

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

4 ALABAMA STATE CONFERENCE *
5 OF THE NAACP, et al., *
6 Plaintiffs, * 2:21-cv-1531-AMM
7 vs. * November 14, 2024
8 WES ALLEN, in his official *
9 capacity as Alabama Secretary *
10 of State, et al., *
11 Defendant. *
12 *****
13

14 TRANSCRIPT OF BENCH TRIAL
15 VOLUME III
16 BEFORE THE HONORABLE ANNA M. MANASCO
17 UNITED STATES DISTRICT JUDGE
18
19
20

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P R O C E E D I N G S

(In open court.)

THE COURT: Good morning, everybody.

Next witness for the plaintiffs.

MR. ROSBOROUGH: Good morning, Your Honor. Plaintiffs
call Scott Douglas.

THE COURT: All right. If you'll come to the witness
stand, sir.

SCOTT DOUGLAS

having been first duly sworn by the Courtroom Deputy Clerk, was
examined and testified as follows:

THE COURTROOM DEPUTY CLERK: If you will be seated.
Please speak loudly and clearly into the microphone. State
your name and spell it for the court record.

THE WITNESS: My name is Scott Douglas; S-C-O-T-T,
D-O-U-G-L-A-S.

THE COURT: You may proceed.

DIRECT EXAMINATION

BY MR. ROSBOROUGH:

Q Good morning, Mr. Douglas. How are you today?

A Good morning. Fine. Thank you.

Q Can you please tell the Court your current employment?

A Yes. I'm currently employed at Greater Birmingham
Ministries.

Q When did you start at Greater Birmingham Ministries?

1 A I became executive director of Greater Birmingham
2 Ministries in 1993.

3 Q And how did you first become involved with Greater
4 Birmingham Ministries?

5 A My family and I, my wife and our 2-year old son moved from
6 Nashville to Birmingham in 1976. She was a grad student at
7 UAB, and I was currently unemployed. And we needed diapers for
8 our kid, and someone told me about Greater Birmingham
9 Ministries, and we went there and got free diapers for our son.

10 Q Did you continue your involvement after that initial
11 interaction?

12 A Yes. After that, I found out something about what they
13 did in the community, and I became a volunteer.

14 Q And what did that volunteering role entail?

15 A Oh, it was everything from door knocking around Get Out
16 the Vote to organizing food drives at my local church, to
17 helping attorney, incarcerated people settle into new homes in
18 communities, to -- a lot of things.

19 Q At a certain point, did you join the board of directors of
20 Greater Birmingham Ministries?

21 A Yes. In 1982, I became a member of the board of
22 directors.

23 Q Where did you grow up, Mr. Douglas?

24 A I grew up in Nashville, Tennessee.

25 Q And did you attend segregated schools there?

1 A Yes. My entire public school was segregated.

2 Q And I believe you testified to this, but just to be clear,
3 when did you move to Alabama?

4 A I moved to Alabama in 1976.

5 Q Before you became executive director of Greater Birmingham
6 Ministries, and if I refer to it as GBM, will you understand
7 what I mean?

8 A Yes. That's much easier.

9 Q Before you became executive director of GBM in 1993, what
10 were your previous jobs in Alabama?

11 A Oh, in Alabama. In Alabama, I was unemployed when I first
12 arrived here, March '76, but soon I got employment as
13 delivering ice, like the ice you get at the quick market sell
14 off the back of the truck to being a small metals assembler, to
15 being a janitor and others, steam vacuum cleaner service.

16 Q After that point, did you hold any other jobs?

17 A Oh, yes. Within three years, I was able to get a job with
18 the Southern Organizer Committee for economic and social
19 justice.

20 Q And what was your role at that organization?

21 A My role at what we call SOC, S-O-C, was to travel the
22 Southeast learning about stories of struggles of low income
23 people, people of color, black, poor, and white poor and
24 others, Vietnamese in the Bayou La Batre area.

25 Q What sort of issues did you work on in your role there?

1 A Yes. I covered more than just Alabama. In Mississippi,
2 we covered -- we uncovered the stories of black men being
3 lynched while in jail. And we also worked with -- mostly a lot
4 with the emerging environmental injustice movement among people
5 of color in the Deep South. At times, gave them resources to
6 help them adjust their pollution and poison issues.

7 Q After you left your position with S-O-C or SOC?

8 A Yes.

9 Q Where did you?

10 A I went to the partnership for the Marketing Foundation.
11 It was a national foundation that literally kind of funded the
12 work I did for SOC. So because I knew a lot of the groups on
13 the ground, I was able to give some reasonable assessments.
14 But why more funded should you go, these grass roots
15 organizations who didn't have a big presence, but would do an
16 effective work.

17 Q Finally, after that position, did you hold any other roles
18 before you took over as executive director of GBM?

19 A Yes. My final position before I became director of GBM
20 was I was -- the same strand, the first regional organizer for
21 environmental injustice for the Sierra club.

22 Q Let's talk a little bit more about Greater Birmingham
23 Ministries. Can you describe GBM's organizational mission?

24 A Yes. GBM's mission is to serve people, build community,
25 and pursue justice.

1 Q And I want to come back and talk about that a little more.
2 But first, what type of organization is GBM in terms of its
3 corporate structure?

4 A Yeah. GBM is a faith-based 501(c)(3) non-profit, and it's
5 governed by a board of directors.

6 Q What is GBM's membership structure, if any?

7 A Yes. We have two forms of membership; one is
8 organizational membership. Our term for it is sponsoring faith
9 communities. And they are predominantly denominations that
10 have signed on to becoming members of GBM, such as North
11 Alabama Conference United Methodist Church, the African
12 Methodist Episcopal Church -- the African-American Episcopal
13 Church, the Christian Methodist Episcopal Church, the African
14 Methodist Episcopal Church, Zion, the Roman Catholic Diocese,
15 and the Presbytery Sheppards Lapsley.

16 Q Do you have any other types of membership?

17 A Yes. In the local GBM area, we have our only direct
18 congregational members, like 16th Street Baptist Church.

19 Q Can you speak to whether GBM has individual members?

20 A Oh, yeah. Since 2015, GBM has had individual members.

21 Q And in terms of organizational members, which if any, are
22 elected in the Huntsville or Decatur areas?

23 A Of our denominational members are the Episcopal Diocese of
24 Alabama, the Christian Methodist Episcopal Church, the African
25 American Methodist Episcopal Church, African Methodist Church,

1 Zion, and the Presbytery Sheppards and Lapsley.

2 Q Do you have any understanding of the racial demographics
3 of those congregations?

4 A Yes.

5 Q And what is your understanding?

6 A Of those denominations, the Presbyterian Episcopal Diocese
7 are predominantly white, but they're multi-racial, and the
8 African Methodist Episcopal Church, the CME, Christian
9 Methodist Episcopal Church and African Methodist Episcopal
10 Church of Zion are African-American.

11 Q And which, if any, of GBM's organizational members are
12 located in the Montgomery area?

13 A The same ones I mentioned earlier.

14 Q Okay. Do you know of any African-American member church
15 leaders in the Huntsville area?

16 A Yes.

17 Q And who is that?

18 A Reverend Randy Kelley.

19 Q Okay. How does a faith community become an organizational
20 member of GBM?

21 A Yeah, sure. A faith community becomes, a member
22 sponsoring member of GBM by submitting a letter of inquiry,
23 which then presents in the dialogue about the mutual
24 responsibilities of incoming community and Greater Birmingham
25 Ministries.

1 Q And how, if at all, do organizational members participate
2 in GBM's governance?

3 A They participate -- by participating, they have
4 representatives on GBM's board of directors and also
5 contributing to the financial and volunteer base of Greater
6 Birmingham Ministries.

7 Q What is the structure of GBM's board of directors?

8 A The structure of the board of directors? Yes. It is
9 facilitated by -- well, the officers -- president,
10 vice-president, treasurer, and secretary. And this is the --
11 the managing core is the executive committee.

12 Q Approximately how big is the board of directors of GBM?

13 A Our board of directors is 42 people.

14 Q How, if at all, is that split between individual and
15 organizational members?

16 A Organizational members are about 32 and individual are 1.

17 Q And speaking of individual members, approximately how many
18 individual members does GBM have?

19 A Approximately 2,700.

20 Q Where are they located within Alabama?

21 A Individual members are located across the state of
22 Alabama, primarily in the Birmingham area, but from the north
23 to the south.

24 Q How does someone become an individual member of GBM?

25 A An individual becomes a member of GBM by a financial

1 donation and a commitment to the principles or values of
2 Greater Birmingham Ministries.

3 Q Do you know of any individual African-American members of
4 GBM in the Montgomery County area?

5 A Yes, I do.

6 Q And who is that or are they?

7 A Presdelane Harris for one -- Presdelane,
8 P-R-E-S-D-E-L-A-N-E. That's one word. Harris.

9 Q And do you have any awareness of whether Ms. Harris is a
10 registered voter?

11 A Yes, she is.

12 Q Okay. What is, to the best of your knowledge, the racial
13 and economic profile of the people Greater Birmingham
14 Ministries serves?

15 A Of our clients, the people we serve, I would say about 75,
16 80 percent African-American, 10 percent white, 5 percent
17 Latino.

18 Q What are GBM's programmatic areas?

19 A GBM's program areas shadow the -- our mission statement --
20 serving people, building community, pursuing justice. And
21 those relevant programs are direct services, providing
22 financial, food, and clothing and utilities assistance to low
23 income families.

24 Build the community.

25 Sustain interfaith dialogue and communications. Because

1 of the multiple faith communities in the state of Alabama, you
2 know, there are a lot of differences between he religions.
3 What we all have in common is love your neighbor as yourself.
4 And that's the band that holds us together.

5 Pursuing justice is our program of addressing issues and
6 policies that affect the poor and people of color unjustly.

7 Q Of the three programmatic areas, what parts of the state
8 do you pursue them in?

9 A Our direct services program is primarily the five-county
10 region around Jefferson County. The interfaith work and our
11 build a community work with faith communities is statewide.
12 Many of our sponsoring denominations are also statewide. Our
13 systems change work of pursuing justice is of necessity
14 statewide, yeah.

15 Q And in terms of systems change and pursuing justice, can
16 you discuss the types of examples of the types of policies GBM
17 works on that affect Alabamians statewide?

18 A There are a variety ranging from criminal justice to
19 environmental justice to education funding, to public
20 transportation, and, of course, voting rights.

21 Q I'd like to -- we will come back a little more to that,
22 but I would like to switch gears for a moment.

23 What is your understanding of the areas of the state of
24 Alabama at issue in this lawsuit?

25 A My understanding of the areas in this lawsuit is north

1 Alabama in the Huntsville Madison area and Montgomery.

2 Q What is GBM seeking to achieve by participating in this
3 lawsuit?

4 A GBM is seeking to achieve in this lawsuit a more
5 responsive -- yeah, a more responsive State Senate.

6 Q Can you say a little bit more about what you mean by more
7 responsive State Senate?

8 A Sure. For many African-Americans in north Alabama -- and
9 there are a few, more than a few -- to not have a reasonable
10 African-American representation means -- out of sight, out of
11 mind, unheard, not on anybody's agenda. There's no, you know,
12 person who represents them with shared lived experiences of the
13 conditions they face and obstacles they face.

14 Q Based on your experience, do you have any views of the
15 interaction between race and politics in Alabama?

16 A Based on my experience, race is politics in Alabama.

17 Q What do you mean by that?

18 A What I mean is that in my experience, from representation
19 in elected bodies to implementation of public policies, race
20 has been entrenched as a factor in decisions that leaders often
21 make.

22 Q Are you thinking of anything specific when you talk about
23 that?

24 A Specifically, I'm speaking of the absence of home rule.
25 And since -- in Alabama's counties and municipalities, where

1 the Legislature can overturn, nullify what was a legal action
2 by a municipality.

3 Q Why does that matter, if at all, particularly for the
4 communities you serve?

5 A It matters in my opinion to the communities that we serve
6 that if local elected officials take actions to benefit low
7 income people, black and white, and it's legal when they do it,
8 and then the Legislature convenes after that and nullifies, and
9 that creates a new law outlaws helping lower income people, in
10 this case, minimum wage increase.

11 Q Okay. You mentioned minimum wage increase. Can you tell
12 the Court a little bit more about that?

13 A Yeah. I'm sorry. In 2017, GBM was part of a coalition to
14 raise the minimum wage in the state of Alabama. Alabama wasn't
15 making a move towards it. So it began in Birmingham, was
16 moving towards convincing the city council to pass an ordinance
17 to raise the minimum wage from \$7 and a quarter to \$10.10 an
18 hour. After several months, they conceded, and the mayor
19 signed it into ordinance.

20 Within weeks, the Legislature convened and met and passed
21 a new law that nullifies, that nullified the GBM minimum wage
22 ordinance and preempted any other municipality in the state
23 anywhere else in the state from doing the same.

24 Q What effect did this have in your experience, if at all,
25 in other areas of the state, including the Huntsville and

1 Montgomery areas?

2 A Sure. Birmingham was the first, but before we succeeded
3 in winning Birmingham, there were already efforts in
4 Huntsville, Tuscaloosa, Montgomery, and Mobile.

5 Q Do you have any experience with whether this minimum wage
6 issue disproportionately affected any racial groups?

7 A The minimum wage issue disproportionately affected
8 particularly -- it affected all the poor people, but it
9 impacted African-American disproportionately based on the
10 distribution by race among the poor in Alabama where
11 African-Americans are only represented.

12 Q Does this -- how does this prohibition on raising the
13 minimum wage affect the political participation of black
14 Alabamians, if at all, in your view, your experience?

15 A Yeah. In my lived experience, experience of class I've
16 known, having to work more than one job to make basic ends meet
17 denies you the possibility of the civic -- civic and political
18 participation, everything from adult learning classes to PTA to
19 attending civil council meetings, to being able to regularly --
20 anyway -- as well as an absence of public transportation even
21 to vote.

22 When you work multiple part-time jobs, you make -- why
23 don't they vote absentee? Well, they're not planning to vote
24 absentee. They're planning to vote, Walk the Vote, for
25 instance, but your shift gets changed. That happens to shift

1 workers without their approval.

2 Q You just mentioned transportation. Are there any areas in
3 particular where you've observed deficiencies in transportation
4 concerning black Alabamians disproportionately?

5 A In Alabama, public transportation ridership is
6 disproportionately African-American because we're poor in
7 particularly urban areas. And so that means minimum access to
8 jobs, education, recreation, and health care without -- if you
9 don't have a car or can't afford a car.

10 Q And what does that have to do, if at all, with political
11 participation in your experience?

12 A It's almost like minimum wage. Lack of available adequate
13 accessible, affordable public transportation is a hindrance to
14 participation in a civic life of community, including voting
15 and participating, you know, participating in public meetings,
16 access to information by attending public hearings and others
17 as well as voting.

18 You could have well intended to vote if you have a car.
19 If you have to work overtime, you can get to the polls. But if
20 you have public transportation, ain't no way it's going to
21 happen.

22 Q Now, Mr. Douglas, can -- let's talk about health care.
23 Are there any particular areas where in your experience you've
24 observed the Alabama Legislature fail to respond to the health
25 care needs of black Alabamians disproportionately?

1 A Yes.

2 Q And can you speak to those?

3 A Particularly the refusal to expand Medicaid expansion to
4 the working poor of Alabama, some 300,000 families,
5 disproportionately African-Americans have been denied the
6 benefit of Medicaid expansion, which would be able to really
7 help increase the health care outcomes of those impacted
8 families.

9 Q Do you have any experience working with adults with low
10 literacy?

11 A Yes.

12 Q What is your experience?

13 A Our experience as -- at Greater Birmingham Ministries is
14 being able to help less literate adults be able to get the
15 assistance they need for the agencies that provide them.
16 There's a shyness there in adults seeking help with literacy
17 and a kind of embarrassment, but the latest organizations have
18 stopped doing literacy training in schools as much. They do it
19 in churches. Because as one counselor told us, schools is
20 where they thought they failed, yeah.

21 Q Have you experienced any racial disparities in literacy
22 deficiencies?

23 A I don't have statistics, but from my knowledge, my own
24 knowledge, I have, yes, in terms of the -- especially in urban
25 areas like Birmingham is, there are higher percentage

1 proportionately of African-Americans that didn't finish the
2 high school or get a GED.

3 Q I'd like to -- well, let me ask one more question there.

4 How, if at all, does lower literacy affect the ability to
5 participate politically?

6 A Lower literacy dispro -- lower literacy really hurts
7 participate in the civil discourse the civic education
8 discourse communications because what -- not a clear
9 understanding of which office -- elected office performs what
10 function and what relationship to you. We've gotten calls --
11 not calls -- at public hearings in public meetings even at GBM
12 where the question, who makes the decisions about what, you
13 know? Then you have to name them.

14 The city council does this, the county commission does
15 that, the Legislature does that. And that is not very well
16 known by a lot of adults, low income and low literacy.

17 Q Do you have any experience about whether lower literacy
18 adults face any challenges in the voting process particularly?

19 A Yes.

20 Q What's your experience?

21 A Our experience is -- with low literacy in adults in the
22 voting process is we're still part of this as being able to let
23 people -- we and other groups have to inform people about what
24 an amendment means on a ballot, what does it actually mean on a
25 ballot to where you can get voter ID, or where you can get a

1 non-driver's ID. At one point, we had grants to provide IDs,
2 but the funding ran out for that kind of work, yes.

3 Q And do you have any experience working to assist people
4 with lower literacy with voting forms?

5 A Yes.

6 Q What's that experience?

7 A We have done -- since 2012, produced a guide to voter
8 forms, voter registration forms as well as the voting process
9 itself that uses graphics, simpler language, big print so that
10 it is not so much fine print tech language that show people how
11 to register to vote, how to update their relatives so that you
12 vote where you live rather than going to the home house they
13 call it to vote where you were born across town and stuff, yes.

14 Q Do you have any experience -- in your experience, what are
15 the racial demographics of the people that are primarily taking
16 advantage -- need to take advantage of those resources around
17 voter forms?

18 A In our experience, based on where we are in Birmingham,
19 our experience is the highest proportion is African-American.

20 Q Do you have any reason one way or the other to doubt if
21 that's the case beyond Birmingham?

22 A I don't have that reason to doubt beyond Birmingham. For
23 instance, I do know it's pretty similar in Montgomery and
24 Mobile, in particular, and Huntsville. And but I don't know
25 how well spread -- widespread it is in the rural areas.

1 Q Mr. Douglas, have you previously run for elected office in
2 Alabama?

3 A Yes.

4 Q And what office was that?

5 A The mayor of Birmingham.

6 Q Did you run under a party banner?

7 A No. The municipal elections in Alabama are non-partisan.

8 Q When did you run for mayor?

9 A 2009.

10 Q And how closely do you follow State Senate races and other
11 political races in Alabama?

12 A I have followed them pretty closely since the 1980s.

13 Q Based on your experience with that and as a candidate, do
14 you have any observations about black candidates' ability to
15 fund raise in comparison to white candidates in Alabama?

16 A Yes.

17 Q What is your experience on that?

18 A My experience is that it is very difficult for first-time
19 black candidates to raise funds for political office,
20 sufficient funds for political office.

21 Q Do you have any understanding in your experience why that
22 is?

23 A Yes. It's because that -- well, it's because they're
24 first timers. But two is because the communities they come
25 from does not have the material wealth base to support them as

1 opposed to first timers say, for Mountain Brook.

2 Q Before we close, I would like to come back to your
3 discussion of public transportation.

4 A Yes.

5 Q And I think you were talking a little bit about the lack
6 of public transportation affecting black Alabamians.

7 Do you have any understanding or experience more
8 relevantly about why there are public transportation
9 deficiencies for black Alabamians?

10 A Number one, historically, and currently, more so
11 currently, African-Americans are proportionately --
12 disproportionately reliant on public transportation for
13 mobility.

14 But the reason our public transportation across the state
15 including Birmingham and Huntsville and Montgomery and Mobile
16 and the rural areas are so deficient is because in 1950s prior
17 to the Rosa Parks sitting on the back of the bus, the Alabama
18 passed a -- Legislature passed a constitutional amendment
19 forbidding the use of gas taxes and road taxes to pay for
20 public transportation.

21 As it is interpreted, it's because that the public
22 transportation desegregation movement had already begun across
23 the nation. And they decided to defund public transportation
24 through an amendment.

25 Q Thank you, Mr. Douglas. I have no further questions at

1 this time.

2 A Oh, thank you.

3 CROSS-EXAMINATION

4 BY MR. WALKER:

5 Q Good morning, Mr. Douglas. How are you?

6 A Good morning. Thank you.

7 Q Mr. Douglas, Greater Birmingham Ministries has not
8 identified any individual members in the Huntsville area, has
9 it?

10 A In the Huntsville area?

11 Q Yes, sir.

12 A Not to my knowledge.

13 Q And just to be clear, you mentioned Randy Kelly as someone
14 who was a member of an organization in Huntsville?

15 A Yes.

16 Q But he's not an individual member?

17 A No, he's -- he's a leader of an organizational member.

18 Q Yeah. And not an individual member; is that correct?

19 A To my knowledge, yes.

20 Q What programs does Greater Birmingham Ministries provide
21 in Huntsville?

22 A The programs that Greater Birmingham Ministries provides
23 in Huntsville are several; two in particular. We are a leading
24 partner with the Interfaith Mission Service of Huntsville.
25 Think of it as GBM's cohort of interfaith collaboration work in

1 Huntsville Madison County area.

2 We started in the same year, 1969, and been partners ever
3 since. Among those things are food drives, especially
4 overseas.

5 Q Could you ask you to speak up, please?

6 A Oh.

7 THE COURT: Feel free to adjust that microphone.

8 THE WITNESS: Thank you, ma'am. I appreciate it.

9 THE COURT: Absolutely.

10 THE WITNESS: Say it again. I'm sorry.

11 BY MR. WALKER:

12 Q Well, the general question I had asked you was to describe
13 whatever programs GBM has in Huntsville.

14 A We have collaborative programs in Huntsville, not just
15 with congregations and denominations in Huntsville, but
16 Interfaith Mission Service, which was created the same year
17 that GBM was, without knowledge of each other at that time.

18 But since then, we've been partners on global missions
19 work, for instance, clothing for children and adults overseas
20 and such.

21 We still maintain that partnership with them.

22 Q So clothing for children overseas. Are you saying that
23 GBM participates in collecting clothing for children?

24 A Yes. Yes.

25 Q Okay.

1 A And not only that, we also -- these -- some of these
2 clothes more recently have been brand new clothes donated by
3 retailers.

4 Q And GBM does not have an office in Huntsville, does it?

5 A No, it does not.

6 Q Okay. Does it have any staff members in Huntsville?

7 A Not residing in Huntsville, right, living in Huntsville,
8 no.

9 Q Well, the people who are collecting clothing in Huntsville
10 and doing other activities in Huntsville, are they GBM
11 personnel, or are they personnel from other agencies?

12 A They are not GBM person -- paid personnel, sure, no. But
13 they are from -- not just of agencies, but also from our
14 participating denominational membership churches.

15 Q Sure. Churches. And in Montgomery, what programs does
16 GBM have?

17 A In Montgomery, some of our collaboration work has been
18 around voter education and civic education with GBM's work.

19 Q And GBM, sir, does not have an office in Montgomery, does
20 it?

21 A No, but we do have volunteers.

22 Q Right.

23 A Yeah.

24 Q You don't have any staff, paid staff members in Montgomery
25 either?

1 A We had, but not now.

2 Q Okay. And what voter education and civic education does
3 GBM do in Montgomery?

4 A Well, in Montgomery, we are part of the Alabama Poor
5 People's Campaign, we are the sponsors of that. And we have
6 several volunteers who lead in that work. In addition, we have
7 a civic education course called the Power of Participation that
8 we have used across the state and also inside state prisons.

9 Q You mentioned -- I couldn't quite understand you -- that
10 you were -- that GBM, I'm sorry, sir, was a sponsor of the
11 Alabama -- I couldn't understand what you said.

12 A Poor People's Campaign.

13 Q Alabama Poor People's Campaign. What does it mean to say
14 that GBM is a sponsor of the Alabama Poor People's Campaign?

15 A As part of a national campaign, Poor People's Campaign; A
16 Fight for Moral Survival, the whole title, we are the Alabama
17 affiliate.

18 Q And what does that mean?

19 A It means that we are -- have the responsibility of
20 carrying out the program of the Poor People's Campaign
21 statewide across Alabama.

22 Q When the Alabama Poor People's Campaign conducts
23 operations -- does it conduct any operations in Montgomery
24 county?

25 A Yes. Get Out the Vote and voter registration activities,

1 as well as civic education activities.

2 Q And when those activities occur, are they conducted by GBM
3 personnel?

4 A They're conducted by unpaid volunteers.

5 Q Are the volunteers of GBM or the Alabama Poor People's
6 Campaign or first -- I mean, Dexter Avenue Baptist Church or
7 Hall Street -- or who?

8 A Repeat the question.

9 Q Yeah. Who are the volunteers? I understand they're
10 volunteers. Who are they from?

11 A Some of them attend Dexter, some of them attend Greater
12 Bethel A.M.E. Church, but they are -- maybe I can explain it
13 this way. They are organized by GBM staff people.

14 Q Are they members of GBM, to your knowledge?

15 A At least one I know is, is a paid member.

16 Q That would be Ms. Presdelane?

17 A No. That's an addition -- this is a newer person named
18 Valdoria Johnson.

19 Q Would you spell that name, please?

20 A V-A-L-D-O-R-I-A.

21 Q Johnson?

22 A Yeah.

23 Q And does -- is it Mr. or Ms.?

24 A Ms.

25 Q Does Ms. Johnson live in Montgomery County?

1 A Yes.

2 Q Do you know her address?

3 A I don't know it by heart.

4 Q Okay. Do you know if she's registered to vote?

5 A Yes.

6 Q How do you know that?

7 A Well, she voted.

8 Q How do you know that?

9 A She said so.

10 Q Okay. Other than individuals who have been convicted of a
11 crime of moral turpitude, are you aware of any legal
12 impediments that hinder people from voting?

13 A Other than crimes of moral turpitude?

14 Q Yes, sir.

15 A Yes.

16 Q Okay.

17 MR. WALKER: Could we see page 115, lines 6 through 13
18 of Mr. Douglas's deposition?

19 BY MR. WALKER:

20 Q Do you remember, Mr. Douglas, being deposed on April 23,
21 2024?

22 A Yes.

23 Q And do you remember that you were under oath at that time?

24 A Yes.

25 Q And that you testified that there were not any reasons why

1 you could not testify truthfully?

2 MR. ROSBOROUGH: Objection. Improper impeachment.

3 This answer does not contradict what Mr. Douglas just said. He
4 asked about moral turpitude, and he said no. And the answer
5 shows that he spoke to an additional issue.

6 THE COURT: Well, he can testify to that.

7 MR. ROSBOROUGH: Okay. Thank you, Your Honor.

8 BY MR. WALKER:

9 Q If you will look at the question you were asked, I will
10 read it to you, Mr. Douglas.

11 Other than voter identification, which I had not mentioned
12 in my question earlier, are there any other legal impediments
13 that you would point to that hinder people from participating
14 in the political process?

15 And your answer was: Other than identification and the
16 moral turpitude condition, you can't think of any; is that
17 correct?

18 A That's what I said at the time.

19 Q Okay. And is that still your answer?

20 A No.

21 Q Okay. What's your answer now?

22 A We've had cases which didn't come to mind of people who
23 have been denied the right to vote or told by the officials
24 they didn't have the right to vote that was outside of moral
25 turpitude that didn't qualify as moral turpitude. They were

1 lied to or misled.

2 Q When did that happen?

3 A It was happening before the change in moral turpitude law
4 and afterwards.

5 Q How do you know that?

6 A From clients we have talked to. Let me explain.

7 MR. WALKER: Your Honor, I object to the answer as
8 hearsay and move to strike.

9 MR. ROSBOROUGH: I -- he's responding to the way that
10 Mr. Walker phrased the question. I think we are entitled to at
11 least hear his full answer first.

12 MR. WALKER: It doesn't mean -- I'm sorry, Your Honor.

13 THE COURT: Well, I want to hear the answer. I mean,
14 I will say it's unclear to me whether it's going to be offered
15 for the truth or offered for some other purpose in response to
16 your question. So I want to hear the answer.

17 THE WITNESS: Repeat the question.

18 BY MR. WALKER:

19 Q I will repeat the question.

20 As I understood your testimony just now, and correct me if
21 I'm wrong, GBM has been contacted, you're aware, by some people
22 who were told they could not vote. Did I understand you?

23 A Correct.

24 Q And why were they told they could not vote?

25 A They were told -- when they tried to register to vote and

1 they asked had they committed any crimes, and they said they
2 did. And the officials would tell them, well, you are not
3 qualified to vote.

4 This is before the new moral turpitude.

5 Q This was before 2017?

6 A Before 2017.

7 Q And how many of these people were there, do you know?

8 A I didn't talk to every one of them, but we processed
9 dozens of individuals.

10 Q And were any of these people from Montgomery or Madison
11 County?

12 A Montgomery for sure.

13 Q Okay.

14 A And Birmingham.

15 Q And do you know if there was any legal impediment to their
16 voting?

17 A They thought there was a legal impediment to their voting,
18 and they did not know of the CERV process, the certificate of
19 eligibility to register to vote. No one had told them.

20 In fact, the Secretary of State has said it is not his job
21 to inform people how to get their voting rights restored.

22 Q Uh-huh. And was GBM able to help them get their voting
23 rights restored?

24 A Yes.

25 Q Okay. Are you aware of any such incidents after 2017?

1 A Yes.

2 Q Okay. When were those?

3 A Up until today.

4 Q Okay. How many?

5 A Some 200 individuals this year.

6 Q 200 this year?

7 A Yes.

8 Q 200 persons this year that you say came to GBM because
9 they had been told they could not vote or register to vote?

10 A Let's just say there have some who have been told they
11 could not and others who did not know they could.

12 Q What do you mean others who did not know that they could
13 vote?

14 A For instance, former incarcerated persons would tell us
15 that on exiting incarceration they were told they could never
16 vote again, which is untrue.

17 Q Was GBM able to help these people become eligible to vote?

18 A Yes. That number, yes.

19 Q Mr. Douglas, you have surprised me by talking about
20 numbers of people both before and after the moral turpitude,
21 the law relating to moral turpitude was passed in 2017, who you
22 say had been told they could not vote. Why did you not mention
23 these people in your deposition?

24 A I didn't think about both before and after. And the
25 stream is still going on.

1 Q You were well prepared for your deposition; isn't that
2 true?

3 A I thought so.

4 Q Okay. In fact, you met with your counsel five times in
5 preparation for your meeting; is that correct? We can check
6 your deposition if you want to.

7 A Yeah. Please check it.

8 Q I beg your pardon?

9 A I didn't count.

10 Q Okay. Do you have any reason to think I'm wrong?

11 A No.

12 Q Okay. And you read over the complaint and you read over
13 GBM's discovery responses also in preparation for your
14 deposition?

15 A Yes.

16 Q Okay. But despite all of that preparation -- and you knew
17 that you were being deposed as a 30(b)(6) member, too; is that
18 correct?

19 A Yeah.

20 Q Okay. Despite all that, you didn't mention these people
21 at your deposition, correct?

22 A Are you referring to my answer -- I can't think of any
23 other legal ones other than identification and the failure of
24 moral turpitude conditions?

25 Q That?

1 A Uh-huh.

2 Q And also that you just did not tell us about this issue at
3 all?

4 A What issue?

5 MR. ROSBOROUGH: Objection, Your Honor. Mr. Douglas
6 responds to questions at a deposition. He has -- it would --
7 it's improper impeachment. He has no duty to affirmatively
8 provide testimony that's not asked in response to questions,
9 and Mr. Walker has not pointed to any other question than the
10 particular one up on the screen right now.

11 MR. WALKER: The question is: Other than voter
12 identification, are there any other legal impediments that you
13 would point to that hinder people from participating in the
14 political process. He's testified that people were told or not
15 told that they could not vote or not told that they could vote.

16 THE COURT: I will allow the answer in response to
17 that.

18 MR. WALKER: Okay. Thank you, Your Honor.

19 MR. ROSBOROUGH: I'm sorry. Is there a question
20 pending?

21 THE COURT: I can read it back.

22 THE WITNESS: Thank you.

23 MR. WALKER: Your Honor, if I may have just a second.

24 THE COURT: Mr. Walker, would you like me to read back
25 the question that you had pending, or are you moving on to

1 another one?

2 MR. WALKER: Yes, ma'am, if you would.

3 THE COURT: Okay. It says: The question was:
4 Despite all that, you didn't mention these people at your
5 deposition, correct? The answer was: Are you referring to my
6 answer? I can't think of any other legal ones other than
7 identification and moral turpitude. That? And you said yes.

8 BY MR. WALKER:

9 Q And now you're testifying to people other than moral
10 turpitude, right?

11 A Yes.

12 Q Okay. Are you aware of black Alabamians who are
13 registered to vote and who don't?

14 A Say it again.

15 Q Are you aware of black Alabamians who are registered to
16 vote but who do not vote?

17 A I am aware, yes.

18 Q And that includes your personal neighbor?

19 A My who?

20 Q Your neighbor?

21 A My next door neighbor, one of my next door neighbors, yes.

22 Q And that person does not vote because he says he has a
23 lack of confidence in the voting system?

24 A Yes.

25 Q Is frustration about the effectiveness of our voting

1 system something that's shared with white voters, Latinx
2 voters, Asian voters, so far as you know?

3 A Repeat the question. Frustration about what?

4 Q Frustration about the effectiveness of our democracy is
5 not unique to black people, is it?

6 A It's disproportionately unique to black people.

7 Q When you say disproportionately, what's your basis for
8 saying that? Have you surveyed other people?

9 A I have not done any surveys on trusting government. I
10 have not done any.

11 Q Since January 1 of 2016, have you had any communication
12 with a GBM client or donor who wanted to become more involved
13 in politics in Alabama, but could not because they could not
14 engage with the Alabama Democratic party?

15 MR. ROSBOROUGH: Objection. Calls for hearsay.

16 THE COURT: That's asking if he's had any
17 communication. We don't know if it's going to be offered for
18 the truth of not. It's just about the fact of communication.

19 THE WITNESS: No.

20 BY MR. WALKER:

21 Q Have you had any communication with a GBM client or donor
22 who wanted to be more involved in politics in Alabama, but
23 could not because they could not engage with the Alabama
24 Republican party?

25 A No.

1 Q If GBM believes that an additional minority district can
2 be drawn -- excuse me. Does GBM believe that if an additional
3 minority district can be drawn, it must be drawn?

4 A Could you repeat the question? You cut off.

5 Q Sure. Does Greater Birmingham Ministries believe that if
6 an additional minority district can be drawn, it must be drawn?

7 A Yes, according to the Voting Rights Act.

8 MR. WALKER: Thank you. Your Honor, may I have a
9 moment?

10 THE COURT: You may.

11 BY MR. WALKER:

12 Q Sir, you testified earlier that black individuals were
13 disproportionately affected by Alabama not expanding Medicaid,
14 right?

15 A Correct.

16 Q Do you know what reasons the Governor and the Legislature
17 have for not expanding Medicaid?

18 A No.

19 Q They may be legitimate reasons; is that possible?

20 A Since I don't know, I have not heard a reason not to.

21 Q And the state's failure to expand Medicaid coverage
22 affects all lower income people, regardless of race; is that
23 correct?

24 A Yes.

25 Q And I think you said that it affected 300,000 people in

1 Alabama, over 300,000.

2 A The last count was 300,000.

3 Q Was that 300,000 people or 300,000 black people? I'm not
4 certain.

5 A 300,000 individuals.

6 Q Individuals. Thank you, sir.

7 A Uh-huh.

8 Q What's your source for that number?

9 A The -- I forgot the name of the agency, but it's -- it's a
10 health care officials -- the state of Alabama -- the question
11 was asked how many people lived in the notch of making too
12 little to afford private health care and too much for Medicaid.
13 It's a gap estimate.

14 Q What's the document you're referring to?

15 A I just seen it repeatedly from -- it's an agreed-on
16 statistics between those that support Medicaid expansion and
17 those opposed, but I can't quote the cite or source.

18 Q In the GBM --

19 A No. From the state of Alabama.

20 Q -- agreed upon --

21 A The --

22 Q -- by whom?

23 A I would say the state -- you can get it from the Alabama
24 State Department of Health. The numbers have not been
25 disputed. The money has been disputed, I guess.

1 MR. WALKER: Your Honor, if I could just a second.

2 THE COURT: You may.

3 MR. WALKER: Thank you, Mr. Douglas. That's all we
4 have for you.

5 THE WITNESS: Thank you.

6 THE COURT: Is there any redirect?

7 MR. ROSBOROUGH: Just a few, Your Honor. Thank you.

8 REDIRECT EXAMINATION

9 BY MR. ROSBOROUGH:

10 Q Mr. Douglas, Mr. Walker asked you a question about legal
11 impediments to voter registration a little while ago.

12 Can you think of any non-legal impediments that black
13 Alabamians disproportionately face regarding voter
14 registration?

15 A Yeah. Other than legal requirements, there's
16 misinformation or disinformation and lack of information. For
17 instance, other than legal, there's misinformation,
18 disinformation, and no information. The Secretary of State has
19 said that he would not -- it's not his job to tell people if
20 they're qualified to register to vote or not, particularly
21 people who are exiting incarceration.

22 Q And in your experience, has GBM participated in other
23 voting rights cases litigation?

24 A Yes. In 2010.

25 Q Has any of that litigation been successful?

1 A Yes.

2 Q What can you think of that has been successful in terms of
3 voting litigation that GBM has participated in?

4 A A key one was we were clients in the case that established
5 the Second Congressional Black District as a black opportunity
6 district in the state of Alabama, the second one.

7 Q Have you been involved -- has GBM been involved in any
8 cases involving the absentee voting process in the last year or
9 two?

10 A Yes. Particularly last year, too, yes.

11 Q And what is your understanding of the results of that so
12 far?

13 A The result of that so far is that the latest legislation
14 by the Legislature was not allowed to be enforced in time for
15 this current election, yeah, the SB-1.

16 Q And I'm sorry. What did you say?

17 A SB-1. I'm sorry. It wasn't in time --

18 Q Thank you, Mr. Douglas. I have no further questions.

19 A Thank you.

20 MR. WALKER: If I may follow up.

21 RECROSS-EXAMINATION

22 BY MR. WALKER:

23 Q Mr. Douglas, in response to a question by Mr. Rosborough,
24 he asked you about non-legal impediments, and you mentioned
25 misinformation, disinformation, and no information. Do I have

1 that correct?

2 A Correct. That was not legal impediments.

3 Q Yes. Yes. And you mentioned the Secretary of State. Are
4 you saying that the Secretary of State has provided
5 misinformation or disinformation to black Alabamians?

6 A No. I said he has -- well, black Alabamians is Alabamians
7 too, so all Alabamians, he's provided misinformation to. Not
8 misinformation. I'm sorry. No information to.

9 Q No information?

10 A That's right. The people are coming from exiting
11 incarceration are black, white, and brown.

12 Q I'm sorry, sir, I couldn't understand you.

13 A The people exiting incarcerations are all races -- black,
14 white, brown. And he made a public statement it is not his job
15 as Secretary of State to inform people of their voting rights
16 on exiting prison.

17 Q So if I understand you correctly, there may be people who
18 were convicted of felonies, have served their time, and may be
19 eligible to have their voting rights restored, and your
20 complaint is that the Secretary of State does not tell them
21 that?

22 A My complaint is Secretary of State nor the Department of
23 Corrections.

24 Q Okay. Is it the Secretary of State's job? Can you point
25 me to any case law or any statutory provision that says it's

1 the Secretary of State's job to do what you want him to do?

2 A I can't point to a single provision that cites it is the
3 Secretary of State's job to inform the public of what rules
4 exist and how they apply to the daily lives, no, I can't.

5 Q The Secretary of State is not responsible for registering
6 voters, is that office?

7 A The Secretary, that's a big position.

8 MR. ROSBOROUGH: Objection.

9 THE COURT: What's the objection?

10 MR. ROSBOROUGH: The objection is it seems to be
11 calling for a legal conclusion unless he's asking him in his
12 own personal experience, which I didn't hear.

13 THE COURT: I assume the question is about his
14 understanding, because that's the nature of his testimony is
15 just what his understanding is.

16 MR. WALKER: Yes, ma'am.

17 BY MR. WALKER:

18 Q Do you have an understanding whether the Secretary of
19 State is responsible for registering voters in the state of
20 Alabama?

21 A The -- I understand that he is not directly responsible.
22 The registrar's responsible and probate judges are responsible.

23 Q Which Secretary of State made the statement that he is not
24 responsible for informing people when they come from prison
25 that they can have their votes -- voting rights restored?

1 A The current -- I don't know if the current one or one
2 before Wes Allen.

3 Q You don't know?

4 A Huh-uh. But it was published in the papers.

5 Q Okay. Thank you, sir.

6 MR. ROSBOROUGH: Nothing further, Your Honor.

7 THE COURT: All right. Is there any reason I may not
8 excuse Mr. Douglas?

9 All right. Mr. Douglas, thank you for being with us this
10 morning.

11 THE WITNESS: Thank you.

12 THE COURT: You're excused.

13 (Witness excused.)

14 MS. SADASIVAN: Good morning, Your Honor. Plaintiffs
15 call Joseph Bagley.

16 THE COURT: All right. Good morning.

17 THE WITNESS: Your Honor, may I bring this with me?

18 THE COURT: You may. You may. I do not put people to
19 trial caffeine free. That will not be good for any of us.

20 THE WITNESS: No, Your Honor.

21 JOSEPH BAGLEY

22 having been first duly sworn by the Courtroom Deputy Clerk, was
23 examined and testified as follows:

24 THE COURTROOM DEPUTY CLERK: Speak loudly and clearly
25 into the microphone stating your name and spell it for the

CERTIFICATE

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Christina K Decker

11-14-2024

Christina K. Decker, RMR, CRR

Date

Federal Official Court Reporter

ACCR#: 255