do you have those two in front of you?</p>

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<p style="text-align: right;">Page 37</p> <p>1 A. I do.</p> <p>2 Q. So turning back to Exhibit 2, which is</p> <p>3 the legislature's map, Covington County is</p> <p>4 split from the rest of the Black Belt, correct?</p> <p>5 MS. MESSICK: Object to the form.</p> <p>6 A. Correct.</p> <p>7 Q. Now, looking at Exhibit 6, which is the</p> <p>8 Court plan, do you see that Covington County is</p> <p>9 included with the rest of the four Wiregrass in</p> <p>10 congressional district one?</p> <p>11 A. I see that.</p> <p>12 Q. Would you agree that it's better to</p> <p>13 include Covington County with the core</p> <p>14 Wiregrass like it is in the Court-approved</p> <p>15 plan?</p> <p>16 A. Not necessarily. I don't think it</p> <p>17 overrules the fact that Mobile and Baldwin</p> <p>18 County -- I think that's the larger issue than</p> <p>19 including the Covington -- than including</p> <p>20 Covington County. So Covington County is a</p> <p>21 smaller population center, and it does not have</p> <p>22 the impact that a Mobile-Baldwin County being</p> <p>23 included in the district would over future</p>	<p style="text-align: right;">Page 39</p> <p>1 in the same district, no, based on the</p> <p>2 legislature's definition of the Wiregrass.</p> <p>3 Q. And why is that?</p> <p>4 A. Because Barbour and Pike are excluded.</p> <p>5 Q. But aren't Barbour and Pike also</p> <p>6 included in the legislature's definition of the</p> <p>7 Black Belt? That was on Page 3 and 4 of</p> <p>8 Exhibit 5.</p> <p>9 A. Thank you. That's correct.</p> <p>10 Q. So all the counties that are just in</p> <p>11 the Wiregrass, according to the legislature,</p> <p>12 they are kept in the same congressional</p> <p>13 district; is that right?</p> <p>14 MS. MESSICK: Object to the form.</p> <p>15 A. I don't -- I don't believe so. I</p> <p>16 believe on Page 7, g(1), it mentions -- it</p> <p>17 includes Barbour and Pike being part of the</p> <p>18 Wiregrass.</p> <p>19 Q. Well, my question is a bit more</p> <p>20 specific. I'm asking for the counties that are</p> <p>21 only listed in the Wiregrass. So Barbour and</p> <p>22 Pike were also listed as part of the Black</p> <p>23 Belt. But for the counties that were only</p>
<p style="text-align: right;">Page 38</p> <p>1 representation.</p> <p>2 Q. Do you agree that the Court-approved</p> <p>3 plan keeps all the counties that are solely</p> <p>4 within the Wiregrass -- so that would be</p> <p>5 Coffee, Covington, Dale, Geneva, Henry,</p> <p>6 Houston -- in the same congressional district?</p> <p>7 MS. MESSICK: Hold on a second. Are</p> <p>8 you looking at the legislature's definition?</p> <p>9 MS. GBE: Yes, that's what I'm --</p> <p>10 that's what I'm referring to.</p> <p>11 MS. MESSICK: Okay. Could I ask the</p> <p>12 court reporter to read back the question?</p> <p>13 MS. GBE: I will list them again. The</p> <p>14 counties are Coffee, Covington, Dale, Geneva,</p> <p>15 Henry, and Houston.</p> <p>16 Q. And if you want to take a look,</p> <p>17 Mr. Williams, at Exhibit 5, which is the</p> <p>18 legislature's definition, you can do that as</p> <p>19 well. It's on Page 7 of Exhibit 5.</p> <p>20 A. I have reviewed everything. Can we</p> <p>21 have the court reporter read back the question?</p> <p>22 (Record read.)</p> <p>23 A. I do not agree that they're considered</p>	<p style="text-align: right;">Page 40</p> <p>1 listed as the Wiregrass, they were all kept in</p> <p>2 the same district under the Court's map. Do</p> <p>3 you agree?</p> <p>4 A. That would be correct.</p> <p>5 Q. Since Dothan is included with the</p> <p>6 Wiregrass under the Court's map, rather than</p> <p>7 split out as it is in some other plans, does</p> <p>8 that solve any concerns you have with the</p> <p>9 Court's map?</p> <p>10 MS. MESSICK: Object to the form.</p> <p>11 A. Well, the -- keeping the five counties</p> <p>12 around Dothan does give me some, I guess,</p> <p>13 relief from the concern, but the major concern</p> <p>14 is being lumped in with a larger population</p> <p>15 center of Mobile and Baldwin County which has</p> <p>16 very different economic drivers than the</p> <p>17 Wiregrass. So while, yes, these are -- there's</p> <p>18 things that can't be perfect. I understand</p> <p>19 that, in any plan. The major drive -- the</p> <p>20 major driver to my concern is, you know,</p> <p>21 Baldwin County and Mobile may be driving the</p> <p>22 representation of the Wiregrass.</p> <p>23 Q. Are you familiar with Barry Moore?</p>

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<p style="text-align: right;">Page 41</p> <p>1 A. I am.</p> <p>2 Q. And who is he?</p> <p>3 A. He's our congressional representative.</p> <p>4 Q. Have you ever met him before?</p> <p>5 A. Yes.</p> <p>6 Q. When did you first meet him?</p> <p>7 A. It was -- it was not anything more than</p> <p>8 in passing, a handshake at a chamber event.</p> <p>9 Q. Have you met him multiple times?</p> <p>10 A. No. I would say I've probably shaken</p> <p>11 his hand and only hello one time and seen him</p> <p>12 speak at maybe another -- one other event.</p> <p>13 Q. I believe that under the 2023 plan,</p> <p>14 Dothan was part of the congressional district</p> <p>15 2; is that right?</p> <p>16 MS. MESSICK: Object to the form.</p> <p>17 A. I believe that's correct.</p> <p>18 Q. At that time Mr. Moore was your</p> <p>19 representative, correct?</p> <p>20 MS. MESSICK: Object to the form.</p> <p>21 A. That is correct.</p> <p>22 Q. And under the Court's plan that we just</p> <p>23 looked at which is Exhibit 6, Dothan is now</p>	<p style="text-align: right;">Page 43</p> <p>1 MS. GBE: And I think we're on Exhibit</p> <p>2 7. Is that right?</p> <p>3 THE COURT REPORTER: Yes.</p> <p>4 MS. GBE: I will mark this as Exhibit</p> <p>5 7.</p> <p>6 (Whereupon, Plaintiff's Exhibit 7</p> <p>7 was marked for identification</p> <p>8 and copy of same is attached hereto.)</p> <p>9 Q. And I will draw your attention,</p> <p>10 Mr. William, to Pages -- well, the second page</p> <p>11 in the middle of the page --</p> <p>12 MS. MESSICK: Could you please give us</p> <p>13 a minute to read the whole thing?</p> <p>14 Q. -- Compared to his recent district, do</p> <p>15 you see that?</p> <p>16 MS. MESSICK: Harmony, could you please</p> <p>17 give us a minute to read the whole thing?</p> <p>18 MS. GBE: Sure.</p> <p>19 A. I have read it.</p> <p>20 Q. So do you see on the second page where</p> <p>21 it says, Compared to his previous district? Do</p> <p>22 you see that?</p> <p>23 A. I do.</p>
<p style="text-align: right;">Page 42</p> <p>1 part of the congressional -- is now part of</p> <p>2 congressional district 1; is that right?</p> <p>3 A. That is right.</p> <p>4 Q. And Mr. Moore won the most recent</p> <p>5 Republican primary, correct?</p> <p>6 A. That's correct.</p> <p>7 Q. Would you agree then that your</p> <p>8 congressional representative is unlikely to</p> <p>9 change based on the Court's map?</p> <p>10 MS. MESSICK: Object to the form.</p> <p>11 A. I would agree, but I don't believe that</p> <p>12 is -- will always be the case because we</p> <p>13 traditionally -- the larger population centers</p> <p>14 have swayed the elections in Alabama. I</p> <p>15 believe the -- Senator Britt and Representative</p> <p>16 Moore are anomalies. For decades that's not</p> <p>17 been the case, especially when it comes to our</p> <p>18 senate -- federal offices.</p> <p>19 Q. I'm going to show you a news article</p> <p>20 that discusses Representative Moore's recent</p> <p>21 primary victory. I'm going put it up on the</p> <p>22 screen, and you should have a printed copy in</p> <p>23 front of you as well.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Can you read that line for me, please?</p> <p>2 A. Compared to his previous district,</p> <p>3 district 1 has more industry, but Moore says</p> <p>4 this isn't something he can't handle.</p> <p>5 Q. And then the next paragraph says,</p> <p>6 There's a little more industry in the Mobile</p> <p>7 Port area. Do you see that?</p> <p>8 A. I do.</p> <p>9 Q. Can you read that paragraph for me?</p> <p>10 A. There's a little more industry in the</p> <p>11 Mobile Port area, but you've still got the</p> <p>12 military ties. You still have the agricultural</p> <p>13 ties, Moore said. It does stretch me a little</p> <p>14 in that sense, but I'm a business owner, I'm a</p> <p>15 veteran, and I've got an agricultural science</p> <p>16 degree. So I tell everybody I understand all</p> <p>17 three aspects.</p> <p>18 Q. Do you agree with Representative</p> <p>19 Moore's assessment of the commonalities between</p> <p>20 the Wiregrass and the Mobile area?</p> <p>21 MS. MESSICK: Object to the form.</p> <p>22 A. I do not.</p> <p>23 Q. And why not?</p>

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<p style="text-align: right;">Page 45</p> <p>1 A. Mobile is heavy industry, a port, 2 tourism, a large population, where the 3 Wiregrass area has a military base, is 4 agriculture dependent, spread -- more 5 spread-out population. We are -- we don't have 6 the same advantages, interstate access, major 7 airport. So there's -- having -- competing for 8 votes against a large industrial -- excuse me 9 -- a large population center like Mobile and 10 Baldwin County, that's my major concern. Those 11 voters have different economic drivers. 12 Q. Do you have any reason to believe that 13 Representative Moore won't prioritize economic 14 development for all of his constituents if he's 15 reelected? 16 MS. MESSICK: Object to the form. 17 A. No. I don't have any reason to believe 18 he would not do that. 19 Q. Do you have any reason to believe that 20 Representative Moore won't prioritize workforce 21 development for all of his constituents if he's 22 reelected? 23 MS. MESSICK: Object to the form.</p>	<p style="text-align: right;">Page 47</p> <p>1 where the priorities lie is the concern. Do 2 they truly understand Fort Novosel? Do they 3 truly understand the agricultural nature of the 4 businesses in the Wiregrass area? So 5 understanding that and prioritizing that is the 6 concern. 7 Q. So your view is that they may -- not 8 that they would not, but they may not 9 prioritize those concerns if they're originally 10 from the Mobile or Baldwin area? 11 MS. MESSICK: Object to the form. 12 A. They may not understand the economic 13 drivers to the Wiregrass, and they have a 14 larger population center to support them. So 15 while they may not ignore the Wiregrass, they 16 may not give it the priority that we think it 17 deserves. 18 Q. Do you have any reason to believe that 19 Representative Moore won't prioritize housing 20 development for all of his constituents if he's 21 reelected? 22 MS. MESSICK: Object to the form. 23 A. No reason to believe he would not.</p>
<p style="text-align: right;">Page 46</p> <p>1 A. I certainly believe he will, but he -- 2 again, he is trying to have voters support him 3 in Mobile and Baldwin County. If it were vice 4 versa, if we had a representative elected out 5 of Mobile, Baldwin County, if that person just 6 served that part of the district well, then -- 7 and did not serve the Wiregrass well, they 8 could -- the vote could still be swayed that 9 representative's way. So that's the major 10 concern. Moore, luckily he was elected and 11 will certainly have every reason in the world 12 to serve the entire district. But if it were 13 vice versa, that would be a major concern. 14 Q. So your view is that if a 15 representative is elected that perhaps, for 16 example, is a native of the Baldwin area, that 17 they would ignore the Wiregrass even though 18 those member -- those community members are 19 part of their -- are their constituents 20 basically? 21 MS. MESSICK: Object to the form. 22 A. I don't believe that any representative 23 is going to ignore part of their district. But</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Do you have any reason to believe that 2 Representative Moore would not prioritize 3 supporting Fort Novosel if he is reelected? 4 MS. MESSICK: Object to the form. 5 A. I have no reason to believe he would 6 not. 7 MS. GBE: I have no further questions 8 at this time. So if we want to take a brief 9 break, Misty, you're welcome to -- or, Jim, if 10 you all have questions, feel free. 11 MS. MESSICK: Yeah. Let's take just 12 ten minutes if we could. 13 (Short recess.) 14 Q. (BY MS. MESSICK) Mr. Williams, as you 15 know, I represent the Secretary of State, and 16 I'd like to ask you some questions to follow up 17 on some of what you've been talking with 18 Ms. Gbe about. First, have you answered the 19 questions posed to you to the best of your 20 ability and recollection as you sit here today? 21 A. I have. 22 Q. I'd like to ask you to pull back out 23 Plaintiff's Exhibit 4, which was the SmartBank</p>

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<p style="text-align: right;">Page 49</p> <p>1 exhibit. And I'm also going to mark and give</p> <p>2 to you Defendant's Exhibit 1, which is a map of</p> <p>3 the Alabama counties that I've gotten off the</p> <p>4 internet.</p> <p>5 (Whereupon, Defendant's Exhibit 1</p> <p>6 was marked for identification</p> <p>7 and copy of same is attached hereto.)</p> <p>8 MS. MESSICK: I am bringing it over to</p> <p>9 the camera to give a good view to Harmony and</p> <p>10 Dorman. It's just a map of counties. It's not</p> <p>11 -- it's got a couple of cities on it, but it's</p> <p>12 not got any districts on it.</p> <p>13 Q. Now, Ms. Gbe focused with you on the</p> <p>14 fact that SmartBank has different leadership in</p> <p>15 Mobile County and Baldwin County, that those</p> <p>16 have separate leaders. Do you remember that?</p> <p>17 A. I do.</p> <p>18 Q. Would you please on Defendant's Exhibit</p> <p>19 1 trace the outline of Mobile County to show</p> <p>20 SmartBank's Mobile market?</p> <p>21 A. (Witness complied.)</p> <p>22 Q. Actually is the -- I noticed that the</p> <p>23 SmartBank website that is Plaintiff's Exhibit 4</p>	<p style="text-align: right;">Page 51</p> <p>1 Ms. Cooper report to you?</p> <p>2 A. She does.</p> <p>3 Q. Okay. Can you outline on Defendant's</p> <p>4 Exhibit 1, that map, the Montgomery market for</p> <p>5 SmartBank?</p> <p>6 A. (Witness complied.)</p> <p>7 Q. And is it just the county?</p> <p>8 A. It is.</p> <p>9 Q. Okay. And the website shows Ryan</p> <p>10 Stallings as vice president and market</p> <p>11 president for Tuscaloosa. Are you familiar</p> <p>12 with the Tuscaloosa market?</p> <p>13 A. I am.</p> <p>14 Q. Would you, to the best of your ability,</p> <p>15 outline the Tuscaloosa market on Defendant's</p> <p>16 Exhibit 1?</p> <p>17 A. (Witness complied.)</p> <p>18 Q. And is it, again, just the county?</p> <p>19 A. It is.</p> <p>20 Q. Okay. The website for SmartBank that</p> <p>21 is Plaintiff's Exhibit 4 lists Andy Hardin as</p> <p>22 senior vice president and area president for</p> <p>23 the Auburn market. Are you familiar with the</p>
<p style="text-align: right;">Page 50</p> <p>1 refers to Baldwin County, but then it refers to</p> <p>2 Mobile. Is the Mobile market the entire county</p> <p>3 of Mobile, if you know?</p> <p>4 A. It is.</p> <p>5 Q. Okay.</p> <p>6 A. They report to a different regional</p> <p>7 president than me.</p> <p>8 Q. Okay.</p> <p>9 A. Baldwin and Mobile report to the same</p> <p>10 regional president.</p> <p>11 Q. Okay. And that is somebody who is not</p> <p>12 in the Wiregrass?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And then the -- would you also</p> <p>15 outline in red on Defendant's Exhibit 1 the</p> <p>16 Baldwin County market for SmartBank?</p> <p>17 A. (Witness complied.)</p> <p>18 Q. Thank you. And that market consists</p> <p>19 exclusively of Baldwin County; is that right?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. This SmartBank website says that</p> <p>22 Donna Cooper is the senior vice president and</p> <p>23 market president for Montgomery. Does</p>	<p style="text-align: right;">Page 52</p> <p>1 Auburn market?</p> <p>2 A. It's under my region.</p> <p>3 Q. Okay. Would you please highlight -- or</p> <p>4 use that red marker to identify the Auburn</p> <p>5 market?</p> <p>6 A. (Witness complied.)</p> <p>7 Q. And is that just Lee County?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. And then this website shows</p> <p>10 Allen Hamilton as vice president, market</p> <p>11 president, for Southwest Alabama. Do you know</p> <p>12 the contours of the Southwest Alabama market?</p> <p>13 A. Not as well as I do the others because</p> <p>14 it involves three smaller cities, Chatom,</p> <p>15 Thomasville, and I want to say Jackson. It's</p> <p>16 three smaller cities in Southwest Alabama, but</p> <p>17 I don't know that I know the exact counties.</p> <p>18 Q. Okay.</p> <p>19 A. But they are generally between</p> <p>20 Montgomery and Mobile, maybe a little closer to</p> <p>21 Mobile.</p> <p>22 Q. Okay. This website refers to Robert</p> <p>23 Morris as senior vice president and market</p>

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<p style="text-align: right;">Page 53</p> <p>1 president for Birmingham. Do you know the</p> <p>2 contours of the Birmingham market?</p> <p>3 A. Jefferson County.</p> <p>4 Q. Okay. So it's just the county?</p> <p>5 A. Correct.</p> <p>6 Q. All right. Would you please mark the</p> <p>7 Birmingham market on that map?</p> <p>8 A. (Witness complied.)</p> <p>9 Q. And the website also shows a John</p> <p>10 McMullan as senior vice president and market</p> <p>11 president for Madison County. Do you know the</p> <p>12 contours of the Madison County market?</p> <p>13 A. I know it includes the city of Madison</p> <p>14 and Huntsville. As long as they're all in the</p> <p>15 same county, then it would be Madison County.</p> <p>16 Q. And I believe that Huntsville actually</p> <p>17 is also in Limestone County.</p> <p>18 A. I could not say that for sure.</p> <p>19 Q. Okay. So you're not -- you wouldn't</p> <p>20 really be sure about the exact contours of the</p> <p>21 Madison County market?</p> <p>22 A. I would imagine it would -- if Madison</p> <p>23 and Huntsville are both in Limestone and</p>	<p style="text-align: right;">Page 55</p> <p>1 ahead to the market leadership section. Before</p> <p>2 that do you see that they have regional</p> <p>3 leadership listed?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And the first person listed</p> <p>6 is -- I don't know how to --</p> <p>7 A. Brian Groeschell.</p> <p>8 Q. Groeschell. Thank you. And this says</p> <p>9 he's the regional president for Alabama; is</p> <p>10 that right?</p> <p>11 A. It's a little bit misleading because</p> <p>12 our -- before we formed these other areas of</p> <p>13 the -- that was known as the Alabama region,</p> <p>14 and it was based out of Tuscaloosa. But since</p> <p>15 I came aboard in September of 2021, we formed</p> <p>16 South Alabama. And then since then, we've</p> <p>17 bolted on the East Gulf Coast to my region. So</p> <p>18 it's a little bit deceiving. It would be</p> <p>19 more -- he covers Tuscaloosa, Huntsville, and</p> <p>20 Southwest Alabama.</p> <p>21 Q. Okay. If I gave you a yellow</p> <p>22 highlighter, do you think you could highlight</p> <p>23 on that map the areas --</p>
<p style="text-align: right;">Page 54</p> <p>1 Madison, it would involve both counties.</p> <p>2 Q. So, now, at this point you've got the</p> <p>3 counties of Montgomery, Tuscaloosa, Lee,</p> <p>4 Jefferson, Baldwin, and Mobile highlighted,</p> <p>5 right?</p> <p>6 A. What's missing is Houston County</p> <p>7 reports to me directly since I base there.</p> <p>8 Q. Okay.</p> <p>9 A. There's not a separate market president</p> <p>10 for Houston County.</p> <p>11 Q. Okay. And then we're not able at this</p> <p>12 time to demonstrate on the map where the</p> <p>13 Madison County and Southwest Alabama markets</p> <p>14 are, but they do not cover the entire rest of</p> <p>15 the state, do they?</p> <p>16 A. No, they do not.</p> <p>17 Q. Okay. And in your role you said</p> <p>18 multiple different bank regions report to you?</p> <p>19 A. Markets do.</p> <p>20 Q. Multiple markets. And some of those</p> <p>21 are actually in Florida?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. So in this exhibit we had jumped</p>	<p style="text-align: right;">Page 56</p> <p>1 A. Sure.</p> <p>2 Q. -- that he covers?</p> <p>3 A. Generally, yes.</p> <p>4 Q. Okay. Let's switch to the yellow</p> <p>5 highlighter.</p> <p>6 A. Can I circle the general area that he</p> <p>7 covers?</p> <p>8 Q. Sure.</p> <p>9 A. (Witness complied.) I'm kind of</p> <p>10 guessing on the Southwest Alabama, the general</p> <p>11 area.</p> <p>12 Q. Okay. So you actually highlighted,</p> <p>13 though -- you highlighted up in the</p> <p>14 Madison/Limestone area, the Tuscaloosa area,</p> <p>15 and the Wilcox County area; is that right?</p> <p>16 A. That's correct.</p> <p>17 Q. So does he cover from Madison County to</p> <p>18 Wilcox County or is there a lot of gaps in</p> <p>19 coverage?</p> <p>20 A. There are gaps in coverage.</p> <p>21 Q. Okay. The next person -- well, we're</p> <p>22 going skip him. He's in Tennessee. I moved</p> <p>23 ahead to Lee Smith who is listed here as</p>

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<p style="text-align: right;">Page 57</p> <p>1 Alabama chairman. What does that mean? What</p> <p>2 is that role, to the best of your</p> <p>3 understanding?</p> <p>4 A. He serves as regional president for</p> <p>5 Jefferson County, Birmingham market, also has</p> <p>6 several different areas of the bank that report</p> <p>7 up through him, so different support -- call it</p> <p>8 support areas. But he is -- he's not over the</p> <p>9 state of Alabama.</p> <p>10 Q. Okay. But he does handle Jefferson</p> <p>11 County?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. Would you color Jefferson County</p> <p>14 in with that yellow highlighter?</p> <p>15 A. (Witness complied.)</p> <p>16 Q. And then the next person listed here is</p> <p>17 you. I'm going to give you a blue pen and ask</p> <p>18 you to like draw lines through the area of the</p> <p>19 state that are in your region.</p> <p>20 A. (Witness complied.)</p> <p>21 Q. Okay. And tell me what areas have you</p> <p>22 marked.</p> <p>23 A. Montgomery, Lee, and Houston Counties.</p>	<p style="text-align: right;">Page 59</p> <p>1 A. West Florida panhandle.</p> <p>2 Q. Okay. We can put those two exhibits</p> <p>3 aside. Let me ask you this. Do banks perform</p> <p>4 the same kind of work as congressmen?</p> <p>5 A. Of course not.</p> <p>6 Q. Does the fact that SmartBank chose to</p> <p>7 separate Mobile County from Baldwin County as</p> <p>8 different markets impact in any way your</p> <p>9 analysis of what congressional districts make</p> <p>10 sense for the state of Alabama?</p> <p>11 MS. GBE: Objection to the form.</p> <p>12 A. I believe it's more about similar</p> <p>13 geographies and similar economic drivers,</p> <p>14 having a regional president that understands</p> <p>15 the region and what goes on in that region from</p> <p>16 the economic drivers, the type of industries,</p> <p>17 whether it be a military fort or whether it be</p> <p>18 a port on the bay. Those are -- those are</p> <p>19 things that a regional president needs to</p> <p>20 understand, and that's why we put them together</p> <p>21 in geographies like that. Now, that is not</p> <p>22 always the case. There are exceptions, you</p> <p>23 know, where just because, you know, we have</p>
<p style="text-align: right;">Page 58</p> <p>1 Q. Okay. And so the other counties that</p> <p>2 are around there that you've not marked, they</p> <p>3 just don't have coverage?</p> <p>4 A. We operate throughout a large area. So</p> <p>5 when we say a market, that's where the market</p> <p>6 is based and that's where generally our</p> <p>7 clientele is based. But we obviously have</p> <p>8 customers in southwest Georgia that Auburn or</p> <p>9 Dothan handle. So we operate in other</p> <p>10 counties. Just generally that's where the bank</p> <p>11 branches are, and that's where the majority of</p> <p>12 our client base is.</p> <p>13 Q. Okay. And so SmartBank has put Houston</p> <p>14 County and Montgomery County both under you?</p> <p>15 A. And Lee.</p> <p>16 Q. And Lee County. Okay. And then the</p> <p>17 last person for regional leadership we have</p> <p>18 Johnnie Wright for Coastal West Florida and</p> <p>19 Alabama. What area does he cover?</p> <p>20 A. Mobile County, Baldwin County, and</p> <p>21 Pensacola.</p> <p>22 Q. Okay. So they -- SmartBank has put the</p> <p>23 Gulf Coast with the Florida panhandle?</p>	<p style="text-align: right;">Page 60</p> <p>1 smaller Southwest Alabama markets, those need</p> <p>2 to come up under someone because they're fairly</p> <p>3 small markets.</p> <p>4 Q. Right. So part of the reason that --</p> <p>5 is one of the reasons that Mobile and Baldwin</p> <p>6 County are separate markets for SmartBank</p> <p>7 because of the size of those counties, whether</p> <p>8 measured in population or economic factors?</p> <p>9 A. Absolutely. Both counties are very</p> <p>10 large population centers so it would be -- we</p> <p>11 have found it to be difficult and in my</p> <p>12 previous bank experience we found it to be</p> <p>13 difficult to manage -- manage large population</p> <p>14 centers that are next to each other with the</p> <p>15 same leadership. So we treat them as two</p> <p>16 separate markets for that reason.</p> <p>17 Q. Thank you. Is your knowledge of Fort</p> <p>18 Novosel limited to your experience with the</p> <p>19 chamber?</p> <p>20 A. My direct knowledge of Fort Novosel is,</p> <p>21 but my prior military experience, I understand</p> <p>22 what happens out there and the value of Fort</p> <p>23 Novosel.</p>

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<p style="text-align: right;">Page 61</p> <p>1 Q. Would you look at Paragraph 12 of your 2 declaration, which is Plaintiff's Exhibit 1 I 3 believe? 4 A. Did you say Paragraph 12? 5 Q. Yes, sir. 6 A. Okay. I have it. 7 Q. The first sentence talks about the 8 annual economic impact of Fort Novosel on the 9 Wiregrass. Do you see that? 10 A. I do. 11 Q. And is it your testimony that your 12 understanding of that number is from your 13 interaction with the chamber? 14 A. That's correct. That's the only -- not 15 from direct knowledge. 16 Q. The rest of what you say in this 17 paragraph, is it based solely on your 18 experience with the chamber? 19 A. No. Being -- being an officer in the 20 Army, I was also aware of -- you know, for 21 instance, I was an armor officer. We were 22 supported by the aviation arm of the Army, 23 which is what -- where the training happened.</p>	<p style="text-align: right;">Page 63</p> <p>1 Wiregrass? 2 A. No. I think it's -- 3 MS. GBE: Objection to the form. 4 A. No. I think they just have 5 similarities that go with each region. 6 Q. Okay. Let me ask you to look at the 7 act of the legislature and go to the page that 8 is numbered 3 at the bottom. 9 A. I'm there. 10 Q. Okay. This is a pretty elementary 11 accounting, but how many counties are -- 12 Barbour, Crenshaw, and Pike, that's a total of 13 three, correct? 14 A. Correct. 15 Q. How many core counties does the Alabama 16 legislature say are in the Black Belt? 17 A. 18. 18 Q. And looking to the last line of Page 3 19 and the top of Page 4, how many additional 20 counties does the legislature say are sometimes 21 considered part of the Black Belt? 22 A. Five. 23 Q. And 18 plus five is?</p>
<p style="text-align: right;">Page 62</p> <p>1 Fort Novosel trains the Army aviators. So I 2 understand the specific nature of that type of 3 training, of the territory that you have to 4 have in order to conduct that type of training, 5 for instance, various landing sites throughout 6 the Wiregrass, Florida, and Georgia as well. 7 So I understand all that from my military 8 background as well as my interactions with the 9 chamber. 10 Q. Can you put that aside, and I'd ask you 11 to get three exhibits, the two maps from the 12 plaintiffs, so Exhibits 2 and 6, and then the 13 act from the legislature. 14 A. Okay. I have those. 15 Q. Thank you. Ms. Gbe pointed out to you 16 that Barbour, Crenshaw, and Pike Counties are 17 each listed by the legislature as being part of 18 the Black Belt and also the Wiregrass. Do you 19 remember that? 20 A. I do. 21 Q. Does the fact that the legislature 22 considers those three counties to be part of 23 the Black Belt make them any less part of the</p>	<p style="text-align: right;">Page 64</p> <p>1 A. 23. 2 Q. And then going to Page 7 where the 3 legislature tells us what the Wiregrass 4 community of interest is, how many counties 5 does the Wiregrass -- has the legislature 6 identified? 7 A. Nine. 8 Q. Going back to the definition of the 9 Black Belt, does the legislature define 10 Covington County as part of the Black Belt? 11 A. It appears that it does not. 12 Q. Okay. I believe you said earlier that 13 Barbour, Pike, and Covington Counties belong 14 with the Wiregrass. Does Crenshaw County 15 belong with the Wiregrass as well? 16 MS. GBE: Objection to the form. 17 A. I do not know that I'm an expert to 18 say, but I believe it logically could be 19 considered in the Wiregrass. It's very similar 20 geography and very agricultural in nature. But 21 it also abuts Montgomery. 22 Q. Looking at the legislature's map, which 23 is Plaintiff's Exhibit 2, and the Court's map,</p>

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<p style="text-align: right;">Page 65</p> <p>1 which is Plaintiff's Exhibit 6, which one does 2 a better job of protecting the Wiregrass? 3 MS. GBE: Objection to the form. 4 A. I believe the Exhibit 2, the 5 legislature's plan, encompasses what we 6 consider the majority of the Wiregrass. I 7 would like to have seen Covington included in 8 that, but it does encompass the majority of the 9 Wiregrass. 10 Q. Thank you. You can put those exhibits 11 away. Do you remember talking with Ms. Gbe 12 about Representative Barry Moore? 13 A. Yes, ma'am. 14 Q. And she showed you an article which is 15 Plaintiff's Exhibit 7 where he -- where a 16 newspaper characterizes his position as the new 17 district not being something he can't handle. 18 Do you remember that? 19 A. I do. 20 Q. Do you generally pay a lot of attention 21 to the news? 22 A. I do. 23 Q. And does that include congressional</p>	<p style="text-align: right;">Page 67</p> <p>1 MS. MESSICK: Okay. I don't have any more 2 questions. I don't know if Dorman might have some. 3 MR. WALKER: No, I don't. Thank you for 4 coming in today, sir. 5 THE WITNESS: Thank you. Glad to. 6 MS. MESSICK: Harmony? 7 MS. GBE: I don't have any redirect 8 questions so I think we can wrap this up. 9 10 11 12 FURTHER DEPONENT SAITH NOT. 13 14 ENDED 2:33PM 15 16 17 18 19 20 21 22 23</p>
<p style="text-align: right;">Page 66</p> <p>1 elections? 2 A. Certainly. 3 Q. From what you've seen over the course 4 of your lifetime, even it doesn't have to be 5 limited to your time in Alabama, do successful 6 congressional candidates generally go around 7 saying, This job is too hard for me? 8 A. No, of course not. 9 MS. GBE: Objection to the form. 10 A. Of course not. 11 Q. Have you sat down with Barry Moore to 12 talk with him about what his priorities will be 13 for this redrawn district? 14 A. I have not. 15 Q. So do you remember being repeatedly 16 asked if you had any reason to doubt that he 17 would prioritize basically everything? 18 A. I recall that, yes. 19 Q. Do you have any reason -- do you have 20 any knowledge about what he will and won't 21 prioritize? 22 A. I would not say I have firsthand 23 knowledge, no.</p>	<p style="text-align: right;">Page 68</p> <p>1 SIGNATURE OF WITNESS 2 3 I, _____, do 4 hereby certify that on this _____ day of 5 _____ 2024, I have read the foregoing 6 transcript and to the best of my knowledge it 7 constitutes a true and accurate transcript of my 8 testimony taken by oral deposition on September 6, 9 2024. 10 11 _____ 12 WITNESS 13 14 Subscribed and sworn to 15 before me this _____ 16 day of _____, 17 2024. 18 19 20 21 22 23</p>

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<p>1 C E R T I F I C A T E</p> <p>2 STATE OF ALABAMA</p> <p>3 AT LARGE</p> <p>4</p> <p>5 I hereby certify that the above and</p> <p>6 foregoing deposition of JEFF WILLIAMS was taken</p> <p>7 down by me in stenotype and the questions and</p> <p>8 answers thereto were transcribed by means of</p> <p>9 computer-aided transcription, and that the</p> <p>10 foregoing represents a true and correct</p> <p>11 transcript of the testimony given by said</p> <p>12 witness upon said hearing.</p> <p>13 I further certify that I am neither of</p> <p>14 counsel, nor of kin to the parties to the</p> <p>15 action, nor am I in anywise interested in the</p> <p>16 result of said cause.</p> <p>17</p> <p>18 I further certify that I am duly licensed</p> <p>19 by the Alabama Board of Court Reporting as a</p> <p>20 Certified Court Reporter as evidenced by the</p> <p>21 ACCR number following my name found below.</p> <p>22 So certified on this date, September, 16,</p> <p>23 2024.</p> <p>24</p> <p>25 <i>Karen Smith</i></p> <p>26 /s/Karen Smith</p> <p>27 Karen Smith, CCR</p> <p>28 ACCR #96, Expires 9/30/2024</p> <p>29 Commissioner for the State</p> <p>30 Of Alabama at Large</p> <p>31 My Commission Expires 1/10/2028</p>	<p>1 Reference No.: 11665822</p> <p>2 Case: MILLIGAN V. ALLEN</p> <p>3</p> <p>4 Page No. _____ Line No. _____ Change to: _____</p> <p>5 Reason for change: _____</p> <p>6 Page No. _____ Line No. _____ Change to: _____</p> <p>7</p> <p>8 Reason for change: _____</p> <p>9 Page No. _____ Line No. _____ Change to: _____</p> <p>10</p> <p>11 Reason for change: _____</p> <p>12 Page No. _____ Line No. _____ Change to: _____</p> <p>13</p> <p>14 Reason for change: _____</p> <p>15 Page No. _____ Line No. _____ Change to: _____</p> <p>16</p> <p>17 Reason for change: _____</p> <p>18 Page No. _____ Line No. _____ Change to: _____</p> <p>19</p> <p>20 Reason for change: _____</p> <p>21 Page No. _____ Line No. _____ Change to: _____</p> <p>22</p> <p>23 Reason for change: _____</p> <p>24</p> <p>25 SIGNATURE: _____ DATE: _____</p> <p>26 Jeff Williams</p>
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<p>1 Reference No.: 11665822</p> <p>2 Case: MILLIGAN V. ALLEN</p> <p>3</p> <p>4</p> <p>5 DECLARATION UNDER PENALTY OF PERJURY</p> <p>6</p> <p>7 I declare under penalty of perjury that</p> <p>8 I have read the entire transcript of my Depo-</p> <p>9 sition taken in the captioned matter or the</p> <p>10 same has been read to me, and the same is</p> <p>11 true and accurate, save and except for</p> <p>12 changes and/or corrections, if any, as indi-</p> <p>13 cated by me on the DEPOSITION ERRATA SHEET</p> <p>14 hereof, with the understanding that I offer</p> <p>15 these changes as if still under oath.</p> <p>16</p> <p>17 _____</p> <p>18 Jeff Williams</p> <p>19</p> <p>20 NOTARIZATION OF CHANGES</p> <p>21 (If Required)</p> <p>22</p> <p>23 Subscribed and sworn to on the _____ day of</p> <p>24 _____, 20____ before me,</p> <p>25</p> <p>26 (Notary Sign) _____</p> <p>27</p> <p>28 (Print Name) _____ Notary Public,</p> <p>29</p> <p>30 in and for the State of _____</p>	<p>1 Reference No.: 11665822</p> <p>2 Case: MILLIGAN V. ALLEN</p> <p>3</p> <p>4 Page No. _____ Line No. _____ Change to: _____</p> <p>5 Reason for change: _____</p> <p>6 Page No. _____ Line No. _____ Change to: _____</p> <p>7</p> <p>8 Reason for change: _____</p> <p>9 Page No. _____ Line No. _____ Change to: _____</p> <p>10</p> <p>11 Reason for change: _____</p> <p>12 Page No. _____ Line No. _____ Change to: _____</p> <p>13</p> <p>14 Reason for change: _____</p> <p>15 Page No. _____ Line No. _____ Change to: _____</p> <p>16</p> <p>17 Reason for change: _____</p> <p>18 Page No. _____ Line No. _____ Change to: _____</p> <p>19</p> <p>20 Reason for change: _____</p> <p>21 Page No. _____ Line No. _____ Change to: _____</p> <p>22</p> <p>23 Reason for change: _____</p> <p>24</p> <p>25 SIGNATURE: _____ DATE: _____</p> <p>26 Jeff Williams</p>