

2025 Feb-25 PM 02:40

BRAD KIMBRO  
MILLIGAN vs WES ALLENAugust 11, 2023  
DISTRICT COURT  
N.D. OF ALABAMA  
1-4

Page 1	Page 3
<p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 EVAN MILLIGAN, et al., )</p> <p>6 Plaintiffs, )</p> <p>7 ) CASE NO:</p> <p>8 VS. ) 2:21-CV-01530-AMM:</p> <p>9 WES ALLEN, in his official)</p> <p>10 capacity as Alabama )</p> <p>11 Secretary of State. )</p> <p>12 Defendant. )</p> <p>13 MARCUS CASTER, et al., )</p> <p>14 Plaintiffs, )</p> <p>15 ) CASE NO:</p> <p>16 VS. ) 2:21-CV-1536-AMM</p> <p>17 WES ALLEN, in his official)</p> <p>18 capacity as Alabama )</p> <p>19 Secretary of State. ) DEPOSITION OF:</p> <p>20 Defendant. ) BRAD KIMBRO</p> <p>21</p> <p>22 S T I P U L A T I O N S</p> <p>23</p> <p>24 IT IS STIPULATED AND AGREED, by and</p> <p>25 between the parties through their respective counsel,</p>	<p>1</p> <p>2 A P P E A R A N C E S</p> <p>3</p> <p>4 FOR THE MILLIGAN PLAINTIFFS:</p> <p>5 AMANDA NECOLE ALLEN</p> <p>6 Attorney at Law</p> <p>7 Hogan Lovells US, LLP</p> <p>8 Columbia Square</p> <p>9 555 Thirteenth Street NW</p> <p>10 Washington, DC 20004</p> <p>11 202-637-2521</p> <p>12 amanda.n.allen@hoganlovells.com</p> <p>13</p> <p>14</p> <p>15 BLAYNE R. THOMPSON</p> <p>16 Attorney at Law</p> <p>17 Hogan Lovells US , LLP</p> <p>18 609 Main Street</p> <p>19 Suite 4200</p> <p>20 Houston, Texas 77002</p> <p>21 713-632-1429</p> <p>22 blayne.thompson@hoganlovells.com</p> <p>23</p> <p>24</p> <p>25</p>
Page 2	Page 4
<p>1 that the deposition of:</p> <p>2 BRAD KIMBRO,</p> <p>3 may be taken before Merit Gilley, Commissioner and</p> <p>4 Notary Public, State at Large, with all parties</p> <p>5 appearing remotely, on the 11th day of August, 2023,</p> <p>6 commencing at approximately 11:35 a.m.</p> <p>7</p> <p>8 IT IS FURTHER STIPULATED AND AGREED that</p> <p>9 the signature to and reading of the deposition by the</p> <p>10 witness is waived, the deposition to have the same</p> <p>11 force and effect as if full compliance had been had</p> <p>12 with all laws and rules of Court relating to the</p> <p>13 taking of depositions.</p> <p>14</p> <p>15 IT IS FURTHER STIPULATED AND AGREED that</p> <p>16 it shall not be necessary for any objections to be</p> <p>17 made by counsel to any questions, except as to form or</p> <p>18 leading questions, and that counsel for the parties</p> <p>19 may make objections and assign grounds at the time of</p> <p>20 the trial, or at the time said deposition is offered</p> <p>21 in evidence, or prior thereto.</p> <p>22 ***</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 DEUEL ROSS</p> <p>2 Attorney at Law</p> <p>3 NAACP Legal Defense &amp; Educational Fund, Inc.</p> <p>4 700 14th Street N.W.</p> <p>5 Suite 600</p> <p>6 Washington, DC 20005</p> <p>7 202-682-1300</p> <p>8 dross@naacpldf.org</p> <p>9</p> <p>10</p> <p>11 FOR THE CASTER PLAINTIFFS:</p> <p>12 JOSEPH POSIMATO</p> <p>13 Attorney at Law</p> <p>14 Elias Law Group</p> <p>15 250 Massachusetts Avenue NW</p> <p>16 Suite 400</p> <p>17 Washington DC 20001</p> <p>18 202-968-4591</p> <p>19 Jposimato@Elias.law</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

BRAD KIMBRO  
MILLIGAN vs WES ALLENAugust 11, 2023  
5-8

<p>Page 5</p> <p>1 FOR THE DEFENDANT SECRETARY WES ALLEN:</p> <p>2 MISTY S. FAIRBANKS MESSICK</p> <p>3 Constitutional Defense Division</p> <p>4 Office of the Attorney General</p> <p>5 State of Alabama</p> <p>6 501 Washington Avenue</p> <p>7 P.O. Box 300152</p> <p>8 Montgomery, Alabama 36130</p> <p>9 334-353-8674</p> <p>10 misty.messick@alabamaag.gov</p> <p>11</p> <p>12</p> <p>13 FOR THE DEFENDANT ALABAMA PERMANENT COMMITTEE ON</p> <p>14 REAPPORTIONMENT AND REDISTRICTING CHAIRMAN STEVE</p> <p>15 LIVINGSTON AND CHAIRMAN CHRIS PRINGLE:</p> <p>16 DORMAN WALKER</p> <p>17 Attorney at Law</p> <p>18 Balch &amp; Bingham, LLP</p> <p>19 445 Dexter Avenue</p> <p>20 Suite 8000</p> <p>21 Montgomery, Alabama 36104</p> <p>22 334-269-3138</p> <p>23 dwalker@balch.com</p> <p>24</p> <p>25</p>	<p>Page 7</p> <p>1</p> <p>2 EXAMINATION INDEX</p> <p>3</p> <p>4 Brad Kimbro</p> <p>5 BY MS. ALLEN . . . . . 10</p> <p>6 BY MS. FAIRBANKS MESSICK . . . . . 42</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13 EXHIBIT INDEX</p> <p>14</p> <p>15 Plaintiffs' Exhibit MAR</p> <p>16 1 Defendants' Joint Response to Milligan 35</p> <p>and Caster Plaintiffs' Objections and</p> <p>17 Request for Preliminary Injunction</p> <p>18 2 Declaration of Brad Kimbro 36</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 6</p> <p>1 ALSO PRESENT:</p> <p>2 Austin King - Esquire Video Specialist</p> <p>3 Richard Mink</p> <p>4</p> <p>5</p> <p>6</p> <p>7</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>	<p>Page 8</p> <p>1 I, Merit Gilley, a Court Reporter of</p> <p>2 Birmingham, Alabama, and a Notary Public for the State</p> <p>3 of Alabama at Large, acting as Commissioner, certify</p> <p>4 that on this date, as provided by the Federal Rules of</p> <p>5 Civil Procedure and the foregoing stipulation of</p> <p>6 counsel, there came before me on the 11th day of</p> <p>7 August, 2023, with all parties appearing remotely,</p> <p>8 commencing at approximately 11:35 a.m., BRAD KIMBRO,</p> <p>9 witness in the above cause, for oral examination,</p> <p>10 whereupon the following proceedings were had:</p> <p>11 THE VIDEOGRAPHER: Good morning. We are</p> <p>12 now on the record. The time is now 11:35 a.m. Central</p> <p>13 standard time on Friday, August 11th, 2023. This</p> <p>14 begins the videotaped deposition of Brad Kimbro taken</p> <p>15 in the matter of Evan -- Evan Milligan, et al. V</p> <p>16 Secretary of State Allen, et al. Filed in the United</p> <p>17 States District Court for the Northern District of</p> <p>18 Alabama Southern Division. Case Number of which is</p> <p>19 2:21-CV-01530-AMM.</p> <p>20 The videographer today is Austin King.</p> <p>21 The court reporter is Merit Gilley. We are both</p> <p>22 representing Esquire Deposition Solutions. Counsel,</p> <p>23 will you please announce your name and whom you</p> <p>24 represent; afterwards, the court reporter will swear</p> <p>25 in the witness.</p>

BRAD KIMBRO  
MILLIGAN vs WES ALLENAugust 11, 2023  
9-12

<p style="text-align: right;">Page 9</p> <p>1 MS. ALLEN: Amanda Allen of Hogan 2 Lovells for the Milligan plaintiffs. 3 MR. THOMPSON: Blayne Thompson of Hogan 4 Lovells also on behalf of the Milligan plaintiffs. 5 MR. WALKER: Dorman Walker for -- 6 MS. FAIRBANKS MESSICK: Joe, do you 7 want -- 8 MR. WALKER: -- Balch &amp; -- 9 MS. FAIRBANKS MESSICK: -- to go next? 10 MR. WALKER: -- Bingham -- I'm sorry. 11 Did someone else start? 12 MS. FAIRBANKS MESSICK: I'm sorry. I 13 was encouraging Joe to go next. 14 Of course, go ahead, Dorman. 15 MR. WALKER: Dorman Walker at Balch &amp; 16 Bingham on behalf of the Committee Chairs. 17 MS. FAIRBANKS MESSICK: Misty S. 18 Fairbanks Messick on behalf of Secretary of State 19 Allen. 20 MR. WALKER: Thanks, Misty. 21 MR. POSIMATO: Joseph Posimato on behalf 22 of the Caster plaintiffs. 23 BRAD KIMBRO 24 being first duly sworn, was examined and testified as 25 follows:</p>	<p style="text-align: right;">Page 11</p> <p>1 answer a few questions based on my experiences with 2 growing up in the wiregrass area and working in -- in 3 this community. 4 Q So when you were referring to your 5 deposition experience, you're talking about when you 6 were asked to participate in a deposition for today? 7 A Yes. 8 Q So you haven't been deposed any other 9 times? 10 MS. FAIRBANKS MESSICK: Object to the 11 form. 12 THE WITNESS: Pardon? 13 MS. FAIRBANKS MESSICK: I just needed to 14 state an objection for the record. You're free to 15 answer the question. 16 A Yeah. I -- not -- not that I can 17 recall. I -- I don't ever recall having anything like 18 this before. 19 Q (By Ms. Allen) Okay. 20 A No. 21 Q Do you understand that you're testifying 22 under oath today? 23 A Yes, I do. 24 Q Is there anything that might prevent you 25 from understanding my questions or answering</p>
<p style="text-align: right;">Page 10</p> <p>1 THE COURT REPORTER: All right. Usual 2 stipulations? 3 MS. ALLEN: Yes, please. 4 MS. FAIRBANKS MESSICK: Yes. 5 THE COURT REPORTER: Go ahead. 6 EXAMINATION 7 BY MS. ALLEN: 8 Q Good morning, Mr. Kimbro. 9 How are you? 10 A I'm well. 11 Q My name is Amanda Allen, and I represent 12 the Milligan plaintiffs in this matter along with my 13 colleague Blayne Thompson. 14 Will you please state your full name for 15 the record. 16 A Yes. It's Bradley Max Kimbro. 17 Q Mr. Kimbro, have you been deposed 18 before? 19 A Well, I guess what -- with Ms. Messick, 20 it -- that's the only time I suppose. 21 Q And when was that? 22 A Let's see. Week and a half ago maybe. 23 Something like that. 24 Q And what did that pertain to? 25 A They asked if I would be willing to</p>	<p style="text-align: right;">Page 12</p> <p>1 truthfully this morning? 2 A No. 3 Q Are you represented by counsel today? 4 A I am not. 5 Q So I want the go over some key rules of 6 the road for a deposition so that we're both on the 7 same page about how the deposition will work. I will 8 be asking you a series of questions, and you're going 9 to answer them to the best of your ability. 10 Do you understand that? 11 A Yes, I do. 12 Q Please provide verbal answers to my 13 questions so that our court reporter can make -- help 14 us make a clear record. For example, instead of 15 giving a head nod or saying "uh-huh," provide a verbal 16 response, which is what you're doing already. And 17 you're doing a great job at it, so just continue to do 18 that. 19 A Okay. 20 Q Relatedly, we should strive not to talk 21 over one each. There are challenges per -- you know, 22 posed by remote setup. But I ask you to listen to my 23 question, and I will listen to your answer. 24 And we'll try to speak over each other; 25 okay?</p>

BRAD KIMBRO  
MILLIGAN vs WES ALLENAugust 11, 2023  
13-16

<p style="text-align: right;">Page 13</p> <p>1 A Okay. Very well.</p> <p>2 Q Do you understand that we're gathered</p> <p>3 here virtually for the purposes of taking your</p> <p>4 deposition testimony?</p> <p>5 A Yes, I do.</p> <p>6 Q And you understand that the re -- court</p> <p>7 reporter will transcribe my questions and your answers</p> <p>8 to them?</p> <p>9 A Yes, I do.</p> <p>10 Q And you understand that you should give</p> <p>11 the same seriousness and truthfulness in answering my</p> <p>12 questions here today that you would if you were</p> <p>13 testifying in court before a judge or a jury; correct?</p> <p>14 A Yes.</p> <p>15 Q If you don't understand a question,</p> <p>16 please feel free to tell me. I will rephrase or try</p> <p>17 to do something to help you understand the question</p> <p>18 that I am asking; otherwise, I will assume that you</p> <p>19 understand the question.</p> <p>20 Is that fair?</p> <p>21 A Absolutely. Yes.</p> <p>22 Q If an attorney makes an objection, you</p> <p>23 must still answer the question, just much like the</p> <p>24 objection that just happened.</p> <p>25 Do you understand that?</p>	<p style="text-align: right;">Page 15</p> <p>1 do not disturb sign.</p> <p>2 Q Is there anyone in the room with you</p> <p>3 right now?</p> <p>4 A No. Just me.</p> <p>5 Q Do you have any email, chat, text, or</p> <p>6 instant messaging functions currently open on the</p> <p>7 device that you're using?</p> <p>8 A No, I don't. All I have is the</p> <p>9 deposition from the other day. That's all I have</p> <p>10 open, other than the Zoom.</p> <p>11 Q What do you mean that you have "the</p> <p>12 deposition from the other day" open?</p> <p>13 A My record from the previous time --</p> <p>14 conversation that I guess you guys have a copy of too;</p> <p>15 right?</p> <p>16 Q Are you referring to your declaration?</p> <p>17 A Yeah. Did I say that wrong? Whatever</p> <p>18 that is officially called. Yes.</p> <p>19 Q Okay. I just want to make sure that</p> <p>20 we're on the same page about what document you're</p> <p>21 talking about.</p> <p>22 A Yes.</p> <p>23 Q That makes sense.</p> <p>24 A I can close it if I need to.</p> <p>25 Q We will be talking about it a little</p>
<p style="text-align: right;">Page 14</p> <p>1 A I do. Yes.</p> <p>2 Q Please let us know if you need a break</p> <p>3 at any point. If there's a question pending, I ask</p> <p>4 that you please answer the question before we take a</p> <p>5 break.</p> <p>6 Is that fair?</p> <p>7 A It is.</p> <p>8 Q As we go through the questions, you may</p> <p>9 realize a prior answer was not entirely accurate.</p> <p>10 If you do realize that, will you let me</p> <p>11 know that so that -- so that we can correct the</p> <p>12 record?</p> <p>13 A I sure will.</p> <p>14 Q Do you understand all of these</p> <p>15 instructions that we just discussed?</p> <p>16 A Yes, I do.</p> <p>17 Q With that out -- with that out of the</p> <p>18 way; do you understand, Mr. Kimbro, that you're here</p> <p>19 testifying as a witness in the case of Milligan v</p> <p>20 Secretary Allen?</p> <p>21 A I understand that now. Yes.</p> <p>22 Q Where are you right now?</p> <p>23 A I'm in Hartford, Alabama at our -- where</p> <p>24 I -- I work, Wiregrass Electric Cooperative's</p> <p>25 headquarters, in my office with the door shut with a</p>	<p style="text-align: right;">Page 16</p> <p>1 later, so we -- so why don't you close it for now.</p> <p>2 A Okay. (Witness complies.) Okay.</p> <p>3 Q I want to talk a little bit about what</p> <p>4 you did to prepare for today. You started talking a</p> <p>5 little bit about that earlier, so why don't you go</p> <p>6 ahead and just talk about what you did to prepare.</p> <p>7 A Nothing really. Just made sure that my</p> <p>8 Zoom was working and that technically wouldn't be any</p> <p>9 problems there. And everything seems to be fine from</p> <p>10 a technology standpoint, and just tried to clear my</p> <p>11 head and gather my thoughts or be ready to answer any</p> <p>12 question. So that's it really.</p> <p>13 Q Did you meet with anybody to prepare for</p> <p>14 today?</p> <p>15 A No. Now -- now, when you say "meet with</p> <p>16 anybody," I did -- Misty let me know about today. So,</p> <p>17 I mean, that's, you know -- she told me that we would</p> <p>18 have -- when -- when could I do -- what -- when would</p> <p>19 be a good time on my schedule to do what we're doing</p> <p>20 today. So that's -- that's the only conversation</p> <p>21 about, you know.</p> <p>22 Q So a week and a half ago, to make sure I</p> <p>23 understand, Ms. Messick asked you about the dep --</p> <p>24 participating in the deposition today?</p> <p>25 A No.</p>

BRAD KIMBRO  
MILLIGAN vs WES ALLENAugust 11, 2023  
17-20

<p style="text-align: right;">Page 17</p> <p>1 MS. FAIRBANKS MESSICK: Object to the</p> <p>2 form.</p> <p>3 Q (By Ms. Allen) Can you explain to me</p> <p>4 what you mean by Ms. Messick letting you know about</p> <p>5 the deposition.</p> <p>6 A Well, a week and a half ago is when they</p> <p>7 took my official -- they asked questions and -- and</p> <p>8 took officially down my answers. And then she let me</p> <p>9 know about -- you know, sometime after that about</p> <p>10 today that -- that you guys wanted to talk to me. And</p> <p>11 that's what I mean by answering your question about</p> <p>12 meeting with anyone else about today. Just when we</p> <p>13 first talked, I didn't know about today.</p> <p>14 Q Let's talk about the week and a half ago</p> <p>15 discussion.</p> <p>16 Was Ms. Messick the only person that you</p> <p>17 spoke with?</p> <p>18 A No. The -- I believe his name is Ed</p> <p>19 LaCour; is that right? Solicitor General, I believe,</p> <p>20 is his official title.</p> <p>21 Q I -- and was this conversation on the</p> <p>22 phone?</p> <p>23 A It was on the phone. Yes.</p> <p>24 Q How long was the conversation?</p> <p>25 MS. FAIRBANKS MESSICK: Object to the</p>	<p style="text-align: right;">Page 19</p> <p>1 Did you speak with anyone else other</p> <p>2 than Mr. LaCour and Ms. Messick before -- in</p> <p>3 preparation for today?</p> <p>4 A In preparation for today?</p> <p>5 MS. FAIRBANKS MESSICK: Object to the</p> <p>6 form.</p> <p>7 A No.</p> <p>8 Q (By Ms. Allen) Did you have any</p> <p>9 conversations with anyone else at all relating to the</p> <p>10 case?</p> <p>11 A Well, about today, I certainly told my</p> <p>12 wife what was going on; certainly allowed our CEO here</p> <p>13 to know what was going on; some of my staff because I</p> <p>14 was going to be out of pocket, you know, for a few</p> <p>15 hours or however long this takes. Shared with my</p> <p>16 pastor, you know, just offer prayers, you know, make</p> <p>17 sure that I was clear-headed, you know, and remembered</p> <p>18 things correctly; and that was it.</p> <p>19 Q Have you spoken with anyone affiliated</p> <p>20 with the State of Alabama aside from Mr. LaCour or</p> <p>21 Ms. Messick?</p> <p>22 MS. FAIRBANKS MESSICK: I'll object to</p> <p>23 the form.</p> <p>24 A Pardon? Someone said something I didn't</p> <p>25 understand.</p>
<p style="text-align: right;">Page 18</p> <p>1 form.</p> <p>2 A I would -- I would say 45 minutes to an</p> <p>3 hour, I would say, best of my recollection.</p> <p>4 Q (By Ms. Allen) And during the 45-minute</p> <p>5 conversation, what did you all discuss?</p> <p>6 A Well, I -- really everything that's in</p> <p>7 there; just, again, back to wanted to hear about my</p> <p>8 experiences growing up in the wiregrass community, my</p> <p>9 experiences working in the wiregrass community, my</p> <p>10 experiences being educated in the wiregrass community.</p> <p>11 Q And what happened after that 45-minute</p> <p>12 conversation?</p> <p>13 A We hung up. Noth -- nothing. Then a</p> <p>14 couple of days later, they provided me a transcript</p> <p>15 and -- and, again, if I'm pronouncing the official</p> <p>16 title of these words, forgive me; but I'm calling it,</p> <p>17 you know, my -- the -- the transcript of what we</p> <p>18 discussed. And they sent that to me email and asked</p> <p>19 me to make sure that was accurate. And I replied,</p> <p>20 Yeah, you know, and -- and then they said, Please sign</p> <p>21 it, and it would be your, I guess, sworn testimony or</p> <p>22 -- or admissible to court. You know, that it would be</p> <p>23 an official document, and which I didn't object. I</p> <p>24 said, Sure.</p> <p>25 Q Okay. So I want to come back to that.</p>	<p style="text-align: right;">Page 20</p> <p>1 MS. FAIRBANKS MESSICK: Amanda, I was</p> <p>2 objecting, and you might have been adding something at</p> <p>3 the same time.</p> <p>4 Would you mind restating the question or</p> <p>5 the court reporter could.</p> <p>6 MS. ALLEN: Yes.</p> <p>7 Q (By Ms. Allen) Have you spoken with</p> <p>8 anyone affiliated with the State of Alabama other than</p> <p>9 Mr. LaCour and Ms. Messick related to this matter?</p> <p>10 A I did ask Matt Parker, Dothan area</p> <p>11 Chamber of Commerce, and Senator Donnie Chesteen if</p> <p>12 this was, I guess, initially legit; you know, that it</p> <p>13 wasn't some, you know, spam or whatever. And they</p> <p>14 both told me that it was and that, you know, feel free</p> <p>15 to continue. It's -- it's -- you know, that -- that's</p> <p>16 all they -- they said. Basically, I just wanted to</p> <p>17 make sure that this was something that was legit</p> <p>18 because, you know, there's all kind of things that</p> <p>19 aren't that -- these days.</p> <p>20 Q Have you spoken with anyone affiliated</p> <p>21 with the Alabama state legislature?</p> <p>22 A Well --</p> <p>23 MS. FAIRBANKS MESSICK: Object to the</p> <p>24 form.</p> <p>25 A -- again, Senator Donnie Chesteen is who</p>

<p style="text-align: right;">Page 21</p> <p>1 I asked to confirm this being legit or not. Yes.</p> <p>2 Q (By Ms. Allen) Have you ever seen a</p> <p>3 transcript from any other deposition that has occurred</p> <p>4 in this case?</p> <p>5 A No, I have not.</p> <p>6 Q Did you visit any website to prepare for</p> <p>7 your deposition today?</p> <p>8 A No, I did not.</p> <p>9 Q Did you review any documents to prepare</p> <p>10 for the deposition?</p> <p>11 A No.</p> <p>12 Q Are you being compensated by anyone for</p> <p>13 being here today?</p> <p>14 A No, ma'am.</p> <p>15 Q Mr. Kimbro, can you tell me what your</p> <p>16 date of birth is.</p> <p>17 A [REDACTED]</p> <p>18 Q Where were you born?</p> <p>19 A Montgomery, Alabama.</p> <p>20 Q Is that where you grew up?</p> <p>21 A No. Grew up in Brantley, Alabama. I --</p> <p>22 from birth, my mom and dad moved to Troy. I -- and</p> <p>23 then about a year and a half, two years old; they</p> <p>24 moved to Brantley, Alabama. And that's where I grew</p> <p>25 up all my life.</p>	<p style="text-align: right;">Page 23</p> <p>1 A I -- I think it's B. Kimbro. I -- I --</p> <p>2 I think it's B. Kimbro. It -- it might be Brad</p> <p>3 Kimbro. Or it might be my phone number. It's saved</p> <p>4 in my phone, so I never -- I never have to type it in.</p> <p>5 It just comes up.</p> <p>6 Q Just let me ask you this: If someone</p> <p>7 were to search for you on Facebook, what -- what name</p> <p>8 would they search for?</p> <p>9 A I'm sure Brad or -- or Brad Kimbro.</p> <p>10 Q And what is the user name for your</p> <p>11 Instagram account?</p> <p>12 A B -- B. Kimbro or B.M. Kimbro. I</p> <p>13 believe that's right.</p> <p>14 Q Have you ever been involved in any other</p> <p>15 lawsuits?</p> <p>16 A No.</p> <p>17 Q What is the highest level of education</p> <p>18 that you've completed?</p> <p>19 A BS degree.</p> <p>20 Q And where did you get your BS?</p> <p>21 A Troy University, which was Troy State</p> <p>22 University at the time.</p> <p>23 Q And by "BS," you're referring to a</p> <p>24 bachelor of science; correct?</p> <p>25 A Yes. I'm sorry. Yes. Bachelor of</p>
<p style="text-align: right;">Page 22</p> <p>1 Q Where do you currently live?</p> <p>2 A In Ashford, Alabama.</p> <p>3 Q How long have you lived there?</p> <p>4 A Let's see. Since 2010; August of 2010.</p> <p>5 Q What is your telephone number?</p> <p>6 A I use the cell phone. It's</p> <p>7 [REDACTED].</p> <p>8 Q Any other phone numbers?</p> <p>9 A Well, there's -- not personal -- work</p> <p>10 numbers and stuff; but, you know, that's -- that's my</p> <p>11 contact information, my cell -- you know, the cell</p> <p>12 number's my phone number.</p> <p>13 Q Do you have an email account?</p> <p>14 A I do.</p> <p>15 Q What is your email account?</p> <p>16 A B, as in boy, Kimbro, K-i-m-b-r-o,</p> <p>17 @wiregrass. c-o-o-p. It's -- that's</p> <p>18 Bkimbro@wiregrass.coop.</p> <p>19 Q Do you have any other email accounts?</p> <p>20 A No.</p> <p>21 Q Do you have any personal social media</p> <p>22 accounts?</p> <p>23 A Yeah. I have Facebook and Instagram.</p> <p>24 Q What is your user name on your Facebook</p> <p>25 account?</p>	<p style="text-align: right;">Page 24</p> <p>1 science. Yes. Business major.</p> <p>2 Q And when did you graduate from Troy?</p> <p>3 A June of 1991.</p> <p>4 Q Where did you live after you finished</p> <p>5 school?</p> <p>6 A First in Dothan, Alabama for 11 months.</p> <p>7 Q Anywhere else after that?</p> <p>8 A Yeah. From there I went to Mobile; from</p> <p>9 there to Pensacola; and then back to Mobile; and then</p> <p>10 Baldwin County.</p> <p>11 Q You mentioned earlier that you are</p> <p>12 currently at your place of work.</p> <p>13 What do you do for a living?</p> <p>14 A I work for an electric cooperative,</p> <p>15 Wiregrass Electric Cooperative.</p> <p>16 Q And what do -- what do you do at</p> <p>17 Wiregrass Electric Cooperative?</p> <p>18 A I am the chief operating officer.</p> <p>19 Do you need my responsibilities?</p> <p>20 Is that what you're asking?</p> <p>21 Q Yes, sir.</p> <p>22 A Okay. In -- in -- over the member</p> <p>23 services, communication, customer-service-type</p> <p>24 activities, community development, economic</p> <p>25 development, and let's see. I guess that's getting it</p>



BRAD KIMBRO  
MILLIGAN vs WES ALLENAugust 11, 2023  
25-28

<p style="text-align: right;">Page 25</p> <p>1 all. Yeah.</p> <p>2 Q What do you know about the lawsuit at</p> <p>3 issue today?</p> <p>4 A Just what I hear in the news. I --</p> <p>5 nothing that -- that I've -- you know, just that</p> <p>6 there's a redistricting issue that's -- that's at</p> <p>7 stake or -- or being looked at and has to do with</p> <p>8 redrawing the -- the district lines as I understand</p> <p>9 it.</p> <p>10 Q And when you say "redistricting issue at</p> <p>11 stake" -- at stake, what do you mean?</p> <p>12 A That -- that's what I understand the --</p> <p>13 these issues are about now. I mean, I wasn't really</p> <p>14 following that closely before. I did hear, again,</p> <p>15 some things about it in the news, of course. But just</p> <p>16 that lines are existing a certain way, and they're</p> <p>17 reviewed periodically and either redrawn or -- or not.</p> <p>18 And that makes up the -- the -- the boundaries of --</p> <p>19 of political lines, I guess, or -- or -- or</p> <p>20 Congressional districts or -- or whatever.</p> <p>21 Q When you say that you weren't following</p> <p>22 it before, before what?</p> <p>23 A Well, really before the phone call. I</p> <p>24 -- with Ms. Messick and -- and Mr. LaCour. I mean, I</p> <p>25 was aware, of course. I mean, I'm not -- you know, I</p>	<p style="text-align: right;">Page 27</p> <p>1 week and a half ago?</p> <p>2 A Well, yeah. It was an email earlier,</p> <p>3 maybe a day or two before that phone call. That was</p> <p>4 my first knowledge of it.</p> <p>5 Q An email from whom?</p> <p>6 A Mr. LaCour.</p> <p>7 Q Do you happen to know who is looking at</p> <p>8 the possible boundary line changes?</p> <p>9 A When you say looking at them, I -- I</p> <p>10 don't -- I'm not understanding what you mean.</p> <p>11 Q Do you happen to know the individual or</p> <p>12 entity that would be examining any potential boundary</p> <p>13 line changes -- Congressional line changes?</p> <p>14 MS. FAIRBANKS MESSICK: Object to the</p> <p>15 form.</p> <p>16 A No. I'm really not -- not privy to the</p> <p>17 -- whatever -- I guess, the legislature, I guess,</p> <p>18 would be looking at it to -- to try to -- to look at</p> <p>19 -- at redrawing them or -- or altering them. And I --</p> <p>20 I -- that's about all I know. And, I mean, I'm not</p> <p>21 sure that's -- that's the correct ones, but I don't</p> <p>22 know. I know there's someone that's looking at it,</p> <p>23 and I guess someone will make the decision that it's</p> <p>24 right or wrong or accepted or denied.</p> <p>25 Q (By Ms. Allen) So I want to walk</p>
<p style="text-align: right;">Page 26</p> <p>1 hear things. But, I mean, there's a lot of -- lot of</p> <p>2 things that you can hear and see in the news. So I --</p> <p>3 you know, wasn't something I was necessarily following</p> <p>4 closely.</p> <p>5 Q When you say "before the phone call,"</p> <p>6 are you referring to the phone call that we were</p> <p>7 talking about from a week and a half ago?</p> <p>8 A That's right.</p> <p>9 Q You earlier mentioned that you</p> <p>10 understood the lawsuit to be about redrawing the</p> <p>11 district lines?</p> <p>12 What do you mean by redrawing them?</p> <p>13 A There's a boundary, I guess, that's</p> <p>14 current. And looking at an alteration to that</p> <p>15 boundary, I guess; the size, if I understand it, or</p> <p>16 possible alteration to it.</p> <p>17 Q What boundaries?</p> <p>18 A Back to the, I guess, the Congressional</p> <p>19 districts as I understand it.</p> <p>20 Q How did you get involved in this matter?</p> <p>21 MS. FAIRBANKS MESSICK: Object. Asked</p> <p>22 and answered.</p> <p>23 A Well, I mean, it just -- again, from a</p> <p>24 phone call with Mr. LaCour.</p> <p>25 Q (By Ms. Allen) The phone call from a</p>	<p style="text-align: right;">Page 28</p> <p>1 through some of the communications that you had with</p> <p>2 -- starting with Mr. LaCour.</p> <p>3 You said, as I understand it, you</p> <p>4 received an email recently; is that right?</p> <p>5 A That's my first knowledge of Mr. LaCour</p> <p>6 and my first, I guess, initial meeting or -- or</p> <p>7 knowledge of who he was. Never heard of him before</p> <p>8 that email.</p> <p>9 Q What did the email say?</p> <p>10 A I -- let's see. Basically, who he was,</p> <p>11 that he stated that -- let's see -- would like to,</p> <p>12 again -- that -- that I would be someone he would like</p> <p>13 to speak with to talk more about my experiences; my</p> <p>14 growing up in the wiregrass, educated in the</p> <p>15 wiregrass, working in the wiregrass. And it -- it --</p> <p>16 some -- somewhere did reference at that point the --</p> <p>17 I'm not sure if he said district lines or how he</p> <p>18 phrased it, but -- but something about this, you know,</p> <p>19 the -- you know, the matter or whatever that the State</p> <p>20 was involved in and would I be willing to speak with</p> <p>21 him. And he left a phone number for me that -- to</p> <p>22 call him.</p> <p>23 Q Would you be able to provide us a copy</p> <p>24 of that email?</p> <p>25 A Sure.</p>

BRAD KIMBRO  
MILLIGAN vs WES ALLENAugust 11, 2023  
29-32

<p style="text-align: right;">Page 29</p> <p>1 Q So what did you do when you received the 2 email from Mr. LaCour? 3 A I read it. Kind of initially blew it 4 off, again, because I wasn't -- you know, my first 5 thought was, you know, is this some type of spam 6 because I did not know who this was and it wasn't a 7 cyber-security hack or something like that, you know, 8 or click bait. That's what I'm trying to say to -- 9 then I sat on it a couple of days and -- and went back 10 and -- and read it again. And, again, that's -- 11 that's when I -- just repeating what I shared earlier: 12 That's when I reached out to Matt Parker and Senator 13 Chesteen to see, you know, if this guy -- if this was 14 a real person, if it was legitimate. I didn't do any 15 research on my own of who he was or anything. And 16 they confirmed it was a legitimate thing and certainly 17 gave their blessings to call him if I wanted to. 18 Q Do you know how Mr. LaCour got your 19 email address? 20 A No, I -- I don't. 21 Q So how long was it after that you 22 reached out to Senator Chesteen and, I believe you 23 said, Matt Parker? 24 A Yeah. You know, couple or three days, 25 something like that if I recall correctly.</p>	<p style="text-align: right;">Page 31</p> <p>1 the phone, how long was that conversation? 2 A Five minutes maybe, something like that. 3 Q And in that five-minute conversation, 4 you all discussed the legitimacy of the email that you 5 received from Mr. LaCour? 6 A Yes. 7 Q Did you discuss anything else? 8 A No. 9 Q So after that conversation, who else 10 did you get into contact with or contacted you? 11 MS. FAIRBANKS MESSICK: Object to the 12 form. 13 A Let's see. Well, other than Misty and 14 LaCour -- Mr. LaCour; you know, again, I made my CEO 15 aware, my -- my boss, what, you know, had happened. 16 And he's like, Yeah, you know, I think you should 17 speak with them. And, you know, again, my wife. 18 Q (By Ms. Allen) After you contacted Matt 19 Parker and Senator Chesteen, did the interview that 20 you referenced earlier occur? 21 MS. FAIRBANKS MESSICK: Object to the 22 form. Get -- could I have the court reporter to read 23 that back. I couldn't actually understand everything 24 she said. It was kind of garbled. I'm sorry. 25 MS. ALLEN: and I'll try to speak up as</p>
<p style="text-align: right;">Page 30</p> <p>1 Q Did you talk to them both on the phone? 2 A Well, I sent a -- a text and -- you 3 know, initially. And then Senator Chesteen called me, 4 and Matt Parker responded in either an email or a 5 text. I can't remember. 6 Q Who is Matt Parker? 7 A He's the president of the Dothan area 8 Chamber of Commerce. 9 Q And how do you know Senator Chesteen? 10 A Just through work relationships. He's 11 the senator representing most of the area that 12 Wiregrass Electric is -- provides service to. 13 Q And how do you know Mr. Parker? 14 A He -- Wiregrass Electric has been a -- a 15 participant or -- or supporter of the Chamber for many 16 years. And through the Chamber connections with my 17 company is how we first met. And I have been a member 18 of the -- a member of the board for the Dothan area 19 Chamber of Commerce. And I know Matt's involved with 20 a lot of things, you know, from an economic 21 development standpoint to political. And he knows a 22 lot of people; and I -- I just felt comfortable that 23 he would, you know, tell me if this was legit or not, 24 which was my question to him. 25 Q When you talked to Senator Chesteen on</p>	<p style="text-align: right;">Page 32</p> <p>1 well and see if that helps. 2 (Record read.) 3 A Okay. So -- 4 MS. FAIRBANKS MESSICK: Object to the 5 form. 6 A The -- the -- so I -- the -- let me -- 7 help me make sure I understood your question. You're 8 -- you're saying when did the interview occur with 9 Mr. LaCour and -- and Ms. Messick before? 10 Q (By Ms. Allen) Right. 11 I am just trying to understand when -- 12 when things happened. 13 A Yeah. Okay. Yeah. After the phone 14 call with Senator Chesteen, after that is when I made 15 contact with Mr. LaCour, again, and I said, yeah, you 16 know. I'll answer your questions. Yes. I did not 17 have any contact with Mr. LaCour; email, text, phone; 18 until after I confirmed that it was, you know, like I 19 said, a legitimate thing. And that was after Matt 20 Parker and -- and Senator Chesteen, our conversation. 21 Q Can you describe in detail your first 22 conversation with Mr. LaCour. 23 A Yeah. Let's see. I called him and said 24 who I was and that I would be willing to answer 25 questions or, you know, whatever, you know; again,</p>



BRAD KIMBRO  
MILLIGAN vs WES ALLENAugust 11, 2023  
33-36

<p style="text-align: right;">Page 33</p> <p>1 tell him what I knew. And he said, Great. Good. And</p> <p>2 that's when we set up a time. And I don't recall if</p> <p>3 it was the same day or the next day or I -- I -- but</p> <p>4 that's when the call with he and Ms. Messick occurred.</p> <p>5 Q How long after -- or let me rephrase.</p> <p>6 When after the first initial phone call</p> <p>7 with Mr. LaCour did your conversation with Mr. LaCour</p> <p>8 and Ms. Messick happen?</p> <p>9 MS. FAIRBANKS MESSICK: Objection.</p> <p>10 Asked and answered.</p> <p>11 A Again, I talked to Mr. LaCour. And I</p> <p>12 said, Hey, I got your email. I'll -- I'll be happy to</p> <p>13 answer any questions you have. And we hung up, you</p> <p>14 know. And then after that, I -- I -- I -- I'm not</p> <p>15 sure if that same day or the next day. I just can't</p> <p>16 remember. But it was, you know, a relatively short</p> <p>17 period of time that then we had the call with</p> <p>18 Ms. Messick and Mr. LaCour.</p> <p>19 Q (By Ms. Allen) During your call with</p> <p>20 Ms. Messick and Mr. LaCour, can you describe what</p> <p>21 happened during that call?</p> <p>22 A Sure. They, again, asked me questions</p> <p>23 about my experiences growing up in the wiregrass,</p> <p>24 working in the wiregrass, being educated in the</p> <p>25 wiregrass. And I -- I gave them answers. You know,</p>	<p style="text-align: right;">Page 35</p> <p>1 you provided during that phone call?</p> <p>2 A Yes. That's when they put it in a -- in</p> <p>3 a transcript or -- or whatever the official legal</p> <p>4 document is that -- that I signed as a, I guess, sworn</p> <p>5 statement.</p> <p>6 Q I'm going to mark and publish Exhibit 1.</p> <p>7 (Plaintiff's Exhibit 1 was</p> <p>8 marked for identification.)</p> <p>9 Q Which is Defendants' Joint Response to</p> <p>10 Milligan and Caster Plaintiffs' Objections and Request</p> <p>11 for Preliminary Injunction.</p> <p>12 Just give me a minute to pull it up on</p> <p>13 the screen. It's also in the chat so if that's easier</p> <p>14 for everybody.</p> <p>15 Is everybody able to see my screen?</p> <p>16 MS. FAIRBANKS MESSICK: I can't see your</p> <p>17 screen -- okay. I see it now.</p> <p>18 A I see it.</p> <p>19 Q (By Ms. Allen) Okay. So we can see it</p> <p>20 now?</p> <p>21 A I can. Yes.</p> <p>22 Q Okay. Mr. Kimbro, have you seen this</p> <p>23 document before?</p> <p>24 And I can scroll through it so you have</p> <p>25 time to look at it.</p>
<p style="text-align: right;">Page 34</p> <p>1 they wanted to know about the -- the culture -- or not</p> <p>2 culture, but the collaboration of the wiregrass and</p> <p>3 how everyone is -- you know, whether in Geneva County</p> <p>4 or Houston County or Dale County, it's -- it's all</p> <p>5 kind of the same people and how my experiences through</p> <p>6 those things. Again, being involved in -- in a</p> <p>7 cooperative and a company that -- that serves all</p> <p>8 walks of life within that region, the wiregrass</p> <p>9 region; and, you know, things like that; my</p> <p>10 involvement in helping with economic development and</p> <p>11 -- and other things that -- you know, just an overall</p> <p>12 feel of what it's like to live and work in -- in the</p> <p>13 wiregrass community.</p> <p>14 Q Did Mr. LaCour and Ms. Messick provide</p> <p>15 the list of counties?</p> <p>16 A No.</p> <p>17 MS. FAIRBANKS MESSICK: Object to form.</p> <p>18 A No. No. I don't recall that at all.</p> <p>19 No. I did state counties; and, you know, that's</p> <p>20 because that's -- that's the counties we served. And</p> <p>21 I -- I shared that and how my experiences of how those</p> <p>22 counties are working together. I did volunteer those</p> <p>23 type things. Yes.</p> <p>24 Q (By Ms. Allen) Do you know what</p> <p>25 Mr. LaCour and Ms. Manic did with the information that</p>	<p style="text-align: right;">Page 36</p> <p>1 A Yeah. Please scroll through it. I --</p> <p>2 so far I -- yeah. If you're scrolling, I'm not seeing</p> <p>3 it scroll.</p> <p>4 Q Oh, let's see. Let me try this again.</p> <p>5 Can you see it scrolling?</p> <p>6 MS. FAIRBANKS MESSICK: No.</p> <p>7 THE WITNESS: It's still blank. Now --</p> <p>8 now it's up. Okay. So --</p> <p>9 MS. FAIRBANKS MESSICK: We're on page</p> <p>10 nine. Can you go back to the beginning, please,</p> <p>11 Amanda, so that he can see what this document is. The</p> <p>12 document's gone.</p> <p>13 Q (By Ms. Allen) Seems my technology has</p> <p>14 malfunctioned because it just exited out of Zoom for</p> <p>15 me.</p> <p>16 Perfect. Can you see it now?</p> <p>17 A Yes. It is scrolling now. Yes.</p> <p>18 I have not seen that.</p> <p>19 Q Okay. I'm going to mark and publish as</p> <p>20 Exhibit 2 your declaration. So we can get that up on</p> <p>21 the screen.</p> <p>22 (Plaintiff's Exhibit 2 was</p> <p>23 marked for identification.)</p> <p>24 Q I just added it to the chat so everyone</p> <p>25 can see it as well.</p>

BRAD KIMBRO  
MILLIGAN vs WES ALLENAugust 11, 2023  
37-40

<p style="text-align: right;">Page 37</p> <p>1 Mr. Kimbro, have you seen this document</p> <p>2 before?</p> <p>3 MS. FAIRBANKS MESSICK: Object to the</p> <p>4 form.</p> <p>5 A Yes, I have. That's -- yes. That's the</p> <p>6 document I -- yes.</p> <p>7 Q (By Ms. Allen) Do you recognize this</p> <p>8 exhibit as your declaration?</p> <p>9 A Yes. Yeah.</p> <p>10 Q You signed this declaration; correct?</p> <p>11 A I did. That's my signature. Yes.</p> <p>12 Q And you signed the declaration under</p> <p>13 penalty of perjury?</p> <p>14 A Yes.</p> <p>15 Q Who drafted this declaration?</p> <p>16 A It was --</p> <p>17 MS. FAIRBANKS MESSICK: Object to the</p> <p>18 form.</p> <p>19 A It was -- I'm sorry. Somebody said</p> <p>20 something I didn't understand.</p> <p>21 MS. FAIRBANKS MESSICK: I just objected.</p> <p>22 You can answer the question.</p> <p>23 THE WITNESS: Okay.</p> <p>24 A It's the -- when Misty -- Ms. Messick</p> <p>25 and Mr. LaCour, when we talked that day; she was, I</p>	<p style="text-align: right;">Page 39</p> <p>1 about the SPEC building and the Geneva Industrial</p> <p>2 Park; not that it was wrong. It's just, you know,</p> <p>3 again, making sure it was more accurate.</p> <p>4 Q Anything else?</p> <p>5 A I -- maybe I added something, it seems</p> <p>6 like, around Highway 167, that feasibility study for a</p> <p>7 four-lane highway. I think that's all that I can</p> <p>8 recall. And those things were in there except for the</p> <p>9 library. It's just, you know, us adding or</p> <p>10 clarifying. The only addition was the Dothan-Houston</p> <p>11 County Library chairmanship.</p> <p>12 Q And what did you do after you reviewed</p> <p>13 the document and had edits?</p> <p>14 A Well, I replied back to Ms. Messick with</p> <p>15 those; and -- and she accepted them and sent it back</p> <p>16 for my signature.</p> <p>17 Q Were you ever told what the purpose of</p> <p>18 your declaration would be?</p> <p>19 A No. Not -- not specifically, other than</p> <p>20 this would just be a matter of record and -- and</p> <p>21 possible evidence or whatever for -- for court and</p> <p>22 that I might be asked to come testify to it.</p> <p>23 Q Why did you agree to submit a</p> <p>24 declaration?</p> <p>25 A Well, it's the -- it's the State of</p>
<p style="text-align: right;">Page 38</p> <p>1 assume, taking notes. And she formed my answers in</p> <p>2 this, I guess, a draft first of what I said. And --</p> <p>3 and so she was able to put down on paper what I said</p> <p>4 that day.</p> <p>5 Q (By Ms. Allen) Did you receive this</p> <p>6 document after that conversation?</p> <p>7 A Yes.</p> <p>8 Q What did you do --</p> <p>9 MS. FAIRBANKS MESSICK: Objection.</p> <p>10 Q (By Ms. Allen) -- when you received it?</p> <p>11 A Well, I read it and checked for its, you</p> <p>12 know, accuracy or whatever; that it was saying what I</p> <p>13 said. And so that's what I did.</p> <p>14 Q When did you first see the draft</p> <p>15 declaration?</p> <p>16 A Maybe a day after our conversation with,</p> <p>17 again, Ms. Messick and Mr. LaCour.</p> <p>18 Q Did you propose any edits to the</p> <p>19 declaration?</p> <p>20 A I did. I -- I -- I think I added the --</p> <p>21 that I was -- they were asking me, you know, some</p> <p>22 different things that I -- I had been involved in in</p> <p>23 my working career here. And I added the -- I was the</p> <p>24 chairman of the Dothan-Houston County Library. I also</p> <p>25 added language about -- or -- or cleared up language</p>	<p style="text-align: right;">Page 40</p> <p>1 Alabama that was asking and; they were asking my</p> <p>2 experiences, again, of growing up, working, being</p> <p>3 educated in the wiregrass. And, you know, nothing to</p> <p>4 hide. Sure. I'll -- I'll answer those questions.</p> <p>5 Q Are you a member of the Republican</p> <p>6 party?</p> <p>7 A No. I do -- I guess I'm registered as a</p> <p>8 Republican for voting, but I'm not an official --</p> <p>9 well, I -- I guess that would make me in their --</p> <p>10 yeah, as a registered Republican for voting.</p> <p>11 So does that answer your question? I'm</p> <p>12 not -- I'm not a member of any Republican group here</p> <p>13 is what I'm trying to say.</p> <p>14 Q So have you held any positions in the</p> <p>15 Republican party?</p> <p>16 A No.</p> <p>17 Q Do you identify as a Republican?</p> <p>18 A Yes.</p> <p>19 Q Did you attend the Alabama Permanent</p> <p>20 Committee on Reapportionment and Redistricting public</p> <p>21 hearing on July 13th, 2013?</p> <p>22 A No.</p> <p>23 Q Were you ever invited to attend the</p> <p>24 hearing?</p> <p>25 A Not to my knowledge. No.</p>

BRAD KIMBRO  
MILLIGAN vs WES ALLEN

August 11, 2023

41-44

<p style="text-align: right;">Page 41</p> <p>1 Q Did you review the enacted 2023 2 Congressional map for Alabama? 3 A No. 4 Q Did you review any other -- or any maps 5 for the redistricting committee or the legislature? 6 A No. 7 MS. FAIRBANKS MESSICK: Object to the 8 form. 9 Q (By Ms. Allen) Did you review any 10 performance analysis of the enacted 2023 plan? 11 A No. 12 Q What is your race? 13 A White male -- Caucasian male. 14 MS. ALLEN: I want to take a quick 15 five-minute break to confer with my colleagues, and we 16 can go off the record for that time. 17 THE VIDEOGRAPHER: We are off the record 18 at 12:24 p.m. 19 (Short recess.) 20 THE VIDEOGRAPHER: We are back on the 21 record at 12:31 p.m. 22 Q (By Ms. Allen) Mr. Kimbro, thank you so 23 much for your time today. I know depositions can be a 24 little nerve wracking, so I just appreciate your time 25 and taking the time to answer my questions.</p>	<p style="text-align: right;">Page 43</p> <p>1 local court, and didn't have to -- 2 Q Do you remember -- 3 A -- appear in the case. There was a 4 question. 5 Q Did you get on the witness stand and 6 raise your right hand and testify at that hearing as 7 best as you -- or was that as best as you can recall 8 at this time? 9 A Yeah. That's been a few years. Best I 10 can recall I think I did come up to the stand, but I 11 didn't have to because it was either the witness 12 didn't show or something. I -- it -- it -- I never 13 went through that process. 14 Q Okay. 15 A And then, of course, you know, I -- I've 16 been working for a company that has had lawsuits 17 before, you know. But, you know -- but the company, 18 you know; not -- not necessarily me as an individual. 19 Q As you sit here at this time, do you 20 remember being a witness in any of those lawsuits, 21 whether in terms of preparing a written statement like 22 you have for this case or actually giving spoken 23 testimony like you're doing here today or in a 24 courtroom? 25 A You know, I -- you're talking about 30</p>
<p style="text-align: right;">Page 42</p> <p>1 With that, I don't have any more 2 questions. 3 EXAMINATION 4 BY MS. FAIRBANKS MESSICK: 5 Q Mr. Kimbro, I really appreciate you 6 being here today. 7 I do have a few questions to follow up 8 if that's all right. 9 A Yes, ma'am. 10 Q Thank you, sir. 11 You were asked earlier if you had ever 12 been deposed, and you said that you had not; with the 13 deposition being like what we're -- what we're doing 14 here today, you've not done this sort of thing before. 15 Have you ever testified in any way that 16 you can think of as you sit here today? 17 A Let's see. Yeah. There was one time 18 with the Wiregrass Electric with a -- a member 19 disputing a bill, and I can't recall all the details. 20 But did -- did do that. 21 Q Was -- do you remember if you were in 22 court or -- 23 A I did -- 24 Q -- in a conference room? 25 A I did go to the local courthouse, a</p>	<p style="text-align: right;">Page 44</p> <p>1 years now of being in this business. I -- I don't 2 recall anything like this. I -- I just don't. There 3 was -- again, I've been the company's -- you know, 4 Baldwin EMC and Wiregrass and all the cooperatives, 5 you know, that I've been a part of; obviously, there's 6 -- there's discrepancies, lawsuits, you know, from 7 time to time, you know; cars hitting poles, things 8 like that. I -- I don't -- I'm trying to remember if 9 I've ever -- I just don't recall ever doing anything 10 like a written deposition. I -- I don't recall ever 11 doing that. 12 Q Thank you. 13 A I'm sure -- just to follow: I'm sure I 14 have added comments and -- and factual information 15 that was part of the company's testimony or -- or 16 deposition or whatever the legal word is. But nothing 17 just individually on me. 18 Q I want you to take a minute and think 19 about the conversations that you and I had this week 20 after we knew that you were going to be given -- 21 giving this deposition. And I'll ask you to tell me a 22 little bit about what you remember about that 23 conversation, if there was anything other than you are 24 willing and logistics. 25 A You're talking about the conversation</p>

BRAD KIMBRO  
MILLIGAN vs WES ALLENAugust 11, 2023  
45-48

<p style="text-align: right;">Page 45</p> <p>1 you and I had about this particular -- yeah. Well,</p> <p>2 you just went through and shared with me -- similar to</p> <p>3 what Ms. Allen did, you know, that you were under</p> <p>4 oath -- would be under oath; be sure and understand</p> <p>5 the question before you answer; I guess, you know,</p> <p>6 things to be mindful of as far as accurately and --</p> <p>7 and -- truthfully stating what you remember and -- and</p> <p>8 remember -- you know, state what you know, you know,</p> <p>9 not necessarily what you think you know or heard or</p> <p>10 whatever, you know; things like that.</p> <p>11 You asked, again, the question have I</p> <p>12 ever been deposed or anything like think. I think I</p> <p>13 gave an example of nothing like this. But there was</p> <p>14 a -- at Baldwin EMC, there was an opportunity to --</p> <p>15 with -- with a company transaction with a DirecTV</p> <p>16 franchise where I did answer, you know -- there was a</p> <p>17 lawsuit there; and, again, answered questions and</p> <p>18 provided comment to that case. I -- that's pretty</p> <p>19 much the gist of what I can remember you and I have</p> <p>20 talked about.</p> <p>21 Q Thank you.</p> <p>22 You and Amanda talked about the</p> <p>23 declaration that you signed. It's Exhibit 2 and that</p> <p>24 you signed on August 3rd. Do you remember that</p> <p>25 declaration?</p>	<p style="text-align: right;">Page 47</p> <p>1 A Okay.</p> <p>2 MS. ALLEN: All right. I don't have any</p> <p>3 questions for you. Again, thank you for your time.</p> <p>4 THE WITNESS: Thank you.</p> <p>5 MS. FAIRBANKS MESSICK: Thank you.</p> <p>6 THE VIDEOGRAPHER: Ms. Allen -- I</p> <p>7 apologize, Ms. Messick -- did I understand that</p> <p>8 everything's expedited?</p> <p>9 Does that include the video synced?</p> <p>10 MS. ALLEN: Yes. What we did -- same</p> <p>11 thing we did yesterday: Expedited video and</p> <p>12 transcript.</p> <p>13 THE VIDEOGRAPHER: Okay. Is that the</p> <p>14 same from everyone? The same video and transcript</p> <p>15 orders for everyone?</p> <p>16 MS. FAIRBANKS MESSICK: If you're asking</p> <p>17 about other parties, no. The -- the Secretary only</p> <p>18 wants expedited transcripts. They're not ordering</p> <p>19 video.</p> <p>20 THE VIDEOGRAPHER: Okay. And before I</p> <p>21 take us off, does anyone else need a transcript or</p> <p>22 video separate from Ms. Allen and Ms. Messick?</p> <p>23 MR. POSIMATO: Yes. The</p> <p>24 counter-plaintiffs would like an expedited transcript.</p> <p>25 We don't need video.</p>
<p style="text-align: right;">Page 46</p> <p>1 Not have you memorized it, but you know</p> <p>2 what I'm referring to; right?</p> <p>3 A Yes, ma'am. I --</p> <p>4 Q You remember it?</p> <p>5 Did you review that declaration before</p> <p>6 -- in preparation for this deposition here today?</p> <p>7 A I re-read it. Yes.</p> <p>8 Q Okay. And the -- is there anything in</p> <p>9 that declaration that you think is wrong?</p> <p>10 A No. I -- I -- not that -- no. I think</p> <p>11 it's all accurate.</p> <p>12 Q Did our -- did I or Ms. LaCour make you</p> <p>13 put anything in that declaration that you did not</p> <p>14 agree with?</p> <p>15 A No. Not at all.</p> <p>16 Q And did -- do you stand by the testimony</p> <p>17 in that declaration?</p> <p>18 A Yeah. It's accurate. Yes.</p> <p>19 Q And you did read it before you signed</p> <p>20 it?</p> <p>21 A I did. Yes.</p> <p>22 Q I don't have any further questions for</p> <p>23 you.</p> <p>24 Amanda might want to follow up on my</p> <p>25 questions.</p>	<p style="text-align: right;">Page 48</p> <p>1 THE VIDEOGRAPHER: Perfect. All right.</p> <p>2 That concludes the deposition of Brad</p> <p>3 Kimbro. We're off the record at 12:40 p.m.</p> <p>4 (THE DEPOSITION WAS CONCLUDED AT 12:40 p.m.)</p> <p>5</p> <p>6</p> <p>7</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>

BRAD KIMBRO  
MILLIGAN vs WES ALLEN

August 11, 2023  
49

Page 49

1  
2 C E R T I F I C A T E  
3  
4 STATE OF ALABAMA )  
5 JEFFERSON COUNTY )  
6  
7 I hereby certify that the above  
8 and foregoing deposition was taken down  
9 by me in stenotype, and the questions and  
10 answers thereto were reduced to computer  
11 print under my supervision, and that the  
12 foregoing represents a true and correct  
13 transcript of the deposition given by  
14 said witness upon said hearing.  
15  
16 I further certify that I am  
17 neither of counsel nor of kin to the  
18 parties to the action, nor am I in  
19 anyway interested in the result of said  
20 cause.  
21  
22 Merit Gilley  
23  
24 /s/Merit Gilley  
Merit Gilley, Commissioner  
25 ACCR NO. 67