



Paige Anderholm <anderholm@dccc.org>

Fwd: pdf of cover letter

9 messages

Julie Merz <merz@dccc.org>

Fri, Aug 15, 2025 at 5:42 PM

To: Paul Mitchell <paul@redistrictingpartners.com>, Ellen Hamilton <ellenhamiltondc@gmail.com>, Paige Anderholm <anderholm@dccc.org>

Paul here is final, lawyer-approved language for the cover letter.

Will send an updated version on DCCC letterhead in a few minutes

----- Forwarded message -----

From: **Courtney Rice** <Rice@dccc.org>

Date: Fri, Aug 15, 2025 at 5:36 PM

Subject: pdf of cover letter

To: Julie Merz <merz@dccc.org>

--

Courtney Rice

COMMUNICATIONS DIRECTOR · DCCC

Cell: (937) 559-1665

**CA Map Submission Cover Letter.pdf**

33K

Paul Mitchell <paul@redistrictingpartners.com>

Fri, Aug 15, 2025 at 5:46 PM

To: Julie Merz <merz@dccc.org>, Ellen Hamilton <ellenhamiltondc@gmail.com>, Paige Anderholm <anderholm@dccc.org>

Thank you. At this point, I will take it.

Thank you,

Paul

From: Julie Merz <merz@dccc.org>**Sent:** Friday, August 15, 2025 2:43 PM**To:** Paul Mitchell <paul@redistrictingpartners.com>; Ellen Hamilton <ellenhamiltondc@gmail.com>; Paige Anderholm <anderholm@dccc.org>**Subject:** Fwd: pdf of cover letter

DCCC000006

Paul here is final, lawyer-approved language for the cover letter.

Will send an updated version on DCCC letterhead in a few minutes

----- Forwarded message -----

From: **Courtney Rice** <Rice@dccc.org>

Date: Fri, Aug 15, 2025 at 5:36 PM

Subject: pdf of cover letter

To: Julie Merz <merz@dccc.org>

--

Courtney Rice

COMMUNICATIONS DIRECTOR · DCCC


Cell: (937) 559-1665

Julie Merz <merz@dccc.org>

Fri, Aug 15, 2025 at 5:56 PM

To: Paul Mitchell <paul@redistrictingpartners.com>

Cc: Ellen Hamilton <ellenhamiltondc@gmail.com>, Paige Anderholm <anderholm@dccc.org>

And attached is the PDF version on letterhead, with metadata stripped. Please attach this version to your zip file with all the goods, send it back to us, and we can then give you back your freedom.

The talking points will be more expansive and incorporate more of your helpful context.

And last but not least, once the contract is signed, all parties will wire you what you are owed (likely Monday assuming no snags).

thanks

j

[Quoted text hidden]



CA Map Submission Cover Letter.pdf

96K

Paul Mitchell <paul@redistrictingpartners.com>

Fri, Aug 15, 2025 at 5:59 PM

To: Julie Merz <merz@dccc.org>

Cc: Ellen Hamilton <ellenhamiltondc@gmail.com>, Paige Anderholm <anderholm@dccc.org>

DCCC000007

Ok, to be clear, I am sending these in with the PDF and Shapefile to the legislature and into the portal, correct?

These maps became public and now we need to be able to say these are submitted to the legislature'

[Quoted text hidden]

Julie Merz <merz@dccc.org>

Fri, Aug 15, 2025 at 6:02 PM

To: Paul Mitchell <paul@redistrictingpartners.com>

Cc: Ellen Hamilton <ellenhamiltondc@gmail.com>, Paige Anderholm <anderholm@dccc.org>

DCCC would prefer to hit send, so please just send to us in a zip file and we will submit

[Quoted text hidden]

Ellen Hamilton <ellenhamiltondc@gmail.com>

Fri, Aug 15, 2025 at 6:03 PM

To: Julie Merz <merz@dccc.org>

Cc: Paul Mitchell <paul@redistrictingpartners.com>, Paige Anderholm <anderholm@dccc.org>

I thought DCCC was the one actually hitting submit on this one.

[Quoted text hidden]

Paul Mitchell <paul@redistrictingpartners.com>

Fri, Aug 15, 2025 at 6:03 PM

To: Julie Merz <merz@dccc.org>

Cc: Ellen Hamilton <ellenhamiltondc@gmail.com>, Paige Anderholm <anderholm@dccc.org>

Here: <https://www.dropbox.com/scl/fi/pbcgssg5uk35ci6pxjo0u/Draft-Map-and-Cover-Letter.pdf?rlkey=3rybtetiv3a8b4zice92pczt7&dl=0>

This is the letter and the maps. The assembly and senate already have the shapefiles

[Quoted text hidden]

Julie Merz <merz@dccc.org>

Fri, Aug 15, 2025 at 6:04 PM

To: Paul Mitchell <paul@redistrictingpartners.com>

Cc: Ellen Hamilton <ellenhamiltondc@gmail.com>, Paige Anderholm <anderholm@dccc.org>

thank you Paul

[Quoted text hidden]

Paul Mitchell <paul@redistrictingpartners.com>

Fri, Aug 15, 2025 at 6:05 PM

To: Julie Merz <merz@dccc.org>

Cc: Ellen Hamilton <ellenhamiltondc@gmail.com>, Paige Anderholm <anderholm@dccc.org>

Here is the shapefile if you want to add that too...

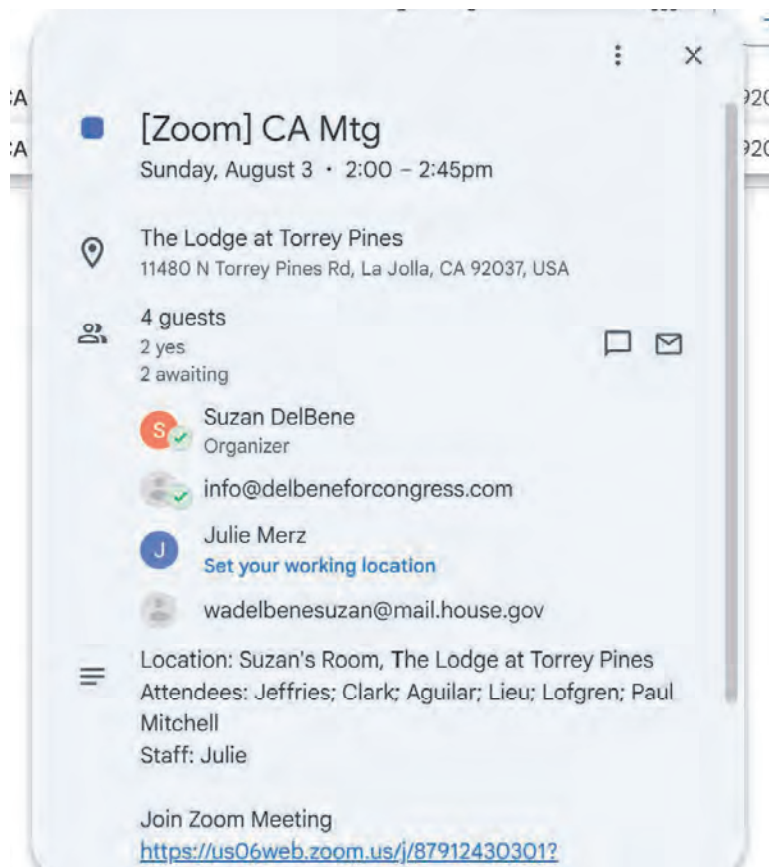
[Quoted text hidden]

DCCC000008



Draft Map.zip
4162K

DCCC000009



DCCC000020

From: [Erik Ruselewski](#)
To: [Julie Merz](#)
Cc: [Paul Mitchell](#); [Rachel Jacobs](#); ken@swingstrat.com
Subject: Re: Billing Info
Date: Friday, August 15, 2025 2:28:46 PM
Attachments: [ACH and Wire Form.pdf](#)
[W-9 Form 2024.pdf](#)

Hi Paul,

We're working on a contract on our side, but in the interim, could you please send us an invoice for DCCC's portion of the total cost (\$108,333.33)?

We'll also need a completed ACH/Wire form along with a W9 (blank forms are attached).

Please let me know if you have any questions.

Thanks,
Erik

On Fri, Aug 15, 2025 at 1:08 PM Julie Merz <merz@dccc.org> wrote:

Thank you Paul -

Looping Rachel and Erik from my team here.

julie

On Fri, Aug 15, 2025 at 11:11 AM Paul Mitchell <paul@redistrictingpartners.com> wrote:

My accountant is Ken Andres – ken@swingstrat.com

Redistricting Partners

925 University Ave

Sacramento, CA 95825

I can have him send you an invoice if you know amount.

Paul

DCCC000022

Paul Mitchell

Owner

Redistricting Partners

(916) 612-8686

@paulmitche11

DCCC000023

From: [Ellen Hamilton](#) on behalf of [Ellen Hamilton <ellenhamiltondc@gmail.com>](#)
To: [Julie Merz](#)
Cc: [Paul Mitchell](#); [Courtney Rice](#)
Subject: Re: Talking points for letter
Date: Friday, August 15, 2025 12:56:50 PM

Hi everyone, one quick update, we unsplit two more cities, so the total number of city splits is 57, down from the current maps which are at 60 city splits.

On Fri, Aug 15, 2025 at 12:54 PM Julie Merz <merz@dccc.org> wrote:

Thank you -

Adding Courtney from my team who is drafting

julie

On Fri, Aug 15, 2025 at 11:33 AM Paul Mitchell <paul@redistrictingpartners.com> wrote:

Here are some things that I would like to see in a letter that would go with this submission. I have cc'd Ellen on this in case she has any thoughts or input.

Thanks,

Paul

This isn't a hack job map, it's actually good. We want to stress the importance of using criteria that are standard in California.

The plan was created using traditional redistricting criteria, consistent with the state commission criteria and the FAIRMAPS Act, but with the additional criteria of improving partisan gains in response to Texas and other states who are conducting mid-decade redistricting.

CA uses a different compactness measure, which is not mathematical but qualitative... nevertheless it could be good to emphasize the statistics:

Using Polsby Popper as a metric for compactness, the minimum and maximum values are better in the public submission than the current commission plan. In other metrics, including Reock, Schwarzberg and Alternate Schwarzberg, the

DCCC000040

plan's least-compact districts are more compact than the commission plan.

The lack of city splits sends a message to laypeople for whom this is a metric that is easily understood:

The plan meets the state's geographic integrity criteria by splitting only 59 cities compared to 60 in the 2021 plan. In addition, within cities, the plan preserves neighborhoods. Necessary splits in San Jose, Sacramento, Los Angeles – all cities that were split by the commission – were done using local neighborhood boundaries and/or city council district lines to ensure as much geographic integrity and protection of communities of interest in the map.

In contrast, Texas Republicans aimed to maximize Republican gains with no consideration of the state's residents. Their proposed map doesn't consider communities of interest or political subdivisions, splitting 142 cities, more than double the number of cities compared to the California map.

Trying to create Minimal Disruption can be seen as respectful of the commission drawn maps and make it seem like it isn't a big gerrymander:

Not only does the California redistricting plan better represent the people of California but the proposed changes impact significantly fewer residents. This California plan leaves 9 districts untouched and in 19 districts fewer than 10% of residents are impacted.

This is in a great contrast to Texas which redrew all but one of their districts.

This “who drew the plan” language was literally poll tested. And the best performing was “The redistricting maps placed in the ballot measure were drawn by professional redistricting experts, based in California, who have done non-partisan redistricting for over 100 cities and counties, with the assistance of staff that worked for the Citizen's Redistricting Commission.”

So this is an extended version of that:

The firm we hired, Redistricting Partners, has been active in redistricting in California, and nationwide. Redistricting Partners has conducted over 100 non-partisan redistrictings in California, including 14 Counties, 38 Cities, and dozens of other school, community college and other special district boards. They have also served as staff to the New York State and New York City independent redistricting commissions and have consulted on redistricting in 14 other states. They advised the New Mexico Ethics Commission and foundations on that state's inaugural redistricting commission. In addition to municipal and state redistricting, they have worked for non-profit and community-based organizations,

DCCC000041

including Common Cause, the American Civil Liberties Union, Advancement Project, Irvine Foundation, and other foundations exploring redistricting, voting rights and elections issues.

The staff of Redistricting Partners included former commission staff that were involved in collecting community of interest data and converting that to geographic formats.

Paul Mitchell

Owner

Redistricting Partners

(916) 612-8686

@paulmitche11

DCCC000042

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

--oOo--

DAVID TANGIPA, et al.,

Plaintiffs,

and

Case No.

2:25-cv-10616-JLS-WLH-KKL

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

vs.

GAVIN NEWSOM, in his official

capacity as the Governor of

California, et al.,

Defendants,

and

DEMOCRATIC CONGRESSIONAL

CAMPAIGN COMMITTEE, et al.,

Defendant-Intervenors.

_____ /

DEPOSITION OF SEAN TRENDE, Ph.D.

VERITEXT VIRTUAL

FRIDAY, DECEMBER 12, 2025

Reported by:

Anrae Wimberley, CSR No. 7778

Job No. 7780504

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

--oOo--

DAVID TANGIPA, et al.,

Plaintiffs,

and

Case No.

2:25-cv-10616-JLS-WLH-KKL

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

vs.

GAVIN NEWSOM, in his official
capacity as the Governor of
California, et al.,

Defendants,

and

DEMOCRATIC CONGRESSIONAL
CAMPAIGN COMMITTEE, et al.,

Defendant-Intervenors.

_____/

Transcript of deposition of SEAN TRENDE,
Ph.D., taken via Veritext Virtual Zoom
videoconference, beginning at 9:14 a.m. PST and
ending at 4:30 p.m. on FRIDAY, DECEMBER 12, 2025,
before Anrae Wimberley, Certified Shorthand Reporter
No. 7778.

1 APPEARANCES:

2 For Plaintiffs:

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8 mmeuser@dhillonlaw.com

9
10 For Plaintiff-Intervenor the United States of
11 America:

12 UNITED STATES DEPARTMENT OF JUSTICE

13 BY: JOSH ZUCKERMAN, ESQ.

14 950 Pennsylvania Avenue

15 Washington, D.C. 20530

16 (202) 679-4564

17 josh.zuckerman@usdoj.gov

18
19
20
21
22
23
24
25

Page 3

1 For Defendants California Secretary of State Shirley
2 Weber and Governor Gavin Newsom:

3 CALIFORNIA DEPARTMENT OF JUSTICE

4 ATTORNEY GENERAL

5 BY: IRAM HASAN, DEPUTY ATTORNEY GENERAL

6 RYAN EASON, DEPUTY ATTORNEY GENERAL

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13
14 For Defendant-Intervenor Democratic Congressional
15 Campaign Committee:

16 ELIAS LAW GROUP

17 BY: LALITHA MADDURI, ESQ.

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19 250 Massachusetts Avenue NW, Suite 400

20 Washington, D.C. 20001

21 (202) 968-4490

22 lmadduri@elias.law

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24
25
Page 4

1 For Defendant-Intervenor League of United Latin
2 American Citizens:

3 ARNOLD & PORTER KAYE SCHOLER LLP

4 BY: JOHN FREEDMAN, ESQ.

5 601 Massachusetts Avenue NW

6 Washington, D.C. 20001

7 (202) 942-5000

8 john.freedman@arnoldporter.com
9

10 Also present:

11 CHINYERE WOODS, VERITEXT CONCIERGE

12 VERITEXT LEGAL SOLUTIONS

13 --oOo--
14
15
16
17
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I N D E X

EXAMINATION BY:	PAGE
MS. MADDURI	10
MR. FREEDMAN	189
MR. EASON	212
MS. HASAN	225

--oOo--

E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
Exhibit 1	Declaration of Sean Trende in Support of Plaintiffs' Motion for a Preliminary Injunction, not Bates stamped; 42 pages	54
Exhibit 2	Blown-up version of Figure 11 from Dr. Trende's report, not Bates stamped; 1 page	99
Exhibit 3	Blown-up version of Figure 17 from Dr. Trende's report, not Bates stamped; 1 page	108
Exhibit 4	Expert Report of Sean P. Trende, PhD, filed on 12/11/25, not Bates stamped; 45 pages	116
Exhibit 5	Hispanas Organized for Political Equality (HOPE) Presentation on Zoom dated 10/17/25, not Bates stamped; 94 pages	119

1		E X H I B I T S (Cont'd)	
2	EXHIBIT	DESCRIPTION	PAGE
3	Exhibit 6	Figure 1: District 13 in	165
4		the 2021 Map and AB 604,	
5	Exhibit 7	not Bates stamped; 1 page	
6		Figure 1: District 13 in	168
7	Exhibit 8	the 2021 Map and AB 604,	
8		not Bates stamped; 1 page	
9	Exhibit 9	Declaration of Sean P.	168
10		Trende in the Sanchez case,	
11	Exhibit 10	not Bates stamped; 16 pages	
12		Supplemental Expert Reply	175
13		of Sean P. Trende, Ph.D,	
14	Exhibit 11	not Bates stamped; 60 pages	
15		Expert Report of Sean P.	180
16	Exhibit 12	Trende in the Alexander	
17		case, not Bates stamped; 37	
18		pages	
19	Exhibit 13	Rebuttal Report of Sean P.	185
20		Trende from the South	
21	Exhibit 14	Carolina case, not Bates	
22		stamped; 13 pages	
23	Exhibit 15	E-mail dated December 10,	204
24		2025, Bates labeled	
25		Trende_001092 through	
		Trende_001093; 2 pages	
	Exhibit 16	Ex. A - Maptitude	206
		Population Summary Trende	
		A, Bates labeled FAIRFAX	
		00223 through FAIRFAX	
		00225; 3 pages	
	Exhibit 17	Ex. B - Maptitude	207
		Population Summary Trende	
		B, Bates labeled FAIRFAX	
		00406 through FAIRFAX	
		00408; 3 pages	

1	E X H I B I T S (Cont'd)		
2	EXHIBIT	DESCRIPTION	PAGE
3	Exhibit 15	Ex. C - Maptitude Population Summary Trende C, Bates labeled FAIRFAX 00571 through FAIRFAX 00573; 3 pages	208
4			
5			
6	Exhibit 16	Ex. D - Maptitude Contiguity Report Trende A, Bates labeled FAIRFAX 00241 through FAIRFAX 00242; 2 pages	209
7			
8			
9	Exhibit 17	Ex. E - Maptitude Contiguity Report Trende B, Bates labeled FAIRFAX 00415 through FAIRFAX 00416; 2 pages	209
10			
11			
12	Exhibit 18	Ex. F - Maptitude Contiguity Report Trende C, Bates labeled FAIRFAX 00590 through FAIRFAX 00591; 2 pages	210
13			
14			

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REPORTER'S NOTE: All quotations from exhibits are reflected in the manner in which they were read into the record and do not necessarily indicate an exact quote from the document.

--oOo--

1 FRIDAY, DECEMBER 12, 2025;

2 DEPOSITION VIA ZOOM;

3 9:14 A.M. PST

4 - - -

5 THE REPORTER: Okay. We are on the record on 09:14:19
6 December 12th at 9:14 a.m. My name is Anrae
7 Wimberley, CSR No. 7778. And I will now swear in
8 the witness.

9 (Witness sworn.)

10 THE REPORTER: And counsel can identify 09:14:53
11 themselves, beginning with the noticing attorney.

12 MS. HASAN: Iram Hasan for State defendants,
13 Governor Gavin Newsom and Secretary of State Shirley
14 Weber.

15 MS. MADDURI: Lali Madduri from Elias Law Group 09:15:12
16 on behalf of the Democratic Congressional Campaign
17 Committee, also referred to as DCCC,
18 intervenor-defendant.

19 MR. FREEDMAN: John Freedman from
20 Arnold & Porter for intervenor-defendant LULAC. 09:15:28

21 MR. MEUSER: Mark Meuser here on behalf of the
22 plaintiff.

23 MR. EASON: Ryan Eason on behalf of State
24 defendants, California Governor Gavin Newsom and
25 California Secretary of State Shirley Weber. 09:15:46

Page 9

1 MR. GREEN: David Green, also on behalf of 09:15:48
2 defendants.
3 THE REPORTER: Which defendants?
4 MR. GREEN: Sorry, State defendants.
5 THE REPORTER: Thank you. 09:15:57
6 And Josh Zuckerman has audio issues, and
7 he said he was with the U.S. DOJ.
8 Okay. Thank you. You may begin, Lali --
9 Ms. Madduri.
10 SEAN TRENDE, Ph.D, 09:16:09
11 sworn in remotely as a witness by the Certified
12 Shorthand Reporter, testified as follows:
13 MS. MADDURI: Thank you.
14 EXAMINATION
15 BY MS. MADDURI: 09:16:15
16 Q. Good morning, Dr. Trende.
17 A. Morning.
18 Q. Can you please state your full name for
19 the record?
20 A. Yeah. It's Sean Patrick Trende. 09:16:24
21 Q. Where do you live?
22 A. Columbus, Ohio; Delaware County, Ohio.
23 Q. Have you been deposed before?
24 A. Yes.
25 Q. When was your last deposition? 09:16:38

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1 A. It's actually been a while, maybe in the 09:16:47
2 DeSoto County case.

3 Oh, no, it would be in the Texas -- I
4 think they -- no. I can't remember if they got my
5 deposition in the Texas redistricting case or not. 09:17:02

6 Q. Would you have been deposed this year?

7 A. Yeah. The DeSoto County deposition would
8 have been in July. And if they did it for the Texas
9 PI hearing, it would have been in, I guess,
10 September. But I thought we just -- or not 09:17:18
11 September, October.

12 Oh, I was deposed for the Utah
13 redistricting case, so that would be the most
14 recent.

15 Q. Roughly how many times have you had your 09:17:28
16 deposition taken?

17 A. Twenty to 30.

18 Q. Okay. And have you done a remote
19 deposition before?

20 A. Yes. 09:17:35

21 Q. Okay. Given your experience, I'm not
22 going to repeat all of the ground rules of the
23 deposition, but just a couple of them.

24 If you don't understand a question I ask,
25 please let me know and I'll rephrase. If you answer 09:17:47

Page 11

1 the question, I will assume that you understood it. 09:17:50

2 Is that fair?

3 A. Yes.

4 Q. And if you'd like a break, just let me

5 know and we can take one at any time. If a question 09:17:58

6 is pending, I'll just ask that you answer that

7 question before we break.

8 Does that work?

9 A. Yes.

10 Q. Is there any reason you can't give your 09:18:09

11 complete and truthful testimony today?

12 A. No.

13 Q. Do you have any questions about the ground

14 rules for deposition or can we proceed?

15 A. We can proceed. 09:18:18

16 Q. What did you do to prepare for today's

17 deposition?

18 A. There wasn't a whole lot of time. So I

19 looked over the reports, but they were pretty fresh

20 in my mind, and talked for maybe 10 minutes with 09:18:35

21 counsel.

22 Q. Anything else?

23 A. I don't believe so.

24 Q. Okay. So you said you looked over

25 reports. Which reports are you talking about? 09:18:48

Page 12

1 A. The reports in this matter. 09:18:51

2 Q. That includes your two reports?

3 A. My two reports, Fairfax, Rodden and
4 Grofman.

5 Q. Any other reports that you reviewed? 09:19:03

6 A. No.

7 Q. Any other written materials that you
8 reviewed?

9 A. No.

10 Q. Did you speak to anybody about today's 09:19:12
11 deposition other than counsel?

12 A. My wife.

13 Q. Anyone other than counsel or your wife?

14 A. No.

15 Q. Okay. What is your understanding of what 09:19:24
16 this case is about?

17 A. I don't know that I know every detail of
18 this case, but at least the portion I looked at was
19 whether District 13 is a racial gerrymander.

20 Q. Had you -- actually, when did you first 09:19:47
21 learn about this case?

22 A. I mean, that's a good question.

23 I think I was first contacted about
24 California and given a sense that a case like this
25 might be brought shortly before -- it would have

09:20:07

Page 13

1 been in August, I think, shortly before one of the 09:20:11
2 cases that went to the California Supreme Court was
3 filed.

4 I think this case in particular got
5 going -- or I learned about -- I don't know when it 09:20:22
6 got going -- I learned about the particulars of the
7 case probably sometime in September.

8 Q. And how did you first learn about these
9 cases in August?

10 A. A call with counsel. 09:20:38

11 Q. Call with counsel in this case?

12 A. Yes.

13 To save some time, whenever I refer to
14 counsel without some type of modifier, it'll be
15 counsel in this case. 09:20:56

16 Q. Okay. And then counsel contacted you
17 again in September?

18 A. Yes.

19 Q. And so the conversation about -- in
20 August, was it your understanding that that's about 09:21:08
21 this case or you mentioned some cases that had been
22 filed with the California Supreme Court?

23 A. I don't know how much -- I'm trying to
24 answer this question without crossing a line into
25 conversations with attorneys. 09:21:26

Page 14

1 I would say that conversation -- or at 09:21:28
2 least the substance of it. But that conversation
3 would have involved at least some level of idea
4 about this case.

5 Q. Okay. And then in September, was that 09:21:42
6 more specifically about this case?

7 A. Yes.

8 Q. And between August and now, how much time
9 would you say you've spent working on this case?

10 A. I'd have to look at my invoice. 09:22:10

11 Q. Have you followed this case in the news at
12 all?

13 A. Some, yeah.

14 Q. What about Prop. 50 and the campaign
15 around Prop. 50 in general? 09:22:28

16 A. Yes.

17 Q. Have you spoken with anyone about this
18 case other than counsel?

19 A. Certainly my boss. Not the particulars or
20 details of the case but the fact that it's out there 09:22:54
21 because we're interested in redistricting but
22 nothing that would have -- that would have been in
23 phone conversations.

24 Q. What was the substance of those phone
25 conversations? 09:23:10

Page 15

[illegible]

7 Q. Now, roughly, how many times did you
8 discuss the redistricting in California with your
9 boss?

10	A. I couldn't tell you. He calls me out of	09:23:51
11	the blue.	

12 Q. Would you estimate more than five times?

13 A. I couldn't give an answer on that.

14 Q. In those conversations, did you say
15 anything about how you thought the redistricting 09:24:07
16 cases would play out?

17	A. No.
----	--------

18 Q. Other than your boss or your wife, have
19 you spoken with anybody else about this case?

20 A. We did a podcast last week -- last week on 09:24:35

21 gerrymandering, but I don't think we went into the

22 details of this case. I'm pretty sure we didn't.

23 Q. Okay. Anyone else you've discussed the
24 case with?

25	A. Not that I can think of.	09:24:52
----	-----------------------------	----------

Page 16

1 Q. Okay. What about Prop. 50 and the 09:24:53
2 redistricting in California more generally, have you
3 discussed that with anyone besides counsel?

4 A. I mean, that would have been part of the
5 conversations with my boss about how the state of -- 09:25:05
6 how this redistricting stuff is playing out.

7 Q. Okay. And when you say "how the state of
8 this redistricting stuff is playing out," what do
9 you mean?

10 A. Well, again, if we're going to be writing 09:25:21
11 about House races or interpreting them or speaking
12 on them, this redistricting stuff has implications
13 for it. And so certainly whether California's able
14 to redistrict or not has political implications that
15 you would want to be aware of. 09:25:48

16 Q. Okay. Other than your boss, the podcast,
17 counsel and your wife, have you talked about
18 redistricting in California more generally with
19 anyone else?

20 And I'm saying "talked," but I should 09:26:03
21 really say "communicated with."

22 A. No, I gotcha on that.

23 I can't think of specifics right now.

24 Q. Okay. So sitting here today, you can't
25 remember speaking with anyone else other than the 09:26:21

Page 17

1 people that we just discussed about redistricting in 09:26:23
2 California?
3 A. Not that I can think of.
4 Q. Okay. Did anyone help you write your
5 reports in this case? 09:26:41
6 A. I got comments from counsel.
7 Q. Anyone other than counsel?
8 A. No.
9 Q. What materials did counsel provide you
10 with for your work in this matter? 09:26:55
11 A. I believe we turned them over in the
12 production today.
13 Q. Unfortunately I only got that production
14 about 10 minutes before this started, so I haven't
15 been able to review it. 09:27:12
16 Can you tell me what materials counsel
17 provided you with?
18 A. Off the top of my head, there was a
19 transcript of a podcast that Paul Mitchell had
20 given. There were a couple of documents from HOPE. 09:27:25
21 And then I think those are the main ones.
22 Q. Is there anything else that you can think
23 of that counsel provided you with for your work in
24 this case?
25 A. No. It would be whatever's in the 09:27:43

Page 18

1 production. 09:27:46

2 Q. Did you ask for any documents or data that
3 you didn't receive?

4 A. I think there was discussion about trying
5 to get better data from California for use in R, but 09:28:07
6 it was just very difficult to come up with. And so
7 that's why I ended up using the Dave's Redistricting
8 data.

9 Q. What kind of better data would you have
10 wanted? 09:28:30

11 A. Well, the precinct-level data is hard to
12 come by because California's precincts' relationship
13 to census geographies is imprecise, so trying to get
14 a handle on that.

15 Someone isn't muted. I don't know who 09:28:53
16 that was.

17 But, yeah, that was the idea. It was
18 trying to get a good set of -- I mean, even
19 block-level data doesn't necessarily help you
20 because that doesn't always line up precisely with, 09:29:14
21 like, precinct lines.

22 Q. And when you're saying "data," are you
23 referring to election data?

24 A. Election and population data.

25 Q. And population data, would that include 09:29:29

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1 racial and ethnic data? 09:29:32

2 A. Right.

3 Q. Is there anything other than population
4 data or election data that you're referring to here?

5 A. No. 09:29:41

6 Q. Were there any documents, data or
7 information that you were told not to consider?

8 A. No.

9 Q. Have you read any of the deposition
10 transcripts in this case? 09:30:05

11 A. No.

12 Q. Have you read any pleadings filed in this
13 case?

14 A. I don't think so.

15 Q. Other than the reports that you mentioned 09:30:19
16 at the beginning, are there any other documents
17 associated with the litigation that you've read?

18 A. I don't know if something that I read
19 inadvertently has become important to this
20 litigation, but I haven't been through any of the 09:30:37
21 document productions in this case or anything like
22 that.

23 Q. Okay. And what was your task in the case?

24 A. To look at the newly drawn districts to
25 determine if there were instances where partisan -- 09:31:01

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1 where it looked like partisan goals were 09:31:09
2 subordinated to racial goals; and if there were, to
3 identify the strongest example.

4 Q. Okay. So you were asked to evaluate the
5 entire Prop. 50 map? 09:31:23

6 A. Well, the entire Prop. 50 map was in play,
7 but I doubt, for example, that I looked at
8 District 1 very carefully, if at all.

9 Q. How did you decide where to focus when you
10 were reviewing the Prop. 50 map? 09:31:41

11 A. Well, if you're looking to see if race
12 predominated over politics, it doesn't make sense to
13 do it in a place like -- I guess it would be
14 District 2 now that goes from Modoc to Marin because
15 there just aren't that many minorities in there to 09:32:03
16 make that type of case and it's almost entirely of
17 whole counties. So L.A., San Diego, Central Valley
18 were where I focused my inquiry.

19 Q. Okay. You focused your inquiry on L.A.,
20 San Diego and the Central Valley. 09:32:24

21 What about any other regions other than
22 those three?

23 A. I think that's where I focused. I can't
24 say that I didn't in passing look at other districts
25 or boundaries, but that's where I really looked. 09:32:33

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1 Q. And how did you decide only to provide 09:32:40
2 opinions about CD 13?

3 A. I thought it was, especially in the
4 Stockton area, a pretty clear example.

5 Q. Okay. And in your report you don't 09:32:52
6 identify any other clear examples of racial
7 predominance; correct?

8 A. I was asked to find the strongest.

9 Q. So you were asked to only opine on one
10 district? 09:33:05

11 A. Yes.

12 Q. How did you decide to choose only CD 13?

13 A. I don't remember the exact process. I
14 just know that that's the one that I thought was the
15 clearest. I thought what happened in Stockton was 09:33:27
16 pretty open and shut, so . . .

17 Q. Okay. So it's fair to say that in your
18 assessment you thought that CD 13 was the best
19 example of racial predominance that you saw in the
20 map? 09:33:46

21 A. Yes.

22 Q. Okay. And you're not offering any
23 opinions that race predominated in the drawing of
24 any district other than CD 13; correct?

25 A. Correct. 09:34:10

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1 THE REPORTER: Doctor, could you take that 09:34:14
2 microphone and bring it down closer to you mouth.

3 Thank you. Sorry to interrupt.

4 THE WITNESS: And I'm kind of looking off, so
5 I'll try to be careful about that. 09:34:52

6 BY MS. MADDURI:

7 Q. What is your understanding of why you were
8 only asked to look at one district?

9 A. Well, I certainly can't represent all the
10 reasons counsel would have had in mind. 09:35:08

11 From my point of view, it made sense, A,
12 because of time constraints and, B, because
13 sometimes I think people bring blunderbuss
14 complaints and it weakens the credibility of the
15 stronger claims. 09:35:34

16 But that's just my understanding. Or at
17 least why I found that it was a reasonable request.

18 Q. Were you told to assume you should focus
19 on CD 13 or did you select that yourself?

20 A. Well, it was identified as the strongest 09:36:06
21 example by me, so . . .

22 I don't know exactly how to answer that
23 question because the overall directive was the
24 strongest example, if there was one. And I'm the
25 one who decided the strongest example. 09:36:27

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1 Q. Was it part of your task to necessarily 09:36:34
2 find an example to focus on?

3 A. No.

4 Q. And talking about CD 13 a little bit, are
5 you offering any opinions about whether race 09:36:57
6 predominated in the drawing of that district other
7 than the two areas that you focus on in your report
8 where it shares a border with CD 5 and CD 9?

9 A. I think those are the portions of the
10 boundary where race is clearly subordinate -- or 09:37:16
11 politics is clearly subordinated to race, so that's
12 the main focus.

13 Q. Okay. And you're not offering an opinion
14 that any other area of CD 13 appears to have
15 subordinated politics to race; correct? 09:37:34

16 A. Well, Dr. Rodden offers that interesting
17 example that the portion that was taken out of the
18 district has almost the exact same HCVAP as the
19 portion that was brought into the district, so I
20 guess it's more than that now. 09:37:51

21 The relevance of that is doubtless not
22 lost upon Mr. Freedman.

23 Q. Okay. And you're not offering any
24 opinions about the 2021 commission map; correct?

25 A. Correct. 09:38:17

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1 Q. And you didn't do any racial predominance 09:38:22
2 analysis of that map?
3 A. Yeah, that's right.
4 Q. Did you do any analysis of the 2021
5 commission map? 09:38:35
6 A. When?
7 Q. In connection with this case.
8 A. No.
9 Q. Did you do it any other time?
10 A. Yes. 09:38:47
11 Q. What were those instances?
12 A. It would be related to potential
13 litigation, not involving this matter. And so I
14 don't know what the privilege status of any
15 conversation down that road would be since the 09:39:12
16 litigation was not brought.
17 Q. Okay. Do you have any opinions about
18 whether race predominated in the 2021 commission
19 map?
20 A. I recall believing that race predominated 09:39:38
21 in the drawing of the 2021 map, at least as far as
22 the inquiry got.
23 Q. Okay. So sounds like that was a
24 preliminary inquiry, then?
25 A. Yes. 09:39:54

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1 Q. You didn't complete any analysis on the 09:39:58
2 2021 map?

3 A. I think it was far enough that I thought
4 it made a colorful claim. It wasn't fleshed out
5 with the level of detail you would want for an 09:40:20
6 expert report.

7 I don't know if that answers your
8 question, but that's the best way I can think of to
9 answer that.

10 Q. Did you review Dr. Palmer's report in this 09:40:37
11 case?

12 A. No.

13 Q. Okay. So you're not offering any analysis
14 or opinions of that report?

15 A. Except to the extent that if he -- my 09:40:46
16 understanding was that he didn't respond to me, but
17 if there are arguments or claims that some of the
18 other experts made that he also made, then I guess I
19 would have made a response to incorporate by
20 reference. 09:41:03

21 Q. For your task in this case, did you review
22 the Prop. 50 map to determine its partisan
23 implications outside of CD 13 and CD 9?

24 A. Well, yeah.

25 Q. How so? 09:41:28

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1 A. Well, again, it's part of the -- as my job 09:41:31
2 as an elections analyst, you want to know how these
3 districts are likely to flesh out.

4 Q. And did you do that analysis for purposes
5 of this case? 09:41:48

6	A. No.
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7 Q. Okay. And as your -- in your role as an
8 elections analyst, what kind of analysis have you
9 done about the partisan implications of the Prop. 50
10 map? 09:42:05

11 A. I've looked at the -- well, the
12 partisanship of the districts, how they change from
13 the base district. You know, Dr. Grofman and I both
14 have that Cook political chart that, you know,
15 describes how the districts would change. 09:42:23

16 Q. Okay. Beyond the Cook Political Report
17 information, what other analysis have you done
18 regarding the partisan implications of the Prop. 50
19 map?

20 A. Well, like I said, I would have looked on 09:42:37

21 my own at the political data.

22 Q. And what did you do in looking at that
23 data?

24 A. I don't know that I understand that
25 question. 09:42:51

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1 Q. When you were doing your elections 09:42:54
2 analysis of the Prop. 50 map, I think you said you
3 thought about how the partisan implications changed
4 from the prior map to this map.

5 Is that fair? 09:43:06

6 A. Yes.

7 Q. Okay. And how would you characterize the
8 change between the commission map and the Prop. 50
9 map?

10 A. Actually, I thought it depended on what 09:43:18
11 type of year it was. I thought that in a good
12 Republican year, the map's actually kind of a
13 dummymander and that a lot of those districts could
14 flip Republican.

15 Q. Can you explain what a dummymander is? 09:43:36

16 A. So it -- that's a term that actually does
17 appear in peer-reviewed literature. I believe that
18 Dr. Grofman, possibly with Dr. Brunell, wrote the
19 article on that.

20 But it's a gerrymander that's drawn that 09:43:53
21 falls apart. Georgia's map in 2002 was supposed to
22 be an 8-5 Republican -- or 8-5 Democratic map and
23 ended up doing the opposite of that because 2002 was
24 a good Republican year and the Democratic
25 candidates, one of them was arrested, which is a bad 09:44:16

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1 fact. 09:44:20

2 So that's a dummymander, something that's
3 intended to perform one way but spreads the
4 partisans too thin and performs a different way.

5 Q. Do you have any opinions about how many 09:44:32
6 districts you believe might be a dummymander in the
7 Prop. 50 map?

8 A. I think there are like 16 that Newsom
9 lost. I don't think all of them would really
10 potentially be in play in a good Republican year. 09:44:48
11 But, you know, even Districts 13 and 49 aren't off
12 the table for Republicans by any stretch. You know,
13 District 13 is still a toss-up.

14 So those are a couple. But I would have
15 to look at the -- I would have to have that piece of 09:45:08
16 paper in front of me about what the actual
17 performance of these districts was.

18 Q. Do you agree that overall the Prop. 50 map
19 substantially improved Democratic performance as
20 compared to the commission map? 09:45:26

21 A. Well, since you will probably go to war on
22 my adjectives and adverbs at some point, I'll
23 preempt that by saying I don't know exactly what
24 "substantially" is, but I think there are districts
25 that were Republican that will be very, very 09:45:44

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1 difficult for Republicans to maintain. 09:45:48

2 Q. So fair to say that --

3 A. Even in a good GOP year.

4 Q. So fair to say that the Prop. 50 map

5 improved Democratic performance as compared to the 09:45:55

6 commission map?

7 A. In a good Democratic year, I think that's
8 true. Like I said, I think it has the potential in
9 a bad Democratic year, possibly in a neutral year,
10 to actually make things worse. 09:46:09

11 Q. When you say "make things worse," do you
12 mean as compared to the commission map?

13 A. Correct. And I mean for Democrats.

14 Q. You would agree that the Prop. 50 map

15 improved Democratic performance in District 9; 09:46:26

16 correct?

17 A. Yes.

18 Q. And also in District 13?

19 A. Yes.

20 Q. Do you have an opinion on how much the 09:46:44

21 Democratic performance improved in either of those

22 districts?

23 A. Well, District 9 was pretty substantial.

24 Again, looking at Cook Political, I think it went

25 from leans Democrat to solid Democrat, and I would 09:47:02

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1 agree with that assessment. 09:47:05

2 District 13 improved a few points in the
3 Democrats' direction, which is helpful, especially
4 in an area where races have been close in the past.

5 But as far as -- you know, I think 09:47:21

6 District 9 had a foundational shift from a district
7 that's in play to one that is maybe in play in a
8 2010 environment but probably not there.

9 District 13 remains one that I think is
10 going to be hard fought no matter what. 09:47:40

11 Q. Have you ever drawn electoral maps for
12 California?

13 A. Professionally, no.

14 Q. Have you drawn them in any other capacity?

15 A. I'm sure I've done them for fun. 09:48:06

16 Q. So you've never drawn a statewide map for
17 California in any professional capacity?

18 A. That's right.

19 Q. Have you ever lived in California?

20 A. Yes. 09:48:29

21 Q. When was that?

22 A. When I was a kid.

23 Q. For roughly how long?

24 A. Three years.

25 Q. And where did you live? 09:48:45

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1 A. Rancho Cordova. 09:48:48

2 Q. Do you know what district that's in?

3 A. I actually don't know the new map well
4 enough to know which district it's in, but it's a
5 suburb of Sacramento. 09:49:03

6 Q. Okay. It's fair to say, though, that you
7 have drawn several statewide congressional or
8 legislative maps; right? In a professional
9 capacity, we can say.

10 A. I'll say yes. 09:49:25

11 Q. You're familiar with the term "traditional
12 redistricting principles"?

13 A. Yes.

14 Q. Can you give me some examples of what
15 those are? 09:49:36

16 A. Compactness, contiguity, equal population
17 obviously, although some would dispute whether
18 that's really a traditional redistricting principle
19 or just something that's recently been incorporated.
20 Some are in dispute, like communities of interest or 09:49:55
21 protection of incumbents. So there's some examples.

22 Q. And I guess maybe to take a step back, how
23 do you define the term "traditional redistricting
24 principle"? What do you understand that to mean?

25 A. That's just it is that there isn't 09:50:13

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1 necessarily an agreed-upon set of principles. I 09:50:16
2 think most people would agree compactness,
3 contiguity, you know, that that's in the bucket.
4 Respect for county boundaries is in the bucket of a
5 traditional redistricting principle. 09:50:35

6 But then there's other things that they
7 fight over or disagree about, like communities of
8 interest or protection of incumbents.

9 Q. Do you -- what about for you, like, what
10 do you think are traditional redistricting 09:50:52
11 principles? Or what do you use in your work when
12 you're drawing a map to guide your map drawing from
13 the perspective of traditional redistricting
14 criteria?

15 A. Well, it really depends. You know, I 09:51:05
16 guess you can think of, like, a common-law set of
17 redistricting principles, like what's the default
18 set. And that's what I was describing before about
19 some are agreed upon and some are disputed.

20 But usually when you're drawing in a state 09:51:22
21 there's a set list of considerations to take into
22 account.

23 Q. Do you know what California considers to
24 be traditional redistricting criteria?

25 A. Well, that's an interesting question 09:51:42

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1 because there's certainly a list in the constitution 09:51:44
2 for a normal redistricting process to respect.

3 But I also know -- or my understanding at
4 least is that the Prop. 50 process was made to be
5 sort of an exception to the rule and you return to 09:52:03
6 the normal process in 2031.

7 Q. Okay. So I think you mentioned
8 compactness, contiguity, equal population and
9 preservation of county boundaries as kind of the
10 agreed-upon set or a common-law set, I think you 09:52:27
11 said.

12 Was there anything else in that list?

13 A. Not off the top of my head as I sit here.

14 Q. Is it fair to say that map drawers often
15 use other objective criteria to draw maps? 09:52:43

16 A. Well, embedded in that is -- well, I guess
17 you didn't list it here. I mean, I think map
18 drawers sometimes will use other objective criteria.
19 I think some of the criteria are -- I think you have
20 some that are pretty objective that have a weaker 09:53:02
21 claim at traditional redistricting principle,
22 depending on the state, and I think some have a
23 strong claim but aren't very objective.

24 Q. What are some of the factors that fall
25 into your first bucket? 09:53:18

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A. Well, I don't know that compactness is particularly objective. We have the scores, Reock and Polsby-Popper and convex hull.

4 But what the cutoffs mean -- and I think I
5 give some examples of how kind of things we wouldn't 09:53:39
6 necessarily think of as bad effects or
7 characteristics of plans might distort the scores.

8 You know, what a lot of times it comes
9 down to is an eyeball test. Like, I don't really
10 care how well District 2 -- I think that's the one 09:53:59
11 that stretches from Modoc to Marin County -- I
12 don't -- however it scores on a Polsby-Popper test,
13 it's not a particularly compact district, so . . .

14 Q. Let's go to some other criteria. Can you
15 tell me if you would agree that these are criteria 09:54:19
16 that map drawers use in your experience?

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17         So what about following municipality
18 boundaries?
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19	A. I don't know about following the	
20	boundaries but keeping municipalities intact, I	09:54:34
21	think, sure.	

22 Q. What about using natural boundaries to
23 divide districts, things like rivers or other
24 naturally occurring things?

25	A. Yeah, so that I think there can be major	09:54:51
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1 ones that everyone agrees on, you know. If you were 09:54:56
2 drawing in Minnesota and said you were using the
3 Mississippi River as a boundary, I don't think many
4 people would look askance at that.

5 But at a certain point it can really 09:55:12
6 become an ad hoc exercise that can justify just
7 about anything. Like, here, I'm following this
8 county road, you know, or this creek.

9 Q. What about other sort of dividing lines,
10 like freeways or major throughfares? 09:55:27

11 A. Yeah, again, that's something -- we talked
12 about freeways, and then you say, well, what about
13 major throughfares? And it can really devolve into,
14 well, there's this county road that a lot of people
15 use. 09:55:45

16 Then there's the question of whether it
17 really make sense to use that as a boundary or as
18 something you would try to keep intact.

19 So, like, if you were drawing here in
20 Delaware County, you would probably want to keep 09:55:56
21 both sides of U.S. 23 in Delaware County together,
22 because if you use 23 as the divider, you're going
23 to be splitting kind of a cohesive community right
24 down the middle.

25 Q. Okay. Is it fair to say that sometimes 09:56:14

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1 freeways divide communities? 09:56:18

2 A. Yes.

3 Q. And do freeways sometimes serve as a
4 dividing line between communities?

5 A. They can, yeah. 09:56:28

6 Q. And what about incumbency considerations,
7 where do you put that?

8 A. I mean, that's a tough one. It really
9 depends.

10 I think that tends to be more if you're 09:56:44
11 told to use it, some people will use it. But
12 whether it's a kind of traditional redistricting
13 principle, I'm less certain about that.

14 Q. What about core retention or the idea of
15 preserving former districts? 09:57:04

16 A. I think that can be a -- that can
17 certainly be a legitimate principle if it's followed
18 consistently.

19 Q. And in your view -- you've touched on
20 this, but where would you put communities of 09:57:23
21 interest?

22 A. Now, that's another one that I think
23 people understand what you're getting at with
24 community of interest. But because they are almost
25 inherently amorphous, they can be used to justify 09:57:42

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1 just about anything. 09:57:46

2 I was in a -- the case that I provided a
3 report about where I was in Michigan, there was a
4 redistricting commissioner caught on tape saying --

5 I can't remember -- this is pretty close to the 09:58:03

6 exact quote: So what I hear you saying is we can't
7 talk about drawing Black people together but we can
8 talk about the communities that they're in and talk
9 about that when we really mean Black people. And
10 then the next thing is laughter. So it really has a 09:58:20
11 potential for abuse.

12 At the same time, if you were drawing in
13 New York and you told me you wanted to keep Harlem
14 together, even though there's a racial aspect to
15 that, I think you would have a hard time denying 09:58:38
16 that, you know, Harlem is a traditional community.

17 Q. Do you think improving partisan
18 performance for the majority party is a traditional
19 redistricting principle?

20 A. I think that is sort of like incumbency, 09:58:57
21 it's something that sometimes you're told to do.
22 But I think the traditional redistricting principles
23 are things -- there's kind of embedded in it a sense
24 that these are good things that you would want a map
25 to conform to. 09:59:17

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1 And I think most people who do this stuff 09:59:19
2 don't think partisanship is what maps should be
3 drawn with respect to, so . . .

4 Even that's tricky because I think some
5 people think you should draw with respect to 09:59:35
6 partisanship if it helps even out the map but not to
7 try to give partisan advantage.

8 So I don't know if that's a traditional
9 redistricting principle, but it's certainly
10 something that in America people draw with respect 09:59:46
11 to all the time.

12 Q. Do you agree that while drawing a map a
13 map drawer is taking into consideration several
14 different factors?

15 A. Yes. 09:59:58

16 Q. And even when attempting to improve
17 partisan performance, a map drawer is still
18 balancing other criteria at the same time?

19 A. I don't know about that. I don't know if
20 you've seen the Illinois map or the Maryland map 10:00:14
21 from the first go-round but it's perfectly possible
22 to draw and pass a map that doesn't really pay
23 attention to much of anything except for politics.

24 Q. Do you agree that at times when a map
25 drawer is drawing to improve partisan performance 10:00:34

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1 they are still balancing other criteria at the same 10:00:38

2 time?

3 A. They can be, yeah.

4 (Whereupon, Christopher Dodge, Esq. joined

5 the proceedings.) 10:00:44

6 BY MS. MADDURI:

7 Q. Do you agree that while drawing a map,
8 adhering to one redistricting criteria often comes
9 into conflict with adhering to others?

10 (Reporter seeks clarification.) 10:00:57

11 Q. Do you agree that while drawing a map,
12 adhering to one redistricting criteria often comes
13 into conflict with adhering to others?

14 A. Yes.

15 Q. In other words, there's trade-offs between 10:01:10
16 redistricting criteria that are inevitable; is that
17 fair?

18 A. Well, again, I don't know about inevitable
19 because I don't think there were any trade-offs made
20 in Illinois or in Maryland the first time around, 10:01:23
21 but yes.

22 Q. Were there noncontiguous districts in
23 Illinois the first time around?

24 A. Fair enough, fair enough. Contiguity and
25 equal population are non-negotiables. 10:01:34

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1 Q. Is it fair to say that prioritizing one 10:01:39
2 consideration may come at the expense of another
3 one?

4 A. Yes.

5 Q. And is it fair to say that when you're 10:01:48
6 attempting to balance a host of considerations that
7 no one consideration may perform at its maximal
8 potential level?

9 A. It's possible.

10 Q. Is it fair to say that map drawers, in 10:02:07
11 your opinion, can achieve a statewide partisan
12 gerrymander by improving partisan performance across
13 the map even if they don't maximize it?

14 A. It doesn't need to be a maximal partisan
15 gerrymander to still be a gerrymander, in my view. 10:02:26
16 There are people that disagree with that, but yes.

17 Q. And sort of a same question on a district
18 level, is it fair to say that a district can still
19 be partisan gerrymandered even if the partisanship
20 isn't maximized in that district? 10:02:42

21 A. Yes.

22 Q. Do you agree that one way to draw a
23 partisan gerrymander is to efficiently distribute
24 that party's voters across districts?

25 A. That's right. I mean, so in the case of 10:02:55

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1 Districts 9 and 13, if they were more equal, it 10:02:59
2 would be a more efficient partisan gerrymander than
3 what we have.

4 Q. So is it fair to say that a partisan
5 gerrymander might appear, when you're looking at a 10:03:12
6 map, as splitting a particularly Democratic area
7 into multiple districts?

8 A. Yeah, if -- I mean, that is one way to do
9 it if the rest of the data is consistent with that,
10 sure. 10:03:35

11 Q. Okay. Shifting to racial predominance.
12 What is your definition of racial
13 predominance as you use it in your report?

14 A. Well, I have what I understand to be the
15 Supreme Court definition of it, which is, you know, 10:03:49
16 the subversion of traditional redistricting
17 principles to racial goals.

18 What makes this unique is what we've kind
19 of been dancing around so far, which is the partisan
20 aspect of the draw. 10:04:11

21 And what Supreme Court, to my
22 understanding, has said is that you need to
23 disentangle race from politics to determine that
24 race was more of the motivator than politics was.

25 Q. Okay. So when you are concluding that 10:04:27

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1 race predominated in the drawing of the lines of 10:04:30

2 CD 13, what exactly does that mean to you?

3 A. Well, it means to me that there's choices
4 that the map maker made that don't really make sense
5 with any explanation other than race. 10:04:48

6 Q. Okay. And what's your methodology for
7 determining whether race predominated in the drawing
8 of a district?

9 A. Well, there's a couple things. The court
10 has -- as I understand it in a case I was involved 10:05:10
11 with -- has kind of said, well, one thing you need
12 to do is to give an alternate map showing it would
13 be possible to have obtained the particular outcome
14 with politics without the racial aspects with a more
15 regularized district. 10:05:35

16 So that's part of it. And part of it is
17 just looking for, you know, what I understand to be
18 the charge to look for -- see if there's tentacles
19 or appendages and see if those appendages are better
20 explained by race rather than politics. 10:05:51

21 Examining maps has been a methodology at
22 least since Dr. Rodden did it, I believe, in
23 Bethune-Hill. So that's certainly part of the
24 analysis.

25 Q. When you say "examining maps," are you 10:06:12

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1 referring to a visual assessment? 10:06:15

2 A. Yes.

3 Q. Are there any other aspects of examining
4 maps that you're referring to there?

5 A. I mean, you can look at the -- especially 10:06:26
6 if you're looking to see if, you know, the map maker
7 could have done as well with a more -- without
8 examining race, could have done well with respect to
9 other considerations.

10 There are the compactness scores, 10:06:51
11 although, as I say, there are limitations that you
12 need to be aware of.

13 And then you look at other considerations.
14 Do you have to -- assuming the map maker even cared
15 about this, you have to not split a bunch of 10:07:07
16 jurisdictions to do it and so forth.

17 Q. Okay. So when looking at that, how does
18 the consideration of whether a bunch of
19 jurisdictions are split play in?

20 A. Well, so this is the idea. And, again, I 10:07:27
21 think this has to be something the map maker
22 legitimately cared about, that there's some evidence
23 of this.

24 But if the map maker is drawing a map
25 without any splits whatsoever of municipalities or 10:07:43

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1 census-designated places and the only way that you 10:07:48
2 can achieve the political outcome in a different
3 configuration is by splitting say 50 municipalities,
4 well, that's going to end up being a problem.

5 But that's conditioned on some type of 10:08:07
6 evidence that the map maker really cared about
7 keeping municipalities together.

8 Q. And what kind of evidence would you be
9 looking for to determine whether a map maker cared
10 about something like splitting municipalities? 10:08:21

11 A. Testimony.

12 Q. Anything other than direct testimony?

13 A. If it were a directive in the law and not
14 a map that was brought together under a suspension
15 of law. 10:08:37

16 Q. Is there any other evidence that would
17 indicate to you that a map maker considered
18 something like not splitting municipalities?

19 A. Whenever you draw a district, you're going
20 to tend to keep municipalities together. So I don't 10:08:51
21 know -- you can say something like, you know,
22 97 percent of municipalities are kept together or
23 whatever because that's just naturally going to
24 happen.

25 I guess if there -- it would have to be 10:09:08

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1 case by case on some other stuff if there were kind 10:09:10
2 of circumstantial evidence of it.

3 Q. Is one form of circumstantial evidence the
4 number of municipalities that are split?

5 A. No. I think I just said you're going to 10:09:24
6 tend to keep municipalities together, especially
7 smaller ones, no matter what you do. So I don't
8 know that that really proves anything necessarily.

9 Q. Is there any other kind of evidence that
10 would indicate to you what a map drawer was -- like, 10:09:52
11 if a map drawer was prioritizing something like
12 municipalities other than direct testimony if it was
13 in the law and some forms of circumstantial
14 evidence?

15 A. Not as I sit here. 10:10:12

16 Q. Okay. And so when determining if race
17 predominated in the drawing of a district, I think
18 you've mentioned looking at alternative maps,
19 examining tentacles and appendages.

20 And is there anything else? 10:10:34

21 A. Those are really the best ways to do it, I
22 think.

23 There are two other things that have been
24 suggested. The first is the boundary analysis,
25 which I have pretty consistently disliked and don't 10:10:56

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1 think is a very good way to do it. There's all 10:11:02
2 kinds of problems with it.

3 The other way is simulations, but
4 simulations are pretty good for testing a map with
5 well-defined principles, again, to see if it is a 10:11:16
6 gerrymander. It's less good for distinguishing
7 between gerrymanders.

8 Q. And when you say "distinguishing between
9 gerrymanders" you mean, for example, distinguishing
10 between a partisan gerrymander and a racial 10:11:33
11 gerrymander?

12 (Reporter seeks clarification.)

13 MS. MADDURI: Yeah, sorry. I can just try to
14 say the question again.

15 BY MS. MADDURI: 10:11:43

16 Q. When you say "distinguishing between
17 gerrymanders," are you referring to distinguishing
18 between a partisan gerrymander and a racial
19 gerrymander?

20 A. Right. I don't think there -- there could 10:11:57
21 be situations where they're good for that type of
22 analysis. Again, if there is a strong, clearly
23 worded state constitutional preference for compact
24 districts.

25 I mean, the main problem is that these 10:12:13

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1 simulations tend to want to draw compact districts. 10:12:14

2 And so I'm not sure I could make a simulation,
3 extend the neck up into Stockton. It's just not
4 going to want to do that.

5 And so if you know that you couldn't get 10:12:29
6 the enacted map drawn or produced by the simulation
7 simply because it's not going to -- it's just not
8 going to draw it because of its nature, I think I
9 probably would have gotten the result that said it
10 was a racial gerrymander, but I don't think it would 10:12:53
11 have been particularly fair.

12 Q. It's possible to program simulations with
13 specific compactness scores; correct?

14 A. To a degree.

15 Q. What do you mean? 10:13:20

16 A. Well, there's a compactness parameter that
17 you can set. You can't say, I want Reock scores of
18 .43 or greater, to my understanding. There's a
19 parameter that you can tune to make it more or less
20 compact. 10:13:40

21 The problem is, first, that you can have a
22 mixed district, right, a district that is compact in
23 some places but then sends out tendrils to achieve a
24 racial target, for example. And it's not very good
25 at doing that. 10:14:01

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1 But even so the simulations still -- 10:14:02
2 because of how spanning trees work -- still don't
3 want to draw these noncompact meandering districts.
4 And so even lowering the compactness parameter to
5 the point where the simulations break often won't 10:14:16
6 change it that much.

7 Q. Have you used simulations to evaluate
8 whether something is a racial gerrymander in other
9 cases?

10 A. Yeah, so the main one where I've done it 10:14:28
11 as a plaintiff, it's the expert report I turned over
12 to you all was in the Michigan case.

13 And in that case the Michigan state
14 constitution had straightforward language about
15 respecting county boundaries, about drawing compact 10:14:43
16 districts and so forth. And so there wasn't really
17 a problem with the tendency to draw compact
18 districts.

19 Q. I think I understand.

20 So are you -- is it fair to say that you 10:14:58
21 didn't do simulations here, in part, at least,
22 because the parameters set out in the California
23 constitution, in your opinion, were suspended for
24 the purpose of drawing the Prop. 50 map?

25 A. Well, that's part of it, and part of it 10:15:14

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1 is, like I said, I think I probably would have 10:15:16
2 gotten a result saying it's racial gerrymandering.
3 You would have gotten something more akin to the
4 demonstration maps because it's going to want to go
5 into Tracy and places like that. 10:15:31

6 I just didn't think it would be a very
7 honest take because I don't think it would even be
8 plausible that I could get it to go up through
9 Stockton.

10 That's the other thing, is if you set a 10:15:44
11 municipality parameter, it's going to try to keep
12 Stockton intact. I don't think there's any way to
13 get it to kind of chop through Stockton and go to
14 the municipalities on the other side.

15 Q. Okay. And just to be clear, you didn't do 10:15:58
16 any stimulation analysis on the Prop. 50 map; right?

17 A. No, I didn't. Like I said, I didn't think
18 it would be an honest analysis.

19 Q. You also mentioned boundary analysis.

20 Can you explain what that is? 10:16:13

21 A. Yeah. That's the analysis where you look
22 at the racial composition or the political
23 composition of precincts on opposing sides of a
24 boundary and compare them.

25 Q. And I think you said that you don't like 10:16:32

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1 that analysis or you disfavor it or something to 10:16:34

2 that effect; is that right?

3 A. Right.

4 Q. Why is that?

5 A. Because at least in, like, a formal 10:16:42

6 numerical term -- there's two problems with it.

7 The first is you're kind of hypothesizing

8 options for the map drawer that might have not even

9 been available because the kind of idea is you're

10 saying, okay, why did the map drawer include the 10:16:58

11 precinct that was on this side of the boundary and

12 not on the other side?

13 Well, the truth of the matter is there --

14 it might be impossible not to because if you

15 included the precinct or block or whatever on the 10:17:13

16 other side of the boundary but not on the inside of

17 the boundary, you would have rendered the district

18 noncontinuous. In other words, you had to use the

19 block inside the boundary to get to the block that's

20 outside of the boundary. So I think that's a 10:17:30

21 conceptual problem with that analysis.

22 The other thing is that there usually

23 aren't controls in place. So there can be an

24 instance -- if you're just kind of lumping it all

25 together into an overall take, there can be 10:17:44

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1 instances where boundary follows a county line and 10:17:46
2 the county line has -- or city line has racial or
3 political implications to it. So I just don't think
4 it's a very good methodology.

5 Q. Can you talk a little bit more about the 10:18:02
6 contiguity issue you're identifying?

7 A. Yeah, it's really hard to do without paper
8 and pencil and I won't do that.

9 But you can imagine kind of a boundary
10 going through, and let's say within the boundary you 10:18:19
11 have Precinct A that has some type of racial
12 composition or political composition. And on the
13 other side you have Precinct B. And the question is
14 why is Precinct A included and not Precinct B?

15 Well, part of the answer can be and often 10:18:39
16 is that it's not possible, at least in a -- you
17 can't control that way because if you flipped it, if
18 you put Precinct B in the district and took
19 Precinct A out, you would have a noncontiguous
20 district. 10:18:57

21 Now, there might be ways to fix it,
22 reconfiguring the district, you know, to make it
23 that that precinct would not be noncontiguous, but
24 at that point you're not doing a controlled inquiry
25 anymore. 10:19:11

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1 Q. Okay. But it's fair to say that you 10:19:11

2 could -- in your hypothetical, you could include

3 both A and B or just A; is that fair? Without --

4 A. Right.

5 Q. -- creating the continuity problem that 10:19:23

6 you're talking about?

7 A. Right, but that's not the inquiry. The

8 inquiry is why A and not B.

9 That's the way the hypothesis is set up in

10 those inquiries is why do you have these, you know, 10:19:35

11 high Hispanic precincts on this side and not have

12 them on the other side and is a very kind of

13 foundational pragmatic reason I've given so much

14 testimony against that approach, that this would be

15 like a 10-minute deposition if I did it here because 10:19:55

16 you would just cite the areas where I had

17 discredited or attacked it and I'd be done. Which

18 might not be a bad thing, but . . .

19 Q. Okay. Shifting gears a little bit.

20 In your view, if a district is majority 10:20:19

21 minority, does it mean that race predominated in the

22 drawing of that district?

23 A. No.

24 Q. Is it possible to create a majority

25 minority district without using race as the 10:20:31

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1 predominant consideration? 10:20:35

2 A. Yes.

3 Q. Is it possible to create a majority
4 minority district without using race at all?

5 A. Yes. 10:20:43

6 Q. Let's turn to your report now, which is --
7 oh, actually, I think we've probably been going for
8 an hour and I just want to be mindful of both you
9 and the court reporter if we want to take a break
10 before we kind of shift gears here. 10:21:09

11 A. That's fine with me. You know, I prefer
12 just to do one break. Because with my son I might
13 have to, like, hop out to keep him from destroying
14 something, but -- so let's get as much done, but I
15 think taking like a 10-minute break here might be 10:21:30
16 good, especially for the court reporter.

17 MS. MADDURI: Okay. That sounds good.

18 (Recess taken.)

19 MS. MADDURI: Okay. Let's turn to your report
20 now. So that is what I pre-marked as Tab 1 and 10:36:02
21 we'll mark it as Exhibit 1 to this deposition.

22 (Deposition Exhibit 1 was marked.)

23 THE WITNESS: I have my own hard copy here, so
24 if you see me look down -- that's the only -- the
25 only materials relevant to this case I have on my 10:36:22

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1 desk are my reports and the opposing expert reports. 10:36:25

2 BY MS. MADDURI:

3 Q. Okay. That's totally fine with me. I
4 think it'll be more efficient if you have that.

5 Okay. So I want to turn -- I guess I 10:36:37

6 don't know what version of your report you have. I
7 have the one that's filed on the docket, so I'll say
8 I'm looking at page 1 of the report, which is
9 page 16 of UCF 16-5. And this is -- it starts
10 "Introduction and Executive Summary." 10:37:04

11 A. Okay. And I don't see anything in the
12 Exhibit Share. Oh, there we go, I see it now. I've
13 got it.

14 THE CONCIERGE: What page are we on for Tab 1?

15 MS. MADDURI: 16 of the PDF. 10:37:35

16 THE CONCIERGE: Okay. Thank you.

17 THE WITNESS: Okay.

18 BY MS. MADDURI:

19 Q. Okay, great. So in that first paragraph
20 there on page 1 of the report, 16 of the PDF, you 10:37:55
21 write [as read]:

22 "The Enacted Map's boundaries" -- and I'm
23 about -- I'm on the fifth line.

24 It says [as read]:

25 "The Enacted Map's boundaries between 10:38:08

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1 Districts 9 and 13 appear to have been crafted to 10:38:12
2 enhance the Hispanic Voting Age Population and
3 Hispanic Citizen Voting Age Population in the
4 district. The twisted shapes cannot be explained by
5 traditional redistricting principles, nor can they 10:38:27
6 be explained by politics. I concluded race
7 predominated in the drawing of these lines."

8 Did I read that correctly?

9 A. There was some paraphrasing, but the only
10 thing I would add is that it's Districts 5, 9 and 10:38:41
11 13. Not just 9 --

12 Q. Sorry, is District 5 mentioned in this
13 paragraph?

14 A. Oh. Huh. That's weird.

15 No. Okay. I'll go off what you have if 10:39:02
16 that's what got filed. I might have an earlier
17 version in front of me.

18 Q. It was definitely my intention to read it
19 word for word and not paraphrase.

20 A. Yeah. I'll go off what you have out. 10:39:16

21 Q. Okay.

22 A. It said 5, 9 and 13 because the Modesto
23 area is the 5/9 -- or 5/13 boundary, but, yeah, it
24 says 9 and 13.

25 Q. Okay. And so can you just explain in sort 10:39:37

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1 of your own words what you mean when you say "race 10:39:43
2 predominated in the drawing of these lines"?

3 A. That's summarized in the next sentence,
4 that there's twisted shapes that I don't think are
5 explicable by traditional redistricting principles 10:40:00
6 and they can't be explained by politics.

7 Q. Okay. And which traditional redistricting
8 principles are you saying cannot explain the twisted
9 shapes?

10 A. Well, since you can draw a version of the 10:40:12
11 map that doesn't have that weird extension into and
12 across Stockton, I don't think there's really
13 anything that explains it.

14 And when you look at the district
15 boundaries imposed over the Hispanic population in 10:40:30
16 Stockton, it seems pretty clear to me.

17 Q. Okay. So the --

18 A. I don't see what else explains it, and
19 I've seen the opposing experts' attempts to justify
20 it, and I don't think any of them work. 10:40:51

21 Q. Okay. So in terms of violating
22 traditional redistricting principles, when you're
23 writing that, you're referring to the weird
24 extension across Stockton; is that right?

25 A. Yeah. I also think the drawing in Modesto 10:41:07

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1 as well. But I think the Stockton one is the more 10:41:09
2 cut-and-dried example.

3 Q. Okay. Is there any other traditional
4 redistricting principle that you considered in
5 making that assessment for Stockton other than the 10:41:22
6 shape of the extension across Stockton?

7 A. Well, you don't need to have that to hit
8 one person, one vote. You don't need to have it to
9 keep the district contiguous. You don't need to
10 have it to keep a municipality intact. Ends up 10:41:43
11 splitting more municipalities in census-designated
12 places.

13 You don't need it to protect an incumbent.
14 You don't need it to keep a different district
15 performing for Democrats. 10:41:59

16 The only explanation that makes sense and
17 that it really is consistent with is race.

18 Q. Okay. Are there any other traditional
19 redistricting principles that you think that that
20 extension does not -- is not required for? 10:42:16

21 A. Again, a lot of these traditional
22 redistricting principles can be kind of mutated into
23 post hoc justifications, but nothing that I can
24 think of that explains it and nothing that the
25 opposing experts have come up with that explains it. 10:42:44

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1 Q. Okay. Let's scroll down to page 5 of your 10:42:54
2 report, which is page 20 of the PDF.

3 We actually might need to scroll up to see
4 the full first paragraph.

5 A. Okay. 10:43:16

6 Q. Okay. Do you see the first paragraph
7 there?

8 A. Yes.

9 Q. And it's on pages 4 and 5 of your report,
10 and it starts "In a presentation." 10:43:28

11 A. Yes.

12 Q. I won't read the whole statement.

13 Can you explain how that statement
14 factored into your analysis here?

15 A. It was more of an introductory statement. 10:43:40

16 I don't think it's something that I come back to
17 again and again, but it's Paul Mitchell speaking to
18 HOPE, Hispanics -- or Hispanas Organized for
19 Political Equality, talking about the ways that the
20 map benefits the Latino community, including keeping 10:44:00
21 VRA seats bolstered to make them most effective, and
22 then he hones in on the Central Valley.

23 Q. Okay. And what relevance does that
24 statement have to your analysis?

25 A. Well, as I said, for me it's mostly just 10:44:12

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1 an introduction, a way of saying that the map maker 10:44:15
2 was focusing on race and racial implications in this
3 area.

4 Q. Okay. And it's fair to say that
5 Mr. Mitchell made that statement several months 10:44:29
6 after the map was finalized?

7 A. Yes.

8 Q. How did you get the transcript for this?

9 A. That's in the production today. It was
10 provided by counsel. 10:44:43

11 Q. Okay. Did you receive the full document
12 of the entire interaction, the speech or podcast or
13 whatever it was?

14 A. I believe so.

15 Q. Did you review the full document? 10:44:56

16 A. Yes.

17 Q. Scrolling down a little bit more to
18 page 5, which is page 20 of the PDF. Following that
19 statement, you write [as read]:

20 "It is apparent in the lines for 10:45:23
21 District 13 in the Central Valley."

22 Do you see that?

23 A. Yes.

24 Q. Okay. What did you mean in that
25 statement? 10:45:35

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1	A. Well, again, this is an introductory	10:45:38
2	section that, you know, focuses in on race and	
3	Latino performance. And I said, you know, he talked	
4	about this, and then when you look at the lines for	
5	District 13, it's apparent that that is what	10:45:51
6	happened.	

7 Q. Scrolling down to page 6, which is page 21
8 of the PDF, and looking at that first paragraph. I
9 won't read the whole thing, but I want to ask you
10 about the phrase that says "to improve Hispanic 10:46:32
11 performance in the district."

12	A. Okay.
----	----------

13 Q. What do you mean by that?

14 A. That without them, the district would be
15 less Hispanic. Or less heavily Hispanic. 10:46:49

16 Q. Okay. So you're saying here that the two
17 areas that you examined, two of the three odd
18 shapes, those were drawn to improve Hispanic
19 performance in the district, meaning if they hadn't
20 been included, the district would have been less 10:47:15
21 Hispanic? Is that what you're saying?

22	A. Yes.
----	---------

23 Q. Okay. Let's move on to look at Figure 2
24 of your report, which is on page 7. And that's
25 page 22 of the PDF. And it's titled "Figure 2: 10:47:52

1 Madera Area By HCVAP and Block Group." 10:47:59

2 Do you see that?

3 A. Yes.

4 Q. Did you make this map?

5 A. Yes. 10:48:09

6 Q. What platform did you use to make it?

7 A. R. Just the letter R.

8 Q. And how did you select the shading?

9 A. Well, so it is using the viridis color
10 scheme because I am color blind and the viridis 10:48:27
11 colors are more readable for people who are color
12 blind.

13 It's a continuous scale, so it's
14 constantly moving from yellow to that kind of
15 purple-ish color. And certain points along the way 10:48:47
16 are denoted in the legend on the right.

17 Q. And it's using HCVAP data.

18 Where did that data come from?

19 A. I believe I would have gotten it from
20 Redistricting Data Hub. 10:49:07

21 Q. And what year was the data based on?

22 A. I honestly don't remember as I sit here.

23 Q. Okay. So you don't -- is it fair to say,
24 then, that you don't know why you selected that
25 specific data? 10:49:26

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A. I mean, I would have selected it because
it was the most recent data I had available that was
worked by a kind of neutral third-party group.

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4      But, again, without looking at my code,
5      the exact files, I don't know off the top of my head      10:49:47
6      what the number is.
```

7 Q. Okay. And it's block groups that are
8 being depicted; right?

9	A. Yes.
---	---------

10	Q. Can we tell how many people live in each	10:50:01
11	block group from your map?	

12	A.	No.
----	----	-----

13 Q. Is there a consistent number of people who
14 live in each block group?

15	A. No.	10:50:12
----	--------	----------

16 Q. Does it -- I guess, is there any sort of
17 similarity between the number of people in each
18 block group or does it just kind of vary?

19 A. Oh, it varies.

20 Q. Okay. So is there anything that we can 10:50:25
21 understand about population density from looking at
22 this map?

23	A.	No.
----	----	-----

24 Well, I shouldn't say that. Typically

25 smaller census blocks and smaller units are more 10:50:37

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1 heavily populated and therefore denser. The large 10:50:41
2 sprawling block groups tend to be rural block
3 groups; not always.

4 Q. Okay. But we can't tell anything about
5 sort of the specific population density differences 10:50:53
6 between any specific block group; is that right?

7 A. Like I said, generally speaking, the
8 larger sprawling block groups tend to be less
9 densely populated. Like, you can look at this and
10 pretty much tell where the city is but not numbers. 10:51:09

11 Q. Okay. So you're saying generally speaking
12 the large census block groups are primarily rural?
13 Is that what you're saying?

14 A. They tend to be more rural, yeah.

15 Q. And the smaller ones tend to be more 10:51:31
16 urban?

17 A. Right.

18 Q. But we can't tell anything specific about
19 how many people live in each census block group from
20 looking at the map? 10:51:43

21 A. Right.

22 Q. Let's look at Figure 3, which is on the
23 next page, page 8 of your report, page 23 of the
24 PDF.

25 Did you make this map as well? 10:52:02

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1	A. Yes.	10:52:04
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2 Q. Did you use the platform R?

3	A. Yes.
---	---------

4 Q. And is the color scheme the same as the

5 | one we just discussed? 10:52:16

6	A. Yes.
---	---------

7 Q. This one is titled "Figure 3: Madera

8 Area, By HVAP and block group"; is that right?

9 A. Yes.

10	O. What's the HVAP data that was used?	10:52:28
----	--	----------

11 A. The Hispanic voting age population from
12 the 2020 census.

13 Q. And let me back up.

14 That's -- so can you explain the

15	difference between HVAP data and HCVAP date?	10:52:45
----	--	----------

16 A. Well, there's a -- do you mean, like, what
17 they mean or where they're taken from?

18 Q. Where they've taken from.

19 A. So the HVAP data come from the decennial
20 census --

21 (Reporter seeks clarification.)

22 A. Sorry. See, I don't even have the excuse
23 of having an outline to read from.

24 The HVAP data come from the decennial

25 census, so they reflect something that's at least 10:53:13

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1 treated as an actual count. 10:53:17

2 The HCVAP data, there is famously not a
3 citizenship question on the census, and so our
4 access to that data comes from a survey conducted by
5 the Census Bureau called the American Community
6 Survey or ACS. 10:53:37

7 Q. Okay. And in -- for Figure 2 and
8 Figure 3, are the specific HVAP and HCVAP numbers
9 for each block group reported anywhere in your
10 report? 10:54:03

11 A. No.

12 Q. Okay. So we don't know what the specific
13 HVAP or HCVAP number is of any individual census
14 block group based on your report; right?

15 A. No, you have a sense of where they are 10:54:19
16 from the scale on the left. You can certainly tell,
17 for example, the block in the upper right isn't
18 20 percent HVAP or 30 percent HVAP, nor is it 80.
19 But is it 52.379, no, it doesn't tell you that.

20 Q. Each one is a range; right? Each color 10:54:45
21 corresponds to a population range; is that right?

22 A. No.

23 Q. So does it round to the percentage number
24 that's shown?

25 A. No. 10:55:01

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1 Q. Can you explain how it works? 10:55:03

2 A. Yeah. It's a continuous scale that
3 certain points along the scale are illustrated on
4 the right.

5 Q. I see. So it's -- there are different 10:55:16
6 shades for every percentage between like 75 percent
7 and 80; is that right?

8 A. Correct.

9 Q. Let's look at Figure 4 on page 9, which is
10 24 of your -- of the PDF. This one is called 10:55:37
11 "Madera Area, By Politics and Block Group."

12 Did you create this map?

13 A. Yes.

14 Q. What platform did you use?

15 A. This would be R. 10:55:50

16 Q. And the shading is the same as what you
17 described for the original figure that we discussed?

18 A. Correct.

19 Q. What is the politics D percentage based
20 on? 10:56:05

21 A. Presidential vote share.

22 Q. For what year?

23 A. 2024.

24 Q. Okay. So the Democratic percent here is
25 based only on the 2024 presidential election; is 10:56:14

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1 that right? 10:56:18

2 A. I believe that's right, yes.

3 Q. How did you choose -- why did you choose

4 to only use the 2024 presidential election for the

5 politics measure here? 10:56:33

6 A. Because that's the most relevant data for

7 assessing partisanship. If you're in a place like

8 Ohio, where the state law mandates you to use a --

9 you know, I think it's an average of the last five

10 elections, it's very specific in what you want to do 10:56:49

11 here. Then that's what I would use.

12 But, generally speaking, there's a high

13 correlation between presidential performance and

14 congressional performance, so that's what I used.

15 Q. In past cases have you ever used an index 10:57:05

16 with more elections?

17 A. Probably.

18 Q. I think you mentioned Ohio. Are there

19 other instances that you can think of?

20 A. I can only say probably. 10:57:19

21 Q. Do you -- why in other cases have you

22 looked at more than one election?

23 A. I think my preference has always been for

24 president, just because in our polarized age it

25 doesn't really add much, usually, at least, to use a 10:57:40

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1 different race. 10:57:46

2 Other experts prefer the index, and so
3 sometimes I'll do it both ways just so I don't get
4 dragged into a fight over how best to measure
5 partisanship. 10:58:03

6 But my preference is for presidential
7 numbers and I figure that if using a different
8 election would give a radically different result,
9 opposing experts wouldn't hesitate to point it out.

10 I think in North Carolina the legislature 10:58:18
11 has expressed -- it's kind of like Ohio, the
12 legislature has, at least at times, been express
13 about which races it's using to draw maps. So that
14 can be helpful as well.

15 Q. Did you create maps using any other 10:58:35
16 election or an index for this case?

17 A. I don't believe so.

18 Q. So you don't know how these images would
19 look different had you used a different election or
20 a set of elections? 10:58:52

21 A. Yeah, I don't think it's sensitive to
22 that. I would have gone through it, through more
23 recent elections and Dave's to see if you got
24 something radically different.

25 Again, though, we're in such a polarized 10:59:06

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1 environment that these precincts all tend to 10:59:09
2 correlate and move together.

3 Now, if you go back 10 years, you'll get
4 something different because the data's 10 years old.
5 But I don't think a good map drawer is going to rely 10:59:18
6 on 2016 presidential election data to try to draw a
7 map for 2026.

8 Q. Did you do anything to test whether
9 congressional elections correlate with the 2024
10 presidential election for this case? 10:59:36

11 A. This is something that just from being an
12 elections analyst I know that there tends to be a
13 correlation between presidential and congressional
14 elections, even in California.

15 You might get an overperformance of a few 10:59:54
16 points from a congressional candidate vis-a-vis the
17 presidential results, but that's going to still be a
18 correlation.

19 Those correlations are going to tend to
20 hold across elections. Maybe the overall level 11:00:08
21 moves up or moves down, but the coalitions just
22 don't shift that much.

23 Q. Okay. So you didn't do anything to test
24 whether that hypothesis was actually true?

25 A. I don't think I said that. 11:00:25

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1 Q. How did you test whether congressional 11:00:28
2 elections correlate with the 2024 presidential
3 election results?

4 A. Because I know that in the United States
5 there are very, very few Trump districts and 11:00:40
6 extremely few heavily Trump districts that are won
7 by Democrats anymore and that the opposite's also
8 true.

9 You'll get outliers one way or another,
10 but there just aren't that many examples of say a D 11:00:56
11 plus 10 district being held by a Democrat these days
12 as opposed to how things were 20 years ago, where I
13 think you would have to do more of an inquiry along
14 those lines.

15 Like I said, I also would have looked at 11:01:07
16 the results for different races, certainly the more
17 recent races, to see if it held true, if the basic
18 coalitions remained the same.

19 Q. When you say "the more recent races," what
20 races are you referring to? 11:01:23

21 A. 2022 and maybe 2020.

22 Q. Okay. And like the other maps that we
23 just looked at, are the specific numbers for what
24 the D percent share of any census block group is
25 reported anywhere in your analysis? 11:01:46

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1 A. No. 11:01:49

2 Q. And are the populations of each census
3 block group reported anywhere in your analysis?

4 A. No.

5 Q. Going back a page to page 8, which is 23 11:02:06
6 of the PDF -- and I'll look at the text. The second
7 sentence -- I'm not trying to paraphrase, but I am
8 just trying to be efficient. You describe the
9 area -- you say that "the area is overall
10 politically marginal." 11:02:32

11 Do you see that?

12 A. Yes.

13 Q. What do you mean by "politically
14 marginal"?

15 A. That this isn't a heavily Democratic or 11:02:39
16 heavily Republican area.

17 Q. And how do you determine that it's not
18 heavily Democratic or heavily Republican?

19 A. Because when you look at the area it's not
20 all dark blue or dark yellow. 11:03:00

21 Q. But you would agree there are a lot of
22 areas that are pretty dark, like in the -- I think
23 at the bottom of your scale, which I believe is
24 80 percent?

25 A. Yeah. 11:03:18

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1 Q. Oh, I see. I was looking at the wrong 11:03:27
2 map. Okay.

3 MR. MEUSER: Would you like to reword your
4 questions, Counsel?

5 MS. MADDURI: No, I think I'll just move on. 11:03:35

6 MR. MEUSER: Okay.

7 BY MS. MADDURI:

8 Q. And so when you're describing it as
9 politically marginal, is there a measurement for
10 that or how do you decide what the cutoff is for 11:03:47
11 politically marginal?

12 A. You know, that's another one, sort of like
13 what does substantial mean or any other adjective or
14 adverb? And there's not necessarily a clean-cut
15 example. But I wouldn't look at say the City of 11:04:06
16 Stockton itself and call it politically marginal.

17 Here you can see -- I think it's better
18 illustrated in Figure 6 -- a pretty neat area of
19 heavily Democratic, areas of heavily Republican,
20 lots of light red or light blue areas that are more 11:04:25
21 indicative of an area that's more say 55 percent
22 Democrat than 80 percent Democrat.

23 Q. So is it a visual assessment that you're
24 doing when you're determining if something is
25 politically marginal? 11:04:45

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1 A. No. I know this area in general is 11:04:45
2 politically marginal, that it's not Stockton,
3 so . . .

4 Q. Okay. So it's just -- it's based on just
5 your knowledge that's not explained in the report? 11:04:58

6 A. Well, as an elections analyst, you pick up
7 a lot of things along the way and how different
8 areas of the country vote in different cities and
9 whatnot.

10	So, like I said, I wouldn't call the City	11:05:13
11	of Stockton marginal. I wouldn't call Coosa County,	
12	Alabama marginal or Winston. Other areas, we might	
13	get into a discussion about, but it's also not	
14	something that I think is central to any point in my	
15	report.	11:05:34

16 MS. MADDURI: Okay. Let's scroll back to
17 Figure 4, which is on the next page, page 9, and
18 page 24 of the report [sic].

19 BY MS. MADDURI:

20 Q. Okay. So this is the map I think you were 11:05:47

21 describing as politically marginal; is that right?

22 A. I was saying it's easier to see in
23 Figure 6.

24	Q. But you describe this figure as	
25	politically marginal; correct?	11:05:59

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1 A. Well, they're the same thing, it's just 11:06:00
2 easier to see in Figure 6.

3 Q. Is it fair to say that there's no
4 percentage cutoff for what you consider to be
5 politically marginal? 11:06:16

6 A. Yeah. I didn't think it was really that
7 important of an observation for the map except maybe
8 that when you have a politically marginal area you
9 can see the differences or gradations more cleanly.

10 It's not really central to the report, so 11:06:28

11 I doubt I gave it even much thought.

12 Q. Okay. And then we don't need to turn back
13 to it, but on page 8, which is 23 of the PDF, you
14 mentioned -- and I think you referenced this, that
15 you say something about "neatly capturing the 11:06:49
16 Democratic areas."

17	Do you see that?
----	------------------

18	A. Right.
----	-----------

19	Q. What does it mean to neatly capture the	
20	Democratic areas?	11:07:00

21 A. To follow the boundaries between blue
22 areas and red areas.

23 Again, if you look at Figure 6 on the map,
24 there's a couple of areas where it isn't perfect,
25 but I don't think you can characterize it any other 11:07:14

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1 way than neatly capturing the Democratic areas in 11:07:19
2 District 13. This is a really nice politically
3 gerrymandered part of the map.

4 Q. Okay. And so that is based on a visual
5 inspection of the lines and the colors on either 11:07:37
6 side of the line; is that right?

7 A. Oh, sure, sure. I mean, presenting maps,
8 in my experience, is a routine way of exploring
9 these types of gerrymanders, so . . .

10 Q. And just so I understand, on the top part 11:07:53
11 of the line in sort of where you say you're looking
12 at the border that has sort of a interesting shape,
13 what percentage are the census block groups above
14 that line roughly?

15 A. Where are you talking about me saying it 11:08:14
16 has an interesting shape?

17 Q. I think it's -- which area is this? So, I
18 mean, I guess I'm looking -- so you're saying --
19 like, I guess where you're saying Democrats are
20 neatly captured, to the north of that line, what is 11:08:30
21 the Democratic percentage above the line?

22 A. Those -- so I am color blind, so I have
23 a -- even though this is better for people that are
24 color blind, I definitely don't see it the same way
25 you do. But to me it looks to be around 45 percent 11:08:46

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1 Democratic outside the line and maybe 60 percent 11:08:51
2 inside.

3 Q. Okay. And, again, are there any numerical
4 values placed on any of these block groups for the
5 percentage Democrat in any place in your report? 11:09:07

6 A. No. You could do that, but it would be
7 pretty illegible, especially -- I mean, for the big
8 ones kind of in the northeast corner, yeah, you
9 could place the percentage, the exact percentage
10 there. When you get into the city or town of 11:09:21
11 Madera, it's just not going to -- you're not going
12 to be able to read it.

13 Q. You could report it in the table or
14 something like that; right?

15 A. Sure. 11:09:32

16 Q. And you don't do that?

17 A. No. That's the type of thing, again,
18 where if there's really something to dispute about
19 it, you trust a competent expert, which you have at
20 least three more than competent experts on the other 11:09:49
21 side, to point it out.

22 Q. Okay. Let's look at Figure 5, which is on
23 page 10, which is page 25 of your report [sic].

24 Did you create this map?

25 A. No. This is taken from Dave's 11:10:03

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1 Redistricting. 11:10:06

2 Q. Okay. And do you have to do anything to
3 set parameters or decide what to look at in these
4 maps?

5 A. No. 11:10:17

6 I mean, you have to select the data set.

7 Q. Okay. So this is created on Dave's
8 Redistricting App; right?

9 A. Right.

10 Q. And how did you select the shading? 11:10:28

11 A. Dave's Redistricting selects it.

12 Q. Okay. And this is Madera area by HVAP and
13 precinct.

14 A. Correct.

15 Q. What percentage of HVAP does each shade 11:10:44
16 correspond to?

17 A. I don't know --

18 (Reporter seeks clarification.)

19 A. I don't know precisely, but, again, if
20 you're trying to just see whether there's 11:11:07

21 selectivity in how the groups are selected, the
22 darker shades are more heavily Hispanic than the
23 lighter shades.

24 Q. And what are the breakpoints between each
25 color? 11:11:26

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1	A.	Again, I don't know the exact bins that	11:11:26
2		are used, but I do know the darker ones are more	
3		heavily shaded than lighter ones. And you can look	
4		at it and see whether the more heavily Democratic	
5		or, in this case, more -- higher HVAP precincts'	11:11:41
6		block groups are included within the boundaries or	
7		not.	

8 Q. And what HVAP data was used?

9 A. There's only one set, and that's the 2020
decennial census.

10

11:11:57

11 Q. Okay. And why did you decide to present
12 maps from Dave's Redistricting in addition to your
13 own?

14 A. So I had trouble joining some of the data
15 that wasn't -- I don't remember the exact specifics 11:12:17
16 of it, but -- so I gave a -- so that was part of it.

17 The other problem I had was that I figured
18 since Dave's is something that is routinely used by
19 people who are drawing maps you avoid some of the
20 fights that we're having right now: Why did you use 11:12:45
21 this color scheme, why did you use this breakdown,
22 et cetera.

23 It's something that's provided from a
24 neutral third party.

25	Q. And I think your maps are at the block	11:12:57
----	---	----------

1 group level and these are at the precinct level; is 11:13:01
2 that right?

3 A. Yeah, yeah.

4 No, Dr. Rodden says that they're
5 identical, and at least when I eyeball it, they 11:13:12
6 don't appear to be identical. But if that's the
7 case, then they're showing the same thing with
8 different color schemes.

9 Q. How did you -- why do you believe that
10 they're precincts? 11:13:25

11 A. Because Dave's is usually drawn at the
12 precinct level, but if precincts and block groups
13 are the same thing, then they're the same map shown
14 twice.

15 Q. Okay. And -- 11:13:38

16 A. Or if -- I'm sorry, I'm sorry.

17 Or if Dave's is using block groups as the
18 drawing unit instead of precincts.

19 Q. Okay. And you're not sure which one
20 Dave's is using; is that right? 11:13:51

21 A. I believe they're using block groups, and
22 if block groups and precincts line up, then, yeah,
23 it would just be the same map colored differently.

24 I know California, the precincts have a
25 strange relationship sometimes to census 11:14:04

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1 geographies. So that would make some sense. 11:14:08

2 Q. Okay. And why didn't you include a HCVAP
3 map from Dave's Redistricting?

4 A. I don't know.

5 Q. Is it fair to say the shading of these 11:14:29
6 precincts would be different if you were using HCVAP
7 instead of HVAP?

8 A. Yes.

9 Q. Okay.

10 A. They would -- 11:14:38

11 Q. Just scrolling -- oh, go ahead.

12 A. Oh, no, they would tend to be lighter
13 across the board but particularly in the more
14 Hispanic areas.

15 MS. MADDURI: Can you scroll down to Figure 6, 11:14:56
16 which is on the same page --

17 THE WITNESS: Yes.

18 MS. MADDURI: -- page 10, page 25 of the PDF.

19 BY MS. MADDURI:

20 Q. Did you create this map? 11:15:06

21 A. It's from Dave's Redistricting.

22 Q. Okay. And how did you select the shading
23 on this one?

24 A. It's the default.

25 Q. The default that Dave's Redistricting App 11:15:16

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1 sets? 11:15:20

2 A. Right.

3 Q. Okay. What percentage of Democratic or
4 Republican vote share does each shade correspond to?

5 A. I don't know the exact increments that 11:15:30

6 Dave's uses off the top of my head. I do know that
7 it uses the -- it relies more heavily on the
8 50 percent cut point, so you can see, like, red more
9 distinctly from blue.

10 Q. Okay. And do you know what the 11:15:45
11 breakpoints are for the shading?

12 A. Not off the top of my head.

13 Q. Okay. And do you know what the politics
14 measure is?

15 A. It's president. 11:15:57

16 Q. It's 2024 president?

17 A. Right.

18 Q. And I don't want to do the same
19 walkthrough for all of the figures in your report.

20 Are the answers that you gave for each of 11:16:26

21 these figures that corresponds to the same type of
22 figure in a different area, would those answers all
23 be the same about how you created them, what they
24 show from sort of a how-to-understand-the-map
25 perspective? 11:16:42

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1 A. Oh, bless you for letting me summarize. 11:16:43

2 Yes, they would be the same. If I see

3 something on the way through that was done

4 differently, I will let you know, but absent that,

5 the answer will be they're the same. 11:16:58

6 And if I don't give you a different answer

7 here, I will not change my mind for trial.

8 Q. Okay, great. Okay. So moving on to talk

9 more about CD 13.

10 In your original report, you comment on 11:17:18

11 only three parts of the district; right?

12 A. Correct.

13 Q. And in your original report you're not

14 offering any opinions about any borders of CD 13

15 other than those three areas that you discussed; 11:17:37

16 right?

17 A. Correct.

18 Q. And you're not offering any opinions about

19 any specific district lines anywhere in the Prop. 50

20 map other than the three areas of CD 13 that you 11:17:50

21 discussed in your reports; right?

22 A. Right.

23 Q. You agree that CD 13 performs better

24 politically for Democratic Representative Adam Gray

25 than did the previous iteration of the district; 11:18:07

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1 right? 11:18:10

2 A. Correct.

3 Q. I think we can probably pull down the
4 report for a minute.

5 Is it your opinion that CD 13, as it's 11:18:21
6 drawn in Prop. 50, is not compact?

7 A. I don't think I have an opinion one way or
8 the other on that. That's one of those things --

9 Q. Is it your --

10 A. -- that -- that's one of those things that 11:18:35
11 are just hard to say.

12 I certainly think the plume that goes into
13 Stockton is not compact or is irregular or however
14 you want to put it.

15 Q. But you're not offering any opinion that 11:18:52
16 CD 13 overall is not compact; right?

17 A. Yeah, I think that's a hard opinion to
18 give in general because we don't really have the
19 tools to draw clear cut, yes, it's compact, no, it's
20 not, like we do with say hypothesis testing. 11:19:10

21 Q. Fair to say that compactness is more of a
22 sliding scale?

23 A. Yeah, unfortunately it's one of the
24 criteria we have to look at, and so without these
25 kind of clear social science thresholds, if you're 11:19:24

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1 going to make the compactness analysis any more than 11:19:28
2 a dead letter, you have to do some sort of
3 qualitative work.

4 Q. Is it your opinion that CD 13 is not
5 contiguous? 11:19:42

6 A. Can you do that with fewer negatives?

7 Q. Is it your opinion that CD 13 is not
8 contiguous?

9 A. My opinion is that CD 13 is contiguous.

10 Q. Are you offering an opinion that CD 13 11:19:58
11 fails to respect political subdivisions?

12 A. There certainly are areas, like where it
13 jumps across Stockton to reach a couple other areas
14 that it splits that are needless. But, I mean, it
15 certainly has its fair share of whole cities or 11:20:17
16 towns in it.

17 You know, the Madera split is an example
18 of where I believe it both keeps to the political
19 boundaries and the municipal boundaries.

20 Q. So for the Madera area you state that this 11:20:48
21 area does not appear to be motivated by race; is
22 that right?

23 A. Correct.

24 Q. What do you mean by that?

25 A. I don't really know how to answer that 11:21:01

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1 question. It means it doesn't appear to be 11:21:03
2 motivated by race.

3 Q. What do you base your conclusion on that
4 it's not motivated by race?

5 A. I just don't really see much evidence that 11:21:12
6 the map drawing there was done in such a way as to
7 hit a racial target or help one racial group or the
8 other. It cuts across too many Hispanic areas.

9 Q. So is it based on a visual assessment of
10 how the lines are drawn? 11:21:37

11 A. Yes.

12 Q. And you don't offer any quantitative way
13 to measure that in the Madera area; right?

14 A. No. Like I said, a lot of this stuff
15 doesn't really lend itself to quantitative analyses. 11:21:49
16 Attempts to do so aren't very good.

17 But I doubt if I could draw that area much
18 more effectively from a political perspective. So I
19 think it's pretty clear what's predominating there.

20 Q. We talked a little bit about how you 11:22:16
21 determine if something is neatly sliced based on
22 partisanship.

23 How do you determine if something is
24 neatly sliced by race? Is it the same, is there
25 anything else that goes into that? Can you explain? 11:22:32

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1 A. Yeah, I mean, it's an inquiry that we're 11:22:35
2 forced to engage in by the court's precedence in the
3 14th Amendment, but unfortunately we don't have very
4 good quantitative tools for doing it.

5 So it is kind of the way Justice O'Connor 11:22:53
6 put it, it's an area where appearances do matter.
7 When you look at a map boundary -- and I don't think
8 any reasonable person would look at that area,
9 Madera, and say, well, it doesn't look like he was
10 paying much attention to politics. It's obvious 11:23:11
11 what's driving it there.

12 You would look at how the racial precincts
13 are distributed, and you wouldn't say there's
14 anything really noteworthy about the way the
15 district lines are drawn there with respect to race. 11:23:27

16 Q. And so when we're talking about this,
17 like, neat slicing, we're looking at the border
18 between the districts; is that right?

19 A. Right.

20 He's not leaving Democrats on the table in 11:23:36
21 that area.

22 Q. So in your --

23 A. I'm sorry.

24 Actually, I have my own copy of the
25 report. Maybe I can tell from that. But I believe 11:23:49

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1 that's adhering to the -- more or less to the city 11:23:51
2 lines as well there.

3 Q. Yeah, I'm actually not trying to ask you
4 specifically about any one line, but you're welcome
5 to reference your report. I'm just trying to 11:24:03
6 understand how we assess when something is neatly
7 sliced.

8 And it sounds like you're saying you look
9 at a border or the edge of a district and you do
10 some sort of visual assessment to see what the areas 11:24:15
11 on one side of the line look like versus the other
12 side.

13 Is that a fair summary?

14 A. Yeah. I wish we had better tools, but we
15 really just don't, so that's kind of what we're left 11:24:27
16 with. Sometimes it's obvious, sometimes less so.

17 Q. Okay. And then we don't need to pull it
18 up, but on page 6 of your report, which is page 21
19 of the PDF, you describe the southern area in Madera
20 as an example of something where race and politics 11:24:45
21 appear to be at least mixed.

22 Do you see that?

23 A. Yes.

24 Q. Okay. So is it fair to say that in your
25 opinion, where race and politics appear to be at 11:24:59

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1 least mixed, the lines don't appear to be motivated 11:25:02
2 by race?

3 A. Right, right.

4 I thought it was kind of funny reading
5 Mr. Fairfax's report. I mean, in fairness, like, as 11:25:13
6 experts, you're virtually trained to try to take the
7 other person's head off and not necessarily know
8 when they're conceding something. But I think this
9 is another example where we're having kind of a
10 violent agreement. 11:25:32

11 Yeah, this is an example of where you look
12 at an area and at the very least it's -- you can't
13 really disentangle race from politics.

14 Q. Okay. So it's fair to say that where race
15 and politics appear to be mixed, then race doesn't 11:25:50
16 predominate there?

17 A. Well, I said at the very least mixed. I
18 actually think the evidence is a little stronger
19 there. But, no, I don't think I can disaggregate
20 race from politics there. 11:26:05

21 Q. Okay. And I guess in general, where race
22 and politics appear to be mixed, you wouldn't say
23 that race predominated in that sort of situation?

24 A. Well, that's kind of my understanding of
25 what the test is and what we're kind of tasked with 11:26:18

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1 doing is disentangling racial motivations from 11:26:22

2 political motivations. So --

3 Q. And where -- oh, sorry, go ahead.

4 A. And so where you can't tell the

5 difference, then, yeah, I think you failed the test. 11:26:35

6 Q. Okay. Let's look at page 11 of your

7 report, which is moving to the Modesto -- I don't

8 actually know how you pronounce -- Ceres, Ceres. Do

9 you know?

10 A. Oh, with whatever I guess is going to be 11:27:02

11 wrong. It's one of those things, Lima or Lima. No

12 matter where you are, you're going to guess it

13 wrong.

14 Q. I will say Ceres and we'll just go with

15 that. 11:27:20

16 Okay. And, sorry, I actually want to go

17 to page 12 and look at Figure 8, which is on page 27

18 of the PDF.

19 So here we're looking at that area. It's

20 Modesto/Ceres. It's one of the areas, the map that 11:27:45

21 you examined.

22 Do you agree that the city of Ceres is

23 kept whole inside of District 13?

24 A. Yes.

25 Q. On the page before that, which we don't 11:28:10

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1 need to turn to, but to guide you to the text, in 11:28:12
2 the last paragraph you say that the district
3 "captures a large Republican population in and
4 around Ceres."

5 Do you see that? 11:28:29

6 A. Yes.

7 Q. Okay. What do you mean by "a large
8 Republican population"? How do you measure that?

9 A. Well, you can look at Figure 9 and see
10 that there is a lot of red included in the district. 11:28:48

11 Q. Okay. So it's a visual assessment based
12 upon the amount of red that you see in this figure;
13 is that right?

14 A. Correct.

15 Q. Would you agree that to remove that large 11:29:10
16 Republican population from Ceres you would have had
17 to split Ceres?

18 A. Well, to do it within Ceres, yes.

19 Q. You could either split it or you could
20 exclude Ceres altogether from CD 13; is that right? 11:29:27

21 A. Right.

22 Split it like you do Modesto.

23 Q. Okay. So is it possible to bring up both
24 Figure 9 and Figure 8 at the same time?

25 A. I can switch back between them. 11:30:00

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1 Q. So my understanding is both of these 11:30:10
2 figures are showing politics in the Modesto/Ceres
3 area; is that right?

4 A. Right.

5 Q. Figure 8 is the one that you produced and 11:30:23
6 Figure 9 is the one that you produced with the aid
7 of Dave's Redistricting App; correct?

8 A. Right.

9 (Reporter seeks clarification.)

10 MS. MADDURI: Dave's Redistricting App, like 11:30:44
11 application.

12 THE REPORTER: Thank you.

13 THE WITNESS: I'll probably just start calling
14 it DRA if everyone will understand that.

15 BY MS. MADDURI: 11:30:58

16 Q. And that works for me.

17 I guess what I'm trying to understand is
18 that when I look at these two maps, they seem to
19 convey pretty different political information, and
20 I'm trying to understand what leads to that 11:31:16
21 difference.

22 A. I think part of it is that, at least on
23 this presentation, the resolution on the map on top
24 hasn't come out as good as it particularly could
25 have. 11:31:31

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1 I think to try to keep this filing from 11:31:32
2 being 30 megs or 60 megs, which is what would happen
3 with a high-res image there. So there's some
4 blurring that occurs there.

5 The other thing is that Dave's -- like I 11:31:48
6 said, the way that Mr. Fairfax urges doesn't put it
7 on a continuous scale, and so you get cleaner
8 differentiations between reddish-pink areas and
9 bluish-purple areas.

10 But I think they -- I mean, they both -- 11:32:05
11 and the other thing is that the Modesto/Ceres area
12 is zoomed out more, so you're getting more area than
13 with the cut from Dave's.

14 Q. Okay. And then now we can just look at
15 Figure 9 and just zoom in so we can see it more 11:32:27
16 closely.

17 And this is -- just to reiterate, this is
18 2024 presidential election data is what informs the
19 political shading here; right?

20 A. Correct. 11:32:52

21 Q. Okay. Would you agree that all of the
22 deepest blue precincts are kept inside of
23 District 13?

24 A. Yes.

25 Q. And that would align with an effort to 11:33:15

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1 place Democratic voters in this area inside of 11:33:17
2 CD 13?
3 A. Potentially.
4 Q. And you would agree that there are far
5 fewer blue-shaded precincts outside of CD 13 here? 11:33:41
6 A. That's correct.
7 Q. And that would align with an effort to
8 place Democratic voters in this area inside of
9 CD 13?
10 A. Potentially. 11:33:53
11 Q. In this part of your report, you're
12 discussing Modesto and Ceres.
13 Is there a way, looking at this map, to
14 know what the borders of those cities are?
15 A. On Figure 9, no. You can see them in the 11:34:16
16 map on Figure 8.
17 Q. Is that the, like, blue line --
18 A. Yes.
19 Q. -- that is sort of -- okay.
20 And we don't have to go to the text, but 11:34:43
21 on page 13, which is 28 of the PDF, you say that,
22 "If partisanship were really the motivating factor
23 for this division, the district would drop some of
24 the Republican areas in Ceres and pick up Democratic
25 areas in Modesto"; is that right? 11:35:01

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1 A. Yeah. That probably would have been 11:35:03
2 better written as in and around Ceres and not
3 necessarily in the city itself, although that's an
4 available option.

5 Q. Okay. And it's fair to say that 11:35:12
6 suggestion would introduce an additional city split
7 of Ceres specifically?

8	A. Sure.
---	----------

9 Q. Did you do any analysis of how moving
10 Ceres or certain areas of Ceres in and around Ceres, 11:35:28
11 to use your words, would affect the partisanship of
12 CD 5?

13 A. CD 5 is overwhelmingly Republican, so it's
14 not going to matter.

15	THE REPORTER: Was that an objection, Mark?	11:35:44
----	--	----------

16 MR. MEUSER: No. Sorry.

17 THE REPORTER: Just a cough. Okay, thanks.

18 THE WITNESS: Do you want me to give the answer
19 again or are you thinking?

20 BY MS. MADDURI: 11:36:18

21 Q. No, I'm just thinking. We can go back to
22 the other figure, Figure 9.

23 A. Sorry, I know there was the back and forth
24 between counsel, and so I just wanted to make sure
25 that -- okay, we're good.

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1 Q. I appreciate it. No, usually when I 11:36:31
2 pause, I'm just trying to cross out questions that
3 you've already answered.

4 A. Appreciate it.

5 MR. MEUSER: Counsel, you've got about three, 11:36:41
6 four minutes before we're going to need to let Sean
7 go for a break.

8 MS. MADDURI: That sounds good. We can go
9 whenever Dr. Trende would like to go. I'm watching
10 the clock. I thought he said 11:45. 11:36:55

11 THE WITNESS: Yeah. Let's --

12 BY MS. MADDURI:

13 Q. Or would you prefer to go now? That's
14 totally fine too.

15 A. If we're going to have a good break at 11:37:01
16 like 2:40, just in case he comes home on the early
17 side, maybe that's a good -- if we're coming up a
18 good stopping point.

19 Q. Yeah, I think we are. We can do a few
20 more questions and then take a break. 11:37:16

21 A. All right.

22 Q. Okay. So in this image, am I right that
23 the black line that is going across, I guess, sort
24 of in the top half of the image and it's not the
25 straight part of the line but it kind of, you know, 11:37:31

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1 has various contours, is that splitting the city of 11:37:32
2 Modesto?
3 A. Yes.
4 Q. You would agree that much of Modesto to
5 the north of that line is Republican leaning; right? 11:37:54
6 A. Yes.
7 Q. In terms of population density, is there
8 anything we can take from looking at this map
9 besides just the size of a census block?
10 A. No. 11:38:16
11 Well, besides the size of it? No. That's
12 part of the utility of the exercise of drawing
13 alternative maps because, if at the end of the day,
14 all this is really doing is moving around a couple
15 dozen people, you're not going to see any changes. 11:38:30
16 Q. Okay. Is it fair to say that your
17 assessment that race predominated in the drawing of
18 the lines here is based on --
19 MS. MADDURI: Actually, let me -- actually, I
20 think this is probably a good time to break because 11:39:11
21 I think I'm actually going to move on to another
22 figure.
23 THE WITNESS: Okay.
24 MS. MADDURI: So we can go off the record.
25 (Lunch recess was taken at 11:39 a.m.)

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1 AFTERNOON SESSION

12:34 P.M.

2 - - -

3 EXAMINATION RESUMED

4 BY MS. MADDURI:

5 Q. Okay, Dr. Trende, I'd like to look at your 12:34:20
6 report on -- your first report on page 14, which is
7 29 of the PDF, Figure 10. And this is Exhibit 1 to
8 the deposition.

9 So this is -- this is entitled "Figure 10:
10 Modesto/Ceres Area, By HCVAP and Block Group"; is 12:34:44
11 that right?

12 A. Yes.

13 Q. Okay. And before we broke, we were
14 talking about the border where Modesto is split, so
15 I'd like to ask you about that. 12:34:59

16 Is it fair to say that along the border
17 between CD 13 and CD 5, where Modesto is split,
18 there are several block groups on or near the border
19 in CD 13 that have a relatively low HCVAP?

20 A. Yes. 12:35:22

21 Q. And we can see that in the yellow and
22 lighter green precincts along the border that are
23 included in CD 13; right?

24 A. Correct.

25 Q. Okay. And is it fair to say where the 12:35:32

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1 district is split, there are also darkly shaded 12:35:36
2 block groups in CD 5, meaning those block groups
3 have relatively high HCVAPs?

4 A. Yes.

5 Q. And is it fair to say that all of the most 12:35:53
6 deeply Hispanic block groups are in the middle of
7 the city of Ceres?

8 A. It does appear that way, yes.

9 Q. And most -- and none of those are along
10 the border of the district; right? 12:36:08

11 A. Correct.

12 Q. Okay. When you look at this figure, do
13 you see any neat slicing along racial lines?

14 A. No, not like you see in Stockton.

15 MS. MADDURI: Okay. I'd like to now pull up 12:36:30
16 what I pre-marked as Tab 3 and we'll mark it as
17 Exhibit 2.

18 (Deposition Exhibit 2 was marked.)

19 THE WITNESS: I'm still only getting Exhibit 1.
20 Oh, there we go. 12:36:56

21 MS. MADDURI: If we could display it.

22 BY MS. MADDURI:

23 Q. And I'll represent to you that this is a
24 blown-up version of your Figure 11. And feel free
25 to look at your report and make sure that you agree 12:37:24

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1 with that. I can tell you that's copied from there. 12:37:27

2 A. We go way back. I am confident you're
3 being honest here.

4 Q. Okay. That'll probably also save us some
5 time. 12:37:38

6 Okay. So this is, like I said, a blown-up
7 version of Figure 11 from your report, which is
8 again still that border between CD 5 and CD 13 in
9 the Modesto/Ceres area. This is looking at HVAP and
10 block group. 12:37:53

11 Does that all sound right to you?

12 A. Yes.

13 Q. Okay. And I just want to look at the
14 border more closely. And I've tried to put some
15 boxes on there. 12:38:04

16 Are you able to see those?

17 A. Yes.

18 Q. Perhaps we could zoom in more.

19 Okay, great.

20 A. Remember, I can zoom in on my exhibit over 12:38:08
21 here, so . . .

22 Q. Okay, great. And just so I'm not trying
23 to tell you which squiggly line to look at.

24 Okay. So in which, if any, of these boxes
25 is it your opinion that the line was drawn in a way 12:38:25

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1 that sorted voters along racial or ethnic lines? 12:38:28

2 A. Well, the question isn't so much do you --

3 or isn't solely do you sort along ethnic or racial

4 lines, it's are you privileging the political

5 story -- or the racial story over the political 12:38:51

6 story.

7 But in particular that one on the right,

8 the rectangle on the right, I think you can see a

9 clear gradient between what's in and what's out.

10 That's not city of Ceres and it's actually 12:39:08

11 Republican territory.

12 You see it somewhat on the one to the

13 left. And then the one in the middle doesn't show

14 the racial sorting as well, but what makes that

15 interesting is that it is heavily White. And to the 12:39:33

16 north of it that area is more Democratic.

17 So it's a question, for example, why

18 include that area in the right box but exclude that

19 large Democratic area to the north of the line.

20 Q. Okay, that's helpful. Let's go through 12:39:56

21 some of the boxes.

22 So in the three boxes in the middle, the

23 what I would call red, orange and lavender.

24 A. Oh, gosh, don't do colors.

25 Q. Okay. Sorry. The three in the middle, 12:40:13

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1 you can see the three in the middle; right? 12:40:15

2 A. Actually, I didn't know there were -- so
3 how many boxes are there total?

4 Q. There's five total. And I think you
5 initially commented on the rightmost box and the 12:40:22
6 leftmost box, which I understood. And then I think
7 you commented on the very middle box, but please --

8 A. Okay. I see three.

9 Q. -- correct me if I'm wrong.

10 A. I see three. 12:40:33

11 Q. You see three boxes total?

12 A. Yeah. Yeah. So what I -- okay, so now
13 looking more carefully is there like a gray-colored
14 one on the far left?

15 Q. Correct. 12:40:51

16 A. Okay. Just out of curiosity, what color
17 is the boundary?

18 Q. Of the box?

19 A. Yeah.

20 Q. Yeah, it's gray. 12:41:00

21 A. Oh, good. I got one right.

22 Q. You got it.

23 A. All right. Then I see it looks like maybe
24 a red one to the right?

25 Q. Correct. 12:41:07

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1 A. That's what I was referencing when I said 12:41:07
2 the leftmost.
3 Q. Okay.
4 A. So I guess it's the --
5 Q. Okay. 12:41:12
6 A. -- center leftmost.
7 Q. And then do you see --
8 A. And then there's a horizontal one in the
9 middle, a big long one horizontally in the middle.
10 And then I see a rectangle that is 12:41:26
11 vertical on the right. And so there's another . . .
12 Q. Yeah, so between the two that you just
13 described, there's like a square --
14 A. Oh, yeah.
15 Q. -- that is lavender. 12:41:43
16 I don't know what it looks like to you.
17 A. Pink.
18 Q. Okay. But I think --
19 A. Okay.
20 Q. -- it's fair to say you now see five boxes 12:41:50
21 that go left to right; is that accurate?
22 A. Yes.
23 Q. Okay. So in the three in the middle, is
24 it fair to say that there isn't much of a difference
25 in the HVAP levels in the block groups on either 12:42:13

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1 side of the line? 12:42:17

2 MR. MEUSER: Counsel, could we just number the
3 boxes because I'm not sure what you mean when you
4 say the three in the middle.

5 MS. MADDURI: I don't have a way to physically 12:42:31
6 number them. And I -- I can call them 2, 3 and 4;
7 is that what you mean?

8 MR. MEUSER: Could we call the first -- you
9 don't have to physically number them, but can we
10 just call the one on the upper left on the 12:42:42
11 horizontal line 1 --

12 MS. MADDURI: Yes.

13 MR. MEUSER: -- the next box 2, the horizontal
14 one 3, the small little box 4, and the vertical one
15 5, just for a clean record? 12:42:54

16 MS. MADDURI: Definitely.

17 MR. MEUSER: Okay.

18 BY MS. MADDURI:

19 Q. So I'm asking you, Dr. Trende, about
20 boxes 2, 3 and 4. 12:43:00

21 A. Yes.

22 Q. In your opinion, is it fair to say that
23 there isn't a significant difference between the
24 HVAP levels in the block groups on either side of
25 the line in boxes 2, 3 and 4? 12:43:15

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1 A. Correct. 12:43:19

2 Q. Then I think you -- and then -- so in
3 box 1 --

4 A. Well, no, no. No, I'm sorry, because the
5 one on the left I was referring to was box 2. 12:43:29

6 Q. Okay. So in box 2, it's --

7 A. Can we just go through them? Maybe the
8 easiest --

9 Q. Sure.

10 A. -- way would be for me to walk through 12:43:41
11 them from left to right.

12 Q. Okay, sure. I'll ask you questions like
13 that. I was trying to be efficient.

14 A. I know.

15 Q. Okay. Let's start with the box, box 1 or 12:43:48
16 the one that is outlined in gray that's on the
17 leftmost side of the image.

18 A. Yeah, so there --

19 Q. So -- oh, sorry.

20 A. Ask a question. Yeah, sorry. 12:43:59

21 Q. No problem.

22 Would you agree with me that the line
23 there is Highway 99?

24 A. Yes.

25 I would accept a representation to that 12:44:15

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1 effect. I know it's a road. 12:44:17

2 Q. Okay. Would you agree that it's possible
3 that the reason the district drawer chose to divide
4 CD 13 and CD 5 in box 1, the gray box, where they
5 did was to track Highway 99? 12:44:33

6 A. Right, and so I think that's why -- I
7 think I even say in my report that it does so for a
8 good part of it.

9 So even though I can see a racial gradient
10 there, I wouldn't have focused on that because 12:44:50
11 there's at least nominally a roadway that was
12 followed.

13 Q. Okay. Then looking at box 2, which I
14 think you've described, but let's just describe it
15 again to make sure the record is clean. 12:45:05

16 Is it your opinion that there is a notable
17 difference in the HVAP levels on either side of the
18 line there?

19 A. It looks to me like it's reaching out to
20 get some high HVAP areas. But I also think that 12:45:30
21 there's, if I remember correctly, a political
22 difference there as well, so that would be harder to
23 disaggregate.

24 Q. In other words, that line -- a portion of
25 the line in the second box, you're saying that you 12:45:53

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1 think that it's also tracking political lines -- 12:45:59

2 A. I think it's --

3 Q. -- is that fair?

4 A. Yeah, without, like, sitting down and

5 actually analyzing it, I think it's hard to 12:46:08

6 disaggregate.

7 Q. Okay. And then for boxes 3 and 4 -- and

8 feel free to separate these if you need to -- would

9 you agree that it's fair to say that there isn't

10 much of a difference in HVAP levels in the block 12:46:26

11 groups on either side of the line in those boxes?

12 A. Right.

13 Q. Okay. And then --

14 A. Maybe some in 4, but that's a pretty

15 discrete area, so I don't know how much I would read 12:46:42

16 into there.

17 Q. Okay. And then I think at the start you

18 were talking about the black box, so let's look at

19 that for a moment.

20 Are you aware that that region is mostly 12:46:54

21 the airport in that area?

22 A. I don't think it's very densely populated.

23 I don't know if it's the airport.

24 Q. Okay. But you'd agree it's not a densely

25 populated area? 12:47:09

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1 A. Sure. 12:47:12

2 MS. MADDURI: Okay, I think we can pull this
3 down. And we can pull up Tab 5, which I think will
4 be marked as Exhibit 3.

5 (Deposition Exhibit 3 was marked.) 12:47:34

6 BY MS. MADDURI:

7 Q. Okay. We'll probably need to do the same
8 zooming in and same identifying of boxes that we
9 just did.

10 But to start, I'll represent to you that 12:48:00
11 this is a zoomed-in, blown-up version of your
12 Figure 17, which is the border between CD 9 and
13 CD 13 in the Stockton area.

14 A. Um-hum.

15 Q. Does that look right to you? 12:48:15

16 A. Yes.

17 Q. Okay. And I want to do a similar thing
18 looking at the border pretty closely, so maybe the
19 first thing to do is just for you to try to see if
20 you can see the same number of boxes that I've put 12:48:30
21 on the image.

22 So I -- there are seven boxes. And I
23 think we could maybe go from north to south and
24 north to south.

25 And I can tell you colors, but I know that 12:48:44

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1 you said you're color blind, so I'm not sure if 12:48:47

2 that's actually helpful to you.

3 A. That will not help at all, but I can see
4 seven.

5 Q. Okay. Okay. So starting with the 12:48:59
6 northmost box, then, which we can call box 1, and
7 it's a red outline, would you agree that the HVAP
8 and the block groups on the D 9 side is higher than
9 the block groups on the District 13 side?

10	A. Which one are we in?	12:49:23
----	-------------------------	----------

11 Q. The northernmost box, which we could call
12 box 1. And it's red, but I'm not sure if that
13 helps.

14 A. Okay, I see that. I don't know.

15 Q. Would you agree that it at least looks 12:49:36

16 pretty similar on both sides of the line?

17 A. With that particular box, yeah. When you
18 look at the region as a whole that's excluded, no.

19 Q. Okay. So then --

20 A. I mean, you can do a lot of work with how 12:49:49
21 you size the box, but with that one looks like block
22 group, yes.

23 Q. Okay. What about then moving south to the
24 next box, which I can call box 2, and it's orange,
25 would you agree that the HVAP and the block groups

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1 on the District 13 side is lower than the block 12:50:11
2 groups on the District 9 side?
3 A. Yes.
4 Q. If the map drawer was trying to enhance
5 the HVAP of District 13, would you agree that they 12:50:25
6 may have placed the block group with the lower
7 Hispanic share in CD 9 instead of CD 13?
8 A. Without looking at the map, I really can't
9 say to see what else might be going on, but it's a
10 possibility. I'd be interested to hear testimony on 12:50:42
11 that.
12 Q. All right. Then moving to the third box,
13 which is west of the second box and is outlined in
14 purple, would you agree that the HVAP and the block
15 groups on the District 13 side is lower than the 12:50:58
16 block groups on the District 9 side?
17 A. Which box are we in now?
18 Q. It's the third one.
19 A. Third, yes.
20 Q. Okay. And then going to the next one, the 12:51:10
21 black one, which is box 4 if we're going from sort
22 of northeast to southwest.
23 A. Um-hum.
24 Q. Is it fair to say that the HVAP of the
25 census blocks on either side of the border look to 12:51:25

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1 be about the same? 12:51:29

2 A. Yes.

3 Q. Okay. And then in the next box, the

4 yellow box, which is box 5 in the direction that

5 we're moving, would you agree that the HVAP of the 12:51:38

6 census blocks on either side of the border is about

7 the same?

8 A. It looks like it might be.

9 Q. What do you mean when you say "might"?

10 You just can't tell the color? 12:52:05

11 A. Yeah, it looks like it might be.

12 Q. Is it fair to say it's at least very, very

13 similar?

14 A. Yeah.

15 Is this the HVAP or the HCVAP, by the way? 12:52:16

16 Q. HVAP.

17 A. Okay.

18 Q. This is Figure 17.

19 A. Okay.

20 Q. And looking -- 12:52:28

21 A. Yeah, they're --

22 Q. Oh, sorry, go ahead.

23 A. They're similar. They look like it in

24 this rendering, at least.

25 Q. Okay. And what about looking at the next 12:52:35

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1 box, which would be box 6, it's outlined in blue, is 12:52:37
2 it fair to say that the HVAP of the census blocks on
3 either side of the border is about the same or
4 perhaps more heavily Hispanic in the District 9
5 side? 12:52:52

6 A. Yeah, maybe.

7 Q. Okay. Now, looking at the last box, this
8 one is -- we can call it box 7 or the last box, the
9 southernmost box, and it's outlined in mint green.

10 A. Um-hum, yes. 12:53:09

11 Q. Is it your opinion that there's a
12 meaningful difference in HVAP on either side of the
13 line here?

14 A. Yes.

15 Q. Are you aware that on the west side of the 12:53:20
16 line that that is the Weston Ranch neighborhood?

17 A. No.

18 Q. Are you aware of any of the demographics
19 of that neighborhood?

20 A. It's a mixed-race neighborhood. 12:53:32

21 Q. In your maps they don't allow us to see
22 the relative concentration of voters of any race or
23 ethnicity besides Hispanic; right?

24 A. That's right.

25 Q. The border between CD 9 and CD 13 in that 12:53:57

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1 final seventh box is -- also tracks Highway 5; is 12:54:03
2 that right?
3 A. Yes.
4 Q. Would you agree that it's possible that
5 the reason the district drawer chose to divide CD 9 12:54:21
6 and CD 13 where he did in the mint green box is to
7 track Highway 5?
8 A. It's possible, I just don't think it's
9 particularly credible that for this one little
10 stretch of the road that happens to follow a racial 12:54:38
11 gradient that that's where they decided to do it.
12 If that had formed the western boundary of
13 the district for the entire stretch, I'd be more
14 persuaded. But I guess if he were to testify
15 differently it would be a different story. 12:54:54
16 Q. Dividing CD 9 and CD 13 in the mint green
17 box, the seventh box, along Highway 5, that doesn't
18 violate any traditional redistricting criteria;
19 right?
20 A. I mean, except for the way that you split 12:55:10
21 the city and go and introduce two other city splits
22 or CDP splits.
23 But following a boundary, I guess, is
24 acceptable. It's just a question of it's one of
25 those areas where that comes -- or one of those 12:55:24

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1 places where that becomes a post hoc 12:55:24
2 rationalization.

3 Q. And then could we zoom out just a little
4 bit so we could see the full northern border.

5 So going now to an area that's not in a 12:55:40
6 box but it's the most northern, northeast border of
7 the district, which kind of is a pretty straight
8 long diagonal line, does that orient you to where
9 I'm trying to ask you about?

10 A. Yes. 12:56:02

11 Q. Would you agree that that line mostly
12 corresponds to the boundaries of August and Garden
13 Acres?

14 A. Yes.

15 Q. And for Garden Acres, it keeps all of 12:56:14
16 Garden Acres inside of CD 13 except for two people;
17 right?

18 A. Right.

19 Q. For that part of the border, would you
20 agree that it's possible that the district drawer 12:56:33
21 chose to split the border between CD 13 and --

22 (Reporter seeks clarification.)

23 Q. Would you agree that it is possible that
24 the district drawer chose to split the border
25 between CD 13 and CD 9 in this area to mostly follow 12:56:45

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1 the boundaries of those two cities? 12:56:49

2 A. It's possible.

3 Q. Okay. And then turning now to your --

4 back to your report, which is Exhibit 1 and going to

5 page 18, which is 33 of the PDF, I'm looking at 12:57:09

6 Figure 14.

7 And this is District 9/13 boundary in the

8 Stockton area, but now we're looking at a politics

9 and block group map.

10 Does that look right to you? 12:57:49

11 A. Correct.

12 Q. The portion of the border we were just

13 discussing along Garden Acres and most of August,

14 would you agree that that's a relatively high

15 Democratic area? 12:58:02

16 A. No. Because I know it's 50/50.

17 Q. You think it's about 50/50?

18 A. Yeah, I think those are the numbers

19 reported in the reply.

20 Q. Okay. Are you offering any opinion that 12:58:28

21 the way Stockton is drawn in the Prop. 50 map fails

22 to respect communities of interest?

23 A. No.

24 Except to the extent that Mr. Fairfax has

25 opined, I guess, that CDPs reflect communities of 12:58:44

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1 interest. 12:58:51

2 Q. Okay. Aside from that, you're not
3 suggesting that the borders of CD 13 in Stockton are
4 failing to respect any particular community of
5 interest? 12:59:00

6 A. No, no.

7 MS. MADDURI: Okay, I think we can now turn to
8 your second report. And that's pre-marked as Tab --
9 or, sorry, no, it's not Tab 2. Let me tell you.
10 Tab 6. And we can make that as, I believe, 12:59:29
11 Exhibit 4.

12 (Deposition Exhibit 4 was marked.)

13 MS. MADDURI: And we don't -- oh, we can pull
14 it up, yeah.

15 BY MS. MADDURI: 12:59:55

16 Q. Dr. Trende, do you recognize this
17 document?

18 A. Yes.

19 Q. Okay. It's the second report that you
20 submitted in this case late last -- maybe a night 13:00:06
21 ago or two nights? I'm forgetting now.

22 A. It all blurs together.

23 It would have been better if it were
24 styled as a reply report.

25 Q. But it looks to you like it's the second 13:00:19

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1 report you submitted? 13:00:23

2 A. I'm scrolling through it, and it is.

3 Q. Okay. And I will apologize. I didn't get

4 this very long ago, so we're going to jump around a

5 bit in talking about it. 13:00:41

6 MS. MADDURI: So first I want to turn to

7 page 27, which is 31 of the PDF.

8 THE WITNESS: Oh, goodness. Okay.

9 BY MS. MADDURI:

10 Q. Okay. And I'm going to ask you about the 13:00:58

11 response to Dr. Rodden.

12 A. Okay.

13 Q. So the first paragraph there, I want to

14 ask you about the last two -- actually, it's the

15 last three sentences. 13:01:18

16 So starting with "In the big picture," we

17 don't need to read it out loud, but if you could

18 read whatever you need to read to familiarize

19 yourself with the three sentences that start "In the

20 big picture." 13:01:32

21 A. I read it. It's the rare instance where

22 we have the deposition like two days after a

23 report's filed, so I'm still fresh on it.

24 Q. Is it -- is your suggestion in this part

25 of the report that there isn't utility in examining 13:01:47

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1 the 2021 map as a comparator for the Prop. 50 map? 13:01:51

2 A. No, no. But this is kind of a -- again,
3 kind of a longstanding discussion Dr. Rodden and I
4 seem to have in these cases. But I think there are
5 cases where you can look at a map and say, yeah,
6 this person started with the enacted map and just
7 kind of tweaked it a bit.

13:02:08

8 And in those cases it might be useful to
9 do a sort -- you know, start with the previous
10 iteration and do a very careful in/out analysis. 13:02:21
11 There's other maps where things just get blown up,
12 and I think this is closer to a gets-blown-up map.

13 I -- my opinion looking at the map is that
14 the previous iteration was interesting or useful
15 insofar as it would elect Democrats or send a
16 Hispanic supported member to Congress.

13:02:42

17 But beyond that I'm not sure what the
18 utility of it would be.

19 Q. Okay. So do you know how many people,
20 roughly, were moved in and out of CD 13 if looking
21 at the old map, the 2021 map, versus the Prop. 50
22 map?

13:03:11

23 A. I think it nets out to 200,000.

24 Q. And the total population of CD 13 roughly,
25 do you know what that is?

13:03:27

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1 A. It's about 700, I think. 13:03:29

2 Q. Okay. So fair to say about 100,000 people
3 were moved out and about 100,000 people were moved
4 in?

5 A. Yes. 13:03:42

6 Q. Okay. And are you aware that the map
7 drawer has stated that they began by using the
8 commission map in redrawing for Prop. 50?

9 A. No.

10 MS. MADDURI: Can we pull up Tab 2 and mark it 13:04:12
11 as Exhibit 5?

12 (Deposition Exhibit 5 was marked.)

13 MS. MADDURI: And we can go to the first page
14 first to make sure you recognize the document.

15 THE CONCIERGE: Sorry. It's taking a minute to 13:04:49
16 load in there.

17 THE WITNESS: Okay. Just making sure it's not
18 me.

19 THE CONCIERGE: It should be in there now.

20 THE WITNESS: Okay. 13:05:03

21 BY MS. MADDURI:

22 Q. Do you recognize this document?

23 A. Yes.

24 Q. What is it?

25 A. It is the presentation that Mr. Mitchell 13:05:10

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1 gave to HOPE. 13:05:15

2 Q. Okay. And this is one of the documents
3 that you received from counsel in this case?

4 A. Yes, yes.

5 Q. Let's turn to page 26. And I'm going to 13:05:30
6 look at lines 1 through 8.

7 And feel free to review whatever parts of
8 the document you want. This is the portion I want
9 to ask you a question about.

10 A. Okay. 13:05:46

11 Q. And this is Paul Mitchell speaking here.
12 And he says [as read]:

13 "So what we did, which you could only do
14 in California, was we took the Commission map. We
15 kept about 80 percent of it the same, but in certain 13:06:04
16 areas we made small, modest changes in order to
17 create a push back to what Texas was doing, an
18 opportunity for Democrats to pick up five seats, and
19 to counterbalance the five Republican seats in
20 Texas." 13:06:21

21 Did I read that correctly?

22 A. Yes.

23 Q. And your opinion in Texas, which I think
24 you also served as an expert in, was that Texas was
25 a partisan gerrymander, not a racial gerrymander; is 13:06:32

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1 that right? 13:06:37

2 A. Correct.

3 Q. Does this passage indicate to you that the

4 starting point for the Prop. 50 map was the

5 commission map? 13:06:45

6 A. It indicates that that's what he said.

7 I don't -- I might be more persuaded if he

8 hadn't gone on to say that there were small, modest

9 changes.

10 MS. MADDURI: Okay. I think we can pull that 13:07:20

11 down.

12 BY MS. MADDURI:

13 Q. I had a question for you about -- so you

14 obviously looked at 2024 election results for all of

15 your partisan analysis; right? And specifically the 13:07:37

16 presidential election only; right?

17 A. Correct.

18 Q. Okay. And is it your general view that in

19 recent elections -- oh, sorry, go ahead.

20 A. Oh, I was going to say actually the -- so 13:07:50

21 for the comparisons of the enacted map to the

22 district map, that wasn't the only election that I

23 referenced. Or to the --

24 Q. Yeah, that's right.

25 A. -- demonstration map. 13:07:59

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1 So I don't want to box myself in there. 13:08:02

2 Q. Yeah, fair enough. I'm asking about
3 everything besides the demonstration maps.

4 A. Yeah.

5 Q. Okay. So for everything besides the 13:08:09
6 demonstration maps, you looked only at 2024
7 presidential election results; right?

8 MR. MEUSER: I'm going to object to this point
9 that -- to the extent that it mischaracterizes his
10 prior testimony. 13:08:22

11 THE WITNESS: Yeah, I don't think that's what I
12 said. I think I said that I checked other elections
13 but that I put up the 2024 presidential result.

14 BY MS. MADDURI:

15 Q. Okay. Yeah, you're right. I should be 13:08:34
16 more precise.

17 So in all of the images in your maps that
18 depict partisan metrics in the various areas of the
19 map, all of those are based on 2024 presidential
20 election results; correct? 13:08:50

21 A. Yeah, in large part because I looked at
22 other results and didn't get a particularly
23 different result. And I think 2024 is the most
24 relevant.

25 Q. Is it your general view or do you have 13:09:00

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1 thoughts on how Hispanic voters have shifted to the 13:09:03
2 right in recent elections?

3 A. Hispanic voters appear to have shifted to
4 the right in recent elections.

5 Q. Okay. And do you have an opinion about 13:09:15
6 when that trend started?

7 A. Probably in 2020.

8 Q. Do you know if they shifted further right
9 in the 2024 election than prior elections?

10 A. Yes. 13:09:33

11 Q. What about specifically in the 2024
12 presidential election?

13 A. Yeah. President Trump definitely did
14 better than he had done in 2020 or 2016.

15 Q. Do you know if they shifted further right 13:09:45
16 in the 2024 presidential election as compared to
17 other elections in 2024?

18 A. Yes.

19 Q. Do you have any reason to believe that
20 that trend is different in California? 13:10:01

21 A. No.

22 Q. So fair to say the same sort of trend has
23 occurred in California?

24 A. Yeah. Maybe not quite to the extent that
25 it did in, like, the Rio Grande Valley, but yes. 13:10:14

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1 Q. So then is it fair to say that if you were 13:10:22
2 using different elections, earlier elections, or an
3 election index that used earlier elections, would
4 that make Hispanic areas in your maps appear more
5 Democratic than they do? 13:10:41

6 A. Yes, if you go back in time further where
7 you get a different voting coalition, it would look
8 more Democratic.

9 Q. Is that true even within 2024, given that
10 they were further right in the presidential election 13:10:58
11 than other elections that year?

12 A. I think pretty much everyone was in that
13 year, at least in this area. Maybe there was some
14 leftward shift, although I don't know how it would
15 be possible in a place like San Francisco. But, 13:11:17
16 yeah, maybe.

17 Q. Talking specifically now about the
18 Stockton area and some of the discussion you had in
19 your second report. I guess can you summarize what
20 it is that you find problematic about the way that 13:11:49
21 the lines were drawn in Stockton?

22 A. Well, the map drawer is extending the
23 district to pick up heavily Hispanic areas, keeping
24 the HCVAP of the district almost perfectly balanced,
25 as Dr. Rodden points out, splitting a couple other 13:12:13

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1 jurisdictions and in the process bypassing areas 13:12:20
2 that would have made the district at least a little
3 bit more Hispanic but don't have those racial cues
4 or racial features.

5 Q. When you say "bypassing certain areas," 13:12:38
6 are you talking about the Weston Ranch neighborhood?

7 A. Yes.

8 Q. Is there any other area that you're
9 talking about there?

10 A. I mean, there were other areas, like 13:12:48
11 around Tracy, that would have been -- so if I had
12 used the simulations and directed it to hit a
13 certain partisan target, assuming that they would
14 have even done that, Tracy would have been a place
15 to go pick up Democratic votes before you start 13:13:05
16 going into marginal areas past Stockton.

17 Q. The marginal areas past Stockton that
18 you're talking about, is that Garden Acres and
19 August?

20 A. Yes. 13:13:21

21 Q. Okay. Is it fair to say, then, that the
22 primary criticism you have of the way Stockton is --
23 or not -- the Stockton area is configured is
24 bypassing the Weston Ranch area and including Garden
25 Acres and August? 13:13:40

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1 A. Well, I guess my criticism would be that 13:13:42

2 race predominated in the drawing, but the way you

3 can tell is which was the map maker targeting, was

4 he targeting mostly Hispanic areas or was he

5 targeting mostly heavily Democratic areas? I mean, 13:13:58

6 you had a choice to be made here and he chose the

7 Hispanic areas.

8 Q. Yeah, and I'm just trying to understand
9 the how of that.

10 So is the how of that that the map drawer 13:14:07
11 bypassed Weston Ranch and included August and Garden
12 Acres? Is that the gist of the issue?

13 A. Yeah, he didn't do that, he didn't go to
14 the areas just north of the district lines, which
15 are overwhelmingly Democratic, probably in the city 13:14:26
16 center of Stockton.

17 He just left a lot on the table in
18 Stockton, which by itself isn't a problem. It's
19 just the reason he did it -- he's doing this in a
20 district that's, you know, still kept as a toss-up. 13:14:40

21 It seems pretty apparent that the only
22 reason to do that is to grab the high HCVAP areas
23 that keep the HCVAP of the district almost entirely
24 unchanged.

25	There's more straightforward ways to get	13:14:59
----	--	----------

1 similar Democratic -- to get similarly or even 13:15:00
2 slightly more Democratic districts, but that doesn't
3 get you the HCVAP balance that he achieved.

4 Q. The HCVAP balance, the areas that you're
5 saying were added but that perhaps were not 13:15:16
6 necessary, that's Garden Acres and August; right?

7 A. Yeah, I think there's some other precincts
8 in Stockton and that area.

9 Q. Okay. But primarily it's those two
10 additional cities? 13:15:29

11 A. It's primarily those two additional
12 cities. But, like I said, there are some precincts
13 in the -- I don't even know what to call it
14 geographically for Stockton, but in that area.

15 Q. I think the area of the report we're 13:16:00
16 talking about, page 20 and 21 -- and we don't
17 necessarily -- we can pull it up, but -- we don't
18 need to pull it up, I guess, but if you have it in
19 front of you, the part I'm asking you about is that
20 first paragraph that starts on page 20 and ends on 13:16:12
21 page 21.

22 A. Twenty and --

23 Q. Are you oriented to that?

24 A. For me 20 and 21 is the response to
25 Fairfax. 13:16:26

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1 Q. It is, it is. 13:16:28

2 A. Okay.

3 Q. But I think as you note later, some of
4 your response to sort of like a response to multiple
5 experts despite being in a certain portion of the 13:16:36
6 report.

7 A. Got it. Okay.

8 Q. Okay. And here you're providing some
9 figures about the partisanship of Garden Acres and
10 August. 13:16:58

11 Do you see that? Specifically with -- in
12 reference to the 2024 presidential election?

13 A. Where is that?

14 Q. It is -- it starts, "Garden Acres and
15 August have about 20,000 residents, but went for her 13:17:13
16 by 6," her being Kamala Harris. And it's five lines
17 down on page 21.

18 Sorry, 21 of the report, which is 25 of
19 the PDF.

20 A. Oh, oh, oh, okay. 13:17:28

21 Q. Sorry about that.

22 A. That's okay. That's my fault.

23 Okay, yes.

24 Q. Okay. Is it fair to say that had you
25 looked at other elections it's fair to say that the 13:17:44

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1 differences in partisanship that you're noting here 13:17:48

2 would be different?

3 A. They could.

4 Q. Do you agree that Garden Acres and August

5 are high HVAP areas? 13:18:01

6 A. Certainly HCVAP areas.

7 Q. About 70 percent; right?

8 A. That's right.

9 Q. And so is it fair to say that had you
10 looked at earlier elections, that area might have 13:18:16

11 presented more Democratic given the shift of

12 Hispanic voters to the right in the 2024

13 presidential election specifically?

14 A. It could have been.

15 Q. Do you think it would have been, based on 13:18:32
16 the shift that you described?

17 A. Like I said, when I looked at other
18 elections, things looked mostly the same in that
19 area.

20 I also think that if there had been some 13:18:44
21 massive shift, one of the experts would have pointed
22 that out. So I'm not going to say one way or the
23 other.

24 Q. Which election specifically did you look
25 at to, I guess, confirm that the 2024 presidential 13:18:59

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1 election is similar to other elections? 13:19:06

2 A. So I would have looked at probably
3 Governor '22, maybe -- maybe Senate.

4 Q. Okay. And do you remember what the
5 partisanship of Garden Acres and August would have 13:19:20
6 been in those elections?

7 A. No.

8 Q. Based on the rightward shift of Hispanic
9 voters, do you think it would have been higher; in
10 other words, more support for the Democratic 13:19:32
11 candidates in those elections?

12 A. I don't know. But the question would be
13 more how is it relative to what we see in Stockton?
14 I don't know.

15 In other words, does the overall pattern 13:19:45
16 shift where that's a more -- area that's more
17 Democratic than other areas of the city in the
18 region.

19 Q. Is it fair to say, in your opinion, that
20 Hispanic voters moved -- had a -- I guess, like a 13:20:02
21 relevantly larger move towards the right than voters
22 of other ethnic and racial groups?

23 A. I actually don't know if that's true
24 across the board. Like, I don't know if it's true
25 with respect to Asians because they also swung 13:20:23

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1 leftward -- or rightward. 13:20:27

2 I don't know. That's actually a good
3 question.

4 Q. What about compared with White voters?

5 A. Yeah, I don't know within subgroups of 13:20:37
6 White voters, but, yeah, there's a larger rightward
7 shift than with Whites.

8 Q. Okay. Turning to page 28 of this report,
9 which is page 32 of the PDF.

10 I'm looking at the second full paragraph, 13:21:40
11 which starts "I'm not sure." And I want to ask you
12 about the part of the paragraph that starts on
13 line 5 with "Moreover."

14 Do you see that?

15 A. Yes. 13:22:04

16 Q. Okay. And here you say:

17 "Moreover, the ultimate HCVAP fell
18 directly within the range that an interest group to
19 which the map drawer speaks regularly had suggested,
20 along with 13 other districts in the same map." 13:22:18

21 Do you see that sentence?

22 A. Yes.

23 Q. Okay. What interest group are you
24 referring to here?

25 A. That's another -- that's the presentation 13:22:29

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1 by HOPE. I think it's cited to either in the 13:22:31
2 response to Fairfax or to Dr. Grofman.

3 Q. Okay. And how did you become familiar
4 with that group?

5 A. I think that was another document provided 13:22:43
6 by counsel.

7 Q. What do you base your view that the map
8 drawer speaks regularly to that group on?

9 A. Because he has appeared in a few of these
10 documents. 13:23:01

11 Q. Which documents are you referring to?

12 A. That are presented. I think that maybe
13 came out in his deposition.

14 Q. Did you review the deposition transcript
15 of Mr. Mitchell? 13:23:16

16 A. No.

17 Q. Did you view it?

18 A. No.

19 Q. How do you know what might have come out
20 of his deposition? 13:23:25

21 A. A conversation with counsel.

22 Q. Okay. And so I guess what do you mean
23 by -- can you quantify what you mean by "regularly"
24 here?

25 A. I believe it was a couple times a year. 13:23:41

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1 Q. Okay. And that's based on the transcript 13:23:44

2 that you saw of a presentation that Mr. Mitchell

3 gave; is that right?

4 A. Yes.

5 Q. What other documents is that based on? 13:23:56

6 A. Nothing.

7 Q. Okay. So you're familiar with one

8 instance where Mr. Mitchell spoke with that group;

9 is that right?

10 A. Yeah, I have the presentation. 13:24:10

11 Q. Okay. So I'm just trying to understand

12 what you're basing the assertion that he speaks with

13 them regularly on.

14 A. Well, I told you, I mean, there was a

15 conversation with counsel where that was mentioned. 13:24:27

16 Q. I see.

17 A. Because, remember --

18 Q. So counsel told you --

19 A. -- the deposition was taking place the

20 same day this was due. 13:24:34

21 Q. I see.

22 So counsel told you that Mr. Mitchell

23 regularly speaks with this group?

24 A. No. That that was part of the deposition

25 transcript. 13:24:44

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1 Q. Okay. So the basis for your statement 13:24:50
2 here is that counsel told you that in the deposition
3 of Mr. Mitchell he testified that he regularly
4 speaks with HOPE?

5 A. I think what I just said was a couple 13:25:03
6 times a year.

7 Q. Okay. "Regularly" means a couple times a
8 year?

9 A. I think if you do that regularly a couple
10 times a year, then yes. 13:25:14

11 Q. In this sentence you also describe "the
12 range that an interest group to which the map drawer
13 speaks regularly had suggested"?

14 A. Um-hum.

15 Q. What is that range that you're talking 13:25:29
16 about?

17 A. I think their suggestion, it may have been
18 52 to 54 or 51 to 55, but it's in that area.

19 Q. And where did you learn about that range
20 from? 13:25:48

21 A. That's from a document that should have
22 been attached as an exhibit to this.

23 Q. Sorry, attached as an exhibit to what?

24 A. My report.

25 Q. Do you know if that exhibit was attached 13:26:08

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1 to your report? 13:26:11

2 A. I have no idea.

3 Q. Do you see it in the document that has
4 been marked as your second report?

5 A. Oh, I wouldn't have incorporated it 13:26:23
6 directly because it's a separate document.

7 Q. Do you cite that document anywhere in the
8 report?

9 A. I believe so.

10 Q. Do you know where? 13:26:41

11 A. Oh, I was afraid you were going to ask me
12 that.

13 Q. I think I found it.

14 So the submission -- or the attachment
15 that you're talking about here, did counsel give 13:27:00
16 that to you?

17 A. Yes.

18 It should have been -- if it wasn't
19 produced along with this report, it should have been
20 produced today. 13:27:08

21 Q. It might have been and I might not have
22 seen it just because of the pace of things. I'm not
23 accusing you or your counsel of not producing it.
24 It's entirely possible that I just don't know where
25 it is. 13:27:21

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1 A. No, no problem. Part of why we do these 13:27:21
2 is to get to the bottom of these confusions.

3 But, no, I don't know what exactly got
4 produced and attached or what didn't, so . . .

5 Q. Okay. But you received that letter from 13:27:33
6 your counsel; is that right?

7 A. Yes.

8 Q. And when did you get it, roughly?

9 A. I mean, I think I gave you the e-mail. I
10 don't know if it would have been -- if that would 13:27:50
11 have been produced or not, but I don't know the
12 exact date. I can't even tell you roughly right
13 now. I can look at the break.

14 Q. Fair enough.

15 Would you say that it was after the 13:28:02
16 submission of your first report or before that?

17 A. I have a instinct, but I don't want to box
18 myself in. Because I might be wrong and it's
19 something that can be proved or disproved.

20 Q. Yeah, and I'm not trying to gotcha with 13:28:27
21 that, I'm just trying to find out when you got it.

22 A. Yeah.

23 Q. But that's fine if you don't remember.

24 A. If you ask me again after the break, I
25 will answer you. 13:28:36

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1 Q. In this section of your report you're 13:28:57
2 referencing HCVAP data; is that right?
3 A. Correct.
4 Q. And which HCVAP data did you use here?
5 A. That might have actually come out of his 13:29:15
6 report.
7 Q. Whose report?
8 A. Well, Dr. Rodden's.
9 Q. HCVAP data, I think you described earlier,
10 comes from an ACS survey; is that right? 13:29:37
11 A. That's right.
12 Q. And it's based on estimates that are
13 derived from that survey; is that correct?
14 A. Correct.
15 Q. And those estimates vary from year to 13:29:49
16 year; right?
17 A. Correct.
18 Q. Those estimates are available for 2019,
19 2020 and 2023 in recent years; is that right?
20 A. You're going to have to be a little more 13:30:10
21 specific because I'm not sure -- yeah, can you try
22 that again?
23 Q. Sure.
24 The HCVAP estimates that have been done in
25 recent years, I think there was one that's dated 13:30:22

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1 2019, one that's dated 2020 and one that's dated 13:30:25
2 2023.

3 Does that sound right to you, do you know?

4 A. I think they come out every year and
5 they're five-year averages. 13:30:35

6 Q. You think a five-year average comes out
7 every year?

8 A. I'm pretty sure. There's 2020 -- because
9 there's 2022 CVAP data. I know there's 2021 CVAP
10 data because it's been -- it was used in the Pierce 13:30:53
11 case. And there is 2023 CVAP data.

12 Q. Okay. Fair to say that depending on which
13 CVAP data you're using, you're going to get
14 different estimates for the CVAP level of each of
15 these districts? 13:31:07

16 A. I mean, it could be, but since
17 Dr. Rodden -- I'm pretty sure this is from
18 Dr. Rodden's table, and if he's relying on them, I
19 won't contest him.

20 Q. So you -- I think we said this sentence, 13:31:41
21 but you said:

22 "Moreover, the ultimate HCVAP fell
23 directly within the range that an interest group to
24 which the map drawer speaks regularly had suggested,
25 along with 13 other districts in the same map." 13:31:48

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1 So is it -- are you reporting here that 14 13:31:52
2 districts in the Prop. 30 [sic] map have HCVAPs
3 between 52 and 54 percent?

4 A. I think 51 to 55 percent.

5 Q. Okay. And that's not the range that this 13:32:07
6 group had mentioned; correct?

7 A. Well, you have the error margin built in.
8 But, yeah, the district itself is squarely within
9 the range and the other ones are more or less within
10 the range. 13:32:22

11 I'm not going to say that a 62 percent
12 HCVAP district was a result of trying to hit this 52
13 to 54 percent target. That doesn't make sense to
14 say unsensible things. But I'm willing to say that
15 a 51 or a, you know, 54.6 percent district probably 13:32:39
16 was or could have been.

17 Q. So are you offering an opinion now that
18 there was a racial target used to draw District 13?

19 A. I'm not saying that, but I'm saying
20 Dr. Rodden is trying to point to the fact that the 13:32:56
21 HCVAP of the district remained unchanged. And I'm
22 saying I'm not actually sure that's as helpful as he
23 seems to think it is.

24 If counsel wants to make the legal
25 argument that this is a racial target, then I think 13:33:13

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1 the facts are there for counsel to make that 13:33:15
2 argument, but I'm not making it.

3 Q. Okay. So you're not offering an opinion
4 that there was a racial target used when drawing
5 CD 13; right? 13:33:26

6 A. I think the evidence is there for it, but
7 I'm not making legal arguments, so that target thing
8 seems to be more of a legal argument.

9 Q. Are you offering an opinion that a racial
10 target was used in the drawing of any of the 13:33:40
11 districts in Prop. 50?

12 A. I mean, it's a heck of a coincidence that
13 you have all these districts all coming out in the
14 same range. I believe other courts have found that
15 useful or unlikely. 13:33:56

16 But, again, I think that is falling more
17 squarely in the type of thing that lawyers should be
18 arguing about and concluding.

19 Q. Okay. So you're not offering an opinion
20 that you believe that the map drawer was targeting, 13:34:07
21 in a factual sense, any particular HCVAP of any
22 particular district?

23 A. No, I'm responding -- just responding to
24 Dr. Rodden, who offers this up as some type of
25 exculpatory proof that the HCVAP stayed unchanged. 13:34:22

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1 I'm saying I actually don't think that's 13:34:29
2 necessarily what it shows. Because you have all
3 these other districts falling in the same range, you
4 have some courts that have been pretty suspicious of
5 maps where you have big changes but the racial 13:34:42
6 composition doesn't change.

7 So what I'm offering here is a response to
8 Dr. Rodden, who seems to think that this is
9 exculpatory.

10 Q. And Dr. Rodden only opines on CD 13; 13:34:56
11 correct?

12 A. Correct.

13 Q. Okay. So he doesn't talk about any sort
14 of racial changes in any other district; right?

15 A. Right. He's just saying the part that 13:35:08
16 came out and the part that go in have very similar
17 HCVAPs as some type of evidence that race wasn't a
18 major factor.

19 I'm saying, ah, if you're really going to
20 make that argument, I don't think it works out 13:35:25
21 necessarily the way you think it works out, and
22 here's why.

23 But the ultimate argument is something for
24 counsel to make.

25 Q. Okay. And in your first report you didn't 13:35:35

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1 mention anything about a racial target or a racial 13:35:37
2 target range at all; right?

3 A. No, I'm just responding to an argument
4 that Dr. Rodden is making for the first time in his
5 report, which is what I understood a reply to be 13:35:46
6 for.

7 Q. Okay. So you're not offering any
8 affirmative opinion that there was a racial target
9 used in the drawing of any district in Prop. 50?

10 A. I'm responding to Dr. Rodden, who is 13:35:57
11 saying nothing changed by saying that's not as
12 exculpatory as you seem to think it is.

13 Q. Okay. So is that "no"?

14 A. It's not part of my initial case in chief.
15 It is -- or report in chief or however you want to 13:36:13
16 phrase it. But it is a direct response to
17 Dr. Rodden.

18 Q. And the direct response to Dr. Rodden has
19 to do just with District 13; correct?

20 A. Well, yes. 13:36:27

21 But if you want to -- I think if you want
22 to know whether the HCVAP staying the same in
23 this -- at this particular level is exculpatory or
24 not, it can be useful to look at other districts
25 that also wound up with very similar HCVAPs. 13:36:43

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1 Q. And how would you decide what is a very 13:36:49
2 similar HCVAP?

3 A. To me having 14 districts all fall within
4 4 percent of each other, pretty similar and doesn't
5 seem particularly likely. 13:37:08

6 I don't know the exact cutoff.

7 Q. And you're familiar with the fact that
8 there's majority HVAP -- HCVAP districts in the map
9 that have a higher percentage of CVAP than the range
10 that you're talking about; right? 13:37:32

11 A. Yes.

12 Q. If that range had been 5 percent, would
13 you say that that is pretty similar, I think is your
14 words?

15 A. Yeah, this is the thing where within the 13:37:48
16 adjective you can walk it out step by step until
17 eventually someone is making an absurd claim.

18 So I don't know. I do know that 4 percent
19 is pretty similar for 14 districts.

20 Q. Okay. So then your observation that 13:38:25
21 the -- is there any other, I guess, evidence or
22 analysis that you're doing to examine the range that
23 the HCVAP of these 14 districts is other than just
24 looking at the number?

25 A. Oh, I don't know if there's other pieces 13:38:54

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1 of evidence in this case that could be -- or in 13:38:59
2 these reports that could be used for that.

3 Here I'm just responding to Dr. Rodden's
4 claim.

5 Q. Okay. And so you're not looking at, you 13:39:07
6 know, how voters were moved between the 2021 map and
7 the 2025 map in any district besides CD 13; right?

8 A. Right. Because this case is about the
9 9/5/13 border. But there could be other things that
10 give context, I suppose, if I'm trying to respond to 13:39:29
11 a claim that you need evidence of a racial asymmetry
12 to show race as a predominant driver.

13 Q. You know in your report that the Alexander
14 court found that it was too unlikely that the racial
15 make-up of the district would remain unchanged in 13:39:50
16 that case?

17 MR. MEUSER: I'm going to object --

18 THE WITNESS: Correct.

19 MR. MEUSER: -- to the extent that the question
20 calls for a legal conclusion. 13:39:58

21 THE WITNESS: Yeah, I --

22 BY MS. MADDURI:

23 Q. We can turn to your report. I'm quoting
24 your report.

25 A. That's the only reason -- 13:40:07

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1 Q. It's page -- yeah. 13:40:09

2 A. That's the only reason I jumped to "yes."

3 Q. It's page 29, which is page 33 of the PDF.

4 And I'm looking at the first full paragraph. One

5 second. 13:40:50

6 And in that paragraph you write "it was

7 too unlikely that the racial makeup of a district

8 would remain unchanged."

9 Do you see that?

10 A. Yes. 13:41:11

11 Q. Okay. And you were an expert in that

12 case; right?

13 A. Yes.

14 Q. And you offered the opinion that the fact

15 that the district BVAPs stayed the same does not 13:41:23

16 indicate race predominated; right?

17 A. I don't remember.

18 Q. Are you aware that the Supreme Court

19 rejected plaintiffs' evidence that there was a

20 racial target used based on the fact that the BVAP 13:41:38

21 of the district stayed around 17 percent between the

22 two maps that were being analyzed?

23 A. My understanding is it wasn't a facial

24 rejection, it was a rejection because there wasn't

25 sufficient evidence presented. 13:41:54

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1 It didn't like the -- the Supreme Court 13:41:54
2 didn't like the quantitative analysis and thought
3 that the lack of an alternative map that achieved
4 the Republican Party's political objectives should
5 have given rise to heavy counter inference. 13:42:07

6 That's my recollection.

7 Q. You talk about in your report -- I think
8 on the same page, but we don't need to look at
9 anything specific, but you talk about this blurring
10 issue. 13:42:26

11 Do you recall that?

12	A. Yes.
----	---------

13 Q. Okay. And you know what I mean when I say
14 "blurring issue"?

15	A. Yes.	13:42:32
----	---------	----------

16 Q. Is it fair to say that you are saying that
17 despite the blurring issue looking at these
18 political figures and indicators is still useful
19 because it can help us discern the intent of the map
20 drawer? 13:42:58

21	A. Yes.
----	---------

22 Q. Do you know what political data the map
23 drawer used?

24 A. No.

25	Q. Do you know if the political data he used	13:43:07
----	--	----------

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1 suffered from the blurring issue we're talking 13:43:10
2 about?

3 A. Unless he's drawing on whole precincts, I
4 think he pretty much has to.

5 Q. So you don't know of any way to have 13:43:22
6 political data estimated to the block group level
7 that would not suffer from that blurring issue?

8 A. No. That's just a problem with
9 disaggregation from the precinct level to subgroups,
10 is that you're always doing some type of estimation. 13:43:37

11 Q. In Dave's Redistricting, when they're
12 doing the disaggregation, my understanding is that
13 they take the precinct-level data and disaggregate
14 it down to the block group level; is that right?

15 A. Correct. 13:44:00

16 Q. And is it right that then each block group
17 would have the same partisan composition as the
18 precinct overall?

19 A. See, I've heard that claim, but then you
20 can see within say census blocks, when you're 13:44:12
21 disaggregating from a precinct, different shadings
22 within the same block.

23 So I don't think Dave's has the uniform
24 distribution assumption.

25 Q. Okay. So there are ways to not have that 13:44:31

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1 assumption built in to -- I guess, when you're 13:44:35
2 getting more granular -- you can get more granular
3 than just the precinct level?

4 A. So there's always some assumption built in
5 when you disaggregate. There has to be some way to 13:44:45
6 model it down because we don't save individuals'
7 vote responses for obvious reasons.

8 But, yeah, there's always some blurring or
9 loss of information when you go down to the
10 sub-precinct level. 13:45:05

11 Q. Okay. Is it fair that the blurring or
12 loss of information when you're going down to the
13 block group or block level can be different
14 depending on how you do that disaggregation?

15 A. I'm sure it can, but -- 13:45:25

16 Q. Okay.

17 A. -- you know, you wouldn't have this
18 blurring with racial data.

19 Q. Right, because it's collected at a more
20 granular level directly? 13:45:35

21 A. Right, so it's a lot easier to racial
22 gerrymander than politically gerrymander.

23 (Reporter seeks clarification.)

24 A. Racially gerrymander than politically
25 gerrymander. 09:39:31

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1 Q. But you'd agree with me that basically 13:45:59
2 there are different ways to disaggregate this data.
3 And so while there might be some estimation going on
4 regardless of how you do it, it's fair to say that
5 people might be working with different sets of 13:46:12
6 political data and different blurring issues; is
7 that right?

8 A. It's possible.

9 Q. And you just don't know how the map drawer
10 did that or what political data the map drawer used? 13:46:25

11 A. No. My claim is just that everyone has
12 the blurring issues that Dr. Rodden refers to,
13 including Dr. Rodden.

14 Q. Yeah, and I guess what I'm trying to get
15 at is, that blurring issue that Dr. Rodden 13:46:39
16 identifies in your report might be different than
17 the blurring issue that the map drawer had; is that
18 fair?

19 A. Well, I'm not going to -- to the extent
20 you're suggesting that there might not be a blurring 13:46:50
21 issue with the map drawer, I'm not going to admit
22 that. He might have a different way of
23 disaggregation, and in that sense it would be useful
24 to have testimony, hear what he has to say.

25 But either way, he's going to have some 13:47:08

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1 messy data. That's just the nature of the beast. 13:47:10

2 Q. Yeah, and I don't mean to suggest that
3 there would be no blurring issue but just that the
4 blurring issue will be different, potentially, in
5 different sets of political data, depending on how
6 that disaggregation was done. 13:47:21

7 Do you agree?

8 A. It's possible.

9 Q. Okay. I'd like to turn to your
10 demonstration maps. 13:47:50

11 And, actually, I'm not sure how long we've
12 been going and if Madam Court Reporter may want a
13 break.

14 THE REPORTER: Yeah, just for a little bit to
15 stand up. 13:48:07

16 MS. MADDURI: Okay.

17 (Recess taken.)

18 BY MS. MADDURI:

19 Q. And I'd like to discuss your demonstration
20 maps with you. 14:02:53

21 A. Okay.

22 Q. So just to start, the alternative maps
23 that you produced, they only relate to CD 13, 9 and
24 5; correct?

25 A. Correct. 14:03:07

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1 Q. In other words, you didn't provide a 14:03:10
2 statewide alternate map?
3 A. Correct.
4 Q. Okay. And for your demonstration maps,
5 you present political data based on three elections; 14:03:19
6 right?
7 A. Correct.
8 Q. I skipped a question. I guess you also --
9 to back up a step, you don't know whether it's
10 possible to draw a statewide map that achieves the 14:03:35
11 political goals of Prop. 50 while achieving greater
12 racial balance; correct?
13 A. Correct.
14 Q. And you're not offering an opinion that it
15 is possible to do that; right? 14:03:58
16 A. Right, I'm not offering an opinion one way
17 or the other.
18 Q. Then back to the elections that you looked
19 at.
20 So you looked at three elections to 14:04:09
21 evaluate the partisan performance of your
22 demonstration maps; right?
23 A. Correct.
24 Q. How did you pick those three?
25 A. They were the three most relevant -- or 14:04:19

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1 most recent top of the ticket races, I believe. 14:04:21

2 Yeah.

3 Q. Okay. Do you have any reason to believe

4 that the three elections you looked at were the

5 elections that the map drawer or the legislature 14:04:32

6 looked at when evaluating the partisanship of

7 Prop. 50?

8 A. Oh, I don't know because we don't have

9 testimony, but those are the most relevant. You

10 wouldn't want to go back to say 2016 when you're in 14:04:45

11 a completely different political make-up.

12 Q. So fair to say that the map drawer or the

13 legislature could have been considering different

14 elections than you did?

15 A. I'd find it unlikely that a good map 14:04:59

16 drawer would be, like, looking at 2016 stuff, but I

17 suppose it's possible.

18 Q. What about just other elections from 2022

19 and 2024?

20 A. I don't know what the other -- if there 14:05:11

21 are other elections from 2024 to consider.

22 2022, I suppose you could look at other

23 ones. But, like I said, in our polarized era,

24 everything is correlated.

25 Q. If the map drawer or the legislature were 14:05:27

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1 considering different elections, is it fair to say 14:05:29
2 that they would get different political results than
3 you do for your maps?

4 A. I can't say for sure. Maybe they would
5 have been different in terms of the absolute numbers 14:05:41
6 that are returned, but relative to one another, I
7 don't really think so.

8 Q. How did you decide whether your maps
9 achieved a similar political goal to Prop. 50 in the
10 area that you're looking at? 14:06:06

11 A. By looking at political performance in
12 these districts and seeing if it was higher in the
13 demonstration maps than in the Prop. 50 map.

14 Q. Had the partisan performance of the
15 districts been lower than the Prop. 50 map, would 14:06:30
16 you still say that they achieved similar political
17 outcomes?

18 A. I would. Or I could, I should say. If
19 things had dropped seven points, obviously I'm not
20 going to say that. 14:06:44

21 But as I understand the goal with the
22 Alexander map, frankly, it's to show that the
23 legislature could have gotten its political outcomes
24 that it wanted with a different map without the
25 racial aspects to it. 14:07:04

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1 Q. And when you're talking about partisan 14:07:06
2 outcomes, the only thing that you're looking at is
3 the Democratic and Republican vote share of the
4 district based on the elections you're looking at;
5 right? 14:07:19

6 A. Correct.

7 Q. You're not looking at if, you know, any
8 particular incumbent would win there or any other
9 sort of political aspirations besides those metrics;
10 right? 14:07:29

11 A. That's usually how we measure incumbent --
12 whether a district is going to perform. Sometimes
13 there's incumbents that you know tend to run ahead
14 of the top of the ticket.

15 But as long as you have the presidential 14:07:45
16 stuff in the same kind of ballpark, I don't see what
17 it really tells you otherwise.

18 Q. Did you look at any elections that were
19 particularly bad for Democrats in deciding that your
20 maps performed the same as the Prop. 50 maps? 14:08:02

21 A. I don't know what the recent really bad
22 elections for Democrats in California would be.

23 Q. So you didn't do that?

24 A. Again, I didn't, but I don't know in the
25 last 10 years what particularly close election 14:08:20

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1 there's been. Certainly in the last two cycles, I 14:08:25
2 can't think of one.

3 Q. Did you look at what would happen if there
4 was a couple-point swing one way or the other?

5 A. What do you mean? 14:08:39

6 Q. Well, so perhaps not like the absolute
7 worst election, but had there been an election that
8 performed under the three elections that you looked
9 at, that would produce different political outcomes
10 then, no? 14:08:55

11 A. Well, it depends. I mean, it would have
12 been a different -- it depends because everything is
13 so correlated, things tend to move the same.

14 So, yeah, the outcome in the demonstration
15 map would have been lower, but in the enacted map, 14:09:09
16 it would have probably been lower as well.

17 Q. Did you do anything to evaluate how your
18 maps would perform in a bad election for Democrats?

19 A. Well, I wouldn't have been so much
20 interested in that as I would have been how it would 14:09:26
21 perform relative to the enacted map because I'm
22 trying to achieve the same political outcome as the
23 enacted map.

24 Q. Did you do anything to evaluate how this
25 map would perform over the course of the -- sorry, 14:10:06

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1 how your proposed alternative maps would perform 14:10:10
2 over the course of the next three elections?

3 A. I did it by comparing it to the enacted
4 map and seeing that it was, at least on the races
5 that I think are the most relevant, more Republican 14:10:24
6 on balance.

7 And so, again, my goal isn't to go out and
8 draw the best Democratic map I possibly could, it
9 was to just show that the map maker could have done
10 something that got to the same point politically 14:10:45
11 without doing that weird stretch across Stockton.

12 Q. Do you agree that each of your
13 demonstration maps, District 13 has a lower Reock
14 compactness score than District 13 in Prop. 50?

15 A. I think that's right. 14:11:15

16 Q. For Map A, that map only makes changes in
17 the Stockton area; is that right?

18 A. Correct.

19 Q. So it doesn't do anything to remedy the
20 alleged racial predominance that you claim exists in 14:11:34
21 Modesto and Ceres?

22 A. That's right. The court might disagree
23 about Modesto and Ceres, and so I wanted to have an
24 example that just fixed the Stockton area.

25 Q. In your demonstration Map A, the HVAP of 14:11:51

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1 District 13 moves about 1.6 percent. 14:11:58

2 Does that sound right to you?

3 And I can direct you to your report on
4 page 23, which is 28 of the PDF. I don't think we
5 need to pull it up, though. 14:12:11

6 A. I believe you.

7 Q. So the HVAP moves about a point and a half
8 between the Prop. 50 map and your map in Map A in
9 CD 13?

10 A. I believe you. 14:12:25

11 Q. Do you consider that to be a significant
12 change in the level of HVAP in CD 13?

13 A. I don't know.

14 Q. For HCVAP, it moves about two percentage
15 points. 14:12:43

16 Does that sound right to you?

17 A. Yes.

18 Q. Would you consider that to be a
19 significant change in the HCVAP?

20 A. I don't know. 14:12:51

21 Q. It is your testimony, though, that race
22 does not predominate in the drawing of your Map A;
23 right?

24 A. Correct.

25 Q. Other than in Ceres and Modesto, according 14:13:08

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1 to your assessment; correct? 14:13:10

2 A. You're talking about my Map A, I don't
3 think it predominated in the way I drew Ceres or
4 Modesto.

5 Q. I thought in Map A you didn't change the 14:13:23
6 way that Ceres and Modesto were drawn --

7 A. Oh, oh.

8 Q. -- as compared to Prop. 50.

9 A. Now I see the point you're making. That's
10 right. 14:13:32

11 So if I'm wrong about Ceres and Modesto,
12 then that's when you would really look at Map A.

13 Q. Okay. For Map B, does Map B keep CD 5 at
14 equal population?

15 A. Yes. 14:14:02

16 Q. That map introduces a new city split in
17 Tracy; right?

18 A. Yes.

19 Q. And that map places Josh Harder's home
20 right at the edge of the district and moving most of 14:14:15
21 his city of residence from CD 9; is that right?

22 A. Correct.

23 Q. Josh Harder is the Democratic incumbent
24 from CD 9; right?

25 A. Yes. 14:14:27

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1 Q. That same feature is true in Map C? 14:14:28

2 A. That's right.

3 Q. Did you check to see what Josh Harder's

4 vote share was in the neighborhoods in Tracy that

5 you removed from his district? 14:14:37

6 (Reporter seeks clarification.)

7 MS. MADDURI: I can say it again.

8 BY MS. MADDURI:

9 Q. Did you check to see what Josh Harder's

10 vote share was in those neighborhoods in Tracy that 14:14:46

11 you removed from his district?

12 A. No, this is a safely Democratic district

13 no matter what. I didn't check that.

14 I'm sorry. By "this" I mean District 9.

15 Q. For Map B, the HVAP between the Prop. 50 14:15:07

16 map and your map drops by 4.5 percent; is that

17 right?

18 A. That's right.

19 Q. Do you consider that to be a significant

20 change? 14:15:21

21 A. I don't know.

22 Q. The HCVAP drops a little bit less than

23 that at 4.4 percentage points.

24 Does that sound right?

25 A. That's the estimate, yeah. 14:15:36

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1 Q. And is it fair to say that you don't know 14:15:37
2 if that's a significant change?

3 A. Yeah, I don't know. I just know I'm not
4 doing the racially motivated cross-Stockton split.

5 Q. Okay. So is it fair to say, then, that in 14:15:52
6 your view the racial predominance that you
7 identified no longer exists because of the way you
8 are splitting the district rather than the specific
9 changes in HVAP or CVAP -- HCVAP?

10 A. Yeah, I'm just reporting the HCVAP that 14:16:09
11 you end up with with these scores -- or with these
12 maps.

13 Q. Okay. And in your view the way that
14 you're remedying the racial predominance that you
15 identify is by the physical changes that you're 14:16:25
16 making, and it's not tied to the specific HVAP or
17 HCVAP in your demonstration maps; is that right?

18 A. Yeah, I mean, I have a -- I went in and
19 drew these maps the way I would if I were trying to
20 do a political gerrymander of the area without 14:16:44
21 paying attention to race, and so this was the effect
22 of it.

23 Q. Okay. For Map C, does CD 5 have equal
24 population compared to other districts?

25 A. Yes. 14:17:06

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1 Q. This map also introduces a new city split 14:17:07
2 in Tracy; is that right?
3 A. Yes, and I see why you're asking me that
4 now, because I say 13 and 9 are equipopulous but
5 don't mention 5, but yes. 14:17:16
6 Q. Yeah, I figured it was, but I just didn't
7 see it written, so I was making sure.
8 A. Good lawyering.
9 Q. Prop. 50 kept Tracy whole in that
10 district; correct? 14:17:28
11 A. Correct.
12 Q. And demonstration Map C also introduces a
13 new city split in Ceres; right?
14 A. Correct.
15 Q. And Prop. 50 kept Ceres whole; is that 14:17:36
16 right?
17 A. Correct.
18 Q. The Map C also changes the HVAP and the
19 HCVAP by around 5 percentage points.
20 Does that sound right? 14:17:55
21 A. Yeah.
22 Q. And it's fair to say that you don't know
23 whether that's a significant change in the HVAP or
24 HCVAP of the district?
25 A. Yes. 14:18:09

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1 Q. You say that the partisanship improved for 14:18:14
2 Democrats in each of your demonstration maps in
3 CD 13; right?

4 A. Correct.

5 Q. But you don't dispute that the partisan 14:18:28
6 performance of CD 13 declined in each of your
7 demonstration maps using Dr. Rodden's 2016 to 2024
8 index; right?

9 A. Yeah. If you go back to 2016, when you
10 had a very different political -- what's the word -- 14:18:44
11 setup in the area, that's what you get.

12 Q. So, no, you don't dispute the results that
13 Dr. Rodden found?

14 A. Right. If you go back to 2016 with a very
15 different political coalition in the area -- that's 14:19:07
16 the word I was looking for -- you get Dr. Rodden's
17 numbers.

18 Q. And I guess just a broader question about
19 Dr. Rodden's report.

20 Are there any miscalculations or data 14:19:20
21 issues or anything like that that you've identified
22 with his report? Not trying to ask you if you agree
23 with the data he used or something from a
24 qualitative perspective, but just were there any
25 mistakes that you identified in the report? 14:19:35

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1 A. Well, given the timeline we're on, I'm not 14:19:37
2 going to say that there are none, but I didn't
3 identify any.

4 Q. Okay. Shifting gears a little bit, do you
5 know who Paul Mitchell is? 14:20:20

6 A. Yes.

7 Q. Do you know him? Personally, I mean?

8 A. I guess. I mean, we're friendly is maybe
9 the way to put it. We were on a panel together. We
10 got along. 14:20:43

11 Q. So you've met before?

12 A. Yeah.

13 Q. Roughly how many times?

14 A. I think that's the only time we've met in
15 person. We've had some interaction on Twitter. 14:20:51

16 Q. Did you communicate with Paul Mitchell in
17 any way about the Prop. 50 map?

18 A. Well, with the proviso to Mr. Mitchell
19 that you have me under oath and I have to answer
20 your questions, yes. 14:21:16

21 Q. Okay. How many times would you say?

22 A. Once.

23 Q. What was the content of that conversation
24 or communication?

25 A. So again with the proviso that I don't 14:21:32

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1 like sharing personal communications but I have no 14:21:35
2 choice but to answer.

3 Q. Let me just -- let me confine it a little
4 bit.

5 I'm asking you in relation to Prop. 50 -- 14:21:46

6 A. Oh, I know.

7 Q. -- or the map of redistricting.

8 Nothing personal.

9 A. No, this isn't -- no.

10 I'm just -- I cannot think of a way to 14:21:59
11 answer this question differently without perjuring
12 myself.

13 So the answer is, when I did the initial
14 expert work he texted me and -- or he DM'd me and
15 said he was glad to see I was getting work out of 14:22:14
16 this.

17 Q. Did you express any opinions about
18 Prop. 50 or the map to him?

19 A. I don't think so.

20 Again, we're friendly. You know, it 14:22:34
21 wouldn't be unsurprising to have friendly banter,
22 but . . .

23 Q. Do you remember expressing any praise for
24 the map to him?

25 A. No. I wouldn't have done that when I had 14:22:47

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1 an expert report in live litigation. 14:22:50

2 Q. What about before you had expert reports
3 or live litigation?

4 A. That was the only time he contacted me.

5 So, no, there wouldn't have been any communications. 14:23:11

6 MS. MADDURI: Okay. Let's pull up pre-marked
7 Tab 8, which, Madam Court Reporter, I think you
8 might have to remind me which exhibit number we're
9 on.

10 THE CONCIERGE: We're on 6. 14:23:36

11 MS. MADDURI: Great. So we'll mark this as
12 Exhibit 6.

13 (Deposition Exhibit 6 was marked.)

14 BY MS. MADDURI:

15 Q. Dr. Trende, I'll represent to you that 14:24:06

16 this is an image of the districts in North Carolina
17 that were struck down in Shaw and an image of
18 District 13 in the Prop. 50 map, which comes from
19 Dr. Rodden's report.

20 Are you familiar with the districts that 14:24:26
21 were struck down in Shaw?

22 A. Oh, yeah, they're legendary.

23 Q. So you recognize them by looking at this
24 map?

25 A. Yeah -- 14:24:36

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1 Q. Maybe not every nook and cranny, but does 14:24:36
2 it generally look like to you that it's the
3 districts that were struck down in Shaw?

4 A. I don't know which Shaw because I think it
5 was struck down a couple times, but I believe you. 14:24:46

6 Q. Fair enough. I don't even know which Shaw
7 sitting here now.

8 But I think we -- it's fair to say we both
9 are talking about the districts that were struck
10 down in a Shaw case that were drawn in 14:25:00
11 North Carolina I think in the '90s?

12 A. Yeah. I think this is Shaw 1 because you
13 can see District 3 magically appears on both sides
14 of District 1, and that's because there's a point
15 where the lines cross. And the legislature counted 14:25:13
16 that infinitesimally small point as --

17 (Reporter seeks clarification.)

18 A. Counted that infinitesimally small point
19 as contiguity to allow the districts to jump over
20 each other. 14:25:37

21 Q. In your opinion, does CD 13 in the
22 Prop. 50 map have a similar number of tentacles and
23 appendages to CD 1 in the Shaw districts?

24 A. No.

25 Q. In your opinion, does CD 13 have a similar 14:25:56

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1 number of tentacles or appendages to CD 12 in the 14:25:58
2 Shaw districts?

3 A. No.

4 Q. In your opinion, does CD 13 have any areas
5 that become as narrow as the areas of CD 1 and Shaw 14:26:10
6 do?

7 A. The neck into Stockton comes pretty close,
8 but, no, because I think Shaw at some -- I mean,
9 like I said, it's infinitesimally small at one
10 point. 14:26:26

11 Q. What about District 12?

12 A. Yeah, District 12 is the one where at one
13 point it narrows to the interstate. And, like I
14 said, that neck going into Stockton gets pretty
15 narrow, but I don't think it's ever just the 14:26:44
16 interstate.

17 Q. In your opinion, is CD 13 visually similar
18 to the districts struck down in Shaw?

19 A. I mean, that's subjective, but no. Taken
20 as a whole, no. 14:26:58

21 MS. MADDURI: Okay. Let's turn to Tab 8, which
22 we'll mark as Exhibit 7.

23 THE WITNESS: This is Tab 8.

24 MS. MADDURI: Sorry, Tab 9, which we will mark
25 as Exhibit 7. 14:27:20

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1 (Deposition Exhibit 7 was marked.) 14:27:34

2 BY MS. MADDURI:

3 Q. And I can represent to you that this is,
4 on the left, the district that was struck down in
5 Miller from Georgia. And on the right, again, we 14:27:54
6 have District 13, the image which is from
7 Dr. Rodden's report.

8 Do you recognize the Miller district on
9 the left?

10 A. Oh, yeah. 14:28:08

11 Q. Does that look like what I told you it is?

12 A. Oh, yeah, it's another legend.

13 Q. In your opinion, is CD 13 in the Prop. 50
14 map visually similar to the district struck down in
15 Miller? 14:28:27

16 A. As a whole, no.

17 Q. Is it fair to say that District 13 --
18 sorry, is it -- let me start again.

19 Is it fair to say that the Miller district
20 has more tentacles and appendages than CD 13? 14:28:39

21 A. Yes.

22 MS. MADDURI: Let's now look at Tab 10, which
23 we will mark as Exhibit 8.

24 (Deposition Exhibit 8 was marked.)

25 BY MS. MADDURI: 14:29:36

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1 Q. Dr. Trende, do you recognize this 14:29:36
2 document?
3 A. Yes.
4 Q. What is it?
5 A. It's the declaration that I filed in 14:29:41
6 Sanchez.
7 Q. Is Sanchez a case that was also
8 challenging the Prop. 50 map?
9 A. Yes.
10 Q. And you served as an expert in that case? 14:29:53
11 A. That's right.
12 Q. And that was a lawsuit that challenged
13 Prop. 50 shortly after it was enacted by the
14 California legislature; correct?
15 A. Yeah, if "enacted" is the right word, 14:30:09
16 yeah.
17 Q. You prepared this declaration in late
18 August 2025 -- well, I should say you signed this
19 declaration in late August 2025; is that right?
20 A. It would have been prepared in late August 14:30:25
21 too, so yeah.
22 Q. And you signed that document under penalty
23 of perjury?
24 A. Yeah.
25 Q. Swearing that it was true and correct to 14:30:41

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1 the best of your knowledge? 14:30:43

2 A. Yes.

3 Q. And the views in this declaration reflect
4 your honest beliefs at the time?

5 A. Yes. 14:30:50

6 MS. MADDURI: Let's turn to page 3 of the
7 exhibit. And I would like to look at paragraph 14.

8 BY MS. MADDURI:

9 Q. Okay. There you're describing your scope
10 of work, and in paragraph 14 you say that you 14:31:18
11 analyzed various factors, including contiguity, the
12 degree to which -- well, I can just read it.

13 You "analyzed the contiguity of the two
14 maps as well as the degree to which they separate
15 communities of interest; metrics required by the 14:31:45
16 California Constitution and which demographers
17 commonly employ to analyze maps." And then some
18 issues around partisan metrics.

19 Is that right?

20 A. Yes. 14:32:00

21 Q. Why did you not examine communities of
22 interest in this case?

23 A. Because I don't know them in the Stockton
24 area that well.

25 Q. And why didn't you examine contiguity in 14:32:23

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1 the same way that you did in this report that we're 14:32:26
2 looking at in this case?

3 A. Because the case lost.

4 Like, the Supreme Court of California is
5 fine with the types of contiguity issues I 14:32:41
6 identified.

7 Q. I see, okay.

8 And then do you see the portion -- the
9 next paragraph under "Opinions," which is
10 paragraph 15? 14:32:54

11 A. Yes.

12 Q. Okay. And it says that you were "asked
13 first to analyze the partisan fairness of the
14 Proposed Map, to determine whether the Districts
15 were 'drawn for the purpose of favoring or 14:33:08
16 discriminating against an incumbent, political
17 candidate, or political party.'"

18 Do you see that?

19 A. Yes.

20 Q. Can you read the next sentence of that 14:33:18
21 paragraph?

22 A. Yeah.

23 "First, it seems obvious that the purpose
24 of this map" --

25 (Reporter seeks clarification.) 14:33:30

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1 A. "First, it seems obvious that the purpose 14:33:30
2 of this map is to favor one party or the other, as
3 leaders in the state have not been particularly shy
4 that the purpose of the map is to 'neutralize' a
5 Republican gerrymander in Texas." 14:33:42

6 Q. And when you say it was obviously meant to
7 favor one political party, do you mean the
8 Democratic Party?

9	A. Yes.
---	---------

10 Q. And that reflects your honest belief about 14:33:55

11 Proposition 50 based upon your knowledge?

12 A. I still think most of the districts are
13 political gerrymanders. I don't think that
14 District 2 from Modoc to Marin is drawn for racial
15 purposes. 14:34:13

16 Like I said in the --

17 Q. And you --

18 A. Well, I'm not -- like I said in the
19 introduction to my reply, one of my operating
20 assumptions is you can have a happen that by and 14:34:25
21 large is a political gerrymander, but if it has a
22 racially gerrymandered district, that's still a
23 constitutional problem.

24 Q. In that paragraph you cite an article from
25 The Guardian; is that right? 14:34:42

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1 A. Yes. 14:34:44

2 Q. What is the title of that article?

3 A. "California: Newsom Signs Proposal for
4 New Voting Map Favoring Democrats."

5 Q. Why did you cite that article in your 14:34:57
6 report?

7 A. To support the previous sentence.

8 Q. The previous sentence which indicates that
9 the purpose of Prop. 50 was to favor the Democratic
10 Party? 14:35:12

11 A. Yes.

12 MS. MADDURI: Let's turn to the next page and
13 look at paragraph 18.

14 BY MS. MADDURI:

15 Q. You write there that "In 2020, President 14:35:27
16 Trump would have won four districts under the
17 Proposed Map; under the Commission Map, he won
18 seven."

19 Is that right?

20 A. Yes. 14:35:43

21 Q. So fair to say that your declaration here
22 concludes that the proposed map under Prop. 50
23 increases the number of congressional seats
24 Democrats are likely to win?

25 A. Yeah, I still believe that. 14:35:58

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1 Q. And that conclusion would be consistent 14:36:00
2 with trying to draw a map favoring the Democratic
3 Party?

4 A. Yes.

5 MS. MADDURI: Okay. Let's turn to page 9, 14:36:12
6 paragraph 27.

7 BY MS. MADDURI:

8 Q. Can you read the last sentence of that
9 paragraph that starts "I also conclude"?

10 A. "I also conclude that the Commission Map 14:36:36
11 was drawn with partisan objectives in mind;
12 particular it was drawn to improve Democratic
13 prospects in congressional elections in" --

14 (Reporter seeks clarification.)

15 A. "I also conclude that the Commission Map 14:36:51
16 was drawn with partisan objectives in mind; in
17 particular it was drawn to improve Democratic
18 prospects in congressional elections in the state
19 and to increase the share of seats that they would
20 expect to win in an election." 14:37:11

21 Q. And you wrote "Commission Map" there. But
22 are you referring to the Proposition 50 map?

23 A. Yeah.

24 Q. So here you conclude that the Prop. 50 map
25 was drawn with partisan objectives in mind; is that 14:37:34

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1 right? 14:37:37

2 A. Yeah.

3 Q. Does this declaration talk anywhere about
4 race or ethnicity?

5 A. No, I hadn't examined that. 14:37:49

6 MS. MADDURI: Okay. We can take this down and
7 pull up Tab 11, which we'll mark as Exhibit 9.

8 (Deposition Exhibit 9 was marked.)

9 BY MS. MADDURI:

10 Q. Do you recognize this document? 14:38:40

11 A. Yes.

12 Q. What is it?

13 A. It is the reply from the preliminary
14 injunction phase in the LULAC case.

15 Q. That case -- is it your -- that case has 14:38:53
16 to do with Texas redistricting; right?

17 A. That's right.

18 Q. And you submitted this report on
19 September 22nd; is that right? And we could turn to
20 page 56 so you could look at that rather than try to 14:39:16
21 remember it.

22 A. I believe you.

23 Q. So this report is submitted after your
24 initial analysis of Prop. 50 for the Sanchez case;
25 right? 14:39:33

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1 A. Yes. 14:39:33

2 Q. There's the date if you'd like to verify.

3 A. I believe you.

4 Q. Okay. At a high level, is it fair to say

5 that one of your conclusions in this report was that 14:39:54

6 the Texas mid-decade redraw of its congressional

7 maps constituted a partisan gerrymander rather than

8 a racial gerrymander?

9 A. Yes.

10 MS. MADDURI: Can we turn to page 26. 14:40:11

11 And can we go down to the bottom there.

12 I think it's -- yeah, the section titled

13 "District 9."

14 BY MS. MADDURI:

15 Q. I don't know if you want to open this up 14:40:39

16 to be able to review it. I know it's been a couple

17 months since you submitted it.

18 A. No, I know this one.

19 Q. Okay. In the first paragraph there, you

20 note that plaintiffs' experts concluded that 14:40:50

21 "District 9 could have been drawn with a higher

22 Republican vote share and a lower HCVAP."

23 Do you see that?

24 A. Yes.

25 Q. In other words, those experts argued that 14:41:06

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1 District 9 was a racial gerrymander because it could 14:41:09
2 have been drawn more Republican and less Hispanic;
3 is that right?

4 A. That's right, but the changes they suggest
5 would have made the district noncontiguous, like 14:41:18
6 literally lopped off a chunk of the district.

7 But that's their claim.

8 Q. Okay. So fair to say you criticized their
9 conclusion?

10 A. Well, they didn't offer an actual map that 14:41:34
11 would have done it.

12 Right, that's the problem, they didn't
13 offer an Alexander map.

14 MS. MADDURI: On the next page, if we can
15 scroll down. 14:41:57

16 BY MS. MADDURI:

17 Q. In looking at the -- yeah, the paragraph
18 that starts "First, we are actually in agreement."
19 And I'd like to ask you about the second sentence
20 there. 14:42:26

21 You write [as read]:

22 "It just does not follow that because the
23 politics was not the only goal in drawing District 9
24 that race was therefore a primary goal in drawing
25 District 9. Redistricting is a complex exercise 14:42:38

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1 that involves balancing many goals. It is also an 14:42:41
2 exercise in robbing Peter to pay Paul, particularly
3 at the congressional level. When residents are
4 moved out of one district, other residents must
5 necessarily be moved into the district from 14:42:55
6 elsewhere. That often sets off second- and
7 third-order effects."

8 Do you see that?

9 A. Right, right. This is exactly why you
10 need the alternative maps, so you can see all the 14:43:06
11 way through how this would play out.

12 Q. Okay. So you agree with that statement
13 today?

14 A. Yeah, yeah, I think that's why you need a
15 higher level of proof than what they offered here. 14:43:17

16 Q. Okay. In the next paragraph you write
17 [as read]:

18 "The changes result in a district that
19 achieves the stated goal of increasing the
20 Republican vote share in District 9. It might not 14:43:36
21 maximize it, but maximization doesn't appear to be
22 the stated goal."

23 Do you see that?

24 A. Yes.

25 Q. Can you just explain what you meant there? 14:43:46

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1 A. Yeah. And it's in my demonstration maps 14:43:49
2 I'm not trying to maximize Democratic vote share
3 either.

4 I'm saying the fact that you don't
5 maximize Democratic vote share in and of itself 14:43:59
6 doesn't necessarily tell you anything. That someone
7 else can dream up a scenario that would have had --
8 an incomplete scenario that would have resulted in a
9 higher vote share is interesting.

10 What you need to do is show that there 14:44:18
11 could be a complete map that would have given you at
12 least a similar vote share while being legal and not
13 having the racial effect.

14	The crux of the entire problem here is	
15	they say you could have made the Republican	14:44:49
16	performance in this district higher by making	
17	change X while lowering it in change Y. But they	
18	never go through and make all the second- and	
19	third-order changes that creates to the map work	
20	out.	14:45:03

21 You end up with -- if you just make the
22 changes they describe, you end up with a
23 noncontiguous non-equipopulous map. So we don't
24 know much just simply of the fact that you could
25 have maximized things in one area, just like I don't

14:45:17

1 know if there's a higher Democratic configuration in 14:45:21
2 the area than what I came up with.

3 Q. Yeah. But it's fair to say that map
4 drawers can achieve a partisan gerrymander by
5 improving partisan -- 14:45:28

6 (Reporter seeks clarification.)

7 Q. Is it fair to say that map drawers can
8 achieve a partisan gerrymander by improving partisan
9 performance even if they do not maximize it?

10 A. Sure. 14:45:45

11 MS. MADDURI: Okay. We can take this down and
12 pull up Tab 12, which we'll mark as Exhibit 10.

13 (Deposition Exhibit 10 was marked.)

14 BY MS. MADDURI:

15 Q. Do you recognize this document? 14:46:35

16 A. Yes.

17 Q. What is it?

18 A. It is the expert report that I filed in
19 Alexander.

20 Q. And Alexander was a racial gerrymandering 14:46:49
21 case in South Carolina; is that right?

22 A. That's right.

23 Q. Okay. And in this report you conclude
24 that South Carolina's challenged map reflected
25 partisan rather than racial concerns; is that right? 14:47:04

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1 A. I think I -- so this has been a day. I 14:47:08

2 mean, it was filed three years ago.

3	Q. Sure.
---	----------

4 A. But my recollection is that the opinion
5 was -- so I think every district was challenged -- 14:47:20
6 oh, counsel can correct me on this, not you.

7 But my opinion was that the districts,
8 except for one, were just minimal changes districts
9 or minimal changes changes. And then District 1 was
10 a partisan gerrymander. 14:47:42

11	Q. Okay. Understood.
----	----------------------

12 Do you remember if District 1 was one of
13 the districts that was challenged as a racial
14 gerrymander?

15 A. It was. It was but large portions of this 14:47:53

16 report are dedicated to showing that the other

17 districts that are challenged are kind of,

18 quote/unquote, good government districts, you're

19 just making minimal changes to them. District 1 is

20 a Republican gerrymander. 14:48:11

21 Q. Okay. And I promise not to take you
22 through all of those good governance changes.

23 MS. MADDURI: Let's turn to page 35.

24 THE WITNESS: Is that of my report or the filed
25 numbers? 14:48:27

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1 BY MS. MADDURI: 14:48:28

2 Q. I thought it might have been the same, but
3 maybe it's not. I'm trying to get to the conclusion
4 section.

5 A. Okay. It's off a page. So that helps. 14:48:40
6 Okay.

7 Q. Okay. And do you want to take a minute to
8 review that?

9 (Witness reviews document.)

10 A. Got it. 14:49:11

11 Q. Okay. And I think, as you've alluded to,
12 a lot of this paragraph reflects those minimal
13 changes in the good governance changes that you just
14 mentioned. And I'd like to ask you about the part
15 where you discuss District 1, which is at the end of 14:49:22
16 the paragraph.

17 So you note here that South Carolina's
18 first congressional district changed more
19 substantially than the others; right?

20 A. Right. 14:49:34

21 Q. But you still conclude that that does not
22 reflect racial predominance; right?

23 A. Right.

24 Q. You write [as read]:

25 "The changes to the First do little to 14:49:43

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1 change the racial composition of that district, but 14:49:46
2 make it meaningfully more Republican in light of its
3 recent electoral history."

4 Is that right?

5 A. That's right. 14:49:58

6 Q. Is it fair to say that you're concluding
7 that the first district was not a racial gerrymander
8 because its overall partisan shifts were more
9 consequential than its modest shifts in racial
10 composition? 14:50:08

11 A. Well, no, there were -- there was more to
12 the analysis, obviously, than that. But I will be
13 perfectly honest. At this point in the litigation,
14 the idea of this as a racial targeting theory hadn't
15 been suggested to me. 14:50:24

16 The other point is that the court
17 disagreed and as I understand it didn't get reversed
18 on that particular finding. It got reversed on the
19 weight of the evidence overall on the lack of a
20 demonstration map. 14:50:41

21 So if someone had suggested that this was
22 a racial targeting theory to me, I might have
23 thought about it differently.

24 Q. Knowing that now, do you think that CD 1
25 in South Carolina was a racial gerrymander? 14:50:56

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1 A. No, I still think it was a political 14:50:59
2 gerrymander. But I understand -- because of the way
3 that all the shifts were made in that district
4 overall.

5 But I understand the argument now 14:51:12
6 differently than I did in the conclusion. And I
7 understand the argument as to why racial composition
8 not changing could be evidence of a target.

9 Q. Fair to say that in the South Carolina
10 case you did not think that the racial target -- 14:51:31
11 sorry, the racial composition -- lot of double
12 negatives. I'll try it again.

13 Is it fair to say that in South Carolina
14 the fact that the district's BVAP stayed right
15 around 17 percent between the two iterations of the 14:51:46
16 district, in your view, did not mean that race
17 predominated in the drawing of it?

18 A. So, again, some negatives in there.

19 I didn't even think about it in terms of a
20 targeting theory, which was a clever way to think 14:52:04
21 about it. So I certainly wouldn't put it that way.

22 I still think because of the way that
23 ended up happening -- if I were to do the analysis
24 today, I would look at the movement of -- the way I
25 did it in Texas, looking at the movement of White 14:52:23

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1 Democrats versus White Republicans, because the 14:52:27
2 White Democrats were treated like Black Democrats.

3 And so that's some -- it's the inverse of
4 what we have here. And so I still would come to the
5 same conclusion, but it's one of those things where 14:52:40
6 you're not even thinking about how you might -- kind
7 of like, probably, Dr. Rodden, where you're not even
8 thinking about how you might be playing into the
9 other side's hand with your argument.

10 THE WITNESS: You're welcome, Mr. Freedman. 14:53:11

11 MR. FREEDMAN: I'm duly noting all this.

12 THE WITNESS: 2031 is just around the corner.

13 All right, sorry.

14 MS. MADDURI: So I'm taking in the fact that
15 that is true. 14:53:33

16 Okay. Let's pull up Tab 12, which will be
17 Exhibit 11.

18 (Deposition Exhibit 11 was marked.)

19 THE WITNESS: How long have we gone --

20 THE CONCIERGE: Did you say -- 14:53:53

21 THE WITNESS: -- since the last -- I'm sorry.

22 THE CONCIERGE: I was going to say, did you say
23 Tab 12?

24 MS. MADDURI: You know, I think I said that,
25 but I think I actually meant Tab 13. 14:54:01

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1 THE CONCIERGE: Okay. 14:54:04

2 THE WITNESS: Before you put that up and give
3 me time to think about it, how long have we been
4 going?

5 I don't want to take a break right as you 14:54:12
6 put a new, like, exhibit --

7 THE REPORTER: Almost an hour. Not quite, but
8 almost.

9 THE WITNESS: Can we take just a five-minute
10 break so I can make sure my sons were smart enough 14:54:41
11 to get the pizza off the front porch?

12 MS. MADDURI: Absolutely fine by me.

13 (Recess taken.)

14 MS. MADDURI: And we are marking this as
15 Exhibit 11. 15:02:02

16 BY MS. MADDURI:

17 Q. Do you recognize this document?

18 A. Yes. It's the rebuttal report from the
19 South Carolina case.

20 Q. The same case you were just discussing? 15:02:14

21 A. Yes.

22 MS. MADDURI: Okay. Let's scroll down to
23 page 7, which is page 10 -- or I think it's page 9
24 of the PDF. And looking at the bottom part,
25 Section C. 15:02:30

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1 I think if you scroll down just a little 15:02:37
2 bit more, we'll get all of Section C. Well, almost.
3 BY MS. MADDURI:
4 Q. Can you briefly review that section?
5 A. Yes. 15:02:52
6 (Witness reviews document.)
7 A. Okay.
8 Q. Can you briefly explain what you're saying
9 in this section of the report?
10 A. I was responding to Dr. Imai's 15:03:12
11 simulations, and he was doing statewide simulations
12 for the state of South Carolina.
13 And so the first part is responding to the
14 fact that most of these districts are just minor
15 changes from the enacted map. And so doing a 15:03:36
16 statewide simulation doesn't do you any good in that
17 type of situation because they're -- in there
18 they're pretty much the same map.
19 Now, when you get to District 1, the other
20 thing that I point out -- and, again, this is one of 15:03:55
21 those things that as the theory became plainer was
22 probably playing right into plaintiffs' hands --
23 that the BVAP didn't change in the enacted district.
24 Q. Okay. And in the final paragraph of this
25 section that I think you were just mentioning, you 15:04:13

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1 say [as read]: 15:04:16

2 "Perhaps most importantly, the Enacted
3 Plan's changes result in only minimal differences in
4 the BVAPs of the districts Plaintiffs challenge."

5 A. Yes. 15:04:28

6 Q. Is that right?

7 A. Yeah.

8 Q. And then you look to the overall
9 district-wide change to BVAP for the districts at
10 issue; is that right? 15:04:39

11 A. That's right.

12 Q. And here you're concluding that this is
13 not a racial gerrymander because the district-wide
14 change to BVAP is minor in each district; is that
15 fair? 15:04:53

16 A. That's right.

17 Like I said, I didn't see the target
18 theory, which was interesting and clever.

19 Q. And today you still maintain that
20 District 1 in South Carolina was not a racial
21 gerrymander; correct? 15:05:16

22 A. Like I said, I would do a different
23 analysis on it, but you can't -- you know, I would
24 do the type of analysis that I did in Texas and that
25 I did here, looking at how similarly situated 15:05:30

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1 potentially -- seeing how, like, Democrats and 15:05:35
2 Republicans by race are treated within the district.
3 But you certainly can't help -- I see the
4 target argument for why you can't necessarily prove
5 a district isn't a racial gerrymander or is not by 15:05:49
6 things staying the same.
7 You learn things doing these cases over
8 the course of several years.
9 MS. MADDURI: Okay. I think that's all my
10 questions for you, Dr. Trende. Thank you for all of 15:06:15
11 your time and patience.
12 THE WITNESS: Thank you.
13 MS. MADDURI: And I think I will turn it over
14 to Mr. Freedman.
15 EXAMINATION 15:07:25
16 BY MR. FREEDMAN:
17 Q. Dr. Trende, are you good to go?
18 A. Yeah.
19 Q. So I'm going to do my best not to cover
20 ground Ms. Madduri covered. 15:07:49
21 I just want to be clear on scope of your
22 opinions on a couple things just to make sure that
23 our record's clear.
24 Are you offering an opinion in this case
25 that race predominated in the drawing of any 15:08:04

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1 districts other than CD 13? 15:08:07

2 A. No.

3 Q. Are you offering an opinion in this case

4 that the 2021 commission map was racially

5 gerrymandered? 15:08:18

6 A. No.

7 Q. Are you providing an opinion as to Paul

8 Mitchell's intent?

9 A. I mean, I think evidence that race
10 predominated in the drawing is an indicator of 15:08:29

11 intent. It's a circumstantial case, but -- so I
12 guess yes.

13 Q. Only circumstantially, not -- you don't
14 have direct evidence as to Mr. Mitchell's intent;
15 right? 15:08:42

16 A. I think it's mostly circumstantial. There
17 are those few quotations or quotation that I have
18 from him. But for the most part it's a
19 circumstantial case.

20 Q. I'll come back to that quotation in a few 15:08:56
21 minutes.

22 Are you providing an opinion on the intent
23 of any particular California legislator?

24 A. No.

25 Q. Are you providing an opinion on the intent 15:09:06

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1 of the California legislature as a whole? 15:09:08

2 A. Only, I guess, to the extent that the
3 intent of whoever drew the map can be imputed to the
4 legislature.

5 Q. Okay. Let's go back to the Paul Mitchell 15:09:22
6 quote, Exhibit 1, PDF page 19 at the bottom.

7 MR. FREEDMAN: Ms. Woods, can you pull that up,
8 please.

9 Very good. If you could scroll down just
10 a little bit more. Thank you. 15:09:58

11 BY MR. FREEDMAN:

12 Q. Now, Ms. Madduri asked you about that much
13 earlier this afternoon. I want to just be clear,
14 did you rely on this statement in forming your
15 opinions in this case? 15:10:12

16 A. I don't think it's the most important
17 piece of evidence that I have, but I wouldn't put it
18 in the report if it were completely irrelevant. I
19 think it's a nice introduction to the themes of the
20 report. 15:10:24

21 Q. Now, when in the process did you become
22 aware of this statement?

23 A. This would have been fairly early on.

24 Q. You were asked by Ms. Madduri how you
25 became aware of this quote, and you noted that it 15:10:44

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1 was in the production of materials that was made 15:10:46
2 shortly before this deposition started.

3 What other statements were you provided
4 from Paul Mitchell?

5 A. You have the, I believe, the sum total. 15:10:56

6 Q. Did you rely on anything else he said in
7 rendering your opinions in this case?

8 A. It's one of those things where you read
9 things and you're aware of them, but I can't think
10 of any specifics. 15:11:12

11 Q. And you didn't cite any other statements
12 from him in your report; right?

13 A. Right.

14 Q. And did you rely on any statements from
15 legislators that you were provided in reaching the 15:11:22
16 opinions, your opinions in this case?

17 A. No.

18 Q. Now, I want to look closely at the
19 language that Mr. Mitchell used that you quote. He
20 says -- and this is the top of page 5. I should 15:11:37
21 read the -- I'll read the phrase.

22 [As read]:

23 "One is that they ensure that the Latino
24 districts that are in the VRA seats are bolstered in
25 order to make them most effective, particularly in 15:11:51

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1 the Central Valley." 15:11:54

2 Mr. Mitchell used the word "bolstered";

3 right?

4 A. Right.

5 Q. He didn't say he was creating a new 15:12:02

6 majority Latino district, did he?

7 A. Correct.

8 Q. You agree that CD 13 was a majority

9 Hispanic district in the 2021 commission map; right?

10 A. Correct. 15:12:18

11 Q. Is there a reason you didn't include

12 demographic information about CD 13 from the 2021

13 map in your report?

14 A. No.

15 Q. Do you know how much Hispanic CVAP changed 15:12:34

16 in CD 13 between the 2021 commission map and the

17 2025 Proposition 50 map?

18 A. I believe the estimate is 2/10ths of a

19 point.

20 Q. Is that something you calculated or are 15:12:49

21 you relying on defendants' experts?

22 A. I believe the answer to that is yes.

23 Q. Both?

24 A. Yeah, I would have looked at it to make

25 sure it was right. 15:12:59

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1 Q. Do you have any reason to dispute the 15:13:02
2 Hispanic CVAP calculations of the defense experts
3 for CD 13?

4 A. No.

5 Q. Do you know how much Democratic 15:13:14
6 performance changed in CD 13 between the 2021
7 commission map and the 2025 Proposition 50 map?

8 A. About 5 points, I think.

9 Q. Is that something that you calculated or
10 are you relying on defendants' experts? 15:13:28

11 A. That's just my recollection. I don't know
12 exactly where it came from.

13 Q. Do you have any reason to dispute the
14 partisan performance calculations of the defense
15 experts for CD 13? 15:13:41

16 A. No.

17 Q. Now I want to turn to your discussion of
18 Modesto, which starts about page 11 of your report.
19 That's going to be about page 26 of the PDF.

20 A. Okay. 15:14:06

21 MR. FREEDMAN: Maybe scroll up a little bit.

22 Okay. Up, please.

23 Yep, okay. I think we nailed it with the
24 26.

25 BY MR. FREEDMAN: 15:14:25

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1 Q. None of the maps that you present for the 15:14:26
2 Modesto/Ceres area, Figures 7, 8, 9, 10, 11 or 12,
3 reflects the 2021 commission map district line, does
4 it?

5 A. That's right. 15:14:41

6 Q. Did you look at how the 2025 map differs
7 from the 2021 map in the Modesto/Ceres area?

8 A. No, I don't think it's all that probative
9 here. The question is, were there decisions made
10 area that look as though they were driven more by 15:15:04
11 race than politics in how this line ended up.

12 Q. Why isn't it probative to look at the 2021
13 map and see how it changed?

14 A. Because I think the answer is how do the
15 lines end up and are the lines as drawn indicative 15:15:17
16 of racial or political predominance.

17 Q. Is it your view that the -- looking at the
18 2021 map and seeing how the lines changed in 2025 in
19 this area is irrelevant?

20 A. I don't think it's terribly helpful in 15:15:36
21 establishing what the map maker's intent was because
22 I think you look and see where the lines ended up
23 and whether they're best explained by race or
24 politics.

25 MR. FREEDMAN: Ms. Woods, can you scroll down a 15:15:51

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1 little bit? I just want it a little bit further 15:15:53

2 down on this page.

3 BY MR. FREEDMAN:

4 Q. On this page you note that "The district

5 bulges out here," remember that -- you see that 15:16:04

6 phrase?

7 A. Yes.

8 Q. Did the 2021 commission map also bulge out

9 in the Modesto/Ceres area?

10 A. I don't know. 15:16:18

11 Q. Now, you also note that the 2025 map

12 includes a large Republican population in or around

13 Ceres and that the same area is heavily Hispanic.

14 You're familiar with that; right?

15 A. Yes. 15:16:36

16 Q. You don't present any analysis whether the

17 district line in the Ceres area changed from the

18 2021 to the 2025 map, do you?

19 A. Correct.

20 Q. Do you know whether the district line in 15:16:51

21 the Ceres area changed from the 2021 to the 2025

22 map?

23 A. I don't think it matters.

24 Q. That's not my question.

25 My question is, do you know whether it 15:17:02

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1 changed? 15:17:04

2 A. I don't know, and I don't think it
3 matters.

4 Q. Now, Ms. Madduri asked you about the
5 treatment of Ceres in your demonstrative Map A. 15:17:29

6 And do you recall testifying that you kept
7 Ceres in CD 13 in demonstrative Map A?

8 A. Right.

9 Q. Did you also keep Ceres in CD 13 in
10 demonstrative Map B? 15:17:48

11 A. I think it's different approaches in B and
12 C for that area, and I think B keeps Ceres in and C
13 goes in and splits Ceres.

14 MR. FREEDMAN: Okay. Let's go down to page 16
15 of the report, which is, I'm going to guess, 32 of 15:18:28
16 the PDF.

17 THE WITNESS: Okay.

18 MR. FREEDMAN: We can go up a little bit.

19 BY MR. FREEDMAN:

20 Q. Now, similar question to what I asked 15:18:44
21 about Modesto and Ceres.

22 MR. FREEDMAN: We can scroll down, Ms. Woods, a
23 little bit, please.

24 BY MR. FREEDMAN:

25 Q. Did any of your maps of the Stockton area, 15:18:55

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1 Figures 13, 14, 15, 16, 17 or 18 reflect the 2021 15:18:57
2 commission map district line?
3 A. No.
4 Q. Did you look at how the 2025 map differs
5 from the 2021 map in this area? 15:19:11
6 A. Yes.
7 Q. You looked at it, it's just not reflected
8 in your report?
9 A. I mean, it jumps off whenever you look at
10 the map. 15:19:23
11 Q. How so?
12 A. Well, the enacted map doesn't have the
13 giant head that looks like Scotland rotated
14 45 degrees on it. It doesn't go into Stockton.
15 Q. Is that discussed anywhere in your report? 15:19:43
16 A. No. No, I think the question is the lines
17 that the map maker ended up adopting and the choices
18 he made in keeping or getting rid of them.
19 Q. Now, you talked about, in conjunction with
20 Stockton, the plume off the top of the district. 15:20:01
21 Did the 2021 commission map also have a
22 plume at the top of its district?
23 A. Not like this. We can debate whether
24 having Lathrop attached to it makes a plume, but not
25 to this extent. 15:20:15

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1 Q. Did it have a plume? 15:20:15

2 A. Again, we can debate whether having
3 Lathrop on it really makes it a plume. All I'm
4 going to say is not this extent.

5 Q. "Plume" is your word. 15:20:25

6 Did Stockton -- did CD 13 have a plume in
7 the 2021 map?

8 A. I don't know how much clearer I can be
9 answering your question for the third time. We can
10 debate whether Lathrop poking up or not is a plume 15:20:39
11 or not. I could make a case either way.

12 What I do know is, it's not the same or to
13 the extent of what you have here when it goes into
14 Stockton, which to me is clearly a plume.

15 Q. Now, you're aware that the plume, as you 15:20:55
16 call it, extends into an area that was part of
17 Congressional District 5 in the 2021 commission map;
18 right?

19 MR. FREEDMAN: Actually, let me correct my note
20 here. 15:21:11

21 All right. Let me strike my question. I
22 will ask again.

23 BY MR. FREEDMAN:

24 Q. You're aware that the area that you refer
25 to as a plume extended into Congressional District 9 15:21:16

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1 in the 2021 commission map; right? 15:21:20

2 A. The plume in the Prop. 50 map goes into an
3 area that was in District 9 in the commission map,
4 yes.

5 Q. Okay. When you say that -- and this is 15:21:34
6 the language at the bottom of the page we're looking
7 at -- "areas to the west of the District are heavily
8 Democratic," those areas in the 2025 map were left
9 in Congressional District 9; right?

10 A. Yes. 15:21:58

11 Q. Now, for Stockton, did the plume add
12 majority Republican census blocks to CD 13?

13 A. No. Do you mean any or on balance?

14 Q. Well, I'll start with any.

15 A. I don't know. 15:22:26

16 Q. Are you aware, sitting here, of any
17 Republican census -- or majority Republican census
18 blocks that were added to CD 13 from extending the
19 plume into Stockton?

20 A. I still don't know. 15:22:42

21 Q. You would certainly agree that many, if
22 not all, of the census blocks that were added to
23 CD 13 in the Stockton area were majority Democratic?

24 A. Well, that's why I said if you ask me on
25 balance what it is, I'll tell you Democratic, yeah. 15:23:00

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1 Q. Of the majority HCVAP census blocks that 15:23:05
2 were added to CD 13 in the Stockton area, can you
3 tell me how many of them were also majority
4 Republican?

5 A. No. 15:23:18

6 Q. In your rebuttal report -- and I don't
7 know that we need to pull it up, I just want to ask
8 you about some language in it.

9 You write [as read]:

10 "CD 9 is safely Democratic, regardless of 15:23:30
11 whether or not" -- and I'll add the word "Stockton
12 voters are included within its boundaries."

13 That's at page 18 of that report.

14 Do you recall writing that?

15 A. Yes. 15:23:45

16 Q. You would agree that moving additional
17 areas of Stockton from CD 9 to CD 13 would decrease
18 the Democratic performance in CD 9; right?

19 A. Well, yeah, but this is still an
20 overwhelmingly Democratic district no matter what. 15:24:01

21 Q. Are you aware what the percentages were in
22 the 2024 congressional election in CD 9?

23 A. No.

24 Q. Do you know how close the race was?

25 A. It was pretty close. It becomes way, way 15:24:18

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1 more Democratic because it goes into Contra Costa 15:24:22
2 County.

3 Q. On page 31 of your second report, you also
4 wrote that "District 9 was less in need of 'help'
5 than District 13," and you go on to say, [as read] 15:24:32
6 "District 9 was more Democratic of the two districts
7 to start."

8 Just to be clear, when you make that
9 claim, are you making that claim about the 2021 map?

10 A. I'm sorry, now you are quoting from my 15:24:45
11 report, so I've got to open it up.

12 MR. FREEDMAN: Let's pull up Exhibit 4, okay,
13 Ms. Woods? It's on page 31 of the report.

14 THE WITNESS: I appreciate you trying to move
15 things along, but I just need to double-check this. 15:25:04

16 Is this on page 31 numbered or of mine?

17 BY MR. FREEDMAN:

18 Q. It's numbered. I believe it's 35 of the
19 PDF.

20 A. Okay. 15:25:24

21 Q. And the language I was citing is in the
22 bottom paragraph starting "Dr. Rodden observes."
23 It's the fifth line -- it starts at the end of the
24 fifth line down.

25 A. Um-hum, yes. 15:25:39

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1 Q. So I want to be clear, when you're writing 15:25:45
2 about District 9 -- this is the language at the
3 bottom [as read]:

4 "District 9 was less in need of 'help'
5 than was District 9 [sic]; District 9 was the more 15:26:01
6 Democratic of the two districts to start."

7 You're referring to the 2021 commission
8 map; correct?

9 A. Correct.

10 Q. Do you know what the Dave's Redistricting 15:26:16
11 composite Democratic share was for CD 9 in the 2021
12 map?

13 A. No. I just know that Gray only won by a
14 couple hundred points and that Harder won by three
15 or four. 15:26:34

16 Q. Do you know how the composite Democratic
17 share for CD 9, according to the Dave's
18 Redistricting composite, for CD 9 compares to CD 13
19 in the 2021 map?

20 A. Which composite? 15:26:47

21 Q. The Dave's Redistricting composite
22 Democratic share.

23 A. Which one?

24 Q. The one from Dave's Redistricting.

25 A. There's more than one. 15:26:57

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1 Q. Do you know what the 2024 Democratic 15:27:01
2 presidential vote share was in CD 9 relative to
3 CD 13 in the 2021 map?

4 A. No. I just know that the incumbent
5 congressman there had a better re-election effort 15:27:12
6 than the Democrat in 13.

7 Q. Okay. Well, we might be talking about
8 this more on Monday.

9 MR. FREEDMAN: Let's pull up -- Ms. Woods, can
10 you pull up my Exhibit G? 15:27:25

11 And we'll mark that as Exhibit 12.

12 (Deposition Exhibit 12 was marked.)

13 BY MR. FREEDMAN:

14 Q. This is a document that was produced to us
15 this morning, marked as Exhibit 12. I want to ask 15:28:00
16 you about the e-mail you wrote that's in the middle
17 of the chain on this page, where you write
18 [as read]:

19 "Hey, can we find out Harder's address?
20 This could be a problem." 15:28:14

21 A. Yes.

22 Q. Tell us the context of this e-mail.

23 A. I was -- I got to -- oh, gosh, it might
24 have been as early as the Grofman report and the
25 suggestion that I double-bunked an incumbent in 15:28:34

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1 Tracy and thought that could be a problem. 15:28:39

2 So I e-mailed and said, hey, can we get
3 the address so I can make sure I didn't double-bunk
4 him.

5 Q. Okay. And why would double-bunking be a 15:28:52
6 problem?

7 A. Because you say then that's the reason
8 that the map maker wouldn't have adopted this
9 alternative map.

10 MR. FREEDMAN: Let's scroll up a little bit. 15:29:09

11 BY MR. FREEDMAN:

12 Q. Did you ever determine what Congressman
13 Harder's address actually was?

14 A. Yes.

15 Q. It's not a post office in Manteca, is it? 15:29:21

16 A. No, it's a road in Tracy that blessedly
17 remains in District 9.

18 I figured that was the case since none of
19 the experts actually say that I double-bunked him
20 but just kind of have innuendo, and so it was. 15:29:39

21 Q. Which of your maps keep Tracy fully in
22 CD 9, your demonstration maps?

23 (Reporter seeks clarification.)

24 Q. Which of your maps keep Tracy intact in
25 CD 9? 15:30:01

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1      A.    I'd have to look carefully, but I don't      15:30:04
2      think any of them do.  I think there's a block group
3      that overlaps it -- like, a large block group that
4      overlaps it in a corner for Map A.
```

5 Q. Do you think Mr. -- Congressman Harder 15:30:18
6 would support any of your demonstration maps given
7 what they do to Tracy?

8 A. I don't know.

9 MR. FREEDMAN: Ms. Woods, can we pull up and
10 mark as Exhibit 13 my Exhibit A? 15:30:44

11 (Deposition Exhibit 13 was marked.)

12 BY MR. FREEDMAN:

13 Q. Dr. Trende, this is a schedule from
14 Mr. Fairfax's appendix concerning your demonstrative
15 Map A. It's a schedule that was printed off of 15:31:29
16 Maptitude.

17 And my question is simply whether you
18 considered this analysis in presenting your opinions
19 in this case?

20 A. It's wrong. There's no reason I would 15:31:41

21 change District 50 or 49 or 48. It's silly.

22 Q. So you did consider -- you've seen this
23 analysis?

24 A. When Mr. Fairfax presented it. It's just

25 wrong, because, again, the places where he finds 15:31:58

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1 population deviations are not places I would have 15:32:01
2 any reason to ever go in and draw a map. It's
3 silly.

4 Q. When you redrew District 13 and
5 Districts 9 and 5, what did you do to equalize 15:32:17
6 population for those districts?

7 A. I went through and made the changes to
8 census blocks needed to zero out the populations.

9 Q. I see.

10 MR. FREEDMAN: Let's pull this down. 15:32:36

11 Can we pull up my Tab Exhibit B and we'll
12 mark that as Exhibit 14.

13 (Deposition Exhibit 14 was marked.)

14 BY MR. FREEDMAN:

15 Q. This is the same analysis for your Plan B, 15:33:17
16 and my question is the same, did you consider this
17 in rendering your opinions in this case?

18 A. Why would I consider wrong information?

19 Q. I'm sorry, so the answer is no?

20 A. I don't consider wrong information in any 15:33:32
21 of my reports. There's no reason for me to be
22 changing districts in 42 or 43 or 44.

23 If you look at the actual districts I was
24 drawing in, 9, 5, 13, the population deviations as
25 between changes made in those districts has to be 15:33:48

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1 zero. 15:33:51

2 Q. And is it your view that the population
3 deviation reported here for District 9 is wrong?

4 A. Well, it is wrong, and because 5 and 13
5 are the same as they are in the enacted map, and 15:34:04
6 because those districts are equipopulous, the change
7 that he's finding in District 9 has to be the
8 District 9 boundary with another district, not
9 District 13 or District 5.

10 Q. But you did redraw the lines for 15:34:22
11 District 9; correct?

12 A. Right. But it mathematically could not
13 have given rise to this population deviation.

14 And besides, in the actual map that I use,
15 it's a zero population deviation. 15:34:34

16 MR. FREEDMAN: Thank you. Let's pull this down
17 and if we could pull up my Tab C and mark it as
18 Exhibit 15.

19 (Deposition Exhibit 15 was marked.)

20 BY MR. FREEDMAN: 15:35:20

21 Q. This is the same analysis on your Plan C.

22 Same question, did you consider this in
23 presenting your opinions in this case?

24 A. I didn't consider this because it's wrong.
25 And obviously so. 15:35:36

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1 Q. You didn't consider the fact that 15:35:42
2 Maptitude says that your CD 13 -- I'm sorry, your
3 CD 9 has a population deviation of 13?

4 A. No, because the only way that
5 mathematically can come about if Districts 5 and 13 15:35:54
6 have zero or one population deviation is if it's a
7 result of another boundary.

8 And since I know I didn't change any
9 boundaries beside 9, 13 and 5, I know this is wrong.
10 And in my map-drawing software it shows up as 15:36:09
11 everything zeroed out.

12 MR. FREEDMAN: Let's pull this down. Can we
13 pull up my Tab D and mark it as Exhibit 16.

14 (Deposition Exhibit 16 was marked.)

15 BY MR. FREEDMAN: 15:36:53

16 Q. Dr. Trende, this is a contiguity report
17 concerning your Map A generated by Maptitude.

18 Did you consider this in providing
19 opinions in this case?

20 A. I didn't consider anything I know to be 15:37:13
21 wrong, and that would include this report.

22 MR. FREEDMAN: Let's pull this down, and if we
23 can pull up Exhibit E and mark it as -- I'm sorry
24 Tab E and mark it as Exhibit 17.

25 (Deposition Exhibit 17 was marked.) 15:37:34

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1 BY MR. FREEDMAN: 15:37:59

2 Q. This is the Maptitude report on your
3 Plan B for contiguity.

4 And my question is, did you consider this
5 in rendering your opinions in this case? 15:38:08

6 A. Well, no, because I don't draw my maps in
7 Maptitude for redistricting. But the similar
8 analysis that I ran in my map-drawing software
9 doesn't give this contiguity issue.

10 And, again, there's no reason for me to go 15:38:26
11 in and change with 41 and 42. I honestly can't
12 believe you are running with this.

13 MR. FREEDMAN: Let's pull this down. And can
14 we pull up my Tab F and mark it as Exhibit 18?

15 (Deposition Exhibit 18 was marked.) 15:38:47

16 BY MR. FREEDMAN:

17 Q. This is the Maptitude analysis of
18 contiguity for your Plan C.

19 And my question is whether you considered
20 this in providing the opinions in your report? 15:39:17

21 A. So, again, no. I don't run my maps in
22 Maptitude. My mapping software doesn't show any
23 changes or non-contiguities in Districts 41 or 42.
24 And there's no reason for me to go in and make any
25 changes to the boundaries in those districts because 15:39:38

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1 I only drew in Districts 5, 9 and 13. 15:39:40

2 With that said, there were a handful,
3 three, zero population blocks that did not change
4 over in this particular map. They wouldn't have
5 changed any of the analyses, and they wouldn't 15:39:56
6 require any additional map drawing to fix.

7 Q. So you acknowledge that Plan C, as you
8 drew it and presented it to the court, contained
9 three contiguity issues?

10 A. Well, they aren't really issues because 15:40:12
11 there's zero population, and so changing them over
12 doesn't change any of the analysis and doesn't
13 require any analysis redrawing.

14 MR. FREEDMAN: Thank you. I will see you on
15 Monday. 15:40:27

16 And I pass the witness.

17 MR. EASON: Hi, Dr. Trende. Are you able to
18 hear me?

19 THE WITNESS: Yes.

20 MR. EASON: Excellent. 15:40:44

21 Before I begin, I just want to check with
22 the court reporter to see if we need a break.

23 THE REPORTER: How long you got?

24 MR. EASON: Sorry. Can you repeat that?

25 THE REPORTER: How long will your questioning 15:40:58

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1 be, about? 15:41:02

2 MR. EASON: I don't have an exact estimate. My
3 guess is no longer than a half hour.

4 THE REPORTER: Okay. Let's just keep going,
5 then. 15:41:14

6 MR. EASON: Okay. Sounds good.

7 I will try to appropriately strike the
8 balance between respecting everyone's time and also
9 speaking slow enough so that my questions are
10 understood. 15:41:26

11 MS. HASAN: I'm sorry. I just want to give
12 everyone a heads-up that I'll ask a few questions
13 after Ryan.

14 MR. EASON: Thank you.

15 And I also want to just restate that I am 15:41:33
16 asking questions on behalf of State defendants
17 California Governor Gavin Newsom and California
18 Secretary of State Shirley Weber.

19 EXAMINATION

20 BY MR. EASON: 15:41:45

21 Q. To begin I want to go back to a
22 conversation you were having with Ms. Madduri at the
23 beginning, and you mentioned that you hosted a
24 podcast.

25 What podcast do you host? 15:41:53

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1 A. Stubborn Things. 15:41:55

2 Q. And what is the podcast about?

3 A. It's about politics and elections. We
4 only have one episode, so we're still kind of giving
5 our take. 15:42:13

6 Q. What was the first episode about?

7 A. Gerrymandering.

8 Q. Gerrymandering.

9 Did that podcast episode cover the
10 mid-decade redistricting that is happening around 15:42:26
11 the country this year?

12 A. Briefly.

13 Q. Did the podcast episode mention Prop. 50?

14 A. I don't know.

15 Q. Who's your cohost on the podcast, if any? 15:42:36

16 A. Jay Cost.

17 Q. And who is Jay Cost?

18 A. Jay Cost has been a lot of things, but he
19 was my original coworker when I was at
20 RealClearPolitics. Last we talked, he was a high 15:42:54
21 school teacher, actually, but I think he's retiring
22 this year. So he's a friend of mine.

23 Q. Is this a project that you two run on your
24 own, or is this podcast published by an
25 organization? 15:43:16

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1 A. We run it on our -- we actually ran it and 15:43:16
2 came up with the idea on our own. We decided we
3 wanted some institutional support, so we got
4 American Enterprise Institute to sponsor it.

5 Q. And can you explain what the American 15:43:28
6 Enterprise Institute is?

7 A. Well, that's a really good question,
8 because I think if we were talking 20 years ago and
9 I said that Dick Cheney was a fellow there, we would
10 say conservative, but now we live in a universe 15:43:38
11 where Nancy Pelosi attends Dick Cheney's funeral but
12 the president does not, the Republican president
13 does not.

14 So it's -- I think if you had to
15 characterize -- and the politics section which we 15:43:53
16 are in has people like Ruy Teixeira, who is a very
17 liberal Democrat, in it.

18 But if you had to characterize it, I guess
19 you would say it's become kind of a haven for "Never
20 Trump" conservatives. 15:44:08

21 MR. EASON: Okay. Thank you.

22 Switching gears, I want to pull up your
23 first report again, and I believe that this was
24 Exhibit 1.

25 So if we could share the screen for that. 15:44:17

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1 And then if we could go to -- I believe 15:44:31
2 it's going to be page 40 of the PDF, and it's
3 page 25 of the report.

4 So on this page -- can we scroll down just
5 a little bit so we can read the text? I'm more 15:44:58
6 focused on the text here.

7 BY MR. EASON:

8 Q. So this page reflects your analysis of
9 your demonstration Map B; is that correct?

10 A. Correct. 15:45:10

11 Q. And can you state what the HCVAP of
12 District 13 in your demonstration District B would
13 be?

14 A. 48.9 percent.

15 Q. Okay. And that is under 50 percent; 15:45:24
16 correct?

17 A. Correct.

18 MR. EASON: Okay. If we can scroll down two
19 more pages to page 42.

20 BY MR. EASON: 15:45:34

21 Q. Okay. Same question, that first full
22 paragraph there, this is referring to -- this
23 paragraph is referring to your demonstration Map C;
24 correct?

25 A. Correct. 15:45:49

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1 Q. And what does this paragraph say that the 15:45:50
2 HCVAP of District 13 in demonstration C is?
3 A. 48.1.
4 Q. And this is less than 50 percent; correct?
5 A. Correct. 15:46:03
6 Q. Are you aware that the independent
7 redistricting commission, California's independent
8 redistricting commission, designated District 13 as
9 necessary to comply with the Voting Rights Act?
10 A. I believe it. 15:46:18
11 Q. What does it mean to you that a district
12 is necessary to comply with the Voting Rights Act?
13 A. That it'll elect the minority candidate of
14 choice.
15 Q. Does that typically come in the form of a 15:46:32
16 majority minority district?
17 A. I think behind her camera Ms. Madduri
18 might be having a stroke right now.
19 There are certainly conservative legal
20 scholars who argue that VRA remedial districts have 15:46:47
21 to be 50 percent plus 1 minority.
22 But after Cooper v. Harris, my
23 understanding -- and, again there are lawyers mostly
24 on the right who disagree -- is that when you get to
25 the actual drawing of maps, what matters is how the 15:47:02

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1 district performs and votes and that you actually 15:47:05
2 can't have a particularized minority vote share
3 target without evidence that that target is needed
4 to elect the minority candidate of choice, and that
5 includes the 50 percent plus 1 threshold. 15:47:21

6 Q. Okay, understood.

7 Okay. If we can now switch to the topic
8 of Madera, which you also had a conversation earlier
9 with Ms. Madduri.

10 Just to confirm, you believe that race 15:47:38
11 subordinated politics in the Madera area of the
12 Prop. 50 District 13; correct?

13 A. No, explicitly the opposite.

14 Q. Sorry, I may have misstated my question,
15 then. 15:47:54

16 Can you restate your conclusion on the
17 Madera area of District 13?

18 A. There's not evidence that racial
19 considerations were subordinated to political ones.

20 Q. There's not evidence that race 15:48:08
21 subordinated political considerations.

22 A. Right.

23 Q. So you found that this area of the map was
24 not problematic --

25 A. Right. 15:48:21

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1 Q. -- from a racial gerrymandering 15:48:22
2 perspective?

3 What significance did this have on your
4 analysis and conclusions?

5 A. It's a piece of evidence that having 15:48:30
6 little protrusions, or potato eyes or however you
7 want to call it, doesn't necessarily mean that
8 you're going to count something as a racial
9 gerrymander. This is something that can be
10 falsified. 15:48:44

11 Q. And just to confirm, you did not analyze
12 any part of District 13 other than the three
13 subareas you mentioned in your report; correct?

14 A. Right, the three areas that look like it
15 could be traditional concerns subordinated to racial 15:48:56
16 considerations.

17 Q. And if you had looked at the rest of
18 District 13 and found that the remainder of the
19 areas you came to the same conclusion as you did in
20 Madera, that politics predominated, would that have 15:49:14
21 colored your interpretation of the District 13 map?

22 A. No, because I think for the most part --
23 and, again, I'd have to go -- I'd want to
24 double-check myself on this, but I think, like, the
25 western boundary is a county boundary, for example. 15:49:30

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1 So -- and same thing with that wing that 15:49:35
2 kind of sticks off to the, I guess, northeast of
3 Merced.

4 So even if I found a racial -- or even if
5 I found what looked to be a racial consideration 15:49:50
6 there, I would never be able to make a convincing
7 case for it because you would just point to the
8 county boundary.

9 Q. So if every part of District 13, other
10 than the Stockton area or the Modesto/Ceres area, 15:50:07
11 had a neutral explanation or a politically
12 predominant explanation, would that affect your
13 conclusions in any way?

14 A. No, because, like I said at the beginning
15 of my reply, my understanding is that you could have 15:50:24
16 even, like, a perfectly circular district, but if
17 there's a tendril coming off of it to grab minority
18 areas that that's enough.

19 I could be completely dead wrong on that,
20 and if I am, then I'm wrong. But as far as what my 15:50:43
21 conclusions would be, as I sit here, it wouldn't be
22 affected at all.

23 Q. And so to confirm, your conclusions in
24 your report are limited to the two subareas that you
25 analyze specifically? 15:51:00

1 A. Well, I think they're the evidence for the 15:51:03
2 district and my understanding is that if you have
3 evidence of -- if you have -- if a court believes
4 that a certain portion of the lines are drawn with
5 racial predominance, that that's sufficient. 15:51:18

6 If I'm wrong, then I'm wrong.

7 MR. EASON: Okay. If on Exhibit 1, which we
8 still have in front of us, we could scroll up to
9 page 16 of the PDF, which is page 1 of the report.
10 BY MR. EASON: 15:51:37

11 Q. Can you read the sentence beginning with
12 the words "The Enacted Map's boundaries"?

13 A. "The Enacted Map's boundaries between
14 districts 9 and 13 appear to have been crafted to
15 enhance the Hispanic Voting Age" -- 15:51:58

16 (Reporter seeks clarification.)

17 A. I'm so sorry.

18 ". . . appear to have been crafted to
19 enhance the Hispanic Voting Age Population and
20 Hispanic Citizen Voting Age Population in the 15:52:09
21 district."

22 Q. All right. Thank you.

23 And I'll note that you earlier noted that
24 you intended for this sentence to also include
25 District 5; correct? 15:52:20

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1 A. Correct. 15:52:20

2 Q. So does this sentence reflect your
3 position that the District 13 map was drawn to
4 enhance Latino performance?

5 A. It was drafted to enhance Latino or -- at 15:52:35
6 least the boundaries between Districts 9, 13 and 5
7 were crafted to increase the Hispanic voting age
8 population and citizen voting age population.

9 Q. And what does "enhance performance" mean
10 to you here? 15:52:54

11 A. Well, if you don't craft them the
12 particular way that they're crafted, you're probably
13 not going to get the HVAP and HCVAP that you end up
14 with.

15 Q. So is it your position that the lines were 15:53:09
16 drawn to increase the Latino or Hispanic population
17 in order to make it more likely that they would
18 elect candidates of choice?

19 A. No, because the district -- if anything,
20 they make it a little bit less likely, because the 15:53:22
21 district isn't as Democratic as you otherwise would
22 have in some of these, what I consider, more natural
23 configurations.

24 Q. Okay. I want to move now to the
25 supplemental report. I need to remind myself of the 15:53:44

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1 exhibit number. I think it's Exhibit 4. 15:53:47

2 A. 4.

3 MR. EASON: Okay. And if we could scroll down
4 to page 28, I believe, of the report, which I think
5 is 32 of the PDF. 15:54:12

6 Yes, that's the correct one. I'm just
7 trying to match on my own screen.

8 BY MR. EASON:

9 Q. Okay. So in the paragraph starting with
10 "Regardless," you say, "that the rural area removed 15:54:39
11 from the southern portion of the Commission's
12 District 13 had an HVAP of 72 percent and an
13 estimated HCVAP of 60 percent."

14 Correct?

15 A. Correct. 15:54:54

16 Q. And in the same paragraph you say that the
17 portion added to the Prop. 50 District 13 had an
18 HVAP of 68 percent and an estimated HCVAP of
19 62 percent; correct?

20 A. Correct. 15:55:08

21 Q. And in the same paragraph you say that the
22 area added to the district is more heavily
23 Democratic; correct?

24 A. Right, that's what Dr. Rodden shows.

25 Q. And you would agree with that conclusion? 15:55:21

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1 A. Yes. 15:55:24

2 Q. So would you describe the primary effect
3 of this exchange on its own as improved Democratic
4 performance?

5 A. Overall? Yeah, swapping out these 15:55:34
6 populations made the district more Democratic.

7 The question is when crafting the -- as I
8 see it, and I could be wrong, is when crafting the
9 particular lines, was it done in a way to make sure
10 that the Hispanic CVAP stayed as high as it could or 15:55:47
11 stayed high.

12 MR. EASON: Okay. And then in the following
13 paragraph, can we scroll down just a little bit.

14 BY MR. EASON:

15 Q. Okay. And then do you mind reading the 15:56:03
16 sentence starting with "I'm not sure"? It's about
17 four lines --

18 A. "I'm not sure" --

19 Q. Sorry, go ahead.

20 A. How many lines do you want me to read? 15:56:13

21 Q. Just until the end of the period.

22 A. "I'm not sure this shows what Dr. Rodden
23 suggests that it shows; if anything this seems to
24 help the claim plaintiffs are making."

25 Q. Oh, I'm sorry, I'm now realizing there's 15:56:28

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1 two sentences in this paragraph that begin with "I'm 15:56:32
2 not sure." So I was referring to the one that comes
3 later, about four lines up.

4 A. Yeah, this wasn't necessarily the most
5 beautiful wordsmithed report. 15:56:44

6 "I'm not sure what the chances of this
7 occurring randomly are, but they seem low."

8 Q. And in the context of this paragraph, can
9 you explain what this is referring to?

10 A. Having 14 districts' HCVAP in the same 15:56:59
11 basic range.

12 Q. And you say that the odds seem low.

13 Why do you say that?

14 A. Because it seems unlikely to have 14
15 districts that all end up with HCVAPs in a 15:57:15
16 4 percentage point range. I guess it's possible,
17 but to really do that without trying to seems low.

18 Q. Did you conduct any analysis on this point
19 to reach this conclusion?

20 A. No, I'm just responding to Dr. Rodden 15:57:37
21 here, who's suggesting that this is exculpatory.

22 Q. So is this based on your just personal
23 knowledge?

24 A. No. Dr. Rodden is making -- to put it in
25 legal terms, he seems to be making a bit of an 15:57:54

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1 affirmative defense here, that, look, the HCVAP 15:57:58
2 between the two districts didn't change.

3 I'm saying, actually, I don't think that
4 proves anything. If anything, it probably raises
5 more eyebrows or red flags than before. 15:58:08

6 Q. Sort of separate from Dr. Rodden's report,
7 I just mean your conclusion that the chances of this
8 occurring randomly are low, that's not based on an
9 analytical conclusion; correct?

10 A. No, that's right. 15:58:26

11 MR. EASON: Okay. I think that is actually all
12 the questions that I have. And so I'm going to pass
13 it off to my colleague Iram Hasan. And thank you
14 for your time.

15 THE WITNESS: Thank you. 15:58:49

16 EXAMINATION

17 BY MS. HASAN:

18 Q. Hi, Dr. Trende.

19 A. Hello.

20 Q. I am hopefully the last person you speak 15:58:54
21 with today.

22 MS. HASAN: I don't have very much left thanks
23 to the excellent lawyering of all the other lawyers,
24 but does anybody need a short break before we get
25 into it? 15:59:07

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1 Madam Court Reporter? 15:59:09

2 THE REPORTER: I mean, you got more than

3 20 minutes or -- about that? Okay. Let's go.

4 Let's go.

5 MS. HASAN: I don't want to underestimate. 15:59:25

6 Could be a little bit more. Okay. We can go ahead

7 and you can let me know if you want me to stop.

8 Could we pull up Exhibit 4, please, the

9 reply report, and go to PDF page 12.

10 BY MS. HASAN: 16:00:02

11 Q. So looking at the second bullet point

12 here, lower down on the page, the second -- part of

13 the second sentence reads "if an otherwise-circular

14 district has an odd-shaped appendage that reaches

15 out to carve out a minority population, the district 16:00:18

16 is drawn with racial intent, and that is a district

17 in which race predominated."

18 Dr. Trende, is that always necessarily the

19 case?

20 A. Well, so I -- again, not necessarily the 16:00:31

21 most wonderfully crafted report I've put out. This

22 case has been going fast for everyone, but that if

23 it reaches out to carve out a minority population is

24 my active verb to suggest intent.

25 So, yeah, I do think that if you have an 16:00:50

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1 odd-shaped appendage that reaches out in order to 16:00:53
2 carve out a minority population, I think that's
3 enough. I could be completely wrong.

4 Q. What would make you think you're
5 completely wrong? 16:01:07

6 A. I learn things in these cases all the time
7 that I didn't know before. And if the law is that
8 you can have a couple of appendages that were drawn
9 with racial intent -- and I guess I should have said
10 and not otherwise justified -- that that's enough. 16:01:22

11 But maybe it is a majority of the district
12 boundary has to be drawn with racial intent to
13 trigger the 14th Amendment.

14 Q. Okay. And if we were to replace the words
15 "minority population" with "Democrat" or "Republican 16:01:43
16 population" and "racial" to "partisan," would you
17 similarly conclude that that is a district in which
18 partisanship predominated?

19 A. That could be a part of the district in
20 which partisanship predominated. And so say under 16:02:02
21 the old commission rules, that would seem to be
22 enough. But I don't know the particularities of
23 California law.

24 Obviously in fed. court it wouldn't -- or
25 under the federal constitution it wouldn't matter. 16:02:15

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1 Q. Okay. I'm going to PDF page -- I think 16:02:22
2 it's 8. Yeah. Report page 4.

3 So here, Dr. Trende, you mention a
4 triangle and a square when describing a portion of
5 this map. This might be a little tricky since we 16:02:52
6 don't have a pen that you can use to demonstrate,
7 but can you just describe with a little more
8 specificity where the triangle and the square are?

9 A. I can try. They're kind of laid on top of
10 each other, so it makes it more difficult. 16:03:09

11 But as you're entering Stockton from the
12 south, you can see three sides that are roughly of
13 that -- I think you can see three sides of the
14 dark-shaded here and then a portion of the top one.
15 That's -- it's an ugly square, but it's kind of a 16:03:25
16 square.

17 And then juttred off to the right is kind
18 of -- it's a triangle laid on top of the square.

19 Q. Is it the dark-shaded area?

20 A. Right. The part that indicates high 16:03:43
21 Hispanic population.

22 Q. Got it.

23 Okay. And then we don't need to pull up
24 the page, but later in the same report you mentioned
25 that there are Democratic White areas in Stockton. 16:04:02

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1 If you want we can go there. It's PDF page 25. 16:04:06

2 Unless you remember it and then we don't have to.

3 A. I was probably being sloppy there and

4 should have said not Hispanic, but -- or low

5 Hispanic population. 16:04:23

6 Q. Okay. So you didn't mean White?

7 A. Right. That neighborhood to the west

8 of -- in southwest Stockton is multiracial, and I

9 actually think the White population is pretty low.

10 Q. Is it fair to say, then, that there are no 16:04:40

11 White majority census blocks in Stockton?

12 A. Well, I don't know about that. I don't

13 know -- I don't know.

14 There's a lot of area in Stockton that

15 hasn't been particularly relevant to what we're 16:04:49

16 talking about here, and so I don't know those areas

17 well enough to opine off the top of my head.

18 MS. HASAN: Okay. Turning to the original

19 report, Exhibit 1, PDF page 25 -- sorry. PDF

20 page 38. 16:05:14

21 BY MS. HASAN:

22 Q. This is going to your demonstration maps.

23 A. Okay.

24 Q. Earlier you testified that you didn't

25 check how much of the incumbent's vote share was 16:05:45

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1 removed from Tracy; was that right? 16:05:48

2 A. Right.

3 Q. Is it fair to say that you didn't consider
4 how much population from Tracy was removed in these
5 maps at all? 16:06:00

6 A. Oh, that's right.

7 Q. Did you evaluate in any of these
8 demonstration maps if any non-Hispanic racial or
9 ethnic groups were moved in or out of the district?

10 A. No. 16:06:18

11 Q. Then earlier I think you testified, and
12 please let me know if I'm wrong, that keeping
13 municipalities intact is a traditional redistricting
14 principle; is that right?

15 A. I think it generally is, yeah. 16:06:31

16 Q. Does that come in tension with your
17 decision to split Tracy in these maps?

18 A. No. We already have this weird plume
19 coming off of it that's not a traditional
20 redistricting principle. 16:06:49

21 Obviously drawing a district from Modoc to
22 Marin isn't a good government decision. So I don't
23 think adding an additional municipality split,
24 especially when you're healing a couple of
25 census-designated place splits, which is also 16:07:02

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1 something that's considered, is out of bounds. 16:07:07

2 Q. Okay. And is it right that in each of
3 these demonstration maps you kept the plume, to some
4 extent?

5 A. Well, right, because you're doing -- 16:07:23
6 you're still doing a gerrymander in these maps.
7 You're still trying to draw a map that'll improve
8 the Democratic vote share, but you're not doing it
9 on racial grounds.

10 Q. So is it right to say that the plume is 16:07:40
11 where the Democrats are?

12 A. Partly, yeah.

13 And so it then becomes a question of
14 what's driving the way that that plume -- the plume
15 is what draws your attention to it. It makes you 16:07:54
16 think, yeah, there's some type of weird stuff going
17 on here.

18 And then you have to kind of dig into the
19 plume to see whether it's racial stuff or political
20 stuff. And here is it is jumping across the city of 16:08:08
21 Stockton to get some politically marginal areas at
22 the expense of -- that are heavily Hispanic at the
23 expense of some areas that are much lower HCVAP but
24 would have been much more Democratic.

25 Q. Are there other areas where CD 13 could 16:08:27

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1 have expanded, other than that plume, to increase 16:08:32
2 Democrat vote share?
3 A. It could have gone into Tracy.
4 Q. And aside from that, any other direction
5 aside from north, or northwest, I suppose? 16:08:43
6 A. I mean, I guess probably you could have
7 done something like is done with District 9, where
8 you cross over into some of the coastal areas.
9 I mean, this map is not afraid to draw
10 tendrils and appendages, so I'm sure you could have 16:09:06
11 if you were sufficiently motivated.
12 Q. But that would make the district less
13 compact?
14 A. Well, yeah. But, again, this is a map
15 where you draw across the entire northern boundary 16:09:17
16 and then down the Pacific Coast to San Francisco. I
17 just don't believe that that was a non-negotiable.
18 Q. Did you compare this plume in the Prop. 50
19 map with the plume in the commission map?
20 A. I think it's obviously not the same 16:09:46
21 because one is just adding the city of Lathrop on as
22 opposed to going all the way into Stockton and
23 crossing the city to other census-designated places.
24 So, I mean, I'm aware of that and that's
25 obvious. 16:10:05

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1 Q. So you did a visual comparison of the two 16:10:06
2 districts?

3 A. No, no. I don't have any type of maps or
4 anything like that in the report. But the old
5 district does have the entire city of Lathrop added 16:10:19
6 onto it.

7 Maybe the commission was gerrymandering as
8 well, but I think you look at how that's drawn and
9 you're like, okay, they're putting an entire city up
10 there and it's kind of oddly shaped. As opposed to 16:10:34
11 this, which is running in a narrow strip up to a
12 city and crossing over to get some heavily Hispanic
13 areas.

14 Q. How do you know what District 13 looked
15 like in the commission map? 16:10:50

16 A. I mean, for one thing, it was displayed in
17 Dr. Rodden's report and possibly in Fairfax's, I
18 can't remember.

19 Q. Did you look at the shape of District 13
20 in the commission map when you were preparing this 16:11:11
21 report?

22 A. Oh, I'm sure I did.

23 Q. Did it generally extend in the same
24 direction?

25 A. Yeah, you have the city of Lathrop stuck 16:11:26

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1 on top of District 13. 16:11:30

2 MS. HASAN: Okay. Now, switching back to the
3 reply report, Exhibit 4. PDF page 13, please.

4 BY MS. HASAN:

5 Q. So in the middle of the first paragraph, 16:12:15
6 Dr. Trende, you say, "I certainly agree that the map
7 achieves certain partisan goals."

8 What do you mean by that?

9 A. Well, as I say in the next sentence, I
10 don't think Modoc County's paired with Marin County 16:12:27
11 for any reason other than partisanship.

12 Q. Does that opinion extend to any other
13 parts of the Prop. 50 map?

14 A. I mean, I think that District 1 is less
15 egregious, but it's probably drawn for political 16:12:43
16 purposes. But, again, I think you can have a map
17 that does both.

18 Q. Would you say that most districts achieve
19 partisan goals?

20 A. I don't know about that, but the map as a 16:13:00
21 whole is made more favorable to Democrats and --
22 yeah.

23 Q. Did you consider any other particular
24 districts in coming to this conclusion?

25 A. You know, like I said, my instruction was 16:13:15

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1 to find the best or worst -- depending, I guess, on 16:13:21
2 how you put it -- look at it -- place that race
3 predominated, if it existed at all.

4 And so I know I looked at other districts,
5 but that was also, you know, a couple months ago at 16:13:38
6 this point. So I don't remember the exact districts
7 I looked at.

8 Q. Okay. Would you say you looked at a
9 majority of districts, would you remember?

10 A. I don't remember. The only thing that I 16:13:54
11 remember is looking at the District 9 tendril and
12 thinking that there was evidence there, but it
13 wasn't as good as in Stockton.

14 Q. On the same page, fourth paragraph, you
15 say, "We actually don't know that the HCVAP is 16:14:18
16 lower."

17 A. Right.

18 Q. And then you go on to talk about the
19 margin of error with the ACS data --

20 A. Correct. 16:14:36

21 Q. -- less than a percentage point; is that
22 right?

23 A. Yeah.

24 Q. So is it fair to say, then, that the HCVAP
25 would change by about 1 percent, taking into 16:14:43

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1 consideration the margin of error? 16:14:48

2 A. No, no, there's just a bound of
3 uncertainty around the HCVAP. A lot of people
4 forgot about it, especially when they're drawing,
5 but it's there. 16:15:04

6 Q. Does that mean that if you look at
7 somebody's HCVAP calculation, you would look at it
8 and assume plus/minus 1 percent?

9 A. I think it's 6/10ths of a point here, but
10 that's what I would do. But, like I said, most 16:15:21
11 people don't really think about it because they see
12 the number on the screen, and that's what they're
13 drawing with.

14 But I think it's worth pointing out we
15 don't really know as social scientists with that 16:15:33
16 degree of specificity.

17 I actually considered taking this one out
18 because it seemed a little bit too like, well,
19 actually, for a social scientist I like, but I think
20 it's a fair point. 16:15:56

21 Q. Bottom of page 9, going on to the top of
22 page 10, you say:

23 "In Madera, the legislature does appear to
24 exclude areas that are both Hispanic and Republican
25 while including areas that are both Hispanic and 16:16:15

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1 Democrat." 16:16:18

2 A. Right.

3 Q. What's the significance of that?

4 A. Ah.

5 I have to read to see what I was even 16:16:43

6 responding to.

7 Oh, yeah, so Dr. Grofman says you could
8 have put more Hispanic population in certain areas
9 and didn't. Yeah, that's true around Madera.

10 Q. Isn't this the type of thing that you 16:17:12
11 would see in a partisan gerrymander?

12 A. No, because the problem is when it comes
13 to whether to include non-White Democrats or
14 Hispanics, when you have to actually make a choice
15 on the basis of race, the map maker goes for race 16:17:29
16 instead of politics.

17 Given a choice between two groups of
18 Hispanics, things are different. Or, I'm sorry, he
19 cares.

20 Q. And then later in that same paragraph you 16:18:02
21 say:

22 "The problem comes when the choice is
23 between similarly situated non-Hispanic Democrats
24 and voters who are Hispanic-but-less-Democrat (or
25 Republican). Someone drawing race-blind with 16:18:13

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1 partisan intent should select the latter at the 16:18:16
2 expense of the former, especially if the former are
3 less readily available."

4 A. Right.

5 Q. But in a partisan gerrymander, wouldn't 16:18:26
6 you select the former, more Democrats?

7 A. Did I get latter and former reversed
8 there?

9 Q. You tell me.

10 A. It's too late for me to keep latter 16:18:41
11 straight from former. Let's see.

12 (Witness reviews document.)

13 A. Yeah, that's backwards. I'm pretty sure.

14 Q. Okay.

15 A. Right, right. Yeah, someone drawing 16:19:10
16 race-blind with partisan intent should pick the
17 Democrats and not the Republicans or the less
18 Democrats. Right.

19 Q. So latter should be former?

20 A. Yeah, I got latter and former mixed up 16:19:26
21 there.

22 Q. And then just -- this is sort of in
23 reference to the last paragraph of this page.

24 In a partisan gerrymander, is it possible
25 for every single district to be drawn to be safe for 16:19:52

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1 the party in charge of the map drawing? 16:19:56

2 A. I mean, in theory it's possible to draw
3 every district in California 59 percent or whatever
4 Harris's statewide vote share is, at least in
5 theory. 16:20:11

6 Q. Have you evaluated if there are enough
7 Democrats in the state to do that or if the
8 geography would support that?

9 A. Oh, you can always make the geography --
10 you can draw little tendrils out. I mean, that's 16:20:20
11 how Illinois gets turned into a, whatever it is,
12 three-Republican district. And they could do more
13 if they wanted to, but Illinois is not as Democratic
14 as California.

15 You can always, if you're willing to, 16:20:33
16 distort things enough, make things equal to the
17 state vote share.

18 Q. And so a significant amount of distortion
19 or districts with tendrils would be required to
20 achieve that goal? 16:20:52

21 A. Well, right, because -- well, actually, I
22 don't know if that's the case in California, but if
23 you're willing to distort things enough, you're
24 always able to do it.

25 Maybe you can do it without distorting 16:21:04

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1 things in California, I just don't know. Maybe the 16:21:07
2 VRA is what stops them.

3 Q. So turning to District 5, do you know how
4 partisanship changed in CD 5 from the old map to the
5 new map? 16:21:40

6 A. No, I think it was pretty Republican,
7 either configuration.

8 Q. If I represented to you that it was
9 previously majority Republican and then increased a
10 little bit in Republican vote share, would you agree 16:21:56
11 with that?

12 A. I wouldn't have a reason to dispute you.

13 Q. So if -- for example, using 2023 CVAP
14 data, if it was previously 57.6 percent Republican,
15 would you say that's a safe Republican district? 16:22:23

16 A. I'm sorry, what does HCVAP data have to do
17 with partisan --

18 Q. I'm sorry, I misspoke. I meant --

19 A. Okay.

20 Q. Yeah, I meant CVAP data. 16:22:34

21 A. You mean vote share for -- I mean . . .

22 Q. Looking at the number of Republicans based
23 on 2023 CVAP data, does that make sense?

24 A. No, the 2023 CVAP data doesn't have
25 partisanship in it. 16:22:59

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1 Q. I'm sorry. It does not. I'm talking 16:23:02
2 about 2024 presidential vote share.
3 A. Okay.
4 Q. So mixing up latter and former is not a
5 big deal. 16:23:13
6 A. It happens to the best of us.
7 Q. So if I were to represent to you that CD 5
8 was 57.6 percent Republican in the commission map,
9 would you call that a safe Republican district?
10 A. Probably. 16:23:32
11 Q. And if it increased to 59.1 percent, that
12 would make it an even safer Republican district?
13 A. Yes.
14 Q. Would that be an example of packing?
15 A. Could be. 16:23:50
16 Q. And what does packing mean?
17 A. Packing means -- so packing means shoving
18 members of one party into a single district so that
19 you can bring up the Democratic share in other
20 districts. 16:24:07
21 The reason I say not necessarily is that
22 the map drawer in Texas said that he was using a
23 59 percent Republican vote share to make sure that
24 the districts were safe and wouldn't flip. So
25 59 percent is not necessarily packing. 16:24:17

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1 Q. But increasing an already safe Republican 16:24:21
2 district to an even safer Republican district would
3 not necessarily be packing?

4 A. That's what the Republican map drawer in
5 Texas claimed he was doing, and I don't think he was 16:24:32
6 trying to pack his own vote.

7 It just depends on the state. If you're
8 in a heavily Republican state -- for example, if all
9 these districts -- if you drew the California map
10 with 52 Harris 59 percent districts, I mean, I guess 16:24:49
11 you could call it packing, but it's making the map
12 more favorable to Democrats.

13 Q. Is packing something you would expect in a
14 partisan gerrymander?

15 A. Well, it can be, but in that example I 16:25:10
16 just gave, that's cracking all the Republican votes
17 to make them completely inefficient. So you don't
18 need packing necessarily to gerrymander. But you
19 often do.

20 Q. Is cracking also something you would see 16:25:29
21 in a partisan gerrymander?

22 A. Yes.

23 Q. And what does cracking mean?

24 A. Cracking is splitting Republicans or
25 Democrats, whichever party you're trying to 16:25:39

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1 disfavor, across multiple districts so they can't 16:25:44
2 elect their candidate.

3 Q. I'm going to the next page, PDF page 16.
4 Actually, it's the next few pages. We don't have to
5 read them, but it's just referencing them. 16:26:06

6 Here you discuss the weight given to
7 different compactness scores.

8 A. Um-hum.

9 Q. And you used -- you looked at compactness
10 scores in your original report; right? 16:26:15

11 A. Correct.

12 Q. And here you differentiate between the
13 usefulness of different types of compactness scores;
14 is that fair to say?

15 A. Sure. 16:26:28

16 Q. Why did you feel you needed to do that?

17 A. Well, because it's explaining what these
18 scores really are and what they tell you and then
19 illustrating why you could have a district that
20 becomes more regularly shaped but still performs 16:26:49
21 worse on one or more of the compactness scores,
22 because these compactness scores measure very
23 specific attributes of a map.

24 Q. How important is it for a district to be
25 compact? 16:27:13

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1 A. I mean, it's kind of in the eye of the 16:27:15
2 beholder. I don't think in this map it was
3 particularly important, given how some of these
4 districts are drawn.

5 Q. We just talked about packing and cracking 16:27:34
6 a little bit and how they could be indicative of a
7 gerrymander. In this case we were talking about a
8 partisan gerrymander.

9	Are you familiar with the term	
10	"reinforcing" or "shoring up"?	16:27:49

11	A. Sure.
----	----------

12 Q. And what does that mean?

13 A. Shoring up is making a district more
14 receptive to a member of your party.

15 Q. Did you see any examples of that in your 16:28:03

16 evaluation of the Prop. 50 map?

A. Certainly District 9 shores up the incumbent in that area. I think -- I mean, there's no doubt that District 13 performs better politically, I just think that the way the boundaries were drawn were to ensure that it was a racial goal that could be met.

16:28:25

23 But you can draw with partisan effect at
24 the same time because race and politics correlate.

25	Q. Have you -- are you familiar with the term	16:28:45
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1 "displacing" or the concept of displacing a 16:28:51
2 candidate?
3 A. Sure. I think I know what you mean.
4 Q. What do you think I mean?
5 A. Placing a candidate in a different 16:29:00
6 district.
7 Q. Did you see examples of that here in
8 Prop. 50?
9 A. I don't know.
10 Q. And I think you talked a little bit about 16:29:13
11 pairing when you mentioned double-bunking; is that
12 fair?
13 A. Yes.
14 Q. Did you see any examples of that in the
15 Prop. 50 map? 16:29:27
16 A. I don't know.
17 By the time I got around to these reports,
18 I was pretty focused in 13 and 9 and, to a lesser
19 degree, 5, so . . .
20 Q. And did you decide that you did not end up 16:29:42
21 pairing the incumbent in District 9 in the map you
22 drew in the --
23 A. Yes.
24 MS. HASAN: Okay. I think that's all I have
25 for you, Dr. Trende. So we're done. 16:29:58

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1 THE REPORTER: Off the record? 16:30:09

2 THE WITNESS: Mark, if you redirect me, I'm
3 going to scream.

4 MR. MEUSER: Let me see here. I only have 550
5 questions for you. I'm saving them all for Monday. 16:30:18

6 THE WITNESS: Excellent.

7 MS. MADDURI: Nothing further here.

8 Thank you so much for your time. Thank
9 you. Have a good Friday night. There's still time.

10 (Whereupon, the proceedings were concluded 16:30:30
11 at 4:30 p.m.)

12 ---oOo---

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17 _____
SEAN TRENDE, Ph.D.

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1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing transcript is
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript () was (X) was not requested.

16 I further certify that I am neither
17 financially interested in the action nor a relative
18 or employee of any attorney of any party to this
19 action.

20 IN WITNESS WHEREOF, I have this date
21 subscribed my name.

22 Dated: December 13, 2025

23
24 

25 ANRAE WIMBERLEY, CSR No. 7778

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2 iram.hasan@doj.ca.gov

3 December 13, 2025

4 RE: Tangipa, David Et Al. v. Newsom, Gavin Et Al.

5 12/12/2025, Sean Trende, Ph.D., (#7780504).

6 The above-referenced transcript has been

7 completed by Veritext Legal Solutions and

8 review of the transcript is being handled as follows:

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10 to schedule a time to review the original transcript at
11 a Veritext office.

12 ___ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF
13 Transcript - The witness should review the transcript and
14 make any necessary corrections on the errata pages included
15 below, notating the page and line number of the corrections.
16 The witness should then sign and date the errata and penalty
17 of perjury pages and return the completed pages to all
18 appearing counsel within the period of time determined at
19 the deposition or provided by the Code of Civil Procedure.
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21 ___ Waiving the CA Code of Civil Procedure per Stipulation of
22 Counsel - Original transcript to be released for signature
23 as determined at the deposition.

24 ___ Signature Waived - Reading & Signature was waived at the
25 time of the deposition.

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1 ___ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF
2 Transcript - The witness should review the transcript and
3 make any necessary corrections on the errata pages included
4 below, notating the page and line number of the corrections.
5 The witness should then sign and date the errata and penalty
6 of perjury pages and return the completed pages to all
7 appearing counsel within the period of time determined at
8 the deposition or provided by the Federal Rules.
9 _x_ Federal R&S Not Requested - Reading & Signature was not
10 requested before the completion of the deposition.

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

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

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

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

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

DAVID TANGIPA, *et al.*,

Plaintiffs,

v.

GAVIN NEWSOM, in his official capacity as the Governor of California; SHIRLEY WEBER, in her official capacity as California Secretary of State, et al.,

Defendants.

2:25-cv-10616-JLS-WLH-KKL
Three-Judge Court

EXPERT REPORT OF SEAN P. TRENDE, Ph.D

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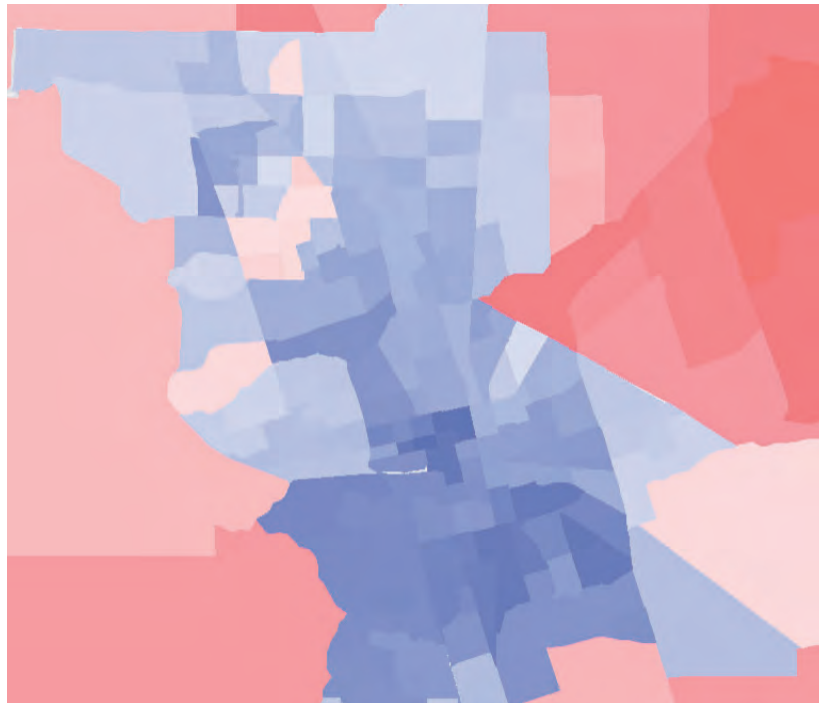
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My name is Sean Trende and I am at least 18 years of age. I have been asked to respond to points made, where appropriate in the Declaration of Dr. Bernard Grofman Supporting Defendants’ Opposition to Plaintiffs’ and Plaintiff-Intervenors’ Motions for Preliminary Injunction, dated December 3, 2025 (“Grofman Report”), Expert Report of Dr. Jonathan Rodden in Support of DCCC’s Response in Opposition to Plaintiffs’ and the United States’ Motions for a Preliminary Injunction, dated December 3, 2025 (“Rodden Report”), and the Response Report of Anthony E. Fairfax On The 2025 California Congressional District Plan, dated December 3, 2025 (“Fairfax Report”). Collectively, I’ll refer to these reports as the “Opposing Reports,” and the collective authors as the “Opposing Experts.” I will also refer to the map in effect for the 2022 and 2024 elections the “Commission Map,” while I will refer to the map passed in the referendum as the “Assembly Map.” For the reasons below, nothing in these reports causes me to reassess my conclusion.

1 Introduction

Suppose that someone were to show you the following map of election results, and tell you that you are to draw a political gerrymander, entering the area from the south, and ask what areas you would most heavily prioritize for inclusion:

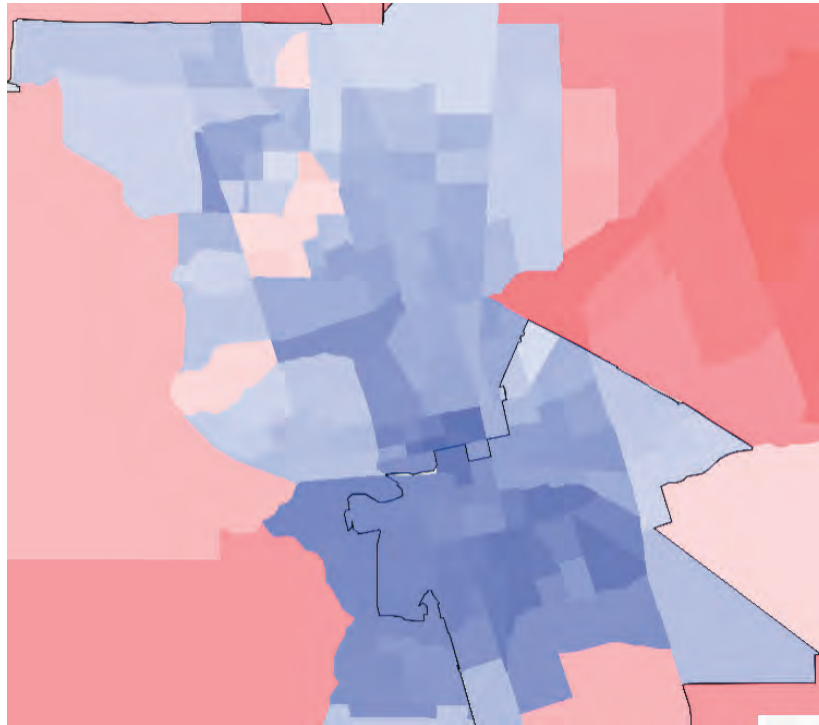
Figure 1: Stockton Area Block Groups, by 2024 Presidential Election Result



Perhaps reasonable minds can disagree, but I suspect the response would be that you would want to get most of the area in the south and central portion of the map.

But that is not what the Assembly Map does. In fact, it avoids much of this area, heading instead into politically marginal territory to the east.

Figure 2: Stockton Area Block Groups, by 2024 Presidential Election Result, with Assembly Map boundaries superimposed



Now suppose that, instead, I show you the following map, and tell you that your job is to draw a racial gerrymander. I again ask what areas you would want to be sure and include.

Figure 3: Stockton Area Block Groups, by estimated HCVAP



My guess is that you would want to include the triangle in central-eastern portion of the map, and the square to the southwest of it. This is *exactly* what the Assembly Map does, with near-surgical precision, in the process creating a district feature that is shaped vaguely like Scotland, only rotated 45 degrees clockwise.

Figure 4: Stockton Area Block Groups, by estimated HCVAP, with Assembly Map boundaries superimposed



Figure 5: Stockton Area Block Groups, by estimated HCVAP, with Assembly Map boundaries superimposed



Over the course of almost 100 pages of expert reports, the Opposing Experts attempt to distract from the obvious conclusion from the above: That the mapmaker prioritized racial results over partisan results. This is bolstered by a point made by plaintiff's own expert, Dr. Rodden. The map removes a substantial Hispanic population from the Southern portion of the map, which would lower the HCVAP. That removal, however, is countered by the addition of population in San Joaquin County that almost perfectly balances the HCVAP of the population removed to the South. By so doing, the district's HCVAP lands in a narrow band that characterizes the majority-Hispanic districts in the map overall. Again, this is accomplished by surgically carving out the Hispanic block groups from the other block groups in Stockton.

This is bolstered by three maps that demonstrate that this was not necessary to accomplish the mapmaker's partisan goals. A more straightforward partisan gerrymander

of the area, that does not reach across Stockton into two separate Census Designated Places, two of which include Democratic areas in the southern portion of the district that the Assembly Map also bypasses, produce similar or somewhat better partisan outcomes. This comes at the cost of a lower HCVAP, but that is the point; the only real reason to include these portions of the district is to include that Hispanic population.

No one really seems to dispute any of this. Instead, they bicker about data choices, suggest that the partisan and racial makeup of the districts doesn't really change all that much, and question some of the choices in the demonstration maps. Much of it is wrong; most of it is irrelevant. The bottom line remains that, as a part of a five-way split of San Joaquin County, these maps carefully cut up the Stockton area almost perfectly along racial lines, rather than political lines. That doesn't mean that there was no preference for politics; I have never taken that stance. What it does mean, though, is that when push came to shove, it was race, rather than politics, that got priority.

2 Overview and Background Assumptions

The Opposing Experts and I in many ways seem to be having a vicious agreement. In many instances the Opposing Reports cite to my report as proof of their claims. This not because of slip-ups or misunderstandings on my part. To the extent that we disagree, it would be about the *upshot* of these findings. In other words, we don't really disagree about the facts, we simply disagree about the relevance of those facts.

This is, of course, something for lawyers ultimately to argue about and lawyers to decide, but to summarize, my task was straightforward: To identify the best example of subverting traditional principles to racial goals, to explain it, and to draw maps that would achieve the partisan goals while meeting the other "non-racial" goals. That was found in District 13, particularly in the "peninsula" jutting into Stockton. I focused here particularly because, in my understanding, the Supreme Court has drawn attention to tentacles, appendages and the like as signs of a gerrymander. To be clear, these sorts of features can arise in both political and racial gerrymanders. The reason I think you can

distinguish between the two here is because the legislature bypassed an area of heavily Democratic non-Hispanics in favor of less-heavily Democratic Hispanics, distorting the district boundaries to do so. The alternative maps confirm that it would have been possible for the mapmaker to draw more heavily Democratic districts without sacrificing other goals, except perhaps the racial ones.

The areas of disagreement between myself and the Opposing Reports can probably be clarified and perhaps narrowed by setting forth some of my understandings of law. This isn't to tell the Court how it should rule on these issues—that's plainly for lawyers to argue about and judges to decide—but experts nevertheless are often required to operate under legal assumptions or understandings in order to carry out their examination. These are some legal assumptions or understandings under which I operated. Indeed, it seems like much of the disagreement between myself and the other three experts comes down to whether these assumptions are correct:

- A map can be a political gerrymander overall, but the 14th Amendment racial gerrymandering inquiry is district-specific. That is to say, it's possible for a map to have 51 districts that are drawn entirely with respect to politics and still have one district struck down because race predominated.
- A district can have parts that are drawn without respect to race, and parts that are, and still have race as a predominate interest. That is to say, if an otherwise-circular district has an odd-shaped appendage that reaches out to carve out a minority population, the district is drawn with racial intent, and that is a district in which race predominated.
- A district can have both partisan motives and racial motives. Given that race and partisanship often correlate, that might often appear to be the case. The question then becomes "which predominates?" That question can be answered by examining whether, when forced to choose, the mapmaker privileges the partisan outcome or the racial outcome. That's the focus of this report.

3 Response to Grofman Report

I begin with Dr. Grofman's report because it succinctly states the most relevant claims made in other reports. The opening theme of Dr. Grofman's report is that, taken as a whole, the Assembly map operates as a partisan gerrymander. Grofman Report ¶¶1-7. I certainly agree that the map achieves certain partisan goals. I don't think Modoc County was paired with Marin County for any reason other than partisanship. To the extent we have any disagreement, it is on the impact of that shared conclusion on particular districts.

Dr. Grofman claims that I am "nitpicking or cherry-picking the data." Grofman Report ¶12. I certainly disagree that I cherry-pick data. As for nitpicking, because racial gerrymandering is illegal, it wouldn't be surprising to see a capable map drawer produce a map where the devil is found in the details.

Next, Dr. Grofman offers an argument that is echoed across the other reports: "The Hispanic CVAP share of CD 13 actually goes down from the CRC map to the Prop 50 map, while in contrast, the Democratic share goes up by 3 percentage points in the Prop 50 map compared to the CRC map, using 2023 CVAP data." Grofman Report ¶12. His report, using 2023 data, describes the HCVAP of the district as 54% under the Commission lines, versus 53.8% under the Assembly Lines.

We actually don't know that the HCVAP is lower. The CVAP data are based upon the ACS. The ACS is a survey, rather than an actual enumeration like the decennial census. Like all surveys, it comes complete with error margins. At the congressional district level, the error margins are typically small—less than a percentage points—but the difference observed here is small as well. Regardless, the fact that the district is radically altered but the HCVAP remains the same, combined other facts in the report, buttresses the idea that this is a racial gerrymander, rather than working against it.

Dr. Grofman notes that there are places where "there were areas where Hispanic population could have been added but was not added." Grofman Report ¶12. In Madera,

the legislature does appear to exclude areas that are both Hispanic and Republican while including areas that are both Hispanic and Democrat. In other words, as between Hispanic Republicans and Hispanic Democrats, the legislature preferred the Democrats here. This is fully consistent with my overall opinion though. As among Hispanics, the preference was for Democrats – that choice doesn't impact race since we are talking about Hispanics either way. The problem comes when the choice is between similarly situated non-Hispanic Democrats and voters who are Hispanic-but-less-Democrat (or Republican). Someone drawing race-blind with partisan intent should select the latter at the expense of the former, especially if the former are less readily available.

In fact, Dr. Grofman's report illustrates an interesting effect. In Table 2A, it is noticeable that of the 16 majority-Hispanic districts reported, all but two fall in a narrow band between 51% and 55% HCVAP. In its submission to the commission, HOPE noted that "If these districts were between 52% and 54% Latino CVAP, for instance, they would still be very likely to elect Latino candidates of choice. The Commission may want to consider the optimal allocation of Latino CVAP in L.A. County so as to create one additional very-high Latino CVAP-majority or plurality districts in this area while retaining these four Latino-CVAP-majority districts." (Ex.A). Recall that this is the same group Mr. Mitchell was speaking to, cited in my initial report, where he emphasized that he had bolstered the VRA seats to make them most effective.

Dr. Grofman observes "Dr. Trende acknowledges that the Assembly map increased the Democratic vote share in the district compared to the CRC map." Grofman Report ¶12. This is true. It also, in my view, misses the point. Elsewhere in his report, Dr. Grofman distinguishes between an "efficient" gerrymander and a "fully efficient" gerrymander, with the latter occurring if the map is "drawn in such a fashion that its effects are likely to be durable." Grofman Report at 7. In other words, it is preferable to draw districts where the partisan advantage is likely to survive.

Dr. Grofman relies on the Cook Political Report's race ratings in describing the map. Grofman Report n.11. It shows that indeed, a number of California districts are

Figure 6: Cook Political Change in Race Ratings, Following Passage of Assembly Map

New California Race Ratings Changes

District	Current Member	Old Rating	New Rating	Direction
CA-01	Doug LaMalfa (R)	Solid Republican	Solid Democrat	←
CA-03	Kevin Kiley (R)	Likely Republican	Solid Democrat	←
CA-09	Josh Harder (D)	Lean Democrat	Solid Democrat	←
CA-22	David Valadao (R)	Lean Republican	Toss Up	←
CA-27	George T. Whitesides (D)	Lean Democrat	Solid Democrat	←
CA-40	Young Kim (R)	Lean Republican	Solid Republican	→
CA-41	Ken Calvert (R)	Lean Republican	Solid Democrat	←
CA-45	Derek Tran (D)	Toss Up	Lean Democrat	←
CA-47	Dave Min (D)	Lean Democrat	Likely Democrat	←
CA-48	Darrell Issa (R)	Solid Republican	Toss Up	←
CA-49	Mike Levin (D)	Likely Democrat	Solid Democrat	←

made safely Democratic. See <https://www.cookpolitical.com/ratings/house-race-ratings>. What is missing from the analysis is that Cook rates *District 13* as a “tossup.” This is confirmed in Dr. Grofman’s Table 1B, which shows that then-Vice President Kamala Harris won the district by just 0.5%. That’s an improvement over the Commission Map, but it would not seem to be “fully efficient” or necessarily even “efficient.” Driving the point home further, from an article to which Dr. Grofman cites: Cook Political made 11 race rating changes in response to the new map. These did not include District 13. Erin Covey, “California’s Newly Passed Map Spurs 11 Ratings Changes,” (Nov. 4, 2025), available at <https://www.cookpolitical.com/analysis/house/redistricting/californias-newly-passed-map-spurs-11-ratings-changes>. To be clear, it is more difficult for Republicans to win, but in the big picture, the district was considered a tossup before the redraw, and it is considered a tossup today. This might not be interesting if this were the best the map drawer could do, but it is not.

Dr. Grofman states that “Dr. Trende also asserts that it would have been possible to draw a more compact District 13 with fewer Hispanic voters,” before showing that some of the compactness numbers for the Demonstration Maps are higher and some are lower than the Assembly Map. Grofman Report ¶13. Respectfully (in a genuine sense, not

the passive aggressive way that term is often used), Dr. Grofman misstates my claim. After all, the compactness numbers are set forth in my report; there was no attempt to hide or elide this ball. The claim is that it is possible “to draw a district with a more regular configuration that does not target race.” Trende Report at 22. To understand this requires understanding two other things. In a footnote, Dr. Grofman writes “I am aware of no requirement to create the most compact district possible.” Grofman Report n.41. I concur. As I understand it, the purpose of such “Alexander” maps is to show that a mapmaker could have drawn a map without the racial features provided while also achieving other goals. Thus, I understood my task to be to provide a map with similar compactness scores, municipal splits, and political outcomes without the odd “reach” into northeastern Stockton, Garden Acres, and August that characterize the Assembly Map.

Second, to understand why I didn’t weight the lower Reock score heavily, we should understand what Reock scores measure. To calculate a Reock score, we draw the smallest circle around the district that we can that will not slice it. We call this the Minimum Bounding Circle. We calculate the area of that circle. We then calculate the area of the district. The Reock score is then the percentage of that circle that the district would fill. As a district becomes more elongated, the area of that circle that a district fills will generally fall.

Reock scores are useful, but they have very real limitations. Consider the Assembly Map District 13, provided below with the Minimum Bounding Circle drawn around it (it appears as an oval here because of the curvature of the Earth. As you can see, the peninsula does not touch the Minimum Bounding Circle, and thus is irrelevant to its area.

Figure 7: Assembly District 13, with Minimum Bounding Circle



Now consider Map A:

Figure 8: Demonstration Map A, with Minimum Bounding Circle



There is no question, to my eye, that the northern boundary of this map is more

regularly configured. But because the peninsula touches the Minimum Bounding Circle slightly, it actually increases the area of that circle. However, the area of the district does not change much: The area of the Assembly Bill District is 3,853.3 square miles while that of Map A is 3,934 square miles. Thus, Map A technically does fill less of the district. Directly comparing the maps, however, it is plain to me which is more regularly shaped, but that is for the Court ultimately decide.

Map B illustrates another shortcoming of the Reock score. Here, the Minimum Bounding Circle once again increases a bit, because the district is brought out more consistently to the San Joaquin/Alameda county line. The area is roughly the same however, taking up 3,854.7 square miles. This, then, is the problem with Reock. One could remove the eastern “bulge” from Merced County and turn it into a meandering, snakelike series of precincts. As long as that appendage does not expand the minimum bounding circle or decrease the area of the district, the score will be unchanged. In fact, if the area of the district increases (by using larger, less densely populated precincts) it would improve the score.

Figure 9: Demonstration Map B, with Minimum Bounding Circle



That's why its important to consider a variety of scores, and why "eyeball tests," while imprecise, can be of use as well.

Dr. Grofman notes that things such as incumbent addresses place limitations on districts that can be drawn and that there is an incumbent who lives in Tracy. Grofman Report ¶14. That is the point of having multiple alternative maps, which show that there are configurations available that do not involve the City of Tracy. Note that neither Dr. Grofman nor any of the other experts ever state that I place the incumbent in question in District 13; it is left as a suggestion. I do not want to give out the name or the home address of an incumbent in closely watched, heavily charged litigation in our current environment for reasons that I think should be obvious. I will note that the incumbent's FEC filings list Manteca as his address. Regardless, I do not believe the relevant incumbent is ever placed in District 13 in any of the maps. To the extent the incumbent's residence in the City of Tracy is the relevant one, it is not placed in District 13.

Dr. Grofman suggests that I erred in calling Ceres "Republican territory." Grofman Report ¶15. He points to the 2024 Senate election, where the Democrat won 51.8% of the vote, and the 2018 governor's race, where he won 60%. But Adam Schiff won over 58% of the vote in 2024, while Gavin Newsom won over 61% of the vote in 2018. In all of these elections, Ceres was to the right of the Democrat. But, if Dr. Grofman would prefer to call it "swing" territory I could be persuaded to go along. Moreover, this is unhelpful without reference to any changes in vote share for other places in this area. In other words, the area might be more Democratic, depending upon which election one references, but this is irrelevant if the other areas in question are also even more Democratic.

He also suggests that the mapmaker might have looked at Adam Gray's historical performance in Ceres in his seven elections to the General Assembly. Dr. Grofman provides no citation for these results. I count five such elections, from 2012-2020, but regardless, I am not sure that the results are as compelling as he suggests. In 2018, his

opponent was a Libertarian. <https://elections.cdn.sos.ca.gov/sov/2018-general/sov/68-state-assemblymember.pdf>. By 2016 we are getting into decade-old election data, but in 2016, he obliterated a nominal Republican opponent by almost 40 points, suggesting a poor datapoint for forecasting a potentially competitive House district. That leaves 2012, 2014 and 2020 as years which were more competitive, with 2020 probably providing the only still-relevant data.

Dr. Grofman suggests that CD 9 and CD 5 are also part of the Democrats' political gerrymander. Grofman Report ¶¶16-18. The point of the alternative maps is that the mapmaker left areas on the table for District 5 that could have been useful in further shoring up CD 13, and appears to have done so primarily for racial reasons. As to District 9, it is true that redistricting is an exercise in robbing Peter to pay Paul, and that any move that makes District 13 more Democratic via San Joaquin County will necessarily make District 9 more Republican. The problem is that District 9 is made substantially more Democratic, largely on account of the appendage into overwhelmingly Democratic cities in Contra Costa County. Cook Political now rates it as "Solid Democrat." In other words, District 9 doesn't need the heavily Democratic White areas in Stockton to perform well or to be a part of a "fully efficient" gerrymander. But they would help District 13. In all of the three Demonstration maps, District 9 remains more Democratic than it was in the Commission Map, it remains more Democratic than District 13 was in the Commission Map, and it remains more Democratic than District 13 is in the Assembly Map.

4 Response to Mr. Fairfax

As noted above, many of the claims in the other two reports echo those made by Dr. Grofman. I will not repeat all of them here. Mr. Fairfax notes that District 13 in the Assembly Map is both more Democratic and less Hispanic than in the Commission Map. Fairfax Report, at 10-11. As explained above, that does not affect any of my conclusions.

With respect to Madera, Mr. Fairfax claims I "never state[] that region reflects

racial gerrymandering.” Fairfax Report at 11. In fact, I state the opposite. The point here is that these are not non-falsifiable analyses; there are examinations one can conduct with this approach that would not suggest a racial gerrymander.

Mr. Fairfax states that “the 13-color thematic map Dr. Trende uses has too many colors that blend together to be effective or comprehensible.” Fairfax Report, at 12. These type of choices are ultimately in the eye of the beholder, and all data visualizations have tradeoffs. Make the bands too broad, and you lose important granularity. Note that his map includes bands as wide as 20 points, with others as narrow as 10. More importantly, Mr. Fairfax misses the point of my maps. The color gradations run on a continuous scale, with the legend simply marking the color at certain points along the spectrum. This is important as well. One problem with Mr. Fairfax’s approach is that someone might look at a 49% HCVAP block group and a 51% HCVAP block group and conclude that they are radically different, when in fact their impact on a 700,000 person congressional district may be minimal. My approach keeps those block groups shaded roughly the same color; even if one can’t identify them with precision, one can certainly identify them as “close.” Mr. Fairfax’s approach, however, would treat this two point gradation the same as a 20-point gradation (40% versus 60%). There’s no “right” or “wrong” way to do this and both views can be useful; neither changes my conclusions.

Mr. Fairfax states that “His intent, I believe, is to show that the boundaries of CD 13 do not fully align with the region’s partisan divisions.” Fairfax Report at 14-15. What I meant was what I said: “Here, we can see the district boundaries much more neatly capturing the Democratic areas, although the area is overall politically marginal.” In other words, the district does carve out Democratic areas, capturing heavily Democratic areas while excluding Republican areas. I simply observe that overall, the area is marginal, which I think is true.

Mr. Fairfax faults me for not comparing the Legislative Map to the Commission Map around Ceres and Modesto. He claims that there was a similar bulge in the Commission Map. This missed the point. The Commission makes no claim that it relied

on politics, and I did not explore whether the Commission relied improperly upon race in drawing its district boundaries. Regardless, the Commission was operating under an entirely different set of constraints than the legislature, which makes for a poor comparator. Mr. Fairfax notes that I split Modesto and split both Ceres and Modesto in Map C. Again, this misunderstands my report. The concern is not that the Assembly map splits Ceres or Modesto as such, it is how they split those jurisdictions.

Mr Fairfax suggests that the reason that the Assembly map is split the way it is split is because it follows the boundaries of certain landmark areas in Modesto. As I understand it, to the extent “landmarks” area a mapmaker’s goal, the goal is typically to keep landmark areas together rather than to use them as a boundary to follow. I’m also unsure that they have ever been a part of the criteria for California map drawing. Regardless, this is all an exercise in robbing Peter to pay Paul. The legislative map follows certain Landmark boundaries, but so too did the Commission plan. Moreover, my understanding is that everyone agrees that the Assembly Map is a gerrymander; the only disagreement is as to what kind of gerrymander this is. One presumes that Landmarks, however defined, were not something likely to stand in the way between the mapmaker and his goals.

Mr. Fairfax then turns to Stockton. Mr. Fairfax hypothesizes that “a straightforward answer to Dr. Trende’s question about leaving Democrats out of CD 13 is that the legislature did not seek to lower Democratic performance in CD 9, the adjacent district.” This might be credible if CD 9 were also a tossup district, or would become a tossup district if these voters were included in CD 13. But no one provides any evidence that this might be the case, because there is no such evidence. CD 9 is safely Democratic, regardless of whether or not these voters are included within its boundaries.

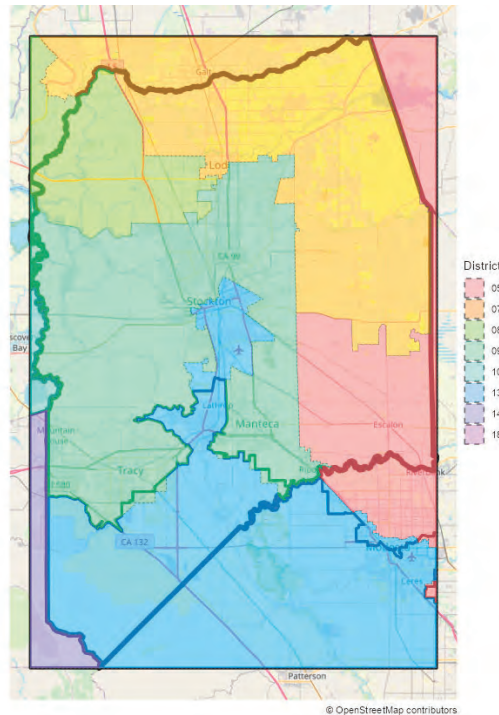
Mr. Fairfax dismisses the claim that the plume into San Joaquin County is of any interest because the Commission Map extended into San Joaquin. Fairfax Report, at 20. This misconstrues what I actually said: “But the northern split, near Stockton, is one of the more egregious examples. The large plume off the top of the district might

make sense as a Democratic gerrymander at first blush.” Trende Report, at 16 (emphasis supplied). In other words, I wasn’t focusing on San Joaquin being split, I was focusing on its odd-shaped extension into Stockton.

Mr. Fairfax claims that “[t]he 2025 Plan merely extends the district further into San Joaquin. This is important because the extension was not first created in the 2025 Plan. It had already started in the 2021 Plan.” But the extension, such as it was, in the Commission Plan was simply adding the entire city of Lathrop to the district. Not one doubts that following city boundaries can result in ungainly district lines. But nothing in the inclusion of Lathrop demanded that the district later be stretched into Stockton. More importantly, nothing demanded that the district bypass the first heavily Democratic areas one encounters when heading northbound to grab other areas.

Finally, to my eye at least, examining a map of San Joaquin County in the Commission Map, versus in the Assembly Map is sufficient to reject a claim that the Assembly Map merely reflects an extension or alteration to the Commission Map. In the map below, the colored districts demarcated by dotted lines reflect the Assembly Map 5-way split of San Joaquin. The solid line reflects the Commission Map split. This is something ultimately for the Court to decide, but to my eye, the “plume” into Stockton is meaningfully different in the Commission Map.

Figure 10: Five-Way Division of San Joaquin County, Assembly Map, Compared to Two-Way Division in the Commission Map



Mr. Fairfax complains that I don't show municipalities or communities of interest, such as census-designated places or socioeconomic data. First, that's not entirely true, since I note that the Demonstration maps all split as few or fewer boundaries than the Legislative Map, which splits French Camp, Stockton, Garden Acres and August. Mr. Fairfax claims that the split of August is to conform with a census tract boundary, but it also seems notable that the area that the map excludes has an estimated 32% HCVAP, the only area in August where Hispanics are not reported as a majority. But this is the type of analysis in which one typically engages when trying to determine whether a map is a "good government" map, or *whether* it is a gerrymander. Here, no one seems to dispute that this is a gerrymander. The only dispute is over what type of gerrymander it represents.

Again, the explanation that continues to be lacking is why one would bypass a

heavy cluster of voters just to the west of the interstate, just as one enters Stockton from the south, in favor of a less heavily Democratic group of voters across town and in other towns. After all, the point is that the areas in Stockton to the west of I-5 and south of the Ort Lofthus Expressway have about 26,000 residents and went for Kamala Harris by around 30 points. Garden Acres and August have about 20,000 residents, but went for her by 6. It makes no sense from a political gerrymandering perspective to include the latter but exclude the former. If, however, you want to hit a racial target, including the roughly 70% estimated HCVAP area in the latter versus the roughly 35% estimated HCVAP area in the former makes much more sense. Again, the entire point of the Illustrative Maps is that one can achieve better political performance in District 13 by making exactly these types of obvious decisions; it just results in a lower HCVAP.

Mr. Fairfax then provides a map of census tract level geographies shaded by degree of high school education. There are three problems with this. First, it's obvious that the Assembly Map does not, in fact, adhere to the socioeconomic boundaries Mr. Fairfax describes. Second, along these lines, there's no real evidence that the mapmaker considered this factor and (more seriously) that if they did, they would be particularly motivated by the difference between a tract with, say, 71% high school education and 74% high school education. Mr. Fairfax is careful to avoid this claim. Third, and most importantly, if these were, in fact, important communities of interest, rather than an attempted post-hoc rationalization, one assumes that they would be included in the map drawn by an independent body laboring under a demand that communities of interest be kept together, and not knitted together via legislation that suspended that requirement as a part of an express attempt to counteract Republican political gerrymandering in Texas. No one, to my knowledge, claims that this is a good government map, and I conducted my analysis accordingly.

Mr. Fairfax continues with the type of "standard" analysis when "analyzing allegations of racial gerrymandering." But again, no one claims that this map reflects anything but a political gerrymander, and it makes no sense to analyze it under traditional re-

districting criteria that were suspended. Moreover, some of the criteria that he includes are obvious for any map: That the map meets one-person-one-vote requirements and is contiguous is not the type of thing a map should be rewarded for.

Mr. Fairfax concludes by examining my districts, and claims that they include non-contiguous areas and fail to meet one-person-one-vote requirements. Fairfax Report at 30. I honestly do not know what he is referring to. I created the maps in Dave's Redistricting, a commonly used software package that is routinely employed to draw congressional and state legislative maps. To doublecheck myself, I re-loaded my copy of Map A to see if the files had somehow become corrupted. As the following screenshots show, there is no evidence of population deviations or non-contiguous districts.

Figure 11: Contiguity Report for Dave's Redistricting. The gray entries suggest no unassigned areas or non-contiguous districts

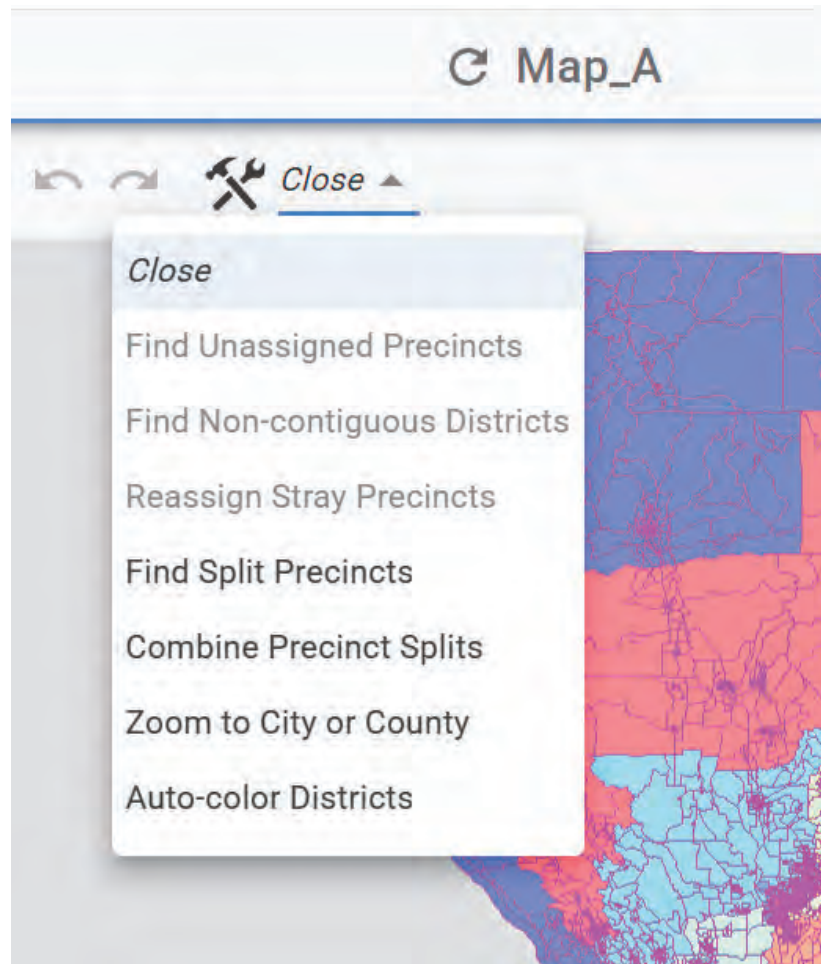










Figure 12: Population Deviations, from Dave's Redistricting

	District		Population	Deviation
	Un		0	0
	1		760,065	-1
	2		760,065	-1
	3		760,067	1
	4		760,065	-1
	5		760,066	0
	6		760,067	1
	7		760,065	-1
	8		760,066	0
	9		760,066	0
	10		760,066	0
	11		760,067	1
	12		760,065	-1
	13		760,066	0
	14		760,065	-1
	15		760,066	0
	16		760,066	0
	17		760,067	1
	18		760,066	0
	19		760,067	1
	20		760,065	-1

What makes this more bizarre is that Mr. Fairfax finds the supposed non-contiguous areas in places like the district 1-2 boundary, along the California/Arizona state line, or in the Channel Islands; none seem to occur in the actual districts I examine. The natural conclusion from something like this would seemingly be an error.

But to be absolutely clear, I never changed these district lines, did not have occasion to look at these district lines when drawing the demonstration maps, and these district lines are not changed even when I re-load the map into my redistricting software. The only thing I altered in any way was the district boundaries between district 5, 9 and 13. I genuinely have no explanation for Mr. Fairfax's findings.

In the interest of disclosure, I *did* find three stray census blocks in Map C across District 13 and District 5. But these are all zero population and would not affect the calculations were they assigned to the correct district.

Beyond this, Mr. Fairfax writes "All of Dr. Trende's demonstrative plans have the same boundaries for the Madera area as the 2025 Plan (see Appendix E). It is curious why he chose to follow the exact boundaries that he included in his analysis report on race predominance." Fairfax Report, p. 35. There is nothing curious about this. I expressly state politics predominated over racial considerations here. I also do not change the western boundary of the district, which obviously follows a county boundary. The point of an "Alexander map," as I understand it, is simply to show that the same goals of the mapmaker could have been achieved without the racial considerations.

He next writes "[f]or the Modesto/Ceres area for CD 13, Dr. Trende's Plan A's CD 13 contains the exact boundaries as the 2025 Plan (see Appendix E). Once again, it is curious why he chose to follow the same boundaries he questioned as evidencing race predominating. Dr. Trende's Plans B and C show changes from the 2025 Plan in the Modesto region: in both, the boundaries are drawn in a less compact manner than the 2025 Plan, and Plan C splits Ceres." As to the compactness, see my discussion under Dr. Grofman's claims. The reasons I kept the Modesto lines intact in Map A are twofold. First, there's no guarantee the Court will agree with me about Modesto, so I wanted

a map that left that area intact to show that the goals could be met without changing Modesto. Plan C does split Ceres but that should not be a problem, as Mr. Fairfax elsewhere ignores slight changes in splits for the Assembly Map vis-à-vis the Commission Map.

Mr. Fairfax complains that I include a large block group in Map A that is Republican-leaning. I do so because some of the area falls within the Stockton boundaries. I could have split it, but it helps with compactness, and it cast only 204 votes in the 2024 election; it does not measurably upset the partisan goals of the map. He also notes that I include some of the “plume” into Stockton. But of course the point is to illustrate what an effective partisan gerrymander would look like, if it were not subordinated to racial concerns. It is not to draw a good government map.

Mr. Fairfax observes that I avoid a Democratic area in French Camp and Democratic areas to the east of Tracy. Herein lies the danger of reporting data in “bins” rather than on a continuous scale. The “high-Democratic area in yellow with a square notch carved out in the north (to include French Camp CDP),” does, in fact, serve to keep French Camp intact, which Mr. Fairfax has elsewhere described as a reasonable consideration. More importantly, the area to which he refers voted for Harris 49% to 48.7%. This is not a “high-Democratic” area and including it would actually weaken Democratic performance in the district. He’s correct that it probably would have been a marginally better gerrymander if I had included the block at the northern tip of the district that went 161-84 for Harris. The difference is that there’s no evidence that this was done in pursuit of a racial target. Mr. Fairfax also notes the non-compact exclusion of the areas to the east of Tracy. This is plainly done for political purposes. One of the two areas in the southern portion of San Joaquin to the east of Tracy gave Harris 75 votes to Trump’s 75, while the other one went 199 for Trump to 112 for Harris. Using the 2020-2024 composite from Dave’s Redistricting, the former is 53.2% Republican to 46% Democrat, while the latter is 63.1% Republican to 36.6% Democrat. Neither would help the map’s Democratic performance; in a subsequent iteration I included them to smooth

out the district boundary.

Finally, Mr. Fairfax observes that “Plans A, B, and C do not present any appreciable increase in the Democratic performance of CD 13 over the 2025 Plan.” Fairfax Report at 38. This, again, misses the point of the exercise. The point is that one does not need to extend into heavily Hispanic areas of Stockton in order to hit a political target. In fact, it makes better sense not to do so. The only reason to do so is for a racial target. Mr. Fairfax can dismiss the improvements in Democratic performance as “not appreciable,” but this is an area that has routinely been marked by races decided by a few hundred votes. The idea that even a slight improvement in performance is not meaningful is belied by history here.

5 Response to Dr. Rodden

It simply isn’t possible to respond to every word in Dr. Rodden’s 31-page, single spaced report here (I say that with a touch of admiration for the volume of analysis produced, not to be snarky). Fortunately, much of it has been responded to in the earlier portions of this report. In the big picture, Dr. Rodden finds fault with the fact that I failed to discuss the previous iteration of the map. Rodden Report at 3, 4. But that endeavor assumes that the previous map can meaningfully be said to have provided the basis for the current map. As he observes, the previous map was altered substantially, and I’m unsure of the utility of comparing the current map to a map that was drawn under an entirely different set of constraints.

One quick clarification is useful, however: I focused my analysis on recent elections. I did so for two reasons. First, as a map drawer and elections analyst, the most recent data are generally the most helpful, all other things being equal. This is especially true where large numbers Hispanic voters are involved, since they have (somewhat famously) trended toward the GOP in recent years. In the absence of statements from the map drawer that older data were relied upon, or a legislative command to use older data (as is the case in Ohio, with which Dr. Rodden and I are both familiar), I would have a strong

preference for the newer data. The maps which I provided use 2024 presidential results. If this was not adequately clear from my maps, it should have been clear from the code that I provided.

Regardless, Dr. Rodden shows that the rural area removed from the southern area of the Commission's District 13 had an HVAP of 72% and an estimated HCVAP of 60%. He then shows that the portion added to the District from San Joaquin County had an HVAP of 68% and an estimated HCVAP of 62%. The area added to the district, however, was more heavily Democratic. The net effect was little change in the overall composition of the district.

I'm not sure this shows what Dr. Rodden suggests that it shows; if anything this seems to help the claim plaintiffs are making. Dr. Rodden seems to suggest that 100,000 residents were removed from the southern end of the district, while another 100,000 were added, with a completely different socio-economic and political profile, and yet the HVAP and HCVAP, without any racial cues, remained unchanged. Moreover, the ultimate HCVAP fell directly within the range that an interest group to which the map drawer speaks regularly had suggested, along with 13 other districts in the same map. I'm not sure what the chances of this occurring randomly are, but they seem low. What combined with the evidence above about how the Modesto and Stockton areas were drawn, the conclusion seems to be that race played an overwhelming role in configuring the district.

In other words, this evidence Dr. Rodden describes would provide a firmer foundation for what the Trende Report finds. The way this balance is achieved is by driving the extension into Stockton past less heavily Hispanic (but more Democratic) territory in the city, through the City of Stockton, and into August and Garden Acres. Without that move, the district doesn't maintain the racial balance Dr. Rodden describes. This is what the Demonstration Maps actually demonstrate.

Dr. Rodden suggests that without evidence of "a racial asymmetry between the areas moved into and out of the challenged district . . . it is difficult to see how

one might suggest race or ethnicity was the predominant driver in the reconfiguration of the district.” Rodden Report, at 8. The answer would be the same as it is with any other racial gerrymandering claim: By demonstrating that absent racial considerations, the racial makeup would have been different, and that there are areas where race seemed to predominate over other considerations. Indeed, if a racial target is involved that the previous iteration of the district met, this is exactly what we would expect to happen.

Indeed, I have been involved in cases where district courts have raised their eyebrows at “too neat” outcomes. One of them, to which Dr. Rodden cites (*Alexander v. S.C. Conf. of the NAACP*, 602 U.S. 1 (2024)) involved precisely the finding that Dr. Rodden describes (it was too unlikely that the racial makeup of a district would remain unchanged). While this case (and the recent Texas case) were rejected by the Supreme Court, it was largely because plaintiffs in those maps, unlike the ones here, did not offer demonstration districts that show other configurations were available that achieve the non-racial goals of the map – here, mostly, partisan outcome – while avoiding the racialized line-drawing aspects of the line drawing. Again, the more natural way to draw the map, even when gerrymandering politically, is to avoid those reaches. Unless, of course, the non-negotiable concern is that one wants to keep the HCVAP in the district from falling.

Dr. Rodden describes the difficulty in translating precinct shares to census block and other census levels in California. While I’m not familiar with every in-and-out of California’s system of election administration, I do know that the relationship between California’s precincts and census geographies is at best complex, and that precinct boundaries sometimes don’t always line up neatly with census blocks. This is part of why I reproduce maps from Dave’s Redistricting, rather than drawing my own maps, as Dr. Rodden knows is my typical approach. Because of the disaggregation issues, I thought it was best to employ a neutral source upon which multiple experts rely than to attempt my own allocation of population data from split blocks and precincts.

With that said, to my understanding *everyone* suffers from this blurring issue,

at least to some extent, both from political data and from population data. A 14th Amendment claim focuses on intent. By reflecting the data as a map drawer might encounter it, we can probe intent. Note too that Dr. Rodden refers to vote share data with precision throughout his report, notwithstanding any “blurring” issues that might be present.

Dr. Rodden uses dot density maps as an alternative approach to the choropleth maps that I offer. I, too, employ dot density maps from time-to-time. They can be useful but also have substantial shortcomings. For one thing, the heavy rounding employed can give an illusions of “empty” space, when in fact an area has a fair number of residents. This is particularly true in some of Dr. Rodden’s maps where a single dot might represent 100 residents. To wit: in his dot density map of Modesto and Ceres, the block group to the southeast of Ceres looks practically empty. In fact, it has 830 residents (curiously, it appears to have nine dots). The block group to its east has 833 residents. Second, because of something called “overplotting,” densely populated areas can be misleading. One dot layer has to be placed on top of the other; this can distort the ratio between groups. Third, I am unaware of anyone drawing maps primarily with dot density maps in front of them. Most mapping programs provide choropleth maps. This is because a dot density map is unhelpful for this purpose. An area with a large number of Republican votes – say 40 red dots in a relatively small area – may look tempting. But it might just be a heavily populated area with 60 blue dots. Unless the eye can distinguish between a 40-60 split of tiny red dots and, say, a 50-50 split, the mapmaker would be led astray. This is why I’ve traditionally used choropleth maps to illustrate intent, while I utilize dot density maps to illustrate the compactness of different groups.

Dr. Rodden claims that the appendage follows the city boundaries of August and Garden Acres. Rodden Report at 17. As discussed above, this is untrue. In fact, the one area of August that is excluded has a reasonable population (around 600) and involves an area that has a low Hispanic CVAP. The split of Garden Acres is smaller (two residents) but nevertheless present.

Dr. Rodden explains that the areas outside the Garden Acres/August boundary become Republican and rural quickly. But the question is not “why doesn’t the district stretch beyond Garden Acres or August?” It is “why does it stretch that far at all?” As explained above, Garden Acres and August have been politically marginal territory in recent years. They do, however, have very high HCVAPs. What’s more interesting is that the map stretches here while passing by the densely packed, more readily accessible cluster of blue dots to the west of the district boundary, as illustrated by Dr. Rodden’s map on page 18.

Dr. Rodden later claims that this district calls to mind the 2000 district lines, and that this map merely “bring[s] back this configuration.” Rodden Report at 21. This is interesting speculation, but I’m unsure what a rough similarity to district lines drawn almost a quarter century ago, when California had almost 6 million fewer residents (at a time when political gerrymandering was legal), tells us about today. To the extent that a discussion of this map is useful, note that the western edge includes much of western Stockton that is excluded today.

Dr. Rodden observes that “it cannot always be possible for a party-motivated district-drawer to grab every conceivable partisan due to” a variety of considerations. Rodden Report at 23. That is the purpose of illustrative maps. Dr. Rodden, like other experts, posits that the need to make District 9 more Democratic acted as a constraint. But once again, the data rich report is suddenly barren of actual data here. That is because District 9 remains strongly Democratic in all of the Demonstration Maps. Moreover, here it is Dr. Rodden who offers only a partial look at the district. District 9 becomes more Democratic not due to changes here, but by adding 214,000 voters in Contra Costa County, who gave Kamala Harris a 30-point win. As he notes, “the Democratic vote share of District 13 increased by around 3 percentage points, [but] the Democratic vote share of District 9 increased by more than 6 percentage points.” Rodden Report at 23. But District 9 was less in need of “help” than was District 13; District 9 was the more Democratic of the two districts to start. Yet it receives the larger increase in Democratic

vote share. Regardless, in Map A, Harris won District 9 by 11 points; in maps B and C, Harris won it by 12 points. Keeping District 9 safely Democratic was not a constraining factor.

Dr. Rodden claims that I “made efforts” to further reduce the Hispanic voting-age population share of District 13. In fact, what I did was to try to draw a Democratic district without further distorting the overall district boundary. That required little effort. That’s just the point: Extending into August and Garden Acres isn’t a natural choice unless one has a racial target to hit.

Dr. Rodden claims that I maintain boundaries that I claim provide evidence of racial gerrymandering. Rodden Report at 26. As noted above, I didn’t change Modesto because the Court might disagree about the Modesto line drawing and I wanted a map that reflected that possibility. I kept the eastern boundary of the district because going to the east would either introduce a split in Manteca – where the FEC claims an incumbent lives – or extend the boundary of the district even further. But the problem isn’t that the district doesn’t go far east enough, it is that it goes needlessly east, ignoring a trove of Democratic-but-not-Hispanic voters in the southwest of the district (where my demonstration maps do go). Incidentally, the map on page 27 shows the problem with dot density maps; Manteca, to my eye, appears overwhelmingly Republican, while it has, in fact, been politically marginal territory for years (Trump won it by six points in 2024, after losing it by single digits in 2016 and 2020).

In a footnote, Dr. Rodden observes that, using 2022 and 2024 elections, the district becomes slightly more Democratic. As the tables in my initial report make clear, and for the reasons explained above, these are the elections upon which I relied. Rodden Report, nn.12-14.

6 Conclusion

Nothing in the Opposing Experts’ Reports changes any of my conclusions. Race predominated in the drawing of District 13. It balances the removal of Hispanic voters

to the South almost perfectly by carving up the district along racial lines in the Stockton and Modesto areas. This is the forest, and it shouldn't be obscured by the trees to which the Opposing Experts attempt to point.

I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct to the best of my knowledge and belief. Executed on December 10th, 2025 in Delaware, Ohio.

Sean P Trende

Sean P. Trende

7 Exhibit 1 – Sean Trende C.V.

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M.A.S. (Master of Applied Statistics), The Ohio State University, 2019.

J.D., Duke University School of Law, *cum laude*, 2001; Duke Law Journal, Research Editor.

M.A., Duke University, *cum laude*, Political Science, 2001. Thesis titled *The Making of an Ideological Court: Application of Non-parametric Scaling Techniques to Explain Supreme Court Voting Patterns from 1900-1941*, June 2001.

B.A., Yale University, with distinction, History and Political Science, 1995.

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Law Clerk, Hon. Deanell R. Tacha, U.S. Court of Appeals for the Tenth Circuit, 2001-02.

Associate, Kirkland & Ellis, LLP, Washington, DC, 2002-05.

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Associate, David, Kamp & Frank, P.C., Newport News, Virginia, 2009-10.

Senior Elections Analyst, RealClearPolitics, 2010-present.

Columnist, Center for Politics Crystal Ball, 2014-17.

Visiting Scholar, American Enterprise Institute, 2018-present.

BOOKS AND BOOK CHAPTERS

Larry J. Sabato, ed., *The Red Ripple*, Ch. 15 (2023).

Larry J. Sabato, ed., *A Return to Normalcy?: The 2020 Election that (Almost) Broke America* Ch. 13 (2021).

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Williams v. Hall, Civil Action No. 23 CV 1057 (M.D.N.C.) (VRA, Racial Gerrymandering).

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COURT APPOINTMENTS

Appointed as Voting Rights Act expert by Arizona Independent Redistricting Commission (2020)

Appointed Special Master by the Supreme Court of Virginia to redraw maps for the Virginia House of Delegates, the Senate of Virginia, and for Virginia’s delegation to the United States Congress for the 2022 election cycle.

Appointed redistricting expert by the Supreme Court of Belize in *Smith v. Perrera*, No. 55 of 2019 (one-person-one-vote).

INTERNATIONAL PRESENTATIONS AND EXPERIENCE

Panel Discussion, European External Action Service, Brussels, Belgium, Likely Outcomes of 2012 American Elections.

Selected by U.S. Embassies in Sweden, Spain, and Italy to discuss 2016 and 2018 elections to think tanks and universities in area (declined Italy due to teaching responsibilities).

Selected by EEAS to discuss 2018 elections in private session with European Ambassadors.

TEACHING

Introduction to the Policy Process, Spring 2025.

American Democracy and Mass Media, Ohio Wesleyan University, Spring 2018.

Introduction to American Politics, The Ohio State University, Autumns 2018, 2019, 2020, Spring 2018.

Political Participation and Voting Behavior, Springs 2020, 2021, 2022, 2023.

Survey Methodology, Fall 2022, Spring 2024.

PUBLICATIONS

James G. Gimpel, Andrew Reeves, & Sean Trende, “Reconsidering Bellwether Locations in U.S. Presidential Elections,” Pres. Stud. Q. (2022) (forthcoming, available online at <http://doi.org/10.1111/psq.12793>).

REAL CLEAR POLITICS COLUMNS

Full archives available at http://www.realclearpolitics.com/authors/sean_trende/

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

--oOo--

DAVID TANGIPA, et al.,

Plaintiffs,

and

Case No.

2:25-cv-10616-JLS-WLH-KKL

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

vs.

GAVIN NEWSOM, in his official

capacity as the Governor of

California, et al.,

Defendants,

and

DEMOCRATIC CONGRESSIONAL

CAMPAIGN COMMITTEE, et al.,

Defendant-Intervenors.

_____ /

VIDEO-RECORDED DEPOSITION OF THOMAS BRUNELL, Ph.D.

VERITEXT VIRTUAL

THURSDAY, DECEMBER 11, 2025

Reported by:

Anrae Wimberley, CSR No. 7778

Job No. 7780499

Page 1

IN THE UNITED STATES DISTRICT COURT
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DEMOCRATIC CONGRESSIONAL

CAMPAIGN COMMITTEE, et al.,

Defendant-Intervenors.

_____/

Transcript of video-recorded deposition
of THOMAS BRUNELL, Ph.D., taken via Zoom
videoconference, beginning at 9:06 a.m. PST and
ending at 2:15 p.m. on THURSDAY, DECEMBER 11, 2025,
before Anrae Wimberley, Certified Shorthand Reporter
No. 7778.

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11 SANA SINHA - (Joined some time during
12 proceedings)

13
14 JAKE FRANKS, VERITEXT CONCIERGE
15 VERITEXT LEGAL SOLUTIONS

16 --oOo--
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I N D E X

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MS. HASAN	149

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E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
Exhibit 1	Declaration Of Tom Brunell In Support Of Plaintiffs' Motion For A Preliminary Injunction; 50 pages	14
Exhibit 2	"Report on Racial Bloc Voting in South Carolina," filing date of 10/04/2022; 37 pages	93
Exhibit 3	Affidavit of Sara Frankenstein in the case of Brooks vs. Gant, with attachments; 15 pages	97
Exhibit 4	Publication titled "Rethinking Redistricting"; 9 pages	106

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REPORTER'S NOTE: All quotations from exhibits are reflected in the manner in which they were read into the record and do not necessarily indicate an exact quote from the document.

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1 THURSDAY, DECEMBER 11, 2025;

2 DEPOSITION VIA ZOOM;

3 9:06 A.M. PST

4 - - -

5 THE REPORTER: We are on the record. It is 09:06:14

6 9:06 a.m. on December 11th, 2025. My name is Anrae
7 Wimberley, CSR No. 7778, and I will now swear in the
8 witness.

9 (Witness sworn.)

10 THE REPORTER: Could I have everyone introduce 09:06:49
11 themselves, beginning with the noticing attorney?

12 MS. HASAN: My name is Iram Hasan, and I
13 represent the defendants, Governor Gavin Newsom and
14 Secretary of State Shirley Weber, the defendants in
15 this case. 09:07:05

16 MR. EASON: This is Ryan Eason also
17 representing State defendants, California Governor
18 Newsom and California Secretary of State Weber.

19 MS. KHANNA: My name is Abha Khanna, and I'm
20 representing the intervenor defendant, D triple C, 09:07:20
21 which is DCCC.

22 MR. de NEVERS: I'm Orion de Nevers. I'm with
23 Arnold & Porter, representing LULAC intervenor
24 defendants.

25 MR. MEUSER: My name is Mark Meuser with the 09:07:39

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1 Dhillon Law Group. I represent the plaintiffs in 09:07:39
2 this matter and I'm defending the deposition of
3 Dr. Brunell.

4 MS. GIESEKE: And I'm Greta Gieseke, and I
5 represent plaintiff intervenor the United States. 09:07:54

6 MS. KHANNA: Is it all right for me to proceed?

7 THE REPORTER: Yes.

8 THOMAS BRUNELL, Ph.D.,
9 sworn in remotely as a witness by the Certified
10 Shorthand Reporter, testified as follows: 09:08:09

11 EXAMINATION

12 BY MS. KHANNA:

13 Q. Good morning, Dr. Brunell.

14 A. Good morning.

15 Q. My name is Abha Khanna, and I represent 09:08:13
16 the intervenor defendant in this case.

17 Could you please just state your full name
18 for the record.

19 A. Sure. It's Thomas Lloyd Brunell.

20 Q. And where do you live? 09:08:24

21 A. I live in Richardson, Texas.

22 Q. I take it you've been deposed before?

23 A. I have.

24 Q. Approximately how many times?

25 A. Twelve to 15, I would say. 09:08:35

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1 Q. When was your most recent deposition? 09:08:37

2 A. Oh, hmm, it's been a little while, I would
3 say it's been over a year, maybe 18 months ago.

4 Q. Great. And have you done a remote
5 deposition before? 09:08:53

6 A. I think I have done one remote deposition.

7 Q. Okay. I'm not going to spend a lot of
8 time on the deposition ground rules. I think you
9 know the drill. I need to have an affirmative
10 answer, not a head nod or anything like that, so 09:09:07
11 that the court reporter can get it down.

12 If at any point you don't understand the
13 question that I'm asking, please just let me know
14 and I'll do my best to rephrase.

15 A. Okay. 09:09:19

16 Q. Otherwise I will assume that you
17 understood the question.

18 Does that sound right?

19 A. Yes.

20 Q. And of course if at any point you need a 09:09:25
21 break, just let us know, and we'll go off the record
22 as long as there's not a question pending.

23 A. Very good.

24 Q. What did you do to prepare for today's
25 deposition? 09:09:38

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1 A. I re-read my report this morning. 09:09:39

2 Mr. Meuser and I had a brief conversation this
3 morning. Yesterday, I think I was looking at some
4 of the depositions, but just sort of gathered my
5 thoughts. 09:10:04

6 Q. What deposition did you look at?

7 A. I looked at the deposition of Bernie
8 Grofman and Professor Rodman.

9 Q. Have you read any of the other expert
10 reports that have been submitted in this case? 09:10:19

11 A. I was given the expert reports of both of
12 those gentlemen, along with the reports by Professor
13 Palmer and Fairfax.

14 Q. Have you read the report from Dr. Trende
15 in this case? 09:10:35

16 A. That was not given to me.

17 Q. Did you speak with anyone else about this
18 deposition, other than your counsel?

19 A. No.

20 Q. Have you ever consulted with anyone other
21 than counsel in preparation for this case at all? 09:10:47

22 A. No.

23 Q. Have you ever met with any of the
24 plaintiffs in this case?

25 A. No. 09:11:00

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1 Q. When were you first approached to serve as 09:11:03
2 an expert in this case?

3 A. Sometime in October.

4 Q. Do you recall specifically when?

5 A. It was late October, I believe. 09:11:17

6 Q. Were you aware of the kind of political
7 activity going on in California regarding
8 redistricting at the time you were approached?

9 A. Sure.

10 Q. And how was that? 09:11:33

11 A. Just through the news.

12 Q. What is your understanding about -- of
13 what this case is about?

14 A. Do you mean the legal issues?

15 Q. Yes, the actual claims. 09:11:46

16 MR. MEUSER: I'll object that that calls for a
17 legal conclusion.

18 You can answer.

19 THE WITNESS: Yeah. I'm not a lawyer, but I
20 would say that the key factor in this case is 09:11:57
21 whether or not race predominated in the drawing of
22 the new map.

23 BY MS. KHANNA:

24 Q. And what were you asked to do in this
25 case? 09:12:15

Page 11

1 A. I was approached and kind of the basic 09:12:18
2 thing that Mr. Meuser wanted was to introduce some
3 basic demographics in my report showing how diverse
4 the state was.

5 And then also we were talking about 09:12:34
6 evidence for the Gingles test.

7 Q. And did you understand why you were asked
8 to be doing those things in this case?

9 A. I mean, I think so. I mean, maybe
10 Mr. Meuser has things, you know, arguments he wants 09:12:56
11 to make that I'm not aware of, but I think I do.

12 Q. And what is your understanding of the
13 purpose of the analysis you've been asked to do.

14 A. That California is a very diverse state
15 with no clear majority group, and then in terms of 09:13:13
16 Gingles prongs 2 and 3, there's some evidence in my
17 report that those prongs are not satisfied either,
18 that -- well, the minority groups, Hispanics in
19 particular, do vote cohesively. It's not clear that
20 Whites vote against them and regularly defeat their 09:13:42
21 candidates of choice.

22 Q. What, if any, documents did counsel
23 provide you as you were preparing for your report in
24 this case?

25 A. Well, we shared them all. I don't know if 09:13:57

1 I could -- I mean, of course I got all the reports. 09:14:00
2 We talked about the depositions. There was a report
3 by John Morgan in a related lawsuit that was given
4 to me.

5 What else? Mr. Meuser pointed me to where 09:14:30
6 I could find some data. He didn't give it to me,
7 but told me where to go to find it. That's all I
8 can really remember off the top of my head.

9 Q. What, if any, documents did counsel
10 provide you before you performed the analysis in 09:14:48
11 your expert report?

12 A. He gave me the transcript from -- the Hope
13 transcript where the map drawer was talking about
14 what he did. There might have been another
15 transcript from something about what he said. 09:15:10

16 What else did I get before? Mr. Meuser
17 e-mailed me a list of minority candidates who had
18 run recently in the state.

19 That might be it. That's all I can
20 remember off the top of my head. 09:15:39

21 Q. I believe you said that counsel pointed
22 you to some data; is that right?

23 A. Yes.

24 Q. What data was that?

25 A. He pointed me to the We Draw The Lines web 09:15:47

Page 13

1 page. 09:15:51

2 Q. What is that?

3 A. That, I think, is the California
4 Redistricting Commission's web page, and there was
5 some census data on that web page. 09:16:01

6 Q. Any other data that he pointed you to?

7 A. I think that's it.

8 MS. KHANNA: All right. I'd like to pull up
9 what I've marked as Dr. Brunell Tab 1.

10 (Deposition Exhibit 1 was marked.) 09:16:17

11 MS. KHANNA: And, Jake, if we can see it all on
12 the screen share, that would be helpful.

13 THE REPORTER: And that's Exhibit 1?

14 MS. KHANNA: Yes, we'll mark this as Exhibit 1.

15 BY MS. KHANNA: 09:16:40

16 Q. Dr. Brunell, can you see that?

17 A. I can.

18 Q. Do you recognize this document?

19 A. It looks like my report.

20 Q. Right. And if you -- I don't know if you 09:16:49
21 can scroll through --

22 MS. KHANNA: Or, Jake, if you have to scroll
23 through.

24 THE WITNESS: Yeah, I cannot scroll through.

25 BY MS. KHANNA: 09:17:00

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1 Q. But just to confirm, this is a 50-page PDF 09:17:01
2 that includes your declaration, your CV, and the
3 expert report that you submitted in this case.

4 Does that look right?

5 A. Yes, it does. 09:17:15

6 Q. Do you have any documents in front of you
7 right now in the room that you're in?

8 A. No.

9 Q. Do you have any -- do you have your report
10 with you in front of you on the screen, other than 09:17:28
11 what we have on the screen share?

12 A. I do not. I have nothing else on my
13 screen open.

14 Q. Okay. I'm going to turn to paragraph 15
15 of your declaration, which I believe is on page 5 of 09:17:41
16 the PDF, if that helps you. Thank you.

17 And I believe this is where you explain
18 what you were asked to do by counsel.

19 Does that look right?

20 A. Yes. 09:18:03

21 Q. Okay. And in paragraph 15 you state, "I
22 was asked to look at several geographic and
23 election-related factors in 18 of California's
24 counties associated with the 16 Voting Rights Act
25 districts contained in Proposition 50's maps." 09:18:18

Page 15

1 Did I read that correctly? 09:18:23

2 A. Yes.

3 Q. Did counsel provide you the 18 counties
4 that you refer to here?

5 A. He did, yes. 09:18:32

6 Q. And did you understand how those counties
7 were chosen?

8 A. Yes, I think those were the ones that
9 contained the 16 majority Hispanic districts.

10 Q. And you might have just answered my 09:18:45
11 question.

12 When you refer here to Voting Rights Acts
13 districts, can you explain to me how you define that
14 term?

15 A. Yeah, those are districts that are usually 09:18:55
16 mandated by law that are majority of some ethnic
17 minority.

18 Q. When you refer to 16 Voting Rights Acts
19 districts, are you referring to 16 districts that
20 are mandated by law? 09:19:15

21 A. That's a good -- I don't know whether they
22 were mandated by law in this case or not.

23 Q. How did you identify the 16 Voting Rights
24 Acts districts?

25 A. Mr. Meuser told me which districts they 09:19:29

Page 16

1 were. 09:19:33

2 Q. Your counsel gave you a list of districts
3 and he called them Voting Rights Acts districts?

4 A. I don't recall whether he referred to them
5 that way or not, but these were the majority 09:19:42
6 Hispanic districts.

7 Q. And is it your understanding these are all
8 of the majority Hispanic districts in the state of
9 California?

10 A. In Proposition 50's map, I believe so, 09:19:54
11 yes.

12 Q. And when you say "majority Hispanic," do
13 you mean Hispanic total population, voting age
14 population or citizen voting age population?

15 A. Usually when we talk about Hispanics, we 09:20:09
16 talk about is CVAP, which is citizen voting age
17 population. I think that these are all majority
18 CVAP districts.

19 Q. Did you do any checking to make sure that
20 the list of majority Hispanic districts that counsel 09:20:22
21 had provided was, in fact, an accurate list?

22 A. Yes, I believe that I had other data that
23 I looked at to conclude that -- to back that up.

24 Q. Did counsel identify what specific
25 geographic and election-related factors he wanted 09:20:53

Page 17

1 you to examine? 09:20:56

2 A. Well, he told me the -- he told me which
3 counties he wanted me to look at, these 18 counties,
4 and then election-related factors less so.

5 You know, I looked at several recent 09:21:10
6 statewide elections, and I don't think that was -- I
7 don't think that was all directed by counsel.

8 Q. So can you clarify, what geographic
9 features did you examine in your analysis?

10 A. These 18 counties, that's what we looked 09:21:28
11 at. That's what I looked at.

12 Q. So when you refer to "geographic
13 features," you were speaking about the 18 counties
14 that counsel provided you to examine; is that
15 correct? 09:21:39

16 A. That's right.

17 Q. You didn't look at any other geographic
18 features, other than the existence of these
19 counties?

20 A. That's right. 09:21:49

21 Q. And maybe you already mentioned this, what
22 election-related factors did you examine in your
23 report?

24 A. I looked at a bunch of statewide elections
25 that are in my report, and then I used some survey 09:22:03

Page 18

1 data. 09:22:08

2 Q. So you say you were asked to look at these
3 factors in these counties.

4 For what purpose?

5 A. Like I said before, we were -- basically, 09:22:20
6 we wanted to look at whether -- what the demography
7 of the state was, how -- I looked at the correlation
8 across elections within the counties to see how
9 stable they were.

10 And then the last part of my report I was 09:22:44
11 trying to determine whether or not there's racially
12 polarized voting in these counties.

13 Q. So I'm looking specifically just at
14 paragraph 15 here, and I guess my question is, was
15 there a specific question you were trying to answer 09:23:01
16 in looking at these factors?

17 A. What the make-up was of -- the demographic
18 make-up of these counties, the overall kind of
19 stability of elections and then factors related to
20 the Gingles test, factors 2 and 3, prongs 2 and 3. 09:23:26

21 Q. So specifically about the task you were
22 talking about in paragraph 15, you were asked to
23 examine the demographic make-up of these counties,
24 is that accurate?

25 A. Yes. 09:23:43

Page 19

1 Q. And you were asked to determine the 09:23:44
2 stability of elections, is that accurate?

3 A. I mean, I wanted -- they wanted me to look
4 at the -- yes, I think that that's fair.

5 Q. And if I look at paragraphs 16 and 17 on 09:24:10
6 this same page, I think you state your conclusions
7 on that analysis; is that correct?

8 A. That's correct.

9 Q. What is your conclusion in paragraph 16?

10 A. There's no racial or ethnic majority in 09:24:20
11 the state and that Hispanics are a plurality of the
12 total population and non-Hispanic Whites are a
13 plurality in the citizen voting age population.

14 Q. So this answers the question that you were
15 asked to resolve of what is the demographic make-up 09:24:37
16 of these counties; is that right?

17 A. Right.

18 Q. And what about your conclusion in
19 paragraph 17, what is that conclusion?

20 A. That, in the analyses that I did, that 09:24:53
21 Whites -- non-Hispanic Whites tend to vote with
22 Hispanics, and thus there is no racially polarized
23 voting.

24 Q. And you mentioned the term "racially
25 polarized voting," is that a term you used in this 09:25:13

Page 20

1 declaration, or in paragraph 17, do you know? 09:25:16

2 And we can scroll down so you can see the
3 whole paragraph.

4 A. I did not use that phrase in this
5 paragraph. 09:25:27

6 Q. But you were specifically asked to
7 determine the extent of racially polarized voting in
8 this area; is that right?

9 A. I was asked to examine prongs 2 and 3 of
10 the Gingles test. 09:25:37

11 Q. Can you describe, what is your
12 understanding of what racially polarized voting is?

13 A. Sure.

14 It's when the second prong of the Gingles
15 test is that the minority group needs to be 09:25:54
16 cohesive, which means they vote generally as a bloc.

17 And then in the third prong, the majority
18 group, which is generally non-Hispanic Whites, they
19 also need to vote as a bloc and generally defeat the
20 preferred candidate of the minority group. 09:26:12

21 Q. And is that term "racially polarized
22 voting" sometimes interchangeable with the term
23 "racial bloc voting"?

24 A. Yes, I would say that it is.

25 Q. Have you conducted racially polarized 09:26:24

Page 21

1 voting analyses before in your expert work? 09:26:27

2 A. I have.

3 Q. And how would you typically examine the
4 existence or extent of racially polarized voting in
5 a given area? 09:26:39

6 A. Typically we use -- there's several
7 different methods to go about this process, and in
8 other states, it's far easier because California's
9 diversity makes this question substantially more
10 difficult to answer, I would say. 09:27:00

11 But typically you would use data from
12 particular elections -- you would like to get
13 elections in which there is a minority -- a member
14 of the minority group that we're interested in
15 running against somebody from the majority 09:27:20
16 typically, White, a non-Hispanic White person.

17 And you can use data at a relatively small
18 level of geography that you match up with, usually
19 at the precinct level, because that's the kind of
20 smallest geographic area in which election data are 09:27:41
21 tallied. And then you match that with census data
22 and you could do some relatively simple tests
23 like -- the first one is called homogeneous precinct
24 analysis.

25 And so here we're trying to infer from 09:28:00

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1 aggregate data how individual people voted. That's 09:28:04
2 kind of the problem we're facing. So one of the
3 ways we overcome this problem is we only select
4 those precincts that is overwhelmingly one group or
5 another. So that's the homogeneous part of these 09:28:19
6 precincts. So typically you would like to use
7 something like only those precincts that are
8 90 percent or higher of non-Hispanic White or Black
9 or Hispanic -- whatever the groups are that we are
10 interested in. 09:28:36

11 And you can then look at the election data
12 in just those blocs, so you're -- so then you can
13 more easily make the inference how these people are
14 voting, and are they voting -- who's their preferred
15 candidate, how are they voting, are they voting 09:28:53
16 cohesively.

17 After that I typically would draw some
18 scattergrams of these data to kind of show is there
19 a linear relationship between the proportion of --
20 you could do this for any group, but let's just use 09:29:11
21 non-Hispanic Whites. So you could graph the percent
22 of the vote for candidate A against the proportion
23 of non-Hispanic Whites in every precinct to see if
24 there's a relationship between these two.

25 And then finally I often do a Goodman's 09:29:33

Page 23

1 ecological regression analysis where you use the 09:29:38
2 same data, election data at the precinct level merge
3 with census data to get an estimate of the percent
4 of White voters that voted for one candidate and the
5 minority group that voted for either candidate. 09:29:52

6 Q. Did you use homogeneous precinct analysis
7 in this case?

8 A. I didn't. And the problem here is that
9 California is so diverse that you're dealing with so
10 many additional groups, right. This was so much 09:30:16
11 easier in like the early 2000s and typically you're
12 in a southern state that's like 70 percent White and
13 28 percent African-American and two percent other,
14 and so you're just really just dealing with two
15 groups, non-Hispanic Whites and African-Americans. 09:30:36

16 But in California, of course we have
17 significant populations of Hispanics and
18 non-Hispanic Whites, non-Hispanic Blacks and
19 non-Hispanic Asians and other, so there's five
20 groups. 09:30:52

21 And so once you have -- once you kind of
22 have to drive estimates for all these groups. First
23 getting homogeneous precincts is a lot more
24 difficult because of the diversity. And then
25 running the analyses is more -- you're asking a lot 09:31:03

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1 of the data is kind of the way that I would put it, 09:31:07
2 so this is why I decided to use the survey data
3 instead.

4 Q. Did you perform an ecological regression
5 analysis in this case? 09:31:23

6 A. I was trying to. I don't know if I ever
7 got anything reasonable because the data were --
8 kind of the other major problem here is we're most
9 interested in Hispanics here and Hispanics we want
10 to use citizen voting-age population data, and those 09:31:41
11 data come from the American Community Survey, which
12 means -- and usually when we're doing these
13 ecological regressions we want to do it at the
14 lowest level of geography possible.

15 And so when you ACS data -- ASC data are 09:32:04
16 kind of relatively good at larger levels of
17 geography, but when you're trying to impute it down
18 to lower levels of geography you really start to
19 get, you know you can't -- as an analyst you're less
20 trusting, I suppose is the word I can think of, the 09:32:17
21 veracity of these data.

22 Q. Is it your understanding that ecological
23 regression analyses are not possible when dealing
24 with Hispanic populations?

25 A. No, that's not true. 09:32:32

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1 Q. Have you performed ecological regression 09:32:33
2 analyses in Hispanic populations before?
3 A. I believe that I have, yes.
4 Q. So I think you just mentioned the ways
5 that you would typically examine racially polarized 09:32:50
6 voting. But those are not the tools that you used
7 in this case; is that fair?
8 A. That's fair.
9 Q. And here in paragraph 17, if I'm reading
10 four lines down, you say, "It is hard to imagine 09:33:04
11 that this prong is satisfied."
12 Did I read that correctly?
13 A. Yes.
14 Q. Are you coming to any conclusion on the
15 Gingles factors in your report? 09:33:15
16 A. Yeah, I think the evidence shows it's very
17 unlikely that this prong is satisfied.
18 Q. Do you conclude that the Gingles factors
19 are not satisfied?
20 A. That's correct. 09:33:30
21 Q. Do you at any point say that the Gingles
22 factors are not satisfied or conclude that in your
23 report?
24 A. I think I'm a little more cautious with my
25 wording. That's why I said, "hard to imagine." 09:33:45

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1 Q. Yeah. I think that's my question. 09:33:47

2 Why are you more cautious with your
3 wording here?

4 A. Well, so some of my estimates, the
5 confidence intervals like for the White voting 09:33:55
6 overlap the 50 percent, and so that introduces a
7 little bit of uncertainty.

8 Q. Does it also introduce uncertainty that
9 you had not used the typical tools you would use to
10 measure a racially polarized voting? 09:34:13

11 A. I don't think I understand your question.

12 Q. Sorry. I thought you had described
13 earlier the typical tools you would use to measure
14 racially polarized voting; is that right?

15 A. Yes. 09:34:26

16 Q. And you did not use those tools in this
17 case; correct?

18 A. Yeah, I wasn't able to.

19 Q. So does that create some uncertainty about
20 the strength of your conclusion about the existence 09:34:37
21 of these factors?

22 A. More evidence is always nicer.

23 Q. I would like to scroll up to paragraph 5
24 of this declaration.

25 Dr. Brunell, is this big enough on the 09:34:51

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1 screen for you to see the images in the middle? Are 09:34:54
2 you okay?
3 A. No, this is fine.
4 Q. Sometimes you can't tell if it's on the
5 laptop or a big screen. 09:34:59
6 A. Yeah.
7 Q. In paragraph 5, you state, "For more than
8 25 years, my academic research and teaching have
9 focused on redistricting, apportionment, electoral
10 systems, legislative representation, and the 09:35:13
11 measurement and effects of partisan and racial
12 gerrymandering."
13 Did I read that correctly?
14 A. You did.
15 Q. What kind of research have you done on the 09:35:25
16 measurement and effects of racial gerrymandering?
17 A. I've written a couple of articles with
18 David Lublin and Bernie Grofman and Lisa Handley on
19 this issue.
20 Q. And do you recall the names of those 09:35:46
21 articles?
22 A. One is called Finding The Sweet Spot, I
23 believe is the first part of the title. And we
24 wrote an article 10 years prior, I believe, and I
25 don't recall the title of it. 09:36:01

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1 Q. And those articles were specifically about 09:36:03
2 measuring -- the measurement and effects of racial
3 gerrymandering?

4 A. They were about -- they were more about
5 minority representation. 09:36:18

6 Q. Can you explain more about what that
7 means?

8 A. Yeah.

9 In those papers we were looking at the --
10 how often minority candidates in both the U.S. 09:36:32
11 Congress and in state legislatures across the
12 country were able to win election from districts of
13 differing levels of minority population.

14 Q. Was there any portion of those articles
15 that assess the measurement and effects of racial 09:36:52
16 gerrymandering?

17 A. I mean, I think it's part of the whole
18 argument about the role that race plays in
19 redistricting.

20 Q. Are there any specific publications that 09:37:10
21 you have written about how to assess the existence
22 of racial gerrymandering?

23 A. How to assess the existence of racial
24 gerrymandering?

25 Q. Or how about specifically, using your 09:37:32

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1 terms, are there any articles you have written about 09:37:34
2 how to measure racial gerrymandering?

3 A. I mean, I think the two articles that I
4 talk about is part of this question. I don't think
5 there are other articles that I would point to for 09:38:00
6 this that I could recall off the top of my head.

7 Q. For what it's worth, I know you don't have
8 your report in front of you. I believe you can call
9 it up on your own, but if you would like, we can
10 also scroll through your CV that is also in this 09:38:20
11 document.

12 Would that be something you would like to
13 do to refresh your recollection?

14 A. I don't think so at this time.

15 Q. So as far as you understand, those two 09:38:27
16 articles are the ones that touch most closely on the
17 measurement of racial gerrymandering; is that right?

18 A. Why don't we go through my CV just to make
19 sure.

20 Q. Fair enough. 09:38:42

21 MS. KHANNA: Jake, sorry. Can you maybe just
22 scroll down? I think it's the next set of pages on
23 this.

24 BY MS. KHANNA:

25 Q. So maybe we can keep scrolling and, 09:38:58

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1 Dr. Brunell, you can tell him when to stop. 09:39:02

2 A. Keep going.

3 Q. These academic CVs are very long.

4 A. Okay, let's stop here.

5 Okay, keep going. Stop, stop. Go back up 09:39:21

6 a little bit. Sorry. You can stop there.

7 Okay, scroll up. I'm sorry, down. Keep

8 going. Okay, stop there for a second.

9 Yeah. The second article I was talking

10 about is the one that, Has The Voting Rights Act 09:40:04

11 Outlived Its Usefulness.

12 Okay, keep going.

13 The article -- you can stop there -- with

14 Anderson and Cremona, Descriptive Representation

15 District Demography and Attitudes Towards 09:40:25

16 Congress -- okay. No, that doesn't -- I don't think

17 that had anything to do with redistricting directly.

18 I don't really remember what our conclusions were in

19 that piece.

20 Okay, keep going down. Keep going. 09:40:50

21 Okay, stop there for a second. Partisan

22 Bias.

23 Keep going, please. Okay, stop for a

24 second.

25 I don't know what we talked about in this 09:41:49

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redistricting, the thing at the very top of the screen. Me and Bernie wrote something for a handbook about redistricting, but I think that's kind of a review. It's like a handbook, so it's kind of like an overview so there's probably nothing in there.

7 Some of these things we wrote 20 years
8 ago. I don't remember what we said in these things
9 with Bernie in the early 2000s. I'm not sure if
10 there's anything in there or not. 09:42:32

11 Q. No, I understand. For what it's worth,
12 this is not a memory test. I just wanted to see if
13 you --

14 A. Yeah. So I think that's it.

15	Q. Okay. Thank you.	09:42:42
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16 I'd ask if we can scroll back up to the
17 third page of the PDF, back to the declaration.

18 Looking at paragraph 8 actually, towards
19 the bottom of this page. I think it crosses over
20 the two pages there, at paragraph 8. 09:43:02

21 Dr. Brunell, here you mention in paragraph
22 8 that a recurring theme in your work is that
23 district lines can be manipulated to create,
24 entrench, or dismantle partisan and racial
25 advantages within the outward population metrics 09:43:20

1 appear compliant. 09:43:20

2 Did I read that correctly?

3 A. Yes.

4 Q. Is that an analysis that you undertook in
5 this case? 09:43:25

6 A. No.

7 Q. You do not provide any analysis of the
8 manipulation of district lines in the Prop 50 map;
9 correct?

10 A. That's correct. 09:43:36

11 Q. In the next sentence you state that your
12 "Research has emphasized examining the totality of
13 district features, including population equality,
14 minority voting strength, partisanship, and
15 incumbency, to determine whether a plan reflects
16 neutral districting principles or intentional
17 gerrymandering"; is that correct?

18 A. That's correct.

19 Q. And is that an analysis that you undertook
20 in this case? 09:44:07

21 A. It's not.

22 Q. Did you examine the totality of district
23 features in this case?

24 A. I mean, I don't know what -- I don't know
25 what -- I don't know what you mean by that, and 09:44:31

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1	you're going to of course say, what do I mean by	09:44:35
2	that.	

3 Q. Yes. You've done enough of these
4 depositions to know.

5	A. Yeah, right.	09:44:44
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6 You know what? I mean, I think here, this
7 is more kind of really about my research. And so I
8 don't know if in this particular case I've looked at
9 the totality of district features. I mean, in part,
10 because we don't know a lot of this, right. We 09:45:03
11 aren't privy to the motivations of Mr. Mitchell, and
12 so it makes it difficult since it's not available to
13 me, I suppose it wasn't -- wasn't able to examine
14 it.

15 Q. Why is it important to examine the 09:45:31
16 totality of district features in trying to assess
17 whether lines were drawn for intentional
18 gerrymandering or for neutral districting
19 principles?

20 A. I mean, I think there are -- I mean, 09:45:46

21 sometimes the -- you know, the court -- courts will

22 use totality of circumstances. It's just, you know,

23 you want to know -- you want to know -- you're

24 trying to figure out what the intentions were of the

25 map drawer often. And so I think that's kind of 09:46:15

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1 what this is about. 09:46:19

2 Q. So when you refer to the totality, it's an
3 attempt to figure out what the map drawer's
4 intentions were?

5 A. No. It's just -- sorry. I didn't mean to 09:46:31
6 interrupt you.

7 Q. You're fine.

8 A. You're trying to take into account all of
9 the relevant information. How about that.

10 Q. And when looking at district features to 09:46:39
11 determine what may have been motivated the line
12 drawing, what kind of information is relevant in
13 making that assessment?

14 A. Could you repeat that one more time?

15 Q. When you're looking at the district 09:46:53
16 features to determine what may have motivated the
17 line drawing, what kind of features would be
18 relevant to that inquiry?

19 A. Oh, gosh, I mean, there's -- you know, if
20 we're in -- it depends on what the inquiry is; 09:47:13
21 right?

22 Are we talking about partisan
23 gerrymandering? Are we talking about racial
24 gerrymandering? So we would have different aspects
25 there. And it's hard to say because, you know, 09:47:26

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1 people are coming up -- when I say "people," I 09:47:30
2 usually mean witnesses -- are coming up with
3 different ways of looking at these things.

4 You know, we struggled to come up with a
5 metric -- a really good metric for partisan 09:47:45
6 gerrymandering. Although we came up -- I mean
7 academics, we came up with a lot of them, none of
8 which the supreme court liked at that particular
9 instance. And so it's a dynamic thing. It's
10 something that continues to change. 09:48:04

11 Q. What are some of the factors you would
12 want to have to examine in analyzing whether a plan
13 reflects neutral districting principles or
14 intentional racial gerrymandering?

15 A. You would -- you want as much information 09:48:25
16 as you possibly can get. And I don't think I can
17 give you a whole list of everything off the top of
18 my head that I would want in this particular
19 instance, to answer your question.

20 Q. Do you have a general idea of what 09:48:45
21 constitutes neutral redistricting principles?

22 A. In terms of racial?

23 Q. In looking -- yes.

24 A. It's a -- I think that this continues to
25 be something that both the court -- the courts and 09:49:03

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1 academics kind of struggle with identifying. 09:49:08

2 Q. So sitting here today, you can't tell me
3 any of the factors you would want to consider to
4 determine when a plan reflects neutral redistricting
5 principles or intentional racial gerrymandering? 09:49:23

6 A. Well, there's lots of stuff, you know. So
7 oftentimes we get analyses like the one that
8 Dr. Trende did, where you're looking kind of
9 microscopically at the choices that a map drawer
10 made in trying to figure out what was -- was race 09:49:42
11 the predominant factor or not.

12 I've seen other analyses that look at
13 how -- that compare what the old district looked
14 like compared to the new district, in terms of
15 minority population, for instance. 09:50:09

16 Sometimes people have tried to compare
17 what the new parts of a district look like compared
18 to other surrounding parts of the state to try to
19 figure out, "Well, was race more important in terms
20 of what they put in versus what they left out?" 09:50:34

21 So there's lots of different things that
22 people have looked at. Like I said, there's people
23 trying to come up with other ways to try and measure
24 this kind of thing all the time.

25 Q. What about compactness, would you want to 09:50:47

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1 consider compactness of the districts? 09:50:53

2 A. Compactness can matter for lots of
3 different things, and that could be one factor.

4 Q. How about geographical features?

5 A. You mean like city lines and county lines? 09:51:14

6 Yeah. These are kind of traditional redistricting
7 principles, right, where people try to keep cities
8 whole, counties whole to the extent possible, and
9 sometimes it's impossible to keep everything whole.

10 Another traditional redistricting 09:51:35

11 principle are communities of interest, which we
12 don't have a great definition for but -- because --
13 well, because it can mean lots of things.

14 And protecting incumbents oftentimes is
15 another traditional redistricting principle that you 09:51:53
16 would expect a map drawer to take into account.

17 Q. These traditional redistricting
18 principles, are these the kind of factors that you
19 would expect one to consider when evaluating when
20 race may have predominated or neutral principles? 09:52:13

21 A. Perhaps. But depending on their approach,
22 it may not all be necessary. But those are
23 traditionally things people do when they draw a map,
24 to differing extents, right.

25 So compactness, we give a lot of lip 09:52:33

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1 service to compactness, but in my experience, I've 09:52:36
2 seen very few maps kind of thrown out for
3 non-compactness. It happens from time to time.
4 These things are -- it's more ephemeral than we
5 would like, I suppose. 09:52:56

6 Q. Are these kinds of traditional
7 redistricting principles informative when assessing
8 how a map was drawn?

9 A. I think they can be like sort of a basic
10 understanding of what's going on, sure. 09:53:08

11 Q. And they can be informative when trying to
12 determine what may have motivated a map drawer; is
13 that correct?

14 A. They can be. Sometimes they can be used
15 as excuses, too, to kind of cover for what's going 09:53:23
16 on. So that kind of makes it difficult as well.

17 Q. Are you familiar with any analyses that
18 you have performed when assessing the extent to
19 which neutral principles or gerrymandering was at
20 play where you did not examine any traditional 09:53:40
21 redistricting principles?

22 A. That's a tough one. Off the top of my
23 head, I can't really answer your question.

24 Q. Fair to say that experts would typically
25 examine as many of the traditional neutral criteria 09:54:01

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1 as possible when trying to assess what motivated the 09:54:05
2 map drawer?

3 A. It depends on the approach that we're
4 taking.

5 Q. You mentioned, I think just now, the 09:54:14
6 report that Dr. Trende provided. I thought we had
7 discussed earlier -- I asked you if you had seen
8 Dr. Trende's report.

9 Do you want to revise your answer on that?

10 A. I do not. I have not seen it. 09:54:30

11 Q. So how do you know what Dr. Trende has --
12 you referred to Dr. Trende's report I believe in
13 your answer recently.

14 What were you referring to?

15 A. Well, I saw the reports of your -- the 09:54:38
16 experts for the defense, and they all -- they all
17 talked about Dr. Trende's report in great detail.

18 Q. So you have not actually seen Dr. Trende's
19 report; is that correct?

20 A. I believe I have not ever seen it. 09:54:51

21 Q. Turning back to your declaration here.

22 Looking at paragraph 10. On paragraph 10
23 you discuss the kinds of expert analyses that you
24 have conducted in review cases; is that right?

25 A. Yes. 09:55:14

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1 Q. And here you state, "In those cases I have 09:55:15
2 been asked to do the same kinds of tasks that are
3 implicated here." And then you provide a list; is
4 that right?

5 A. Yes. 09:55:24

6 Q. What do you mean "implicated here"?

7 A. Yeah, I don't really talk about any of
8 these traditional redistricting principles in this
9 particular report.

10 The other part, "analyze election returns 09:55:47
11 and demographic data." I do some of that. And I
12 think the last sentence is addressed as well.

13 Q. So you mentioned that you don't discuss
14 the traditional redistricting principles here, so
15 when you say implicated here do you mean in this 09:56:07
16 case?

17 A. Yes.

18 Q. Not implicated in your report?

19 A. That's correct.

20 Q. But implicated in the issues raised here 09:56:18
21 generally?

22 A. Correct.

23 Q. I believe here you actually list some of
24 these traditional non-discriminatory redistricting
25 principles; is that right? 09:56:36

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1 A. I do. 09:56:37

2 Q. That included contiguity, compactness,
3 respect for political subdivisions, communities of
4 interest, protection of minority voting strengths?

5 A. That's right. 09:56:46

6 Q. Among others; correct?

7 A. Yes.

8 Q. And those -- that's not something you
9 undertook to analyze in this case; correct?

10 A. I did not. 09:56:54

11 Q. Are you aware whether anyone has
12 undertaken an analysis of these factors in this
13 case?

14 A. I don't know.

15 Q. And you say at the bottom, "to assess 09:57:11
16 whether partisan or racial considerations
17 predominated the line-drawing process."

18 That's not something that you undertook
19 for your analysis in this case; correct?

20 A. Well, I think it's implicated, but not in 09:57:24
21 the way that Sean -- that Dr. Trende did it
22 directly, but I think it's -- from the last part of
23 my report on whether or not the Gingles criteria
24 were satisfied or not, I think you could get to,
25 whether racial considerations predominated in the 09:57:49

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1 line-drawing process. 09:57:53

2 Q. Can you explain that to me? How does your
3 analysis of the Gingles criteria inform whether race
4 predominated in the line-drawing process?

5 A. Let me cough real quick. I was going to 09:58:05
6 mute my microphone, but I don't see the button, so
7 I'm just going to cough.

8 Q. Dr. Brunell, once you answer this question
9 for me, if you would like to take a break to get a
10 glass of water, that's fine. 09:58:19

11 A. No, I'm fine. I'm getting over a little
12 cold, so there's a little bit of --

13 Q. We all are.

14 A. Yeah, it seems like it.

15 Okay. So if the Gingles criteria are not 09:58:31
16 satisfied and Mr. Mitchell was not compelled by law
17 to draw these majority Hispanic districts, but
18 rather he chose to do it -- he chose to do it, it
19 was an option, then -- and you would have to do that
20 first, right, and then that's going to affect how 09:58:50
21 other districts are drawn as well.

22 So does that mean that race predominated?
23 Perhaps.

24 Q. But is there any part of your Gingles
25 inquiry that tells us whether race predominated in 09:59:04

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1 this map? 09:59:08

2 A. I kind of hedged my bets like we already
3 talked about. You know, I think this is kind of up
4 for the judge to decide, and that would be my
5 testimony. 09:59:20

6 You know, there's something here, right,
7 and it's a difficult question to answer. But if
8 these districts didn't need to be drawn and they
9 were drawn, and they were drawn on the basis of
10 race, well then, race certainly was a major factor 09:59:34
11 and it may have predominated.

12 Q. Do you offer any expert opinions or
13 conclusions about the extent to which race
14 predominated in the drawing of any district in the
15 Prop. 50 map? 09:59:48

16 A. I mean, I think I would just repeat my
17 last answer.

18 Q. Please do.

19 A. Okay. That race may indeed have
20 predominated because these districts were not 10:00:00
21 compelled by law but rather were optional and were
22 drawn on the basis of race. And then once you draw
23 these majority Hispanic districts that affects all
24 the other districts around the rest of the state
25 because you've set aside these districts and 10:00:18

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[illegible]

3 Q. Have you provided any expert analysis of
4 the extent to which race predominated in the drawing
5 of districts in the Prop. 50 map?

6 A. Whatever's in my map -- I'm sorry.
7 Whatever is in my report and what I just said,
8 that's the evidence.

9 Q. Okay. Did you ever use the term
10 "predominate" or "predominant" at any point in your 10:00:43
11 analysis in this case?

12 A. In my report?

13	Q. Yes.
----	---------

14 A. I'm not sure.

15 Q. Did you set -- were you asked by counsel 10:00:52
16 to determine the extent to which race predominated
17 in drawing the Prop. 50 map?

18 A. I don't -- I'm not sure I know how to
19 answer that. I think that -- I was asked to look at
20 Gingles specifically, right, for these factors. And 10:01:20
21 I think that's related to the question of did race
22 predominate or did it not.

23 Q. Dr. Brunell, I previously asked you what
24 counsel specifically asked you to do in this case.

25	Do you recall that?	10:01:39
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1 A. Yes. 10:01:40

2 Q. And you did not tell me at that time that
3 you were asked to examine whether race predominated
4 in the drawing of district lines in the Prop. 50
5 map; is that correct? 10:01:50

6 A. I believe that's true, but my answer
7 hasn't changed. I think that it's related to it,
8 right, but it wasn't like, Hey, we want you to find
9 specific evidence, like what I assume is in
10 Dr. Trende's report, kind of looking at specific 10:02:07
11 parts -- specific decisions that were made.

12 Q. Understood.

13 If we could go back to paragraph 15 of
14 your declaration. And I'm looking here at paragraph
15 15, which I think is where you said what you were 10:02:28
16 asked to do, and at no point here is it saying that
17 you were asked to examine evidence of racial
18 predominance; is that correct?

19 A. It doesn't say that, that's correct.

20 Q. Okay. I think this is my last question on 10:02:55
21 your declaration, and then we probably could take a
22 break.

23 If we could look at paragraph 14. Here
24 you list specific areas in which you state you are
25 qualified to offer expert opinions; is that right? 10:03:09

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1 A. Yes. 10:03:11

2 Q. The first one you list sub A is, "whether
3 a particular districting plan reflects traditional,
4 neutral redistricting principles"; is that right?

5 A. Yes. 10:03:21

6 Q. Is that an analysis you undertook in this
7 case?

8 A. No.

9 Q. You don't offer any conclusions or
10 opinions on this point; correct? 10:03:27

11 A. I do not.

12 Q. The second one you mention here, sub B,
13 "whether racial or partisan considerations
14 predominated in the creation of particular
15 districts." 10:03:38

16 Did I read that correctly?

17 A. Yes.

18 Q. Is that an analysis you undertook in this
19 case?

20 A. I think it's -- my answer is the same as 10:03:44
21 what we just discussed.

22 Q. And that is?

23 A. That if the 16 Voting Rights Acts
24 districts included in the new map were not compelled
25 by law but were rather decided upon optionally, then 10:04:00

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1 race played a major factor and perhaps a predominate 10:04:05
2 factor in the drawing of the map.
3 Q. Is it your understanding that any time a
4 majority minority district is not compelled by law
5 race predominates? 10:04:23
6 MR. MEUSER: And I'm going to object to the
7 extent that that calls for a legal conclusion.
8 You may answer.
9 THE WITNESS: Yeah, I'm not certain.
10 BY MS. KHANNA: 10:04:32
11 Q. And certainly you're not opining to that
12 effect in this case; correct?
13 A. No.
14 Q. In sub C, you say, "whether a plan
15 unnecessarily dilutes or packs minority voters." 10:04:53
16 Did I read that correctly?
17 A. Yes.
18 Q. Is that an analysis you undertook in this
19 case?
20 A. I didn't do any analysis about this. 10:05:02
21 Q. And you don't offer any opinions or
22 conclusions on this point?
23 A. No.
24 Q. The last one I have is, "How alternative
25 configurations would affect partisan and minority 10:05:11

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1 electoral opportunities;" is that correct? 10:05:14

2 A. That's correct.

3 Q. And is that an analysis you undertook in
4 this case?

5 A. No, there were no alternative 10:05:20
6 configurations that I looked at.

7 Q. Okay, great. And just to close the loop,
8 you don't offer any opinions or conclusions on this
9 point either; is that correct?

10 A. That's correct. 10:05:31

11 MS. KHANNA: All right. We've been going for a
12 little over an hour now. I'm going to take a quick,
13 what, five-minute break, if that works for
14 everybody?

15 THE WITNESS: Sure. 10:05:42

16 (Recess taken.)

17 BY MS. KHANNA:

18 Q. Welcome back, Dr. Brunell.

19 A. Thank you.

20 MS. KHANNA: If we could pull back up Exhibit 1 10:15:54
21 that we had marked.

22 BY MS. KHANNA:

23 Q. And I'm now going to turn to your expert
24 report in this case, which I believe begins on page
25 27 of the PDF. 10:16:11

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1	This is your expert report in this case;	10:16:33
2	is that correct?	
3	A. It looks like it.	
4	Q. On the second page of your report, so if	
5	we scroll down and here we see Section 3 called	10:16:39
6	"State Demographics;" is that right?	
7	A. Yes.	
8	Q. And here you report the statewide	
9	demographic data based on the 2020 census; is that	
10	right?	10:16:58
11	A. Yes.	
12	Q. And you also report the racial	
13	demographics of the 18 counties you were told to	
14	examine; correct?	
15	A. That's right.	10:17:07
16	Q. All right. At the bottom of this	
17	paragraph, this first paragraph that begins that,	
18	"California is a very diverse state," do you see	
19	that paragraph?	
20	A. Yes.	10:17:20
21	Q. There you state, "There are 14 Hispanic	
22	VRA districts in the current map"; is that correct?	
23	A. Yes.	
24	Q. What do you mean by "current map"?	
25	A. The map that was just replaced.	10:17:31

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1 Q. That was the map that was drawn in 2021, 10:17:35
2 2022?
3 A. I believe that's right.
4 Q. Okay. And again here you use the term
5 "VRA districts" again. 10:17:45
6 Can you remind me, how did you -- how do
7 you define the term "Hispanic VRA district"?
8 A. These are districts that are required by
9 the Voting Rights Act and are a majority Hispanic.
10 Q. Did you determine -- how did you determine 10:17:59
11 that there were 14 districts that were required by
12 the Voting Rights Act and were majority Hispanic in
13 the current map?
14 A. This was in discussion with counsel, and I
15 believe we talked about this somewhat extensively. 10:18:17
16 Q. Sorry. I think you might have -- I -- can
17 people hear me?
18 A. Yes.
19 Q. Sorry, Dr. Brunell, can you say something?
20 A. Yes. Check, check, check. Hello. 10:18:29
21 MS. KHANNA: I can no longer hear Dr. Brunell.
22 THE WITNESS: Hello, hello.
23 MR. MEUSER: This is Mark. I can hear
24 Dr. Brunell.
25 MS. KHANNA: Hold on. 10:18:40

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1 THE REPORTER: I can hear him. 10:18:42
2 THE WITNESS: Hello?
3 THE REPORTER: I can hear him.
4 MS. KHANNA: Sorry. Can people hear me now?
5 THE REPORTER: Yes. 10:18:55
6 MR. MEUSER: I can hear you.
7 MS. KHANNA: And people could hear me that
8 whole time? I just stopped hearing everybody else?
9 THE WITNESS: Yes.
10 MS. KHANNA: Great. My apologies for the 10:19:05
11 technical difficulties.
12 BY MS. KHANNA:
13 Q. And if -- it might -- it's already on the
14 record, I'm sure, but if you could repeat your
15 answer of how did you determine that there were 14 10:19:11
16 Hispanic VRA districts in the current map?
17 A. Yeah. I believe this was in discussion
18 with counsel.
19 Q. So counsel told you that there are 14
20 Hispanic VRA districts in the current map? 10:19:22
21 A. Yes.
22 Q. Did counsel identify for you which
23 districts those were?
24 A. They may have. I don't recall off the top
25 of my head. They may have told me what the district 10:19:34

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1 numbers are. 10:19:37

2 Q. Did you -- did you do any independent
3 analysis to confirm that there are 14 Hispanic VRA
4 districts in the current map?

5 A. I don't know if we looked at -- I mean, 10:19:46
6 sometimes this is -- this is hard, right? Because
7 there were more than 14 majority Hispanic districts
8 in this map that we're talking about, the current --
9 the current map, the map before Prop. 50, but the
10 State -- it was my understanding that 14 of them 10:20:08
11 were identified as Voting Rights Act districts.

12 Q. And to be clear, you believe that 14 were
13 identified as majority Hispanic districts that were
14 required by law; is that correct?

15 A. That's correct. 10:20:24

16 Q. And who identified those as far as you
17 were aware?

18 A. The State, I assume.

19 Q. Did you do any independent analysis to
20 confirm that the State had identified 14 majority 10:20:37
21 Hispanic districts that were mandated by law?

22 A. I don't think I looked for this
23 information, no.

24 Q. So when counsel gave -- told you there
25 were 14 Hispanic VRA districts, you understood 10:20:53

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1 counsel to be telling you that in the previous map 10:20:58
2 to Prop. 50 there were 14 majority Hispanic
3 districts that were mandated by the VRA?
4 A. That's right.
5 Q. And am I right, you don't list those 10:21:13
6 districts, those 14 districts in your report; is
7 that correct?
8 A. I don't believe that I do, no.
9 Q. Have you provided those 14 districts in
10 documents pursuant to the subpoena? 10:21:23
11 A. I'm not sure if it was included in what I
12 provided or not.
13 Q. Did you ever write down the list of 14
14 Hispanic VRA districts that counsel identified for
15 you? 10:21:37
16 A. I don't honestly remember. I mean,
17 because obviously I was more concerned with the
18 Prop. 50 map than this particular map.
19 Q. But you are -- to your recollection, you
20 are -- you recall that counsel did provide you with 10:22:08
21 a list of districts that they had identified as the
22 14 Hispanic VRA districts in the previous map; is
23 that correct?
24 A. I have a recollection in one of our very
25 early phone calls, Mr. Meuser kind of telling me 10:22:21

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1 what those districts were. And I may have written 10:22:25
2 them down, I -- but I don't recall. But it was
3 not -- that was kind of less of a concern than -- my
4 report was about the new map.

5 Q. So then why did you look at -- why did you 10:22:43
6 examine the number of Hispanic VRA districts in the
7 previous map?

8 A. I didn't look at them. I just stated
9 this -- the fact that there were 14 Hispanic VRA
10 districts in the current map. 10:23:03

11 Q. And that is a fact that you would know
12 only from your counsel; correct?

13 A. Yes.

14 Q. On the following page of your report,
15 please scroll down, you include some quotes from 10:23:20
16 Mr. Paul Mitchell; is that right?

17 A. That's correct.

18 Q. And I believe you stated that counsel
19 provided you with these quotes; is that right?

20 A. No, they provided me with the transcripts, 10:23:34
21 and I got the quotes out of the transcripts.

22 Q. They provided you with the transcripts of
23 this HOPE 2025 meeting; is that right?

24 A. That's correct.

25 Q. Were you provided any other transcripts? 10:23:47

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1 A. I feel like there was one other one. 10:23:50

2 Q. But this was the only transcript from
3 which you quoted in your report?

4 A. I believe that's right.

5 Q. Do you understand why counsel provided you 10:24:02
6 with these transcripts?

7 A. Yeah, because he was talking about the
8 role that drawing these majority Latino districts
9 played in his overall approach to drawing the new
10 map. 10:24:18

11 Q. And how did that inform your analysis that
12 you undertook in this case?

13 A. Again, it's related to whether these were
14 compelled by law or whether he did this optionally.
15 And so if this was -- if these districts aren't 10:24:33
16 compelled by law, then he decided to draw majority
17 Latino districts, which is fine, right? I support
18 that myself, but that also may mean that race was
19 the predominant factor in the map itself.

20 Q. Okay. At the top of this -- the first 10:25:00
21 paragraph here, you say, "In the Proposition 50 map,
22 the person who drew the map says that he increased
23 that number to 16."

24 Did I read that correctly?

25 A. Yes. 10:25:14

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1 Q. And that number that you're referring to 10:25:14
2 is the number of Hispanic VRA districts; is that
3 correct?

4 A. That's right.

5 Q. And again your baseline for the original 10:25:22
6 14 was based on what counsel told you existed in the
7 previous map; correct?

8 A. That's right.

9 Q. And those were the 14 districts counsel
10 informed you were majority Hispanic and required by 10:25:33
11 the Voting Rights Act; correct?

12 A. That's right.

13 Q. What is that number 16 based on? Where
14 did you -- how did you understand the number --
15 where did you get that number from? 10:25:48

16 A. It was -- it was from the number of
17 districts that were majority Hispanic, but also I
18 believe maybe in one of these things they talk
19 about -- Mr. Mitchell talks about drawing 16
20 majority Hispanic districts. I don't see it there. 10:26:06

21 So it's -- I feel like maybe somewhere
22 somebody said there was 16 districts, but I don't
23 see it on this particular thing. So I can't -- I
24 don't recall off the top of my head where that came
25 from. 10:26:38

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1 Q. So if I'm looking at the first paragraph 10:26:41
2 quoting Mr. Mitchell toward the bottom, "The
3 empirical evidence shows that the public submission
4 map, which is Prop. 50 map, improves the opportunity
5 for Latino voters to elect candidates of choice in 10:26:56
6 two more districts than the existing plan."

7 Is that -- is that what you're referring
8 to when you you're talking about 16?

9 A. Yes, thank you.

10 Q. So your conclusion that there are 16 10:27:08
11 Hispanic VRA districts in the Prop. 50 map is based
12 on this statement by Mr. Mitchell combined with the
13 understanding provided to you by counsel of the --

14 A. Right.

15 Q. -- original 14? 10:27:27

16 A. Correct.

17 Q. Does Mr. Mitchell use the term "Hispanic
18 VRA districts" in the portions that you quote?

19 A. He talks about Latino voters and the
20 Voting Rights Act analysis. 10:27:47

21 Q. So Mr. Mitchell says here that there are
22 two more districts that improve the opportunity for
23 Latino voters to elect candidates of choice; is that
24 correct?

25 A. That's right. 10:27:58

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1 Q. Is it your understanding that that is 10:27:59
2 synonymous with a Hispanic VRA district?

3 A. I mean, that's usually what we talk about,
4 yes.

5 Q. Do you know what Mr. Mitchell was 10:28:08
6 referring to when he used that term?

7 A. I assume that he's talking about Voting
8 Rights Act districts.

9 Q. Do you understand how Mr. Mitchell would
10 define that -- he doesn't use the term "Voting 10:28:20
11 Rights Act districts"; correct?

12 A. He does say the Voting Rights Act
13 analysis.

14 Q. When he's referring to the districts, do
15 you understand how he -- based on the quotes that 10:28:30
16 you have access to, do you know how Mr. Mitchell
17 understands how these districts are defined?

18 A. Based upon this paragraph, it seems like
19 he is trying to follow the Voting Rights Act, and he
20 drew two more districts to allow Latinos to elect 10:28:48
21 candidates of their choice.

22 Q. And to you, you understand that to mean he
23 drew two additional majority Latino districts?

24 A. Well, the -- two more districts that
25 comply with the Voting Rights Act. 10:29:06

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1 Q. And just to be very clear, you are 10:29:13
2 inferring that interpretation from the words on the
3 screen from Mr. Mitchell; is that correct?

4 A. That's right.

5 Q. You have no independent knowledge of what 10:29:22
6 Mr. Mitchell meant when he was using these terms?

7 A. I don't. No, I've never met Mr. Mitchell.
8 We haven't had any discussions.

9 Q. And you don't know that Mr. Mitchell
10 shares your understanding of what a, quote, VRA 10:29:38
11 district is; correct?

12 A. I don't know what he thinks about it.
13 Although he's drawn these maps. I can't imagine
14 that we would -- we would have a different
15 understanding of them, but it's certainly possible. 10:29:51

16 Q. And Mr. Mitchell never uses the number 16
17 or 14 in the quotes that you have highlighted in
18 your report; is that correct?

19 A. That's true.

20 Q. Okay. If we turn to the next page, at the 10:30:03
21 top of this page you refer to 16 majority Hispanic
22 CVAP districts; is that right?

23 A. Correct.

24 Q. And, now, is a Hispanic CVAP district the
25 same thing as a Hispanic VRA district, as you've 10:30:21

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1 used that term in this report? 10:30:23

2 A. Not necessarily, but it could be, right?

3 These are -- like I said, the -- I think there were

4 16 majority CVAP -- Hispanic CVAP districts in the

5 previous map, which I called the current map in the 10:30:32

6 report, not to be confusing, but only 14 of them

7 were Voting Rights Act districts, and I -- that's

8 not -- it's not clear to me why that was the case.

9 Q. I'm sorry, it's not clear to you why what

10 was the case? 10:30:51

11 A. Why all 16 were not Voting Rights Act

12 districts. But you could -- you know, it was -- so,

13 yes, so I'm not -- I'm not entirely sure why.

14 Q. But, again, you don't know whether they

15 were or were not independently from what counsel 10:31:00

16 told you; correct?

17 A. That's correct.

18 Q. So when the list -- the list that you

19 provide in Table 2, that is a list of all the

20 majority Hispanic CVAP districts in the Prop. 50 10:31:13

21 map; is that correct?

22 A. Correct.

23 Q. Are you also saying that these are the

24 districts that are legally mandated?

25 A. These -- well, it's not clear whether any 10:31:26

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1 analyses was done for Mr. Mitchell to comply with 10:31:30
2 the Voting Rights Act, so it's -- I'm not sure
3 whether these were -- he felt like he was compelled
4 to draw these or not.

5 Q. Now, how did you determine which districts 10:31:45
6 were Hispanic CVAP districts in the Prop. 50 map?

7 A. Well, I found this publication that I cite
8 just above the table, and I copied these from that
9 publication.

10 Q. You didn't look independently at the map 10:32:06
11 data and statistics provided by the State of
12 California?

13 A. I think I also looked at that, but this
14 was like -- this had it all in one place.

15 Q. So this is a -- this is the Centeno and 10:32:18
16 Cuellar 2025, is that the document you're referring
17 to?

18 A. Yes.

19 Q. And how did you learn about this?

20 A. I think I may have just found it via 10:32:31
21 Google. I don't recall how I ran into this.

22 Q. Did you do any independent analysis to
23 confirm that it's correct?

24 A. I believe that I looked -- I was looking
25 also at the -- some other data about all of the 10:32:47

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1 districts, so I think that I did. 10:32:51

2 Q. But you don't list any other data sources
3 for these districts in your report; is that correct?

4 A. No.

5 Q. You're just saying that you might have 10:33:01
6 looked at other data at the same time?

7 A. That's correct.

8 Q. Do you know who Centeno and Cuellar are?

9 A. I believe one of them was a political
10 scientist or maybe both of them. 10:33:17

11 Q. Are you familiar with either of them or
12 their work?

13 A. No, not personally, no.

14 Q. Is this a peer-reviewed study that they
15 produced? 10:33:28

16 A. No, I don't -- there wasn't enough time to
17 get anything through peer review.

18 Q. Do you know what data they relied on in
19 creating this list?

20 A. No, I don't. I mean, they just -- I don't 10:33:42
21 know where they got their data from, no.

22 Q. Did you read the entire report?

23 A. I don't know if I read the entire thing,
24 but I definitely read some of the report for sure.

25 And I may have read -- I don't think it was 10:33:56

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1 particularly long. I may have read the whole thing. 10:33:59

2 Q. Do you agree with its findings?

3 A. I couldn't tell you off the top of my head
4 what they said.

5 Q. So you basically just Googled a list of 10:34:07
6 majority CVAP districts and that's how you stumbled
7 upon that report?

8 MR. MEUSER: Objection, misstates his
9 testimony.

10 THE WITNESS: Yeah. I don't honestly recall 10:34:20
11 how I came across it.

12 BY MS. KHANNA:

13 Q. But was this report provided to you by
14 counsel at any time?

15 A. No, I do not think that they gave this to 10:34:28
16 me. That's not recollection anyway.

17 Q. And do you know whether this report was
18 describing the map after it was drawn or whether it
19 purported to explain what went into the map while it
20 was being drawn? 10:34:41

21 A. You're going to have to repeat that one.
22 I'm not sure the distinction you're making there.

23 Q. Do you recall whether the authors of this
24 report were describing the map after it had been
25 drawn and released to the public? 10:34:59

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1 A. That's what I think, yes. 10:35:02

2 Q. And do you understand that the authors of
3 this report were describing the map drawing process?

4 A. I don't recall.

5 Q. Did this publication, to your 10:35:19

6 recollection, also provide the list of comparable
7 districts from the previous map?

8 A. I don't remember.

9 Q. And your report also does not provide that
10 list; correct? 10:35:32

11 A. That's correct.

12 Q. So you testified that your understanding
13 was that the previous map had 14 Hispanic VRA
14 districts and that the Prop. 50 map had 16 Hispanic
15 VRA districts; is that correct? 10:35:56

16 MR. MEUSER: Objection; misstates his
17 testimony.

18 THE WITNESS: Yeah. I don't know whether these
19 are VRA districts or not. Somebody has to sort of
20 say this, right. And it's not clear whether the 10:36:06
21 type of analyses that you would do before drawing
22 the map was done for Mr. Mitchell or not.

23 BY MS. KHANNA:

24 Q. Is it your understanding that the Prop. 50
25 map increases the number of Hispanic -- majority 10:36:17

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1 Hispanic CVAP districts? 10:36:24

2 A. No, I think it might be 16 in both.

3 Q. Let's go down to the next section of your
4 report entitled, "Statewide Elections."

5 And here you list in bullet points, "Six 10:37:11
6 recent elections in which a Hispanic Democrat
7 prevailed against a White Republican;" is that
8 correct?

9 A. Yes.

10 Q. And you report these results statewide; 10:37:24
11 correct?

12 A. That's correct.

13 Q. How did you select these six elections to
14 highlight?

15 A. I was looking for recent elections where a 10:37:39
16 Latino ran against a White, a White person.

17 Q. Were these elections highlighted to you by
18 counsel?

19 A. I know we had discussions about this, and
20 Mr. Meuser may have sent me -- I may have asked him 10:38:01
21 for some information about recent statewide
22 elections since he knows. And he may have -- he may
23 have pointed some of these out to me.

24 Q. How did you go about trying to find
25 elections with a Hispanic running against a White 10:38:16

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1 person? 10:38:19

2 A. Well, first I was looking at the Secretary
3 of State's website, looking at various elections.

4 And then I am -- I'm a native Californian and I do
5 follow California politics, and so I know that 10:38:34

6 Xavier Becerra is a Hispanic man, and so that was
7 one way. But I wanted to make sure that I wasn't
8 missing any, so that's why I asked for counsel's
9 help as well.

10 Q. So do you know, are these all of the 10:38:51
11 statewide elections between Hispanic Democrats and
12 White Republicans since 2018?

13 A. Well, there's more down below.

14 Q. Yeah. And we can scroll down below. I
15 believe the ones down below are between two 10:39:05
16 Democrats; is that right?

17 A. I believe so. Yes.

18 I don't know if I got everybody. I think
19 I tried to get everybody, or I was getting the ones
20 where -- I was trying to get all of them, I believe. 10:39:25

21 Q. Again, how did you try to get all of them?

22 A. I looked at the data myself and then I
23 asked for help from counsel as well.

24 Q. Did counsel identify any elections that
25 you had not already identified? 10:39:39

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1 A. I don't remember. 10:39:42

2 Q. Do you recall, are these six the entire
3 universe of the elections that you are aware of that
4 include a statewide candidate where the Hispanic
5 candidate runs against the White candidate? 10:39:56

6 A. I don't recall.

7 Q. Sitting here today you don't know whether
8 there were six or 10 or 20?

9 A. I can't be sure, but I was trying to be
10 comprehensive, you know. Maybe I missed one, maybe 10:40:13
11 I didn't. I don't know.

12 Q. So when you listed these six elections,
13 you were trying to be comprehensive in listing all
14 elections in which an Hispanic -- a statewide
15 election in which an Hispanic Democrat ran against a 10:40:28
16 White Republican?

17 A. To the best of my recollection, that's
18 what I was trying to do, yes.

19 Q. You weren't only listing the ones in which
20 the Hispanic Latino candidate had won? 10:40:45

21 A. No, that's why I included the other ones,
22 some recent examples where the Hispanic lost.

23 MS. KHANNA: So if we can scroll back up so we
24 can see both pages.

25

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1 BY MS. KHANNA: 10:40:57

2 Q. I'm looking at just at these six bullet
3 points. You say, "Below is a list of six recent
4 elections that pitted a Hispanic Democrat against a
5 White Republican and the Hispanic candidate 10:41:07
6 prevailed in each contest;" correct?

7 A. Correct.

8 Q. To your knowledge, are these six elections
9 all of the recent elections that pitted a Hispanic
10 Democrat against a White Republican and the Hispanic 10:41:24
11 candidate prevailed?

12 A. I can't recall if there were other ones or
13 not, to be perfectly honest with you.

14 Q. And do you recall whether there were
15 additional elections, recent statewide elections 10:41:36
16 that pitted a Hispanic Democrat against a White
17 Republican in which the Hispanic candidate did not
18 prevail?

19 A. I don't recall.

20 Q. And you don't list any of them here; 10:41:48
21 correct?

22 A. There are none listed among these six, no.

23 Q. Do you offer any analysis in your report
24 as to who is the Hispanic preferred candidate in
25 these races? 10:42:09

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1 A. Not for these, no. 10:42:14

2 Q. Do you offer any analysis in your report
3 for these races as to who is the White preferred
4 candidate?

5 A. I didn't analyze it for that, no. 10:42:27

6 Q. So we can't tell from your report, for
7 instance, how many of the votes for Alex Padilla in
8 2018 were for Hispanic voters; correct?

9 A. I don't know if that's one of the ones
10 that's down below, it might be actually, later on in 10:42:43
11 my report. But there's only two or three elections.

12 So some of these I have looked at the data
13 to determine what proportion of the votes were from
14 Hispanics or Whites for some of these elections.

15 Q. And for these six elections in this 10:43:22
16 portion of your report we can't know how many of
17 these votes came from the 18 counties that were the
18 focus of your report; is that correct?

19 A. That's true.

20 MS. KHANNA: And then if we scroll down. 10:43:36

21 BY MS. KHANNA:

22 Q. And then here you list three examples of
23 where a Hispanic candidate lost a statewide
24 election; is that right?

25 A. Correct. 10:43:50

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1 Q. And then you note that, "Each of them is 10:43:51
2 something of a special case"?
3 A. Correct.
4 Q. How did you select these races to
5 highlight? 10:43:58
6 A. These were -- like I said, I was trying to
7 include all elections that were -- that included a
8 statewide election, a recent statewide election that
9 included a Hispanic candidate.
10 Q. Are all these recent examples of Hispanics 10:44:12
11 losing statewide elections?
12 A. To the best of my knowledge, correct.
13 Q. And all of these races are between two
14 Democrats; is that correct?
15 A. Yes. 10:44:27
16 Q. Were these all of the statewide races
17 between two Democrats in which there was one
18 Hispanic candidate?
19 A. To the best of my knowledge, yes.
20 Q. Do you offer any analysis in your report 10:44:40
21 as to who is the Hispanic preferred candidate in
22 these three races?
23 A. I don't.
24 Q. Or who is the White preferred candidate?
25 A. I do not. 10:44:52

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1 Q. So we can't tell from your report whether 10:44:52
2 Loretta Sanchez wasn't the Hispanic preferred
3 candidate or whether Kamala Harris was; correct?

4 A. That's correct.

5 Q. Nor can we tell who among these candidates 10:45:03
6 who was the White preferred candidate?

7 A. Correct.

8 Q. What relevance is it that both of the
9 candidates in that race are not White? You make
10 that point here, both of those -- the winning 10:45:14
11 candidate was not White.

12 A. Wait. I don't know what you mean.

13 Q. Okay. I'm sorry. Looking at the first
14 bullet point there, the Loretta Sanchez lost to
15 Kamala Harris in the 2016 U.S. Senate election. 10:45:30

16 Do you see that?

17 A. Oh. Yes.

18 Q. And you say, "But both candidates were
19 Democrats, and the winning candidates was not
20 White"; is that correct? 10:45:39

21 A. That's correct.

22 Q. And I understand from your previous
23 paragraph that you consider these elements to be
24 what makes this, quote, something of a special case;
25 is that right? 10:45:49

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A. Well, this -- the important part here was
that they were both Democrats. That was the --
that's the important part. And then I think I just
put in that we all know that Kamala Harris is a
minority.

10:45:51

10:46:02

6 Q. And so -- yeah, so I guess that's my
7 question is, am I right that you were explaining
8 what makes these three elections something of a
9 special case in your report?

10	A. Yes.	10:46:14
----	---------	----------

11 Q. And is it your understanding that the fact
12 that the winning candidate was not White makes this
13 something of a special case?

14 A. Well, it's -- the important part is that
15 they were both Democrats, I think. But I pointed 10:46:24
16 out that the winning candidate is also not a White
17 candidate.

18 Q. And is that relevant to your analysis in
19 any way, that the winning candidate is not White?

20 A. It may be relevant. Do I need that phrase 10:46:43
21 in there? I mean, I think it's obvious we all know
22 what -- the race of Kamala Harris, so I don't know
23 if I needed to put that phrase in there or not.

24 But I think for -- I was just trying to be
25 consistent, and I pointed out in the next one that 10:47:03

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1 Dianne Feinstein is White, and then in the last one 10:47:07
2 I didn't say it, so I think I was just trying to be
3 as informative as possible.

4 Q. Does the race of the prevailing candidate
5 inform whether the Hispanic candidate was 10:47:31
6 successful?

7 A. No.

8 Q. Okay. How about this, does the race of
9 the prevailing candidate inform whether the Hispanic
10 preferred candidate was successful in this race? 10:47:43

11 A. No, we don't know which candidate
12 Hispanics preferred.

13 Q. In your second example, you note that the
14 Hispanic Democrat lost to the White Democrat; is
15 that right? 10:47:57

16 A. Correct.

17 Q. And you say that this is a special case
18 because the White Democrat was a long-time
19 incumbent?

20 A. The important part is that these are all 10:48:03
21 between two Democracies.

22 Q. You also note that the prevailing
23 candidate was a long-time incumbent; correct?

24 A. That's correct.

25 Q. Are you saying that's not an important 10:48:18

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1 distinction? 10:48:21

2 A. That is an important distinction because
3 incumbents have an advantage and are more easily
4 able to get reelected.

5 Q. So in the six races that you discussed in 10:48:33
6 the previous section, did you make any inquiry into
7 whether any of the candidates were a long-time
8 incumbent?

9 A. No.

10 Q. Did you make any inquiry into whether any 10:48:46
11 of the candidates were an incumbent at all?

12 A. I don't think I pointed that out in any of
13 them, no.

14 Q. Did you make any inquiry into any other
15 special circumstances of each of those previous six 10:48:56
16 elections?

17 A. Like what?

18 Q. Such as the kinds of special circumstances
19 that you list in these three elections?

20 A. Well, we just talked about whether they 10:49:11
21 were incumbents. I did not look to see whether they
22 were incumbents or not.

23 Q. What is the purpose of your analysis in
24 looking at these nine elections?

25 A. To show that Hispanic candidates have -- 10:49:27

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1 are -- have had great success in statewide elections 10:49:34
2 in California.

3 Q. What, if any, conclusions do you draw from
4 that?

5 A. Well, the third part of the Gingles prong 10:49:46
6 is that the majority needs to vote as a bloc and are
7 generally able to defeat the preferred candidate of
8 choice of the minorities.

9 Q. But you don't provide any analysis in
10 these -- in this section of who is the minority 10:50:05
11 preferred candidate; correct?

12 A. Well, the -- all of the winning -- the six
13 winning candidates are all Democrats. Hispanics
14 generally vote for Democrats, so it's not a -- it's
15 not a tough bridge to cross. 10:50:22

16 Q. You don't provide any analysis in looking
17 at these nine elections of the extent to which -- of
18 which candidate is the minority preferred candidate;
19 is that correct?

20 A. I did not provide any evidence for that, 10:50:36
21 but it's relatively obvious.

22 Q. You are assuming that based on the
23 candidate's race and party?

24 A. That's right.

25 Q. Is that how you've typically examined 10:50:48

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1 racially polarized voting in your previous studies? 10:50:53

2 A. No, it -- no, it's not.

3 Q. Okay. If we could go -- scroll down.

4 Tables 4, 5 and 6, here you look at three statewide

5 elections held in 2022; is that right? 10:51:19

6 A. That's what it says.

7 Q. Okay. And how did you select these three

8 elections?

9 A. I think they're all in the list above.

10 Q. The list above, the list of the six? 10:51:33

11 A. Yes.

12 Q. And how did you choose these three from

13 those six?

14 A. I need to see the -- I need to see it.

15 Can we scroll down? 10:51:47

16 Q. Sure.

17 A. Okay. Keep going. Insurance

18 commissioner, okay.

19 And what's below this?

20 Q. A different analysis. 10:52:10

21 A. A different analysis, okay.

22 Well, I don't recall why I didn't include

23 all six of them here. I feel like this was just --

24 maybe that was overkill. I honestly don't remember

25 why there's only three and not all six of them. 10:52:32

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1 Q. Am I right that you did not look at any 10:52:41
2 2024 elections in your report at all?
3 A. I think in the last section I do.
4 Q. Okay. Well, I'm going to put a pin in
5 that one so we can do a check. I don't want to 10:52:55
6 derail this right now.
7 A. Okay.
8 Q. So you don't recall why you chose these
9 three to examine in this portion of your report?
10 A. I don't remember. No, I really don't. 10:53:09
11 Q. Okay. You state on page 6 of your
12 report -- and I think that's scrolling back up.
13 Okay. In that paragraph at the bottom. Here you
14 say, "The reason for including these data is to see
15 how stable the vote percentages are within each 10:53:34
16 county across elections."
17 Did I read that correctly?
18 A. Correct.
19 Q. So you're showing that within each county
20 the electorate doesn't vary that much from one 10:53:46
21 election to another in a given year when it comes to
22 their partisan preferences for statewide candidates;
23 is that fair?
24 A. That's a good summary.
25 Q. And how is that relevant to your analysis 10:54:00

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1 in this case? 10:54:03

2 A. That the stability kind of implies that
3 party is the most important factor in these
4 elections rather than the candidate or the campaign
5 itself. 10:54:21

6 Q. Okay. Scroll down. You provide similar
7 analyses on pages 9 through 14 of your report and --
8 for the scattergrams and correlations; is that
9 right?

10 A. Correct. 10:54:44

11 Q. So, for instance, if we look at Table 7,
12 if you scroll down, look at Table 7, Table 7 tells
13 us that there is a high correlation among the
14 percentage of statewide votes for Democratic
15 statewide candidates that are all running in the 10:55:03
16 same year on the same ballot; is that right?

17 A. Correct.

18 Q. So in Table 7 are these all of the
19 statewide elections held in 2018?

20 A. No. There's one for education that I 10:55:17
21 didn't include. I can't remember what it's called,
22 like a superintendent or something.

23 Q. So how did you determine which elections
24 to include in your Table 7 analysis?

25 A. I think -- that might have been the only 10:55:40

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1 one I didn't include, and it's -- I think it's 10:55:41
2 nonpartisan maybe. And I think these are the rest
3 of them. But I'm going from memory here.

4 Q. Okay. So then if we scroll down to
5 Figure 1, it looks at the 18 counties with a 10:56:06
6 different method; is that right?

7 A. Yes.

8 Q. So what are you doing here in Figure 1?

9 A. I'm showing the percent of the vote for
10 these 18 counties in two different elections and the 10:56:25
11 fact that they line up in this -- the graph looks
12 roughly like a 45-degree angle. That indicates that
13 across elections the share of the vote for both
14 Democrats and Republicans is very stable.

15 Q. Why did you look at these two elections in 10:56:51
16 this figure?

17 A. Is that the only graph I put in?

18 Q. I believe it is for 2018.

19 A. Okay.

20 Q. So in Table 7 you highlight a number of 10:57:03
21 statewide elections and then in Figure 1 you only
22 look at two of those 2018 statewide elections.

23 A. This might have been the sort of best
24 example of a straight line, I suspect.

25 Q. So it's possible that looking at other 10:57:23

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1 elections would not show the same kind of straight 10:57:26
2 line?

3 A. Well, that's for sure true in 2018 because
4 we had, as I described -- there are some lower
5 correlations in that thing, but I kind of explain 10:57:36
6 why that's the case.

7 Q. All right. And so you chose the highest
8 correlation -- the two elections with the highest
9 correlation.

10 A. I may have. We could go back up to the 10:57:48
11 table to see if that's true or not. Attorney
12 General, Secretary of State.

13 Q. Let's scroll up.

14 A. Attorney General, Secretary of State. It
15 is -- it is tied for the highest correlation with -- 10:58:11
16 also with the Attorney General and that Treasurer,
17 so that probably would have looked similar.

18 But all the ones that are like .9975,
19 .9926, these are all going to look very similar to
20 this particular scatterplot. 10:58:32

21 Q. So these scatterplots generally conclude
22 the same thing, that there's a correlation between
23 the vote share of statewide Democratic candidates
24 running on the same ballot; is that right?

25 A. Correct. 10:58:44

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1 Q. If we scroll down to Table 8 in Figure 2, 10:58:45
2 you performed the same analysis for a subset of 2022
3 statewide elections; is that right?

4 A. Yes.

5 Q. So if we look at the bottom of this page 10:59:00
6 here, you say, "This demonstrates the lack of
7 variability between elections in California.
8 Candidates and campaigns seem to be relatively
9 unimportant, and many people in the state appear to
10 be voting straight party tickets." 10:59:21

11 Did I read that correctly?

12 A. That's correct.

13 Q. When you refer to a lack of variability,
14 you don't mean year over year; is that correct?

15 A. No. Within an election year across 10:59:30
16 elections.

17 Q. You're not suggesting there's a lack of
18 variability between 2018 and '22 elections?

19 A. No.

20 Q. Did you perform any other analysis to 10:59:44
21 determine the extent to which candidates and
22 campaigns are important to voters?

23 A. For this report?

24 Q. Yes.

25 A. No. 10:59:56

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1 Q. Have you looked into that question in your 10:59:56
2 previous work?

3 A. I'm trying to think.
4 I'm not sure that I have.

5 Q. Okay. Does California have straight party 11:00:30
6 ticket voting?

7 A. I don't know. You mean like on the ballot
8 where you can just do one click, is that what you
9 mean?

10 Q. I guess, maybe. That's my understanding. 11:00:45
11 What is your understanding of what
12 straight party ticket voting is?

13 A. Some states make it easy to vote a
14 straight party ticket, and Texas used to do this but
15 they actually got rid of it recently, where you 11:00:59
16 could go to the ballot and instead of actually
17 casting your ballot overall, however many elections
18 there are, you could just say, I want to vote for
19 all Democrats or all Republicans, you would click
20 that button and it would just fill everything in. 11:01:12
21 But you can vote a straight party ticket manually,
22 of course, and lots and lots of people do.

23 And so I'm not certain if California has
24 the ability to do one click. I have voted in
25 California, it's been several decades now, but I 11:01:25

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1 don't remember it being on the ballot when I was a 11:01:29
2 voter there.

3 Q. Understood.

4 So how is the question that you're
5 answering here about the extent to which there is 11:01:36
6 variability between elections in the same year, how
7 is that relevant to the issues in this case?

8 A. I think that it's -- it shows the
9 stability, what a role party plays in elections and
10 will probably continue to play in elections. So to 11:01:59
11 the extent that that might be useful, it will be up
12 to the judge.

13 Q. So what is your understanding of how that
14 might be useful in this case, given your
15 understanding of the claims at issue here? 11:02:13

16 A. I'm not sure. I mean, it could certainly
17 play a factor.

18 Q. In what way?

19 A. I don't know. I think that this is --
20 this is an important factor about California and 11:02:26
21 about how recent elections have gone and the ability
22 for Latinos to win statewide elections, and so I
23 think that a judge may find this interesting in his
24 or her considerations of the whole case.

25 Q. So to be clear, your discussion of the 11:02:50

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1 variability or lack thereof of the democratic vote 11:02:53
2 shares among Democratic candidates on the same
3 ballot, that does not have anything to do with the
4 election of Latinos or Latino preferred candidates;
5 correct? 11:03:09

6 A. Well, I talked about electing Latino
7 candidates earlier. So this is about how stable it
8 is, right. So this is good news for Democrats and
9 Latinos are usually Democrats, and so these things
10 are related to it somewhat. 11:03:27

11 Q. But you don't provide any analysis of the
12 extent to which the election of Hispanics is stable
13 across given elections?

14 A. Well, I mean some of those elections are
15 in here. Both the Padilla election, the ones that I 11:03:40
16 had up top are in this data as well.

17 Q. But your analysis here is focusing only on
18 the extent to which there is stability across
19 Democratic vote shares; correct?

20 A. I'm not sure. I don't know what this 11:03:54
21 distinction is.

22 Q. In looking at these Tables 6, 7 and 8 do
23 you provide any analysis of the stability among
24 Latino candidates?

25 A. Well, to the extent there are Latino 11:04:16

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1 candidates in here. 11:04:19

2 Q. Do you provide any separate analysis of
3 whether Hispanic candidates experience stability
4 across elections?

5 A. Well, it would be different candidates in 11:04:31
6 the same election. So to the extent there are
7 Hispanic candidates in my data, then yes, I do.

8 Q. But your conclusion from this data is that
9 people appear to be voting -- appear to be motivated
10 by political party; is that correct? 11:04:54

11 A. Party -- party line -- the vote is very,
12 very stable across -- within an election year across
13 offices, sorry. So party seems to be very, very
14 important.

15 Q. And does that conclusion in your mind 11:05:10
16 inform whether race may have predominated in the
17 Prop. 50 map?

18 A. No, I don't think it's related to that
19 question.

20 Could we take a break? Is that okay? 11:05:29

21 MS. KHANNA: Absolutely. It's your break to
22 call for, yes.

23 I think the court reporter suggested a
24 10-minute break is easier on her fingers.

25 THE WITNESS: Sounds good to me. 11:05:39

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1 (Recess taken.) 11:05:41

2 MS. KHANNA: I'd like to pull back up what
3 we've marked as Exhibit 1. And I'd like to scroll
4 down to your analysis of the cooperative election
5 studies. So we'll scroll down to here. Okay, 11:16:46
6 great. Thank you.

7 BY MS. KHANNA:

8 Q. Dr. Brunell, turning to the cooperative
9 election study or CES analyses that you performed,
10 what was the goal of looking at the CES data? 11:17:01

11 A. This was to look at how White --
12 non-Hispanic White and Hispanic voters voted in
13 several recent elections.

14 Q. Okay. And is it your understanding that
15 this provides a racially polarized voting analysis? 11:17:28

16 A. Yeah. I think that this goes to that
17 question whether voting was polarized by race or
18 not.

19 Q. But is it fair to say that this is not the
20 type of racially polarized voting analysis that you 11:17:42
21 would provide in your expert work; correct?

22 A. I have never used the CES before. I
23 usually use other methods, but this is answering the
24 same question.

25 Q. Okay. Great. 11:17:52

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1 And just to clarify. Previously I had 11:17:53
2 asked about 2024 election data and you said you
3 believed you used it in your last section and just
4 to confirm, yes, you talked about both the 2022 CES
5 and the 2024 CES, if we scroll down. I wanted to 11:18:10
6 make sure I didn't leave that open.

7 A. (Nods head affirmatively.)

8 Q. If we look at Table 9, scrolling down.
9 All right. What are we looking at in Table 9?

10 A. So Table 9, first we're looking at the 11:18:29
11 2022 Senate election in California. And we are
12 looking at how the voters in the 18 counties that I
13 identified earlier in my report voted by race and
14 then also overall.

15 So do you want me to keep describing it? 11:18:58

16 Q. Yes, please do.

17 A. Sorry.

18 So for instance, so this race is Padilla
19 versus Mr. Meuser, who's here on the call. And it
20 shows -- so the first entry is for non-Hispanic 11:19:14
21 White voters and the point estimate for the support
22 for Mr. Padilla among non-Hispanic White voters in
23 the counties in the CES is 53 percent. So
24 53 percent of non-Hispanic Whites voted for
25 Mr. Padilla in these 18 counties. And 47 percent 11:19:40

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1 voted for Mr. Meuser. 11:19:44

2 And then below that is the 95 percent CI,
3 which stands for confidence interval, which is an
4 estimate of our uncertainty, which we use in
5 statistics. 11:19:58

6 So we're 95 percent sure that the true
7 population value lies for the support for
8 Mr. Padilla among non-Hispanic Whites is between
9 49.4 percent and 56.6 percent.

10 And then similarly, it goes down for 11:20:19
11 different -- for non-Hispanic Blacks, for Hispanics,
12 non-Hispanic Asians.

13 Q. And I believe you mentioned previously
14 that there is some overlap given the confidence
15 intervals of these estimates; is that right? 11:20:35

16 A. Correct.

17 Q. What does that indicate to you?

18 A. So the example I just gave is one we can
19 use, so the 95 percent confidence interval goes from
20 a low of 49.4 percent to a high of 56.6 percent, so 11:20:47
21 it goes over the 50 percent boundary. So it's
22 possible that a majority of non-Hispanic Whites
23 actually supported Mr. Meuser, although it's at the
24 very edge of the confidence interval and our point
25 estimate is above 50 percent. 11:21:11

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1 Q. And if we scroll down to Tables 10 and 11:21:16
2 then 11, the same is true there, correct, about the
3 overlap in confidence intervals?

4 A. It is.

5 Q. So in the elections looked at in Tables 9, 11:21:25
6 10 and 11, it is possible that more Whites, more
7 non-Hispanic White voters supported the Republican
8 candidate than the Democratic candidate?

9 A. The 95 percent confidence interval
10 includes less than 50 percent for non-Hispanic 11:21:45
11 Whites for the Democrat. Also you could just look
12 at the Republican, right.

13 So in this particular one, Table 10,
14 Mr. Hochman's support -- our point estimate is that
15 he got a minority -- he got 48 percent of the vote 11:21:59
16 among non-Hispanic Whites. But if you look at the
17 confidence interval, it goes from 44.3 to 51.7, so
18 it's possible that he actually did receive a
19 majority of the non-Hispanic White support.

20 Q. Okay. And if you look at the -- if you 11:22:18
21 need to scroll up and down to make sure, my
22 understanding is that in Tables 9, 10 and 11 you're
23 looking at three elections from 2022; is that
24 correct?

25 A. I would have to -- if you could scroll 11:22:31

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1 down. 11:22:34

2 Q. Well, let's scroll up to Table 9 first.

3 A. That sounds good.

4 Q. There we see that this is about the 2022

5 Senate election. 11:22:44

6 A. Okay.

7 Q. Table 10.

8 A. Scroll down.

9 Q. 2022 AG election and Table 11 is the 2022

10 Secretary of State election; is that right? 11:22:56

11 A. That's correct.

12 Q. Why did you examine these three elections

13 from 2022?

14 A. I think these were the only elections that

15 the CES asked respondents about. 11:23:06

16 Q. So these were the total elections

17 available in the CES study that you rely on?

18 A. Correct.

19 Q. Okay. Then for the 2024 CES there you

20 only look at one election; is that right? 11:23:19

21 A. I think that's correct.

22 Q. And why is that?

23 A. Could you scroll down?

24 Q. For sure, yes. Scroll down to the 2024

25 CES and Table 12 associated with that. 11:23:34

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1 A. And this was the presidential. 11:23:37

2 Humm. I don't remember. Did the CES ask
3 questions about -- well, there were -- well, this is
4 a presidential year, so were there any statewide
5 elections in California in 2024? 11:23:57

6 Q. My question to you.

7 A. I mean, since they were all elected in
8 2022, I'm guessing if there were any, there might
9 have been a Senate election and so maybe there were
10 no other data. 11:24:15

11 Q. You don't know whether or not CES reported
12 other data for 2024?

13 A. Off the top of my head, I don't. But I
14 could find out. I could go look.

15 Q. And there's also an overlap in the 11:24:26
16 confidence intervals here that we examined in the
17 other tables; is that right?

18 A. There is, for non-Hispanic Whites. But
19 for the others, for the minorities, there's not.

20 Q. So for -- 11:24:39

21 A. Note that --

22 Q. In Table 12 it is possible that more
23 non-Hispanic White voters supported the Republican
24 candidate than the Democratic candidate?

25 A. It's possible. 11:24:49

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1 Q. Okay. I am actually going to -- we'll 11:24:51
2 take this exhibit down, and I'm going to pull up I
3 think what is marked as Tab 3, but we'll mark it as
4 Exhibit 2 to this deposition. It should be an
5 expert report from Dr. Brunell in a case called 11:25:08
6 "South Carolina State Conference of the NAACP versus
7 Alexander."

8 (Deposition Exhibit 2 was marked.)

9 MS. KHANNA: All right. If we could scroll
10 down a page. 11:25:39

11 BY MS. KHANNA:

12 Q. Dr. Brunell, do you recognize this
13 document?

14 A. It looks familiar, yes.

15 Q. I'll represent to you that this is your 11:25:48
16 expert report in a case called "South Carolina State
17 Conference of the NAACP versus Alexander."

18 Do you recall that case?

19 A. Vaguely, yes.

20 Q. And that was -- that was a case from the 11:26:02
21 last couple of years; is that right?

22 A. I think this was like a -- this is like a
23 2021, 2022 case.

24 MS. KHANNA: Okay. Let's scroll up, actually,
25 to the first page of this document. 11:26:14

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1 BY MS. KHANNA: 11:26:17

2 Q. I'm trying to see if it provides a date.

3 Yes. I see a date at the very top. The date filed
4 there is October 4th, 2022.

5 Does that look about right? 11:26:27

6 A. Yes.

7 MS. KHANNA: And if I haven't already, can we
8 please mark this as Brunell Deposition Exhibit 2.
9 Thank you.

10 BY MS. KHANNA: 11:26:37

11 Q. All right. And you served as an expert on
12 behalf of the State of South Carolina in this case;
13 is that right?

14 A. That's my recollection, yes.

15 Q. And the State of South Carolina was 11:26:45
16 defending against a racial gerrymandering lawsuit in
17 that case; is that right?

18 A. I believe that's correct.

19 Q. Okay, great.

20 MS. KHANNA: If we could scroll down. All 11:26:55
21 right.

22 BY MS. KHANNA:

23 Q. There in the second paragraph on this page
24 you say, "I was asked by counsel to evaluate the
25 extent to which racial bloc voting was present in

11:27:11

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1 recent elections in the State of South Carolina 11:27:16
2 prior to and during the redistricting effort."
3 Did I read that correctly?
4 A. You did.
5 Q. And this was -- the purpose of this 11:27:25
6 analysis was to evaluate the second and third
7 Gingles prongs; is that right?
8 A. That's correct.
9 MS. KHANNA: I want to scroll down a little bit
10 to the bottom of this page. 11:27:38
11 BY MS. KHANNA:
12 Q. Do you see the paragraph that begins with
13 the word "First"?
14 A. Yes.
15 Q. So in that paragraph you say that you use 11:27:44
16 "several standard statistical tools for detecting
17 racially polarized voting looking at the statewide
18 data - homogeneous precinct analysis, scatterplot,
19 and ecological regression."
20 Did I read that correctly? 11:28:04
21 A. You did.
22 Q. And then you say that you use the same
23 tools to separately examine 25 individual counties;
24 correct?
25 A. That's right. 11:28:13

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1 Q. And I believe we've already discussed what 11:28:13
2 a homogeneous precinct analysis is; correct?
3 A. We did.
4 Q. And did you perform that analysis in this
5 case? 11:28:21
6 A. I did not.
7 Q. Nor did you perform an ecological
8 regression analysis; is that right?
9 A. That's correct.
10 Q. And did you perform a scatterplot analysis 11:28:27
11 in this case?
12 A. Well, there are scatterplots but not the
13 type of scatterplot that I'm referring to there, I
14 did not.
15 Q. Okay. And if we scroll down to the very 11:28:36
16 last sentence of your report. I'm sorry, I don't
17 have the page right in front of me.
18 THE REPORTER: And remember, Ms. Khanna, to
19 please slow down. You're going too fast.
20 MS. KHANNA: My apologies. 11:28:59
21 THE REPORTER: Thank you.
22 MS. KHANNA: I will certainly try.
23 THE WITNESS: You could probably scroll a lot
24 faster if you're able to.
25 MS. KHANNA: All right. Let's go back up 11:29:23

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1 there. All right. 11:29:25

2 BY MS. KHANNA:

3 Q. You see that last conclusion sentence you
4 have in your report?

5 A. I do. 11:29:34

6 Q. And here you conclude, "The results of the
7 above analyses indicate that racially polarized
8 voting is present in South Carolina statewide, and
9 present in all counties analyzed"; is that correct?

10 A. Correct. 11:29:50

11 MS. KHANNA: I'd like to pull up what has been
12 marked, I believe, as document 4 but will be
13 Exhibit 3 to this deposition. And it is an expert
14 report by Dr. Brunell in a case called "Brooks v.
15 Gant."

11:30:10

16 (Deposition Exhibit 3 was marked.)

17 MS. KHANNA: Actually, can you keep scrolling
18 down. And keep scrolling down. I think there's a
19 report attached to this.

20 Okay. Great. Thank you. 11:30:58

21 BY MS. KHANNA:

22 Q. Dr. Brunell, do you recognize this
23 document?

24 A. I can't say that I remember this, but it
25 certainly looks like something that I produced. 11:31:08

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1 Q. Okay, great. And so for the record this 11:31:10
2 is a report that you produced in a case called
3 "Brooks v. Gant."

4 Do you recall what that case was about,
5 understanding I see the date at the top is 2012? 11:31:20

6 A. Right. I think this case was about the
7 location of polling booths in South Dakota.

8 Q. Great, thank you.

9 MS. KHANNA: If we could scroll down to page 2
10 of this report, the page after this one. 11:31:37

11 BY MS. KHANNA:

12 Q. Do you see that paragraph in the middle
13 that begins with "Moreover"?

14 A. Yes.

15 Q. Can you please read that paragraph out 11:31:45
16 loud for the record?

17 A. The whole one?

18 Q. The whole paragraph, yeah.

19 A. Okay. "Moreover, the methods by
20 Dr. Braunstein used to determine whether or not 11:31:53
21 racial bloc voting is present in Shannon County are
22 not among the handful used by experts and accepted
23 by courts. Homogeneous precincts and bivariate
24 ecological regression are two of the most common
25 methods since they are cited in the Gingles 11:32:11

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1 decision. More recently, Professor Gary King of 11:32:13
2 Harvard developed a method he calls ecological
3 inference, and there are related software packages
4 that can implement this more complimented method.

5 I'm not opining whether racial bloc voting exists in 11:32:27
6 Shannon County or not, but the evidence presented is
7 not what one typically sees in an expert report, and
8 since this case is not about redistricting, there is
9 no particular reason to know if voting is polarized
10 by race or not." 11:32:46

11 Q. Thank you, Dr. Brunell. I think you win
12 in terms of speed at which you read for the court
13 reporter, which is why I asked you to read it
14 instead of me, so hopefully that was a little
15 easier. 11:33:00

16 A. Yeah.

17 Q. All right. Thank you.

18 MS. KHANNA: We can pull this document down.
19 And I actually want to go back to Exhibit 1 to this
20 deposition, which is your report, and I want to turn 11:33:09
21 to page 20 at the bottom in your report, which is
22 your conclusions.

23 So we're going to the bottom -- on the
24 bottom the page that's marked 20. All right. Thank
25 you. And maybe we can make this a little bigger. 11:33:47

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1 Great. Thank you. 11:33:53

2 BY MS. KHANNA:

3 Q. All right. Dr. Brunell, do you offer any
4 opinion in your conclusions as to the existence of
5 racially polarized voting in California statewide? 11:33:58

6 A. Yes.

7 Q. And what is that opinion?

8 A. That it's not clear that racially
9 polarized voting exists in California because Whites
10 tend to vote with -- as Democrats, majority support 11:34:26
11 Democratic candidates, which is also true for
12 Hispanics.

13 Q. Can you point me to the portion of your
14 conclusion where you conclude that it's not clear
15 that racial polarized voting exists in California? 11:34:38

16 A. The second-to-last sentence, that's the
17 word I'm looking for, "Moreover, the evidence from
18 four statewide elections in the state in 2022 and
19 2024, estimates indicate that majorities of
20 non-Hispanic Whites, Hispanics, non-Hispanic Blacks, 11:35:08
21 and non-Hispanic Asians, all vote democratic."

22 Q. And is that the extent of your conclusion
23 as to the existence of racially polarized voting?

24 A. I don't know what you mean by that. Is
25 that not enough? Is that what you're saying? 11:35:28

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1 Q. I just want to make sure that I'm 11:35:29
2 understanding what you're concluding here.

3 A. Yes, that's the summary.

4 Q. And perhaps some of the confusion, I don't
5 see the term "racially polarized voting" in your 11:35:38
6 conclusions at all, so I'm just trying to understand
7 how you understand what you concluded in this
8 report.

9 A. Well, if non-Hispanic Whites and Hispanics
10 are voting majority the same way, then that's not 11:35:50
11 polarized, right? Racially polarized voting means
12 that the Whites are voting one way and the minority
13 group is voting a majority for a different
14 candidate.

15 Q. And you say in the previous sentence that 11:36:03
16 it is hard to imagine that the -- I believe the
17 third Gingles prong is satisfied; is that right?

18 A. Right.

19 Q. Do you offer a conclusion that the Gingles
20 prong 3 is not satisfied? 11:36:16

21 MR. MEUSER: I'm going to object to the extent
22 that it calls for a legal conclusion.

23 You may answer.

24 THE WITNESS: If the majority group needs to
25 usually defeat the minority preferred candidate, 11:36:29

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1 there's no evidence that that's happening often in 11:36:32

2 California.

3 BY MS. KHANNA:

4 Q. There's no evidence among the evidence

5 that you chose to look at; correct? 11:36:39

6 A. That's true, there could be other evidence

7 that it's true.

8 Q. And there's no evidence using the methods

9 that you examined in this report; is that correct?

10 (Reporter seeks clarification.) 11:36:46

11 Q. Your conclusion is based on the evidence

12 and the methods that you incorporated in your

13 report; correct?

14 A. Yes.

15 Q. And that is not -- that does not include 11:37:00

16 the methods of determining racially polarized voting

17 that you have typically included in your analysis in

18 other expert reports; correct?

19 A. Like I said at the start, California is a

20 tough case because it's so diverse. So doing -- you 11:37:14

21 know, it's not -- it's much easier when you just

22 have two groups, right, because you can't -- then

23 you could do a scatterplot, right, like the ones

24 that I did in there.

25 But when you have five groups all being of 11:37:31

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1 substantial size, that sort of strains the ability 11:37:34
2 for those methods to give us reliable estimates. So
3 that's why I went -- I would have preferred to use
4 those, but I decided to use this instead because
5 this is -- it's sort of -- it's kind of 11:37:51
6 straightforward and clear, which I also like, and so
7 that's why I chose this different method.

8 Q. But it's not your understanding that
9 racial diversity in the state makes it impossible to
10 apply those more typical methods of determining 11:38:05
11 racially polarized voting; correct?

12 A. I mean, you could put anything into a
13 statistical model and you'll get an answer, right.
14 But does the analyst feel comfortable with it?
15 That's kind of the question. 11:38:21

16 A statistical -- a mathematical equation
17 will spit out answers, right. You could put
18 anything in there and you'll get answers, but is
19 that what I felt comfortable with? That was the
20 problem. 11:38:34

21 Q. So is it fair to say that you -- so
22 considered using these other statistical
23 techniques --

24 A. No. I said that that's what I wanted to
25 do at the start, but the CVAP had low levels of 11:38:44

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1 geography and the diversity. I thought this was 11:38:52
2 going to be really messy, so I looked for an
3 alternative.

4 Q. Are you aware of any states in your
5 experience that have similar racial diversity to 11:39:02
6 California?

7 A. There are other racially diverse states,
8 for sure.

9 Q. I believe you said you reside in Texas; is
10 that right? 11:39:14

11 A. I do.

12 Q. And Texas, does that have a large Hispanic
13 population, as far as you know?

14 A. Yes, it does.

15 Q. Does it have a large Asian population, as 11:39:21
16 far as you know?

17 A. I would have to look. I don't think it's
18 as large as it is in California.

19 Q. Does it have a large Black population, as
20 far as you know? 11:39:33

21 A. It might be -- I don't know -- I would
22 have to look, I would have to look. It is certainly
23 in the southern part of the state, you know, in
24 Houston and that area, African population is heavier
25 than it is up here in out west and west Texas. 11:39:47

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1 Q. Have you ever performed racially polarized 11:39:53
2 analysis in Texas in the course of your studies?
3 A. Yes, I believe I have.
4 Q. And have you used the homogeneous precinct
5 analysis method to do so? 11:40:04
6 A. I think that I did.
7 Q. Have you used the ecological regression
8 analysis method in order to do so?
9 A. I think so, yes.
10 Q. Have you used the scatterplot analysis 11:40:17
11 method in order to do so?
12 A. Probably. I think so, but the case that
13 I'm thinking of was like in 2001.
14 Q. Have you ever used this CES method that
15 you present here? 11:40:34
16 A. It's just using survey data. I don't
17 think I've ever used this before to do racially
18 polarized voting analysis. I think other people
19 have used it in cases, but this is the first time
20 that I have. 11:40:49
21 Q. All right. I actually have one more
22 document I want to pull up and I'm pretty much done
23 of my portion. I'm sorry. I don't want to let you
24 off the hook entirely. So.
25 MS. KHANNA: So if we could pull up what I 11:41:06

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1 think has been pre-marked as document 5 and will be 11:41:09
2 Marked as Exhibit 4 to this deposition, and it
3 should be a document entitled "Rethinking
4 Redistricting."

5 (Deposition Exhibit 4 was marked.) 11:41:25

6 BY MS. KHANNA:

7 Q. Thank you. Dr. Brunell, do you recognize
8 this document?

9 A. Yes.

10 Q. And what is it? 11:41:49

11 A. This is a publication that is like the
12 short version of a book that I wrote back in the
13 early 2000s about why competitive elections are bad
14 for America.

15 Q. So this is kind of a synopsis of that 11:42:07
16 book?

17 A. Yes.

18 Q. And what's the general thesis of this
19 article in the book that it summarizes?

20 A. So losing voters -- so we can -- if we 11:42:18
21 think about -- if you think about a district, there
22 are voters that win and there are voters that lose,
23 based on whether their preferred candidate won or
24 not, and it turns out that losing voters aren't --
25 are less happy with the outcome, they are less 11:42:33

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1 likely to be satisfied with their representation, 11:42:38
2 they're less likely to trust Congress, for instance.

3 And so because of that, because we know
4 that being a voter on the losing side of the
5 equation is detrimental, and because in America, for 11:42:56
6 some elections, for legislative elections, we can
7 draw districts.

8 I make the argument that we should draw
9 districts in such a way that they're as homogeneous
10 as possible, in terms of ideology. All right. So 11:43:15
11 we draw overwhelmingly packed Republican districts
12 and overwhelmingly packed Democratic districts and
13 try to keep them at the same rate, say, like,
14 80 percent Democrat, 20 percent Republican;
15 80 percent Republican, 20 percent Democratic. And 11:43:30
16 if we do that, then we'll have fewer losing voters.
17 And it also has a nice side effect, which is it
18 would also eliminate partisan gerrymandering.

19 Q. So is it fair to say in your thesis is
20 that it is generally beneficial to draw districts 11:43:49
21 for partisan -- based on partisan reasons?

22 A. I don't like the way you said it. So can
23 you say that again?

24 Q. Well, what I said is, is it fair to say
25 that that means that you are saying that it is 11:44:09

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1 generally beneficial to draw districts based on 11:44:14
2 partisan reasons?

3 A. Well, first let me couch this a little
4 bit. So this is -- this is an alternative way to
5 think about redistricting, right, and not one that 11:44:31
6 people have necessarily taken up that I know of.

7 So kind of what I say in the book, and
8 then kind of what happens in the real world, in some
9 ways kind of traversing back and forth can be
10 dangerous. So what I say in the book is, yes, we 11:44:47
11 should draw districts based upon party and to the
12 extent possible, less so on geography, and draw
13 districts that are overwhelmingly partisan, made up
14 of one party or another because of course we still
15 have the primary election, so we still can have 11:45:06
16 competition among the candidates there within the
17 same party. What I'm trying to say is that no
18 incumbent is really safe, right, because we also
19 have primary elections.

20 And so that's what I'll say rather than 11:45:19
21 just agree to your previous statement.

22 Q. Thank you for the clarification, and I
23 certainly -- I appreciate your explaining. I did
24 not want to pretend to synopsise your book. I think
25 I understand and I appreciate that. 11:45:37

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1 MS. KHANNA: If we could scroll down to page 83 11:45:39
2 of this article. Okay. Great.
3 BY MS. KHANNA:
4 Q. And looking on the left-hand column, do
5 you see -- actually scroll up a little bit. 11:45:58
6 Do you see the paragraph that begins, "The
7 Voting Rights Act"?
8 A. Yes.
9 Q. Is that too small? Maybe we can make that
10 a little bigger? 11:46:08
11 A. I'm fine. I'm okay.
12 Q. Your eyes are better than mine.
13 Could you read that paragraph out loud,
14 please?
15 A. The whole thing? 11:46:15
16 Q. Please.
17 A. Okay. I'll go slow, too.
18 (As read:) "The Voting Rights Act
19 implicates all the states under Section 2 and many
20 of the states under Section 5 in terms of election 11:46:23
21 law. The Thornburg v. Gingles decision ruled that
22 districting plans must take care to ensure that
23 minority votes are not systematically diluted,
24 although subsequent decisions have held that race
25 cannot be used as the predominate factor in drawing 11:46:42

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1 districts, (Shaw very Reno; Bush v. Vera). Packing 11:46:47
2 districts on the basis of ideology would not
3 interfere with districting plans satisfying the
4 requirements of the Voting Rights Act. In fact,
5 using ideology rather than race but still preserving 11:47:06
6 the ability of protected minorities to have a
7 reasonable opportunity to elect a candidate of their
8 choice would be relatively easy to accomplish."

9 Q. Thank you, Dr. Brunell. Again, a gold
10 star for that. You can tell why I have gotten out 11:47:23
11 of the reading business.

12 Did you believe that statement to be true
13 when you wrote it?

14 A. Sure.

15 Q. And do you believe it to be true today? 11:47:34

16 A. Yeah. No, I think that it's still true.

17 Q. Thank you, Dr. Brunell. I have no further
18 questions for you.

19 MS. KHANNA: I'll pass the witness, and I
20 believe I'm going to Mr. de Nevers, and I'll defer 11:47:47
21 to actually both you and Mr. de Nevers whether you
22 want a break beforehand or just proceed right in.
23 But thank you very much. I really appreciate your
24 time today.

25 A. Thank you. 11:48:03

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1 MR. de NEVERS: Dr. Brunell, I'll defer to you 11:48:05

2 on the break.

3 THE WITNESS: Well, if we break, we're probably

4 breaking for lunch, right, like a longer break,

5 Mr. de Nevers; is that right? 11:48:17

6 MR. de NEVERS: That's up to you. I'm on the

7 East Coast, so I may have snuck a lunch in while I

8 was off camera there, so . . .

9 THE WITNESS: Yeah, it is almost 2:00. I

10 wouldn't mind eating a little something, since I 11:48:30

11 have to keep my camera on, I wasn't able to eat.

12 Can we take a lunch break now and then

13 come back?

14 MS. HASAN: That's fine. How long would you

15 like to take? That's up to you. 11:48:42

16 THE REPORTER: I'm going to go off the record,

17 okay?

18 MS. HASAN: Yes.

19 (Lunch recess was taken at 11:48 a.m.)

20 (Nothing omitted or deleted. See next

21 page.)

22

23

24

25

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1 AFTERNOON SESSION 12:32 P.M.

2 - - -

3 EXAMINATION

4 BY MR. de NEVERS:

5 Q. Dr. Brunell, my name is Orion de Nevers 12:32:04
6 and I'm with Arnold & Porter, and I represent the
7 LULAC intervenor defendants in this case.

8 A. Very good.

9 Q. I think we've got your breakfast on the
10 record. I won't make you put your lunch on the 12:32:14
11 record.

12 A. I appreciate that.

13 Q. You testified a little earlier today about
14 the term "community of interest."

15 Do you recall that testimony? 12:32:24

16 A. Yes.

17 Q. And are you familiar with the term
18 "community of interest"?

19 A. I am.

20 Q. What is a community of interest? 12:32:31

21 A. A community of interest can be lots of
22 things. The idea is when drawing electoral
23 districts, you want to put -- you want to draw
24 districts around people that have some shared
25 characteristics, right, so that's kind of the idea 12:32:52

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1 of community of interest, as a very abstract term. 12:32:56

2 And then as we come to try to make it more
3 realistic, more quantifiable, it becomes a little
4 bit more difficult. Usually in court cases,

5 oftentimes it amounts to counting up the number of 12:33:13
6 split counties and city splits, things of that
7 nature.

8 But a community of interest can be
9 anything. You know, an Indian reservation would be
10 kind of be a really good example of a community of 12:33:28
11 interest because it's both geographic and very
12 homogeneous in terms of what's there.

13 But, you know, neighborhoods can be
14 communities of interests, people with shared
15 economic interests can be communities of interest. 12:33:40

16 So in some ways it's really important, but
17 it can be difficult to identify because we could --
18 you could kind of make lots of things into a
19 community of interest.

20 Q. And are communities of interest a 12:33:53
21 traditional redistricting criteria?

22 A. Yes.

23 Q. Do map makers in your experience typically
24 consider communities of interest in drawing district
25 lines? 12:34:07

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1 A. Well, they say that they do anyway. 12:34:07

2 Q. Would you say that it's a best practice in
3 the field of redistricting for map makers to
4 consider communities of interest in drawing district
5 lines? 12:34:20

6 A. I think it's a traditional redistricting
7 principle, and so they should at least consider it,
8 yes.

9 Q. And you testified earlier today that you
10 did not conduct any analysis of communities of 12:34:29
11 interest in this case.

12 Do you recall that?

13 A. I don't, but I believe you.

14 Q. Okay. Is it accurate that you did not
15 conduct any analysis of communities of interest in 12:34:40
16 this case?

17 A. Well, I mean, I did do some racial ethnic
18 things, so you could classify that as communities of
19 interest. But I haven't counted the numbers of
20 counties and cities that have been split in the old 12:34:53
21 map and the new map. That's probably what I was
22 referring to when I answered that question.

23 Q. Okay. Did you provide a specific opinion
24 on whether the 2025 California Congressional map
25 respects communities of interest? 12:35:07

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1 A. No. 12:35:09

2 THE WITNESS: Were you going to say something
3 more?

4 MR. MEUSER: No. Sorry.

5 THE WITNESS: Oh, okay. 12:35:15

6 No, I did not.

7 BY MR. de NEVERS:

8 Q. Can communities of interest vary in their
9 racial composition?

10 A. Sure. 12:35:23

11 Q. So Congressional districts drawn to
12 preserve a particular community of interest in a
13 single Congressional district are sometimes majority
14 White?

15 A. I mean, a community of interest can be 12:35:34

16 anything. You know, people -- particularly crafty
17 lawyers in court come up with all kinds of different
18 definitions of what a community of interest could
19 be. So it could be almost anything, right? That's

20 the problem with the notion of a community of 12:35:48

21 interest.

22 Q. So does that mean the answer to my
23 question is yes, a Congressional district drawn to
24 preserve a particular community of interest can
25 sometimes be majority White? 12:35:59

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1 A. Sure. 12:36:02

2 Q. And it can sometimes be majority minority?

3 A. Sure.

4 Q. And could a district drawn for the purpose
5 of preserving a community of interest turn out to be 12:36:10
6 majority minority even if the district were not
7 drawn for the purpose of creating a majority
8 minority district?

9 A. Well, you know, now you're sort of getting
10 to intent, like what did the -- why did the line 12:36:21
11 drawer draw it initially. And was it because of the
12 community of interest? Is that a post hoc kind of
13 rationalization for it? Both of those things
14 happen, right?

15 Q. Could a map maker genuinely draw a 12:36:38
16 district for the purpose of preserving a community
17 of interest and the district turn out to be majority
18 minority even if the map maker didn't draw it for
19 the purpose of making it majority minority?

20 A. That was a long one. 12:36:56

21 Do you want to -- can you repeat it one
22 more time before I answer, please?

23 Q. Sure. Why don't we try a more specific
24 hypothetical.

25 You said that one form of community 12:37:09

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1 interest could be a shared economic interest; right? 12:37:12

2 A. Sure.

3 Q. So if a district were drawn to preserve a

4 particular community of interest, like a community

5 that relies on growing almond trees, could that 12:37:23

6 district be drawn for the purpose of uniting folks

7 with an interest in almond trees and be majority

8 White?

9 A. It could be, yes.

10 Q. And could it also be majority minority? 12:37:38

11 A. It could be.

12 Q. And if that was all the information you

13 had, would you assume that the district was drawn

14 for the purpose of being majority White?

15 A. This is a harder question, right? Is 12:37:52

16 this -- what was the initial reason? What was the

17 motivation? We don't know.

18 Q. So if a district is drawn for the purpose

19 of preserving a community of interest around almond

20 trees and it's majority White and you have no other 12:38:07

21 information, would you assume that it was drawn for

22 the purpose of preserving a majority White district?

23 A. I have no clue.

24 Q. Okay, let's try this. In your view, does

25 a majority White district trigger a presumption that 12:38:24

Page 117

1 the district was drawn to be majority White? 12:38:28

2 A. I don't know what the initial motivation
3 was.

4 Q. So it wouldn't --

5 A. It could be anything. 12:38:37

6 Q. So it wouldn't trigger a presumption that
7 it was drawn for the purpose of creating a majority
8 White district?

9 A. It could be or it may not be. I don't
10 know. 12:38:49

11 Q. But that wouldn't be enough to tell you?

12 A. You would want more information.

13 Q. Okay. And does a majority Hispanic
14 district trigger an inference or presumption that
15 the district was drawn for the purpose of creating a 12:38:59
16 majority Hispanic district?

17 A. It doesn't necessarily have to be that
18 way, but if there's other information out there
19 indicating that that's the case, then yes.

20 Q. But without any other information? 12:39:13

21 A. I guess it would depend. You know, what
22 did the state do in the previous map, right? Were
23 there such -- were the majority minority districts
24 drawn in the previous map or were there not? So
25 it's kind of -- I can't answer it in isolation. 12:39:32

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1 Q. So you can't answer whether a majority 12:39:34
2 Hispanic district by itself triggers a presumption
3 that the district was drawn for the purpose of
4 creating a majority Hispanic district?

5 A. I'd like other information to answer the 12:39:45
6 question.

7 Q. And if you didn't have any other
8 information?

9 A. I would ask for it.

10 MR. de NEVERS: Could we pull up Exhibit 1, 12:39:58
11 please. And if we could flip to page 27 of the PDF.

12 BY MR. de NEVERS:

13 Q. Dr. Brunell, is this a copy of the report
14 you submitted in this case?

15 A. Yes. 12:40:35

16 Q. And this is the report you've been
17 discussing today?

18 A. That's right.

19 MR. de NEVERS: And could we turn to page 3 of
20 the report, please. 12:40:41

21 BY MR. de NEVERS:

22 Q. Dr. Brunell, you've been testifying in
23 redistricting cases for over 25 years; is that
24 right?

25 A. That's true. 12:40:54

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1 Q. And you've testified in a number of 12:40:56
2 redistricting cases involving the Voting Rights Act
3 and in particular Section 2?

4 A. Yes.

5 Q. And to the extent you know, what elements 12:41:04
6 must be present for a Voting Rights Act district to
7 be required under Section 2?

8 A. The Gingles criteria and then there's a
9 totality of the circumstances test.

10 Q. And there's how many Gingles criteria? 12:41:19

11 A. Three.

12 Q. And then separate and apart from that
13 there's a totality of the circumstances test?

14 A. That's right.

15 Q. Okay. So on page 3 of the report, and we 12:41:30
16 discussed this a little bit earlier, the report
17 states, "the person who drew the map says that he
18 increased that number to 16."

19 And the number you are referring to there
20 is the number of VRA districts in the 2025 map; is 12:41:43
21 that right?

22 A. That's true.

23 Q. And I believe you discussed with
24 Ms. Khanna that the quote you used to support that
25 proposition is this quote from Mr. Mitchell, which 12:41:54

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1 states that the 2025 map "improves the opportunity 12:41:57
2 for Latino voters to elect candidates of choice in
3 two more districts"; is that right?

4 A. Correct.

5 Q. Okay. And we just talked about the 12:42:08
6 elements of a VRA claim; right?

7 A. Yes.

8 Q. Does a district that improves the
9 opportunity for Latino voters to elect candidates of
10 choice without more satisfy the elements of a VRA 12:42:18
11 claim?

12 A. Without more, is that what you said?

13 Q. Yeah.

14 A. I don't know what you mean. Could you
15 rephrase that? 12:42:29

16 Q. Sure.

17 If a district improves the opportunity for
18 Latino voters to elect candidates of choice, is that
19 sufficient to establish a VRA claim?

20 A. That would be part of it, but, you know, 12:42:46
21 there's no indication that there was an analyses
22 done ahead of time about Gingles -- about the three
23 Gingles criteria, if that's what you mean.

24 Q. So that would be part of it, but it
25 wouldn't be sufficient; right? 12:43:06

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1 A. I don't know what you mean. 12:43:08

2 Q. If a district improves the opportunity for
3 Latino voters to elect candidates of choice, that's
4 insufficient to establish that it's a VRA district?

5 A. You would like to have more information. 12:43:23

6 Q. Would you like to know that the district
7 was majority minority?

8 A. Yes.

9 Q. Would you like to know whether racially
10 polarized voting was present? 12:43:36

11 A. Yes.

12 Q. Would you like to know whether the
13 totality of the circumstances indicated that the
14 voting process was equally open to all voters?

15 A. Yes. 12:43:47

16 Q. And does the statement that the district
17 improve the opportunity for Latino voters to elect
18 candidates of choice tell you all of that?

19 A. No, there's -- it's unclear just from this
20 quote whether all of that was present or not. 12:43:58

21 Q. Okay. So this quote doesn't say whether
22 all the elements of a VRA claim are present?

23 A. You know, it seems to indicate that the
24 Voting Rights Act was implicated and that he
25 increased the number of districts to give Latinos an 12:44:14

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1 equal opportunity to elect candidates of their 12:44:23
2 choice by two.

3 Q. That's your interpretation of that, but it
4 doesn't say that; right?

5 A. I don't know how to respond to that. If 12:44:29
6 you disagree, then I guess it's my interpretation.

7 Q. Well, we talked about the elements of a
8 VRA claim, and I'm just asking you if this sentence
9 establishes all of them.

10 A. Well, that by itself, isn't necessarily 12:44:44
11 all of it. Was the analysis done ahead of time? I
12 don't know that. It doesn't say that in this
13 paragraph.

14 Q. Right. It doesn't -- it doesn't tell you
15 if the district was a VRA district. 12:44:57

16 A. But if he's implying that he's complying
17 with the Voting Rights Act then I would assume that
18 those things are present, so it could be implied by
19 what he's saying.

20 Q. Right. That's your interpretation of the 12:45:10
21 implication.

22 A. Okay.

23 Q. Are you aware that both the 2021 map and
24 the 2025 map contain the same number of majority
25 Hispanic citizen age voting population districts? 12:45:27

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1 A. Yes. 12:45:30

2 Q. And do you know what that number is?

3 A. Sixteen.

4 Q. Can a district be a majority Hispanic

5 without being a VRA district? 12:45:40

6 A. Humm . . . I mean, apparently there were
7 two in California in the past -- from the previous
8 map, so apparently it is.

9 Q. So can a district be a majority Hispanic
10 without being a VRA district? 12:45:59

11 A. Apparently, yes.

12 Q. And can a district increase a particular
13 minority group's population within that district
14 without the district becoming a VRA district?

15 A. Sure. 12:46:15

16 Q. Do you know whether the Independent
17 Redistricting Commission conducted a VRA analysis in
18 2021?

19 A. I feel like I discussed this with counsel
20 at some point, and I was told that there was. I 12:46:36
21 haven't seen such a report, though.

22 Q. Do you know what it concluded?

23 A. I do not.

24 Q. Do you know whether a VRA analysis was
25 conducted by the legislature in 2025? 12:46:52

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1 A. I don't know. 12:46:55

2 Q. Do you know whether the official voter
3 information materials distributed to voters in
4 connection with Prop. 50 contained a VRA analysis?

5 A. I haven't seen that so, no, I do not. 12:47:10

6 MR. de NEVERS: Could we please turn to page 4
7 of the report? Thank you.

8 BY MR. de NEVERS:

9 Q. Do you see at the top of the page, it says
10 the 16 majority Hispanic CVAP districts are listed 12:47:29
11 in Table 2?

12 A. Yes.

13 Q. And then a little lower on the page, it
14 states, "Non-Hispanic Whites are a plurality
15 statewide with 43.5 percent of the CVAP population 12:47:41
16 compared to 31.9 for Hispanics."

17 A. I do see that.

18 Q. So is it your opinion that the
19 non-Hispanic White CVAP in California is greater
20 than the White CVAP in California? 12:47:57

21 A. Wait. The non-Hispanic White compared to
22 all White?

23 Q. Excuse me, let me restate it.

24 Is it your opinion that the non-Hispanic
25 White CVAP in California is greater than the 12:48:13

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1 Hispanic CVAP in California? 12:48:15

2 A. Yes, it is.

3 MR. de NEVERS: Could we please turn to page 16
4 of the report.

5 BY MR. de NEVERS: 12:48:23

6 Q. Dr. Brunell, on pages 16 through 18 of
7 your report you provide point estimates for
8 candidates' support by race among voters in the 18
9 counties you analyzed for three 2022 California
10 statewide elections; is that right? 12:48:49

11 A. Correct.

12 Q. All these elections are statewide; is that
13 right?

14 A. That's correct.

15 Q. You didn't analyze any district level 12:48:58
16 elections?

17 A. No. This is restricted -- the analysis
18 was restricted to the 18 counties that I talk about
19 in my report, but I didn't look at any substate
20 elections. 12:49:13

21 Q. So for example, you didn't look at any
22 Congressional elections?

23 A. I did not.

24 Q. You could have but you didn't?

25 A. I don't know if those -- if all the 12:49:23

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1 information would be in the CES or not, honestly. 12:49:26

2 It probably is, but I didn't look at it.

3 Q. Okay. On page 16 of the report, you state

4 that in the 2022 California Senate election

5 non-Hispanic Whites voted for the Democrat at a rate 12:49:51

6 of 53.0 percent and Hispanics voted for the Democrat

7 at a rate of 69.9 percent; correct?

8 A. That's correct.

9 Q. So Hispanic voters were more likely to

10 vote democratic than White voters? 12:50:05

11 A. That's correct.

12 Q. And your point estimate for all four of

13 the racial groups is above 50 percent?

14 A. Could you scroll up a little bit? It

15 looks like it's 50.0 -- I'm sorry, scroll down. 12:50:16

16 Fifty-nine. So that's above 50.

17 Q. Sorry. My question was a little bit

18 different.

19 My question was, is the point estimate for

20 each of the four different discrete racial groups 12:50:31

21 you looked at greater than 50?

22 A. It is. They are.

23 Q. So is it your opinion that every racial

24 group in these 18 counties favors Democrats over

25 Republicans? 12:50:46

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1 A. For this analyses, aggregated together, 12:50:47
2 that's correct.

3 Q. Could you explain what you mean by
4 "aggregated together"?

5 A. These analyses are not broken down for 12:50:59
6 each of the 18 counties.

7 Q. But on an 18-countywide basis?

8 A. That's correct.

9 MR. de NEVERS: Could we please turn to page
10 17? 12:51:13

11 BY MR. de NEVERS:

12 Q. So on page 17 you report that in the 2022
13 California Attorney General election non-Hispanic
14 Whites voted for the Democrat at a rate of
15 52 percent and Hispanics voted for the Democrat at a 12:51:27
16 rate of 64.7 percent; is that right?

17 A. Yes.

18 Q. So Hispanic voters were more likely to
19 vote Democratic than White voters?

20 A. Yes. 12:51:39

21 Q. And your point estimate for all four of
22 the racial groups is above 50 percent?

23 A. Yes.

24 Q. So is it your opinion that every racial
25 group in these 18 counties favors Democrats over 12:51:47

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1	Republicans?	12:51:51
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2 A. For this estimate that's the case, for
3 this election, for this particular election, yes.
4 Aggregated together.

5	Q. Okay. And on page 17 to 18 of the report,	12:52:00
6	you discuss the 2022 California Secretary of State	
7	election, and you report that non-Hispanic Whites	
8	voted for the Democrat at a rate of 52.6 percent and	
9	Hispanics voted for the Democrat at a rate of	
10	69.4 percent; is that right?	12:52:18

11 A. Could we scroll down or up? Yeah, that
12 way, that's the right way. Up a little bit more so
13 I can see this whole table, Table 11, please.

14 You're going to have to repeat the
15 question, Counselor. I'm sorry. 12:52:37

16 Q. So this table reports that non-Hispanic
17 Whites voted for the Democrat at a rate of
18 52.6 percent in the 2000 California Secretary of
19 State election. And Hispanics voted for the
20 Democrat at a rate of 69.4 percent; correct? 12:52:51

21 A. That's right.

22 Q. So Hispanic voters were more likely to
23 vote Democratic than White voters?

24 A. That's the estimate, yes.

25	Q. And the estimate for all four racial	12:53:02
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1 groups is above 50 percent? 12:53:04

2 A. Correct.

3 Q. So for this analysis every racial group

4 across the 18 counties favors Democrats over

5 Republicans? 12:53:15

6 A. In this particular election, at the

7 aggregate level, all four groups voted majority

8 Democrat.

9 MR. de NEVERS: Could we turn to page 18 of the

10 report, please. 12:53:26

11 BY MR. de NEVERS:

12 Q. Does this provide point estimates for

13 candidates' support by race in the 18 counties for

14 the 2024 presidential election?

15 A. Yes. 12:53:42

16 Q. And you report that non-Hispanic Whites

17 voted for the Democrat at a rate of 51.2 percent and

18 Hispanics voted for the Democrat at a rate of

19 60.9 percent; correct?

20 A. Yes. 12:53:54

21 Q. So Hispanic voters were more likely to

22 vote Democrat than White voters?

23 A. Yes.

24 Q. And the point estimate for all racial

25 groups is above 50 percent Democratic? 12:54:05

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1 A. Yes. 12:54:07

2 Q. So is it your opinion --

3 (Reporter seeks clarification.)

4 Q. So is it your opinion that every racial
5 group in these 18 counties favors Democrats over 12:54:24
6 Republicans in the 2024 presidential election?

7 A. That's what these estimates indicate, yes.

8 Q. Given all the data that we've just
9 discussed, is it your opinion that all voters in the
10 18 counties you analyzed are more likely to vote 12:54:42
11 Democratic than Republican regardless of race?

12 A. I don't think that I looked at that at
13 all.

14 Q. Voters in each election in these 18
15 counties voted Democrat at a rate of over 50 percent 12:55:02
16 regardless of race; correct?

17 A. That's what the estimates indicate, yes.

18 Q. Did you do any analysis to examine whether
19 voters preferred different Democratic candidates,
20 depending on their race? 12:55:20

21 A. At like the primary level, is that what
22 you mean?

23 Q. That seems like one way of doing it.

24 A. Okay. No, I didn't do any such analyses.

25 Q. Based on the analysis you did, are 12:55:36

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1 Hispanic voters in these 18 counties more likely to 12:55:39
2 vote Democratic than others in the same counties?

3 A. Yes.

4 Q. Given that, might a map maker drawing a
5 map to increase partisan advantage for Democrats in 12:55:53
6 a district covering these counties move more
7 Hispanic voters than White voters into the district
8 as a byproduct of increasing the districts'
9 Democratic advantage?

10 A. It's possible, but it's not necessary. 12:56:07
11 But it's possible.

12 Q. The more heavily Hispanic a district in
13 these 18 counties is, the more Democratic it will
14 be; correct?

15 A. Probably. 12:56:19

16 Q. Do you have any reason to believe that's
17 not the case?

18 A. I mean, I don't have evidence to say that
19 it is or it isn't. So I would have to rely on my
20 instinct, which would be generally -- the Hispanics 12:56:38
21 generally favor Democrats more than they favor
22 Republicans.

23 Q. But you would say that Hispanics generally
24 favor Democrats more than Republicans in these 18
25 counties? 12:56:55

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1 A. Well, I haven't looked at that 12:56:55
2 specifically. As a general rule. I don't want
3 to -- if you start disaggregating it down to the
4 household level, I'm going to be less certain of
5 this, right? So let's just say at the absolute 12:57:02
6 aggregate level.

7 Q. So at the aggregate level, Hispanic voters
8 in these 18 counties favor Democrats more than White
9 voters?

10	A. That's what the statistics say.	12:57:13
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11 Q. And so could drawing districts for the
12 purpose of increasing the number of majority
13 Democrat districts that cover these counties also
14 have the effect of increasing the number of majority
15 Hispanic districts that cover these counties? 12:57:28

16 A. It could have that effect. It all
17 depends. There's lots of different decisions that
18 could get made. Could go up, could go down.

19 Q. Could drawing a district for the purpose
20 of making the district safer for Democratic -- 12:57:48

21 (Reporter seeks clarification.)

22 Q. Could drawing a district for the purpose
23 of making the district safer for Democratic
24 candidates have the effect of increasing the number
25 of Hispanic voters in the district? 12:57:55

1 A. It could, but that isn't necessarily 12:57:57
2 necessary.

3 MR. de NEVERS: Could we please turn to
4 page 20.

5 BY MR. de NEVERS: 12:58:07

6 Q. Earlier today Ms. Khanna asked you about
7 your conclusions in this case.

8 Do you recall that?

9 A. Yes.

10 Q. The conclusion on page 20 of your report 12:58:20
11 is that it is hard to imagine that the third Gingles
12 prong is satisfied in this case; is that right?

13 A. Correct.

14 Q. And earlier today you told Ms. Khanna that
15 your testimony is now definitively that the third 12:58:33
16 Gingles prong is satisfied; is that right?

17 A. Because the White estimates are on -- the
18 95 percent confidence intervals are on the edge, you
19 know, I would hedge it a little bit. I mean, I
20 think it's very unlikely that it's satisfied, but 12:58:49
21 given the uncertainty, right, of being a good
22 statistician, there's a remote chance that it is
23 satisfied.

24 Q. Is your testimony today any different than
25 the opinion you provided in this part of your 12:59:09

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1 report? 12:59:11

2 A. I don't think so, no. Certainly I'm not
3 intending it to be.

4 Q. You're not intending to express any higher
5 degree of confidence than you expressed in the 12:59:19
6 report?

7 A. I think just the way I said it, that it's
8 hard to imagine that it is satisfied is a good
9 summary.

10 Q. And did you consult any additional data 12:59:28
11 between the time you created your report and today
12 that would cause you to change your conclusions in
13 this case?

14 A. Oh, gosh, I don't think so. But I
15 don't -- that's a rather broad thing. Like what 12:59:43
16 have I done for the last five weeks? I don't know.
17 But I haven't -- I don't think I've changed -- I
18 haven't changed my opinions that are in this report.

19 MR. de NEVERS: Okay. Okay, Dr. Brunell,
20 that's all I have for you. 13:00:00

21 THE WITNESS: Okay. Thank you.

22 MR. de NEVERS: Thank you for your time today.

23 THE WITNESS: Certainly.

24 MS. HASAN: Dr. Brunell, are you okay to
25 continue or would you like a break? 13:00:19

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1 THE WITNESS: No, let's keep going. 13:00:22

2 MS. HASAN: Okay.

3 THE WITNESS: This is so much fun.

4 MS. HASAN: Right. So for State defendants,

5 Mr. Eason will cover our first couple of topics, and 13:00:30

6 then I'll take over when he's done.

7 THE WITNESS: Okeydoke.

8 EXAMINATION

9 BY MR. EASON:

10 Q. Hi, Dr. Brunell. Are you able to hear me 13:00:39

11 clearly?

12 A. I can indeed.

13 Q. Okay, excellent. As Iram said, my name is

14 Ryan Eason, and I am with the California Department

15 of Justice representing the State defendants here. 13:00:47

16 A. Very good.

17 Q. To begin I want to ask you about the 18

18 counties you included in your report, and in order

19 to do so, I want to pull up Exhibit 1 again. So if

20 we can do that. 13:00:59

21 MR. EASON: Okay. And then if we can scroll to

22 page 31 of the PDF just so we can have a reference

23 for these 18 counties.

24 BY MR. EASON:

25 Q. Okay. Dr. Brunell, are these the 18 13:01:17

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1 counties that you included as part of your report 13:01:19
2 for this case?

3 A. Yes.

4 Q. Okay. So following up on Ms. Abha's
5 questions earlier, I just want to get a better 13:01:30
6 understanding of these 18 counties.

7 So can you confirm that these 18 counties
8 were included as part of your report because you
9 were asked to include these 18 counties?

10 A. Yes. 13:01:41

11 Q. And these 18 counties you mentioned in
12 your report are part of the -- you refer to in your
13 report as the VRA districts in the Prop. 50 map;
14 correct?

15 A. That's right. 13:01:56

16 Q. Can you clarify if those VRA districts in
17 the Prop. 50 map are the 16 majority Latino
18 districts in the Prop. 50 map?

19 A. Yes, that's what I mean.

20 Q. Okay. When you say that these are the 13:02:09
21 counties included in those districts, what do you
22 mean?

23 A. That those 16 counties are included in
24 these counties. They don't necessarily take up all
25 of each one of these counties, but these are the 13:02:23

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1 counties which they span. 13:02:26

2 Q. Okay. So to clarify is there any portion
3 of these counties that are outside of these
4 districts?

5 A. Yes. 13:02:34

6 Q. Okay. Is that something that you took
7 into consideration in your analysis?

8 A. No.

9 Q. And then are any of these counties split
10 between multiple districts? 13:02:47

11 A. Certainly.

12 Q. And is that something that you took into
13 consideration in your analysis?

14 A. No.

15 Q. Is there any portion of these districts 13:02:56
16 that include counties other than the 18 listed here?

17 A. I'm sorry, could you repeat that one more
18 time?

19 Q. Sure.

20 Is there any portion of the 16 districts 13:03:08
21 from the Prop. 50 map that include any counties --
22 any portion of the counties other than the 18 listed
23 here?

24 A. It's my understanding that they don't.

25 Q. Okay. Are each of these counties 13:03:21

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1 geographically adjacent to each other? 13:03:27

2 A. No.

3 Q. Are these counties in the same area of the
4 state?

5 A. No. They're all over the state. 13:03:33

6 Q. Okay. Are they similar to each other in
7 any geographic characteristic?

8 A. I don't know what you mean. I can't
9 answer that.

10 Q. Okay. Is there any shared characteristic 13:03:50
11 that would find these counties -- or -- let me see
12 if I can rephrase that.

13 Is there any shared relationship between
14 these counties at all?

15 A. I don't really know what you mean. I'm 13:04:10
16 sorry.

17 Q. So the only factor for why these 18
18 counties were included in your report is because you
19 were asked to include them because they are included
20 in the 16 Prop. 50 districts that are majority 13:04:26
21 Latino?

22 A. That's right.

23 Q. These districts don't have any other
24 characteristic that -- they were not included
25 because of any other characteristic? 13:04:37

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1 A. That's right. They may share other 13:04:40
2 characteristics, but that wasn't the reason why they
3 were included.

4	Q. Okay. Thank you.
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5 Were these 18 counties weighted as part of 13:04:47
6 your analysis?

7 A. No, but I don't think any of the -- I
8 don't think any of my analyses needed to be
9 weighted.

10 Q. Okay. So to clarify -- and I should have 13:05:10
11 clarified my first question. Because these counties
12 have significantly different populations, when you
13 ran your analysis, you did not adjust for
14 population?

15	A. I didn't need to.	13:05:24
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16 Q. Okay. Can you explain why you didn't need
17 to?

18 A. Well, so, for instance, in the latter part
19 of my report wherever the respondents lived, that's
20 where they lived, and I treated all 18 counties as 13:05:41
21 one group, right, so there's no weighting necessary
22 for that.

23 When you do correlations, you're
24 correlating across the same county, right, but over
25 elections. And so there's no weighting necessary 13:05:57

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1 for that. 13:06:00

2 Q. Do these counties represent the entire
3 state in some way?

4 A. I mean, it's a big part of the state, but
5 I don't have anything in my mind that this 13:06:21
6 represents the whole state, no.

7 Q. Do they --

8 A. [Inaudible] -- the state.

9 Q. Sorry, can you repeat that?

10 A. There are other parts -- there are other 13:06:31
11 counties in the state that were not included.

12 Q. Do these 18 counties represent a subarea
13 of the state?

14 A. I would say multiple subareas, I guess.

15 Q. Is it common in racially polarized voting 13:06:45
16 analysis to analyze data at the level of groups of
17 several counties?

18 A. It can be. You'd like to do it at the
19 lower levels of geography if at all possible.

20 Q. In the past when you've conducted racially 13:07:07
21 polarized voting analysis, have you done that at the
22 level of groups of counties like this before?

23 A. Usually I do. Usually I'll run statewide
24 analyses, but then the bulk of my analyses are
25 usually at the county level, maybe sometimes at the 13:07:25

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1 district level. 13:07:28

2 Q. When you say the county level, you mean
3 individual counties?

4 A. Correct.

5 Q. And then when you say at the district 13:07:34
6 level, you mean at individual districts?

7 A. Individual electoral districts.

8 Q. So typically when you run an analysis like
9 this, you do not run the analysis at the level of
10 multiple counties grouped together? 13:07:49

11 A. Other than sometimes I run statewide
12 analyses in which I would group every county in the
13 state together.

14 Q. Understood.

15 Okay, if we could move now to page 33 of 13:08:01
16 the PDF. And I want to talk about the three tables
17 that we have in front of us here, and I'll go one by
18 one.

19 So first looking at Table 4, does this
20 represent the election results by county for the 13:08:22
21 2022 Senate general election?

22 A. Yes.

23 Q. And the counties referenced here are the
24 18 that we have been discussing?

25 A. Right. 13:08:37

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1 Q. And you mentioned earlier that 13:08:38
2 Alex Padilla was the Hispanic candidate in this
3 election; correct?

4 A. Correct.

5 Q. And though you did not analyze whether 13:08:47
6 Alex Padilla was the candidate of preferred choice
7 of Hispanic voters, you assume that he is because he
8 is a Hispanic candidate and is a Democrat; correct?

9 MR. MEUSER: Object to the extent that it
10 mischaracterizes his testimony. 13:09:04

11 You can answer.

12 THE WITNESS: I don't remember if this was --
13 was this part of the CES that I had analyzed or no?
14 I think it was, actually.

15 BY MR. EASON: 13:09:17

16 Q. Okay. Let me rephrase my question.
17 Alex Padilla is a Hispanic candidate; correct?

18 A. He's a Democrat and also Hispanic.

19 Q. Earlier when you spoke with Ms. Khanna she
20 asked if you had analyzed whether the candidates 13:09:31
21 that won -- let's actually scroll up and just
22 establish some foundation here.

23 So if we could go to pages 31 and 32 of
24 the PDF. So in these six elections that you
25 reference here, you did not analyze whether there 13:09:59

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1 was a candidate in these six elections that was the 13:10:04
2 Hispanic candidate of choice; correct?
3 A. That's not --
4 MR. MEUSER: Objection, misstates his
5 testimony. 13:10:15
6 THE WITNESS: I gave the same answer that I
7 just gave you, which I think one of these elections
8 or more is in the last part of my report.
9 BY MR. EASON:
10 Q. Can you clarify the significance of it 13:10:28
11 being in the last part of your report?
12 A. In which case then I did confirm who,
13 which candidate was the Latino candidate of choice.
14 Q. I see. Thank you for clarifying.
15 So in this -- so then if we could scroll 13:10:41
16 back down to page 33 to get to Table 4.
17 So because this is included in the last
18 part of your report, you did analyze and found that
19 Alex Padilla was the preferred candidate of Hispanic
20 voters in this election; correct? 13:11:10
21 A. That's right.
22 Q. Can you just take a second to look at this
23 table and tell me if there are any counties in which
24 the candidate Mark Meuser won a higher vote share
25 than Alex Padilla. 13:11:30

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1 A. Sure. 13:11:33

2 I count nine counties in which Meuser
3 outpolled Padilla.

4 Q. Are you able to list those counties for
5 me? 13:11:52

6 A. Sure.
7 Fresno, Kern, Kings, Madera, Merced,
8 Orange, Riverside, San Bernardino, Stanislaus and
9 Tulare.

10 Q. Thank you. 13:12:16

11 MR. EASON: And then if you could scroll down
12 just a little bit further just so we can see all of
13 Table 5. I think that's going to bridge 33 and 34.

14 BY MR. EASON:

15 Q. For this election, did you analyze this 13:12:28
16 election in the last part of your report?

17 A. I believe I did not.

18 Q. But Alex Padilla was the Hispanic
19 candidate in this election; correct?

20 A. That's right. This is the same, the same 13:12:42
21 two people.

22 Q. And so he was the Democratic candidate as
23 well; correct?

24 A. That's right.

25 Q. Then can we do the same exercise for this 13:12:52

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1 table that we did for Table 4? 13:12:56

2 Can you list the counties in which the
3 candidate Mark Meuser won a higher vote share than
4 Alex Padilla?

5 A. Certainly. 13:13:07

6 Fresno, Kern, Kings, Madera, Merced,
7 Orange, Riverside, San Bernardino, Stanislaus and
8 Tulare.

9 Q. Okay, thank you.

10 Now, if we can scroll a little bit further 13:13:26

11 down to Table 6. And can you remind me for this
12 election the 2022 Insurance Commissioner general
13 election, is this one of the elections that you
14 analyzed in the last part of your report?

15 A. I don't believe that it is. 13:13:44

16 Q. But Ricardo Lara was Hispanic candidate in
17 this election; correct?

18 A. That's right.

19 Q. And he was the Democratic candidate as
20 well? 13:13:59

21 A. That's correct.

22 Q. So for this table can we engage in the
23 same exercise again? Do you mind going through the
24 counties in which the Republican candidate Howell
25 received a higher vote share than the Democratic 13:14:09

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1 candidate Ricardo Lara? 13:14:15

2 A. Sure.

3 Fresno, Kern, Kings, Madera, Merced,
4 Orange, Riverside, San Bernardino, Stanislaus and
5 Tulare. 13:14:31

6 Q. Okay. Thank you.

7 The counties that you listed in the last
8 three tables, are these the same counties for each
9 table?

10 A. I feel like they were. Just from reading 13:14:41
11 them, I feel like they were exactly the same in each
12 one.

13 Q. So there was at least a significant
14 overlap?

15 A. Yes. 13:14:51

16 Q. Did you analyze whether it was a
17 consistent pattern in these counties that the
18 Republican candidate received a higher share of the
19 vote than the Democratic candidate?

20 A. I mean, I did on like, when I was looking 13:15:04
21 at the correlations and stuff like that, that played
22 into that.

23 Q. Did you look at it at a county level
24 perspective as you described earlier?

25 A. Did I -- I think we're -- I think I'm 13:15:16

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1 about to answer a question that you didn't ask me, 13:15:22
2 so you're going to have to rephrase it.
3 Q. Sure.
4 So let's take one county, Fresno, for
5 example. 13:15:31
6 Did you analyze whether there was racially
7 polarized voting in Fresno, as Fresno, not as part
8 of the 18 county group?
9 A. I did not.
10 Q. Are you able to say whether there's 13:15:42
11 racially polarized voting at the county level for
12 any of these 10 counties at the county level?
13 A. As we sit here today, no.
14 MR. EASON: Okay. Thank you, Dr. Brunell.
15 Those are the questions that I have, so I'm going to 13:15:58
16 pass it over to my colleague, Iram Hasan.
17 THE WITNESS: Okay. Thank you.
18 MS. HASAN: Dr. Brunell, Madam Court Reporter,
19 are we good to continue or should we take a short
20 break? 13:16:13
21 THE WITNESS: I'm fine going on.
22 If the court reporter wants a break I'm
23 happy to take a break.
24 THE REPORTER: Sure. Let's take a break,
25 sorry, if that's okay. 13:16:34

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1 (Recess taken.) 13:16:41

2 EXAMINATION

3 BY MS. HASAN:

4 Q. Hi Dr. Brunell. I'm hopefully the last
5 person you need to speak to today in this 13:24:56
6 deposition.

7 I'm Iram Hasan. I represent State
8 defendants Governor Gavin Newsom and Secretary of
9 State Shirley Weber. I'll try to make this as quick
10 as possible and apologies in advance, since I'm 13:25:07
11 last, I had to keep cutting out the questions that
12 everybody else asked, so we might feel like we're
13 jumping around a little bit, but we'll try to get
14 there quickly.

15 Just a couple of background questions. 13:25:21
16 Did anyone assist you in preparing your report?

17 A. No.

18 Q. And is it correct that you have at some
19 point worked with the Census Scientific Advisory
20 Committee? 13:25:36

21 A. That's true.

22 Q. When was that?

23 A. From 2020 to 2022, I believe, or 2023, it
24 was a three-year term.

25 Q. Could you please describe the work you did 13:25:48

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1 with them? 13:25:49

2 A. Sure.

3 The Census Scientific Advisory Committee
4 is a committee that's required by statute. Every
5 scientific federal agency has to have these 13:25:58
6 committees where they are given input on what they
7 do or how they should do things from experts in the
8 fields.

9 So we are kind of a sounding board for new
10 ideas for the Census Bureau. We also are critics of 13:26:19
11 what the Census Bureau is doing sometimes, so we're
12 trying to give them -- these are other people that
13 are experts in, say, mapping. You know, there was a
14 guy on there who worked for Apple and helped develop
15 Apple maps and stuff like that. 13:26:40

16 So there was demographers, sociologists,
17 political scientists, statisticians, so everybody
18 kind of a smorgasbord of people who can hopefully
19 help the Census Bureau do what it does in the best
20 way possible, I suppose, is the best way to put it. 13:27:00

21 Q. While you were serving on the committee,
22 did you make any proposals?

23 A. Well, we don't make proposals per se, so I
24 guess the answer would be no.

25 Q. Could you describe the contributions -- it 13:27:18

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1 doesn't have to be comprehensive, but some of the 13:27:19
2 contributions you made, to the best of your
3 recollection, while you were on the committee?

4 A. So we met, oh my gosh. We met twice a
5 year, and it would be, I think, it would be for like 13:27:31
6 a day and a half, two days, they were long meetings.
7 And there would be five, six, seven, eight topics,
8 and we would assign a person or several people to
9 kind of be the point people on that particular
10 thing, and then we would present to the whole group 13:27:56
11 and then we would have a discussion.

12 Right. So I discussed lots of different
13 things while I was there talking about differential
14 privacy or the American Community Survey. I was the
15 point person on a very technical subject, but I 13:28:11
16 don't even remember what it was about. It's been
17 like three or four years now since I did it, and I
18 can't recall. It was a very technical thing on
19 something that they do, but I don't really remember
20 what it was now, to be honest. 13:28:27

21 Q. Okay, thank you.

22 And would you happen to recall examples of
23 the five or six topics that would be discussed in a
24 meeting?

25 A. Oh, my gosh, it ranged from all kinds of 13:28:37

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1 stuff. So, you know, like differential privacy was 13:28:40
2 huge, it still is huge, so we kind of talked about
3 differential privacy all the time. But there would
4 be all kinds of little things that you would never
5 think of. Like they do an agriculture census, so 13:28:51
6 sometimes we talked about that.

7 Or we may have discussed -- I'm trying to
8 remember if we discussed this or not. Maybe we
9 didn't, but like should the Census Bureau include
10 Middle Eastern North African, and it would just be 13:29:09
11 should they include it, but it would be like what
12 would be the implications, sort of in terms of data,
13 in terms of statistics, stuff like that.

14 So we may have talked about that before,
15 but we talked about lots of things. So we had 13:29:21
16 like -- so this is like three years times two, so
17 there were six meetings, two days, so we've talked
18 about a bunch of stuff, most of which I've now
19 forgotten.

20 Q. Understood. 13:29:36

21 Sorry. What is differential privacy?

22 A. Oh differential privacy? So differential
23 privacy is the Census Bureau, this is a new method
24 for protecting the privacy of individuals, that the
25 Census Bureau initiated for just the most recent 13:29:50

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1 census, for the 2020 census. 13:29:56

2 So it's basically they add noise to the
3 data, which is kind of a nice way of saying they add
4 errors to the data on purpose so that people can't
5 kind of backfill information and figure out who this 13:30:11
6 particular bit of information is about, right.

7 So this is particularly important for
8 small -- for areas with very little population,
9 right, so if you have an area -- if you have a
10 census bloc and there's only five people living 13:30:26
11 there, right, then you could kind of figure out what
12 the census -- if all this data was reported
13 accurately, then you could figure out who an
14 individual person was in the census.

15 Q. Okay. Thank you. 13:30:43

16 A. Differential privacy is a complex -- it's
17 a very complex statistical procedure to kind of add
18 noise, what we would call noise, but a layperson
19 would think of it as we're actually making the data
20 incorrect so that we're protecting people's privacy. 13:30:56
21 And it's complicated and lots of people don't like
22 it.

23 Q. Have you ever worked with California's
24 independent redistricting commission?

25 A. No, I don't think I ever have, no. 13:31:12

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1 Q. Turning to the commission's map, there was 13:31:15
2 a lot of discussion today about the size of the
3 Hispanic population in different districts across
4 mainly the Prop. 50 map.

5 But turning to the commission map, do you 13:31:31
6 know -- to the extent any of the districts in the
7 commission map are characterized as Hispanic
8 majority, do you know what data that's based on?

9 A. I don't know. I would assume census data,
10 but, yeah, I don't know. 13:31:48

11 Q. And would you happen to know what data
12 that information would be based on in the Prop. 50
13 map?

14 A. I would also assume it would be census
15 data, data from the Census Bureau. 13:32:03

16 Q. Would you know which year or CVAP data
17 or . . .

18 A. CVAP data would probably be the most
19 recent five-year estimates. That's what I would
20 pick. But there are other CVAP estimates and 13:32:17
21 somebody might have made a different decision.

22 Q. Why would you pick the most recent CVAP
23 data?

24 A. I would pick the most recent five-year
25 estimates because those are kind of going to be more 13:32:30

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1 stable. But, you know, you can make an argument 13:32:33
2 that maybe you could use some -- if there's a newer
3 version of the data that's based on maybe a
4 three-year estimate, somebody might pick that
5 instead. 13:32:43

6 Q. Okay. So with respect to the districts
7 being described as Hispanic majority districts in
8 the Prop. 50 map, did you do any analysis to
9 determine if those districts overlap geographically
10 with districts of the same number in the commission 13:33:04
11 map?

12 A. No.

13 Q. Do you happen to know if they do at all?

14 A. I think they do. I think there's
15 substantial overlap. 13:33:20

16 Q. Turning to a slightly different topic, you
17 touched on this a little bit earlier, but just for
18 clarification, could you please explain the
19 difference between a VRA district and a Hispanic
20 majority district? 13:33:36

21 A. A VRA district generally is a district
22 that's required by law, right? There's -- the three
23 prongs of Gingles have been satisfied, and the State
24 has decided we are forced by law, by the Voting
25 Rights Act, to draw districts for -- in these areas 13:33:52

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1 for these individuals, whether they're Hispanic, 13:33:55
2 they could be Black, right, they could be whatever
3 minority or ethnic group we're talking about.

4 So that's what a VRA district is. And
5 there could be a district that's majority minority 13:34:05
6 that isn't -- that doesn't happen to be a designated
7 VRA district.

8 Q. Okay. To clarify one more thing you said
9 earlier, did you testify that there were more than
10 14 majority Hispanic districts in the commission 13:34:21
11 map?

12 A. In the old map, the map before Prop. 50.
13 Yeah, I believe there were 16 majority Hispanic, but
14 only 14, for some reason, were VRA districts.

15 Q. Okay. Are you aware of any VRA challenges 13:34:39
16 to the previous map or the commission map?

17 A. In California only?

18 Q. Yes.

19 A. In the commission map, any VRA challenges
20 to the commission map? I certainly wasn't involved 13:35:00
21 in anything, so I don't know if there were or not.

22 Q. And you didn't learn any information to
23 that effect when you were preparing your report?

24 A. No, no, I didn't. Not that I recall,
25 anyway. Almost every map gets sued, so there was 13:35:16

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1 probably lawsuits, right? But yeah, I don't 13:35:22
2 remember talking about it or learning about it at
3 all.

4 Q. Okay. And did you do any research into
5 what lawsuits might have been filed with respect to 13:35:31
6 the commission's map?

7 A. I did not.

8 Q. Slightly different topic. And please let
9 me know if I'm misstating your testimony.

10 But is it true that a Hispanic candidate 13:35:46
11 is generally the preferred candidate of Hispanic
12 voters?

13 MR. MEUSER: I'm going to object to the extent
14 that it misstates his prior testimony.

15 You may answer. 13:35:59

16 THE WITNESS: I would say if the person is a
17 Hispanic Democrat, I would assume that they are the
18 preferred candidate, but that doesn't always have to
19 necessarily be the case.

20 BY MS. HASAN: 13:36:10

21 Q. Is that an assumption you made when you
22 were preparing your analysis?

23 A. I mean, I showed who the -- when I needed
24 to show who the preferred candidate was, I did in
25 the latter half of the report. 13:36:25

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1 Q. When you were preparing your report, did 13:36:32
2 counsel ask you to make any assumptions in your
3 analysis?

4 A. Not that I can recall, no.

5 Q. Turning to a bucket that has a variety of 13:36:46
6 topics in it, I wanted to talk a little bit about
7 compactness.

8 What does compactness mean?

9 A. Compactness is the shape of an electoral
10 district, so the kind of -- the more that a district 13:36:59
11 looks like a square or a circle, the more compact it
12 is; the more it looks like, you know, a bug
13 splattered on a windshield in a car with lots of
14 little appendages, it's less compact.

15 Q. Are there ways of measuring how compact a 13:37:18
16 district is besides the shape of it?

17 A. Yeah, dozens and dozens, I think even
18 hundreds.

19 Q. Could you provide maybe three examples?

20 A. Sure. 13:37:28

21 The ones that typically get used in court
22 are the Reock, which is spelled R-e-o-c-k; the
23 Polsby-Popper measure; and then the one that's next
24 most common is the -- I think it's Schwartzman
25 [sic], I feel like. That's what the third one is 13:37:46

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1 called. But there's quite literally dozens and 13:37:50
2 dozens of other metrics.

3 Q. Could you explain how the third one works?

4 A. The Schwartzman [sic]? Oh, gosh, I would
5 need to refresh my memory. But I think it's, like, 13:38:01
6 the smallest polygon -- the ratio of the area of the
7 district to the smallest polygon that circumscribes
8 the district. That's what I think. That's just
9 from memory. Could be wrong.

10 Q. Is compactness a metric that's used in 13:38:22
11 performing, for example, an analysis to determine if
12 a racial gerrymander has occurred or a partisan
13 gerrymander has occurred?

14 A. Yes.

15 Q. How relevant is compactness to those kinds 13:38:39
16 of analyses?

17 A. I think it's relevant, but sometimes it
18 gets pushed down in terms of its relevancy, I think
19 particularly in courts of law. I think I said
20 earlier, you know, lots of times judges have sort of 13:38:59
21 kind of just ignored compactness and relied on other
22 things to put their stamp of approval on them now.

23 Q. And do you have any opinion on why
24 compactness might be sort of lower on the list of
25 important factors in those types of analyses? 13:39:19

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1 A. Yeah, I think that -- excuse me. Like, 13:39:22

2 compactness is a little bit in the eye of the -- not

3 in the eye of the beholder, but, like, just looking

4 at a district, you know, a child could tell you this

5 district looks -- they wouldn't use the word 13:39:38

6 "compact," but this district looks normal, this

7 district looks weird or ugly, you know.

8 So there's some of that going on. I think
9 that people -- judges oftentimes will prioritize
10 other things. Like, majority minority districts, 13:39:54
11 like, in the '90s, there was lots of really ugly
12 districts that were drawn in the 1990s and they were
13 passed through, they were okayed because these were
14 kind of newly drawn districts to give mainly
15 African-Americans but also Hispanics in some states 13:40:15
16 the opportunity to elect the candidate of their
17 choice.

18 Q. And if a district is not compact, for
19 example, it has a poor compactness score on, you
20 know, any one of the types of measures that one 13:40:32
21 might use, does that in and of itself indicate
22 anything?

A. Not necessarily. Particularly if it's a coastal district in particular because you have to use the coast line, so that can kind of affect

13:40:55

1 compactness scores because the district is going to 13:40:59
2 follow the coast. And sometimes the California
3 coast is jagged, and that's going to kind of
4 inflate -- it's going to make the district -- the
5 metric for the district be higher or lower. 13:41:10

6 Some compactness scores, a lower number
7 means less compact, but it'll make it appear less
8 compact. Well, because it is less compact, right?
9 But you're dealing with natural geography that you
10 can't -- there's nothing you can do about. 13:41:25

11 Q. Okay. And if you are performing an
12 analysis, for example, to determine if race was a
13 predominant factor in the drawing of a particular
14 district or various districts in a map, if the
15 districts you're looking at are not compact, is that 13:41:43
16 significant to you in your analysis?

17 A. It could be. This might be areas where,
18 you know, the map maker is trying to pick up
19 specific types of people, whether it's ethnic or
20 whether it's voters or whatever. 13:42:02

21 Q. And what is an influence district?

22 A. An influence district is a district in
23 which the minority or ethnic group that we're
24 talking about does not comprise a numerical majority
25 but they are significantly sized that they're likely 13:42:30

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1 to have an impact on who wins the election. 13:42:38

2 Q. Are any other factors relevant besides the
3 size of the community we're talking about to
4 determining if a district is an influence district?

5 A. No. I mean, usually we're talking about 13:43:02
6 districts in which a group is like 30, 40 percent,
7 right? So they can't be ignored. They're big
8 enough that they probably aren't going to be ignored
9 in the type of person that wins the primary and the
10 person that wins the general election, so it's -- 13:43:19
11 usually we're talking about numbers.

12 Q. Would it be relevant to know if, for
13 example, the elected candidate of that district
14 represents the interests of that particular
15 community? 13:43:35

16 A. Would it be relevant, in what way? I
17 mean, I think that's important information, but
18 relevant to whom for what purpose?

19 Q. In determining if the district is indeed
20 an influence district. 13:43:50

21 A. Yeah, I think that that would be one thing
22 people could look at, right? It's like is this in
23 fact -- are these people in fact having influence or
24 are they not?

25 Q. Are there any other factors that would be 13:44:01

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1 relevant to determining if a district is an 13:44:03
2 influence district?

3 A. I can't think of anything off the top of
4 my head, but that doesn't mean that there aren't.

5 Q. Okay. Earlier there was quite a bit of 13:44:17
6 discussion about communities of interest. Just to
7 put a button on it, is it correct to say that a
8 community of interest doesn't necessarily involve
9 race?

10 A. That's true, it doesn't have to. 13:44:31

11 Q. Then earlier there was some discussion
12 about minority candidates of choice.

13 How would -- how would one determine if a
14 candidate is a candidate of choice for a minority
15 community? 13:44:57

16 A. That's through the racially polarized
17 voting analysis. So in my report I did it using
18 survey data, right, that asked people both who they
19 voted for and what race or ethnicity they are. You
20 could also do it using the other three methods that 13:45:13
21 we talked about in the first part of my deposition,
22 which were homogeneous precincts, right?

23 So you just look at, like, heavily
24 Hispanic areas. And so since we're trying to make
25 what we call an ecological inference, right, we only 13:45:27

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1 have aggregate data, but we're trying to say how 13:45:28
2 individual people voted, if we have precincts,
3 right, or blocs or whatever that are 100 percent
4 Hispanic, well, now we can get a really good -- now
5 we can -- you know, we're not -- the inference isn't 13:45:42
6 that difficult to make, right?

7 So this is -- this bloc is 100 percent
8 Hispanic, and so we know all the voters were
9 Hispanic, and here's exactly how they voted as a
10 group: 70 percent for this candidate, 30 percent 13:45:55
11 for that candidate, right?

12 And then the ecological regression and the
13 scatterplots kind of get at the same thing.

14 Q. Okay. Also earlier -- is it fair to say
15 that you testified earlier that there is no majority 13:46:16
16 racial or ethnic group in California?

17 A. Yeah, no group makes a pure majority,
18 that's right, statewide.

19 Q. Statewide.

20 Are you aware of any geographic areas of 13:46:32
21 the state in which one group constitutes a majority?

22 A. Well, there -- I mean, of course there are
23 depending on what size we're talking about, right?
24 Like I said, if we're talking about a bloc, there's
25 lots of blocs where one group comprises a majority. 13:46:47

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1 And I think in my report there was some -- I talked 13:46:51
2 about some counties that had majority White and some
3 of them were majority Hispanic.

4 Q. Did you look at any other geographic
5 breakdowns besides counties? 13:47:04

6 A. I don't think I reported the districts
7 that would be the next obvious place to talk about
8 it. We did talk about the ones that were majority
9 CVAP Hispanic, but there's nothing else that's not
10 in my report that I looked at. 13:47:22

11 Q. But is it fair to say that particular
12 groups of districts in certain parts of the state
13 could be majority of a particular minority group?

14 A. Certainly.

15 Q. Turning to another topic, you earlier -- 13:47:47
16 probably closer to the beginning there was a
17 discussion about neutral districting principles. If
18 I recall correctly, I think you said that there are
19 many, many examples of such principles.

20 Would you be able to provide maybe a 13:48:04
21 handful of examples of what those might be?

22 A. Yeah, those were the traditional
23 redistricting principles that we talked about. I
24 think those -- the traditional -- we usually say
25 "traditional redistricting principles" rather than 13:48:15

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1 "neutral redistricting principles." 13:48:17

2 So it would be preserving communities of
3 interest; it could be protecting incumbents; the
4 Voting Rights Act; compact districts; districts have
5 to be contiguous, right, which means every part of 13:48:31
6 the district has to touch some other part of a
7 district unless we're talking about an island,
8 right, like Catalina, we have to include it
9 somewhere with the mainland.

10 So those are the traditional districting 13:48:44
11 principles.

12 Q. You also testified earlier, and please
13 correct me if I'm wrong, that determining what
14 information is relevant to line drawing depends on
15 whether the inquiry is -- if the redistricting was a 13:49:11
16 partisan or a racial gerrymander; is that correct?

17 MR. MEUSER: Object to the extent that it
18 mischaracterizes his prior testimony.

19 THE WITNESS: Yeah, I don't remember exactly
20 what I said. 13:49:24

21 BY MS. HASAN:

22 Q. I think there was general discussion about
23 what information might be considered relevant to
24 analyzing the purpose behind why lines were drawn a
25 certain way in a map. And I think you responded 13:49:37

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1 that that depends on whether the inquiry is if this 13:49:43
2 was a partisan gerrymander or a racial gerrymander.

3 Does that ring a bell?

4 A. I may -- that sounds like a reasonable
5 thing to say. 13:49:55

6 Q. Okay. Did you perform any analysis to
7 determine if partisanship was a factor in drawing
8 any part of the Prop. 50 map?

9 A. I did not.

10 Q. Have you ever written about partisan 13:50:07
11 gerrymandering?

12 A. I have. I'm trying to think if
13 academically I have or not. I certainly have in
14 lots of court cases. But I've probably published a
15 little bit on partisan gerrymandering. And, 13:50:24
16 actually, I wrote -- there's an unfinished book, one
17 of several books that I started writing and never
18 finished on partisan gerrymandering. And that will
19 never see the light of day now, unfortunately.

20 Q. Why is that? 13:50:38

21 A. Now it's too old. Now it's out of date.
22 Like, I just -- I should have finished it when I
23 started writing it, and I didn't, so I'd have to
24 start over.

25 Q. Have you ever analyzed a map to determine 13:50:49

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1 if partisanship was a factor in the line drawing? 13:50:53

2 A. I have analyzed maps to whether there's a
3 partisan gerrymander, but I don't think that's what
4 you asked. I have not ever done an analysis where I
5 tried to determine whether this line or this 13:51:07
6 district was drawn on the basis of partisanship or
7 race.

8 Q. And in the analyses that you've done to
9 determine if a map was a partisan gerrymander, do
10 you recall the factors that you considered in your 13:51:21
11 analysis?

12 A. Yeah, there are several. There's a lot of
13 different metrics. So, like, the efficiency gap is
14 a common metric. There's one called the mean-median
15 comparison. There's partisan bias was kind of the 13:51:38
16 first one. And I've done a lot of stuff -- I
17 actually published a lot of stuff on partisan bias
18 as well, although that kind of started falling out
19 of favor a little bit as we created new methods.

20 There's a type of analysis that's very 13:51:54
21 popular now that I haven't done yet, you know,
22 that's called the ensemble method, where you have a
23 computer draw 10,000, 10 million, whatever, some
24 huge number of maps, supposedly on a nonpartisan
25 basis, and then you kind of compare the map that was 13:52:10

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1 produced, right, the map that's being sued, to these 13:52:13
2 10,000, 100,000, 10 million and see how it compares
3 to all of these somewhat randomly drawn maps.

4 Q. Have you used any other metrics besides
5 the ones you just mentioned? 13:52:28

6 A. I may have. There may be one or two other
7 metrics that I'm forgetting about. But I think
8 that's most of it, anyway.

9 Q. And could you explain what you mean by
10 "partisan bias"? 13:52:49

11 A. Sure.

12 So partisan bias is kind of the -- one of
13 the first metrics that people came up with, like, in
14 the '80s and the '90s. It's a measure of -- it's
15 basically a measure of what kind of bias there is in 13:53:04
16 the electoral system.

17 So if you evaluate a map where both
18 parties get 50 percent of the vote, they should get
19 50 percent of the seats, right, theoretically. And
20 to the extent that they don't, that's bias. Okay? 13:53:19

21 So you can kind of -- one of the ways you
22 typically do is you take some recent statewide
23 election and you parse it by -- if we're doing
24 Congressional districts, you take that statewide
25 election by each one of the Congressional districts 13:53:36

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1 and then you see what the actual election looks 13:53:36
2 like. What percent of the vote did the Democrats
3 get statewide? What percent of the vote did the
4 Republicans get statewide? And then how many of the
5 Congressional districts did each party win? 13:53:53

6 Then you can increase the Democratic share
7 of the vote by 1 percent across all districts and
8 then retally and see if any of the districts
9 flipped, right? And then you could increase it by
10 another 1 percent and another 1 percent and another 13:54:06
11 1 percent.

12 And you could decrease the Democratic vote
13 share by 1 percent, which is the same thing as
14 increasing the Republican vote share by 1 percent.
15 And then for each one of these data points, you can 13:54:14
16 retally the number of votes that each party -- the
17 number of districts that each party wins. And that
18 gives you kind of a nice graph of how this map
19 treats both parties at different levels of partisan
20 support. 13:54:33

21 And to the extent it doesn't pass through
22 50/50 and it's moved kind of systematically towards
23 the Democrats or towards the Republicans, that's a
24 measure of partisan bias.

25 Q. You mentioned that method has fallen out 13:54:45

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1 of favor. Why is that? 13:54:50

2 A. I think we've just come up with -- I don't
3 know if they're better necessarily. They're newer,
4 fancier things. But, yeah, for some reason that
5 one's kind of fallen by the wayside a little bit. 13:55:03
6 But people still do talk about partisan bias.

7 Actually, I shouldn't say it's completely
8 fallen out of favor. Like, Dave's Redistricting
9 App --

10 (Reporter seeks clarification.) 13:55:20

11 A. Yes, I'm going to slow down.

12 So Dave's Redistricting App, which is a
13 free online application where you can both draw your
14 own maps but also analyze other people's maps, and
15 in that application -- I think that this is correct. 13:55:52

16 I hope I'm not misstating. I think this is true.
17 It will automatically calculate several metrics of
18 partisan gerrymandering, and bias is one of them.

19 I think it does the efficiency gap, bias,
20 I think it does the mean-median that I mentioned 13:56:12
21 before and one or two other ones that are slipping
22 my mind at the moment.

23 Q. And that's a tool that's commonly used for
24 map analysis?

25 A. Yes. 13:56:29

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1 Q. And you have written about 13:56:33
2 hyperpolarization; is that right?

3 A. Yes.

4 Q. Is that related to partisan bias at all?

5 A. Not necessarily, you know, because 13:56:45
6 polarization is -- it means a lot of stuff. Like,
7 the book that I wrote with Bernie Grofman, who is
8 another expert -- another witness in this case, is
9 really about polarization in Congress, right, so
10 polarization in the members, the actual people who 13:57:04
11 represent us in Congress. So in that instance it
12 wouldn't be related to that.

13 Q. And what does hyperpolarization mean?

14 A. So polarization is just the process that
15 the country has kind of been going through over the 13:57:23
16 last 20 years where more and more people are
17 identifying closer and closer with one of the two
18 major parties.

19 There's fewer people that are undecided in
20 the middle, fewer people that are willing to vote 13:57:38
21 for Democrats in one election and Republicans in
22 another election.

23 And also these people are undergoing a
24 process of what we call affective polarization,
25 which means that their feelings, right, how an 13:57:56

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1 individual person feels about the other party are 13:58:01
2 becoming increasingly negative, right?

3 So it's not just that I don't really like
4 Republicans, you know, now it's like, oh, I can't
5 stand Republicans. I don't want to be -- I don't 13:58:12
6 want to be friends with Republicans. I don't want
7 my kids to marry Republicans. I don't want to see
8 Republicans, right?

9 So that's -- we're growing more and more
10 polarized, further apart. 13:58:28

11 Q. Is that relevant to how, for example,
12 folks in a legislature or in Congress might vote on
13 certain bills?

14 A. Sure.

15 Q. How so? 13:58:47

16 A. There's less room for bipartisanship,
17 right? So, like, when I was younger, you know --
18 you don't even have to go that far back. This might
19 be ancient history for you. But, like, in the 1980s
20 and 1990s, you know, you had somebody like -- you 13:59:07
21 know, Bob Dole was the Senate Republican Majority
22 Leader.

23 And I think this is right. I think it was
24 him. He's like, look, if I can get a bill and like
25 75 percent of the bill, I get what I want, I'm happy 13:59:17

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1 with it, right? Whereas now members of Congress are 13:59:20
2 increasingly unwilling to compromise on anything,
3 right? And so the possible win-set, right, the
4 place where both parties can meet, is not really
5 there anymore. 13:59:35

6 So just the unwillingness to compromise
7 with the other side has made it more difficult for
8 legislatures to get anything done.

9 Q. So it sounds like hyperpolarization is
10 along party lines; is that right? 13:59:55

11 A. Yes.

12 Q. Does hyperpolarization have any
13 relationship with race?

14 A. Well, race and partisanship are
15 intertwined, you know, very heavily in American 14:00:08
16 politics. So to that extent the answer's yes, but,
17 you know, it's hard to untangle those two sometimes.

18 Q. Is that a general statement or would that
19 be true in perhaps, like, every state at the State
20 level? 14:00:26

21 A. I think that's probably true nationwide.

22 Q. Did you happen to take a look at the votes
23 on the bills related to Prop. 50 to see who voted
24 yes or no on each of the bills?

25 A. Among the voters, like the actual 14:00:46

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1 proposition results? 14:00:49

2 Q. No, the -- so -- sorry, I'll back up a
3 little bit.

4 There were three bills related to
5 Proposition 50 that gave birth to it, so to speak. 14:00:56

6 A. Okay.

7 Q. One is the Assembly Constitutional
8 Amendment 8; one is SB 280, which sort of had dates
9 and timelines and other information for the
10 Secretary of State related to the upcoming 14:01:16
11 elections; and the other was AB 604, which described
12 the census blocks that would go into the new
13 district.

14 A. I see.

15 Q. Sorry, in the -- new districts in the new 14:01:29
16 map. So those were the three bills. I'm wondering
17 if you happened to take a look at how members of the
18 California Legislature voted on each one before the
19 special election this year?

20 A. I did not. 14:01:41

21 Q. Turning to some factors that might be
22 relevant to determining if a map was a partisan
23 gerrymander. Are you familiar with the term
24 "packing"?

25 A. Sure. 14:02:10

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1 Q. How would you define packing? 14:02:15

2 A. So packing, this is sort of the way that
3 one side of the coin to create a partisan
4 gerrymander is to pack districts with supporters of
5 one party, the out-party, right? So if the 14:02:33
6 Democrats are doing it, they're packing Republican
7 districts; if Republicans are drawing the
8 gerrymander, they're packing Democratic districts.

9 And then the logic here is once there's a
10 district that you know a Democrat -- the out-party 14:02:47
11 is going to win, then you want to put as many of
12 their supporters in that district as you possibly
13 can because then they can't vote in a district in a
14 surrounding -- right, they won't be in a surrounding
15 one, right? 14:03:05

16 So you want to waste as many of their
17 votes as possible. So once you decide this is an
18 out-party seat, then you're going to want to pack as
19 many people -- as many voters from the other party
20 in that district because that's going to allow you 14:03:15
21 to win other surrounding districts because they're
22 all -- you're putting lots of their voters in that
23 one district.

24 Q. Okay. So would it be possible, then, for
25 example, if partisanship was a factor in a 14:03:27

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redistricting -- if the Democratic party was the
majority when the redistricting was occurring, is it
possible then that certain districts would increase
in Republican voting power?

5	A. If the Democrats were drawing the	14:03:48
6	gerrymander?	

7	Q. Um-hum.
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8 A. Yeah, you would expect districts --
9 Republican districts to -- you would expect fewer
10 Republican districts, and the Republican districts 14:03:57
11 that are left, you would expect them to be more
12 heavily Republican than they were before.

13 Q. Okay. And that's typical of a partisan
14 gerrymander?

15	A. Yes.	14:04:11
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16 Q. Did you perform any analysis of the
17 Prop. 50 map to determine if packing occurred?

18 A. I did not.

19	Q. Are you familiar with the term "cracking"?
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20	A. Yes.	14:04:23
----	---------	----------

21 Q. What does that mean?

22 A. So that's the other side of the coin. The
23 other side of the coin from packing is cracking.
24 And so cracking is when you're drawing -- whatever
25 party's doing the gerrymandering, they want to

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1 win -- you want your districts to be as efficient as 14:04:40
2 possible, right?

3 So you would like to win -- since you only
4 have to win an election by one vote, right,
5 that's -- you would like to get as close to that as 14:04:52
6 you possibly can, right, because any additional vote
7 besides 50 percent plus one is wasted, right?

8 So, now, you can't really draw a district
9 that you win by one vote, right? That's impossible
10 because we don't -- you know, people are moving, 14:05:07
11 people are being born, people are -- right? So you
12 don't actually draw a district where you're going
13 to -- you think you're going to win by one vote, but
14 you do draw districts where you think you'll win by
15 2 or 3 percent. And so that's kind of called 14:05:15
16 cracking the Republicans, right?

17 So they're going to be minority, but the
18 party doing the gerrymandering is relatively sure
19 that in most election years they're going to be able
20 to carry this district. 14:05:35

21 Q. Okay. So is that -- is it fair to say
22 that that's a way of diluting a party's voting
23 strength?

24 A. Yes. Both of those measure -- both of
25 those -- both cracking and packing are diluting -- 14:05:50

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1 are vote dilution. 14:05:53

2 Q. Did you perform any analysis of the
3 Prop. 50 map to determine if cracking occurred?

4 A. No, I was not asked to and I did not.

5 Q. Did you happen to notice if that occurred 14:06:05
6 when you were examining the various districts that
7 you looked at?

8 A. No, I did not.

9 Q. Have you heard of the term "reinforcing"
10 or "shoring up" in the same context of partisan 14:06:21
11 gerrymandering?

12 A. Sure.

13 Q. And what does that mean?

14 A. These are districts that are from the
15 in-party's districts, right? So let's -- we're 14:06:29
16 talking about California, so we'll talk about
17 Democrats. So the Democrats can take -- can shore
18 up some of their districts because they think
19 they're getting too close to 50/50, right?

20 So, oh, gosh we only won this district 14:06:46
21 last time by 6,000 votes, right, so why don't we
22 make it a little bit more heavily Democratic so that
23 we're more likely to continue to carry this
24 district.

25 Q. Did you perform any analysis of the 14:07:04

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1 Prop. 50 map to determine if that occurred in any -- 14:07:06

2 A. I was not asked to and I did not.

3 Q. Have you heard of the concept of
4 displacing a candidate, again, in the context of
5 partisan gerrymandering? 14:07:28

6 A. Yep.

7 Q. And what does that mean?

8 A. That's where you put an incumbent in -- so
9 an incumbent is defined -- his or her district is
10 defined by where their house is, right? Although 14:07:42
11 there's no federal regulation that a member must
12 live in their own district. They have to live in
13 the state of their district, but they don't have to
14 live in their particular district. And so there
15 have been instances where people have been elected 14:08:05
16 somewhere where they don't live. But that's more
17 difficult to do.

18 So usually, right, kind of one of the
19 first things that a map maker will do is get the
20 home addresses of all the incumbents, right, and 14:08:16
21 kind of play "Where's Waldo?" Right? So put little
22 flags, here's where all of these people live. And
23 then you draw their districts so that it includes
24 their home but no other person's home.

25 So displacing is when, if you want to get 14:08:31

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1 rid of somebody, you'll draw two incumbents' homes 14:08:35
2 in a single district, for instance, right? So if
3 you want to get rid of a Republican, you'll draw his
4 home -- you'll draw the district to be more
5 Democratic and then you also may draw the district 14:08:47
6 in such a way that it includes a Democratic
7 incumbent's house -- home, right?

8 So then those two incumbents would have to
9 run against one another and presumably the Democrat
10 would win. So in that case the Republican has been 14:09:04
11 displaced.

12 Q. Is that something that's commonly done in
13 a partisan gerrymander?

14 A. That happens.

15 Q. Did you happen to notice in your analysis 14:09:15
16 here if that occurred with the Prop. 50 map?

17 A. I think one of the districts did do that,
18 at least one of them did do that.

19 Q. Do you recall which one?

20 A. Oh, gosh. I want to say it was 14:09:28
21 District 13, but that's pure memory, so that could
22 be wrong. It might have been 18. I feel like it
23 was in the teens. But it was a Republican in the
24 Southern California area.

25 Q. And how about pairing, is that a term 14:09:45

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1 you've heard? 14:09:49

2 A. Yeah. Pairing is kind of -- I kind of
3 combined pairing and displacement, right? So
4 pairing is when you draw a district with two
5 incumbents in it. 14:09:58

6 Q. Of the same party?

7 A. Or it could be different as well, but it
8 could be the same party as well, that's right. So
9 if you put -- yeah, if you're trying to get rid of
10 Republicans, draw a district where both Republicans' 14:10:09
11 homes is in the same district, and then one of them
12 is going to have to bow out or lose.

13 Q. Did you happen to notice if that occurred
14 in the Prop. 50 map at all?

15 A. I don't know -- I don't know if it did. 14:10:24

16 Q. Are you familiar with the term
17 "dummymander"?

18 A. Yes, I am.

19 Q. What does that mean?

20 A. That's a term that Bernie Grofman coined, 14:10:34
21 and we together wrote -- it was a book chapter many
22 years ago now.

23 And the idea behind a dummymander is -- so
24 remember cracking, right, the party doing the
25 gerrymandering wants to draw their districts as 14:10:51

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1 efficiently as possible because that's going to give 14:10:53
2 them the maximum number of winning of districts,
3 right? That's the whole idea, right, you're trying
4 to win as many districts as you can.

5 But if you get too greedy, right, and you 14:11:05
6 draw the districts so efficient that the buffer
7 between -- right, so if you draw a district that's
8 like 51 percent Democrat, 49 percent Republican,
9 you're more likely to lose that district than a
10 district that's say 55 percent Democrat and 14:11:21
11 45 percent Republican.

12 So if a party drawing the map gets overly
13 greedy and they draw their districts too efficiently
14 and then there's a wave -- a partisan wave against
15 them, then some of these narrowly -- districts that 14:11:36
16 they only have a narrow advantage in can be won by
17 the other party and they can all sort of topple like
18 a bunch of dominoes.

19 So that's a dummymander, right? So they
20 were dumb and they lost a bunch of seats because 14:11:51
21 they got greedy.

22 Q. In your opinion is the Prop. 50 map a
23 dummymander?

24 A. Well, Bernie says that it's not, but I
25 haven't analyzed it. 14:12:03

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1 Q. What significance does it have to you that 14:12:07
2 Bernie says that it's not?

3 A. Well, Bernie was my advisor, and he's
4 the -- he was my dissertation advisor and long-time
5 co-author, so, you know, Bernie is one of my 14:12:24
6 favorite people on the face of the planet. So
7 whatever Bernie does is meaningful to me.

8 But, you know, he said that it's a durable
9 partisan gerrymander, but that kind of doesn't make
10 sense to me. Like, why -- like, if the Democrats 14:12:38
11 are trying to undo or match what the Republicans
12 have done here in Texas and some other states
13 presumably, then why -- now is the time to get
14 greedy. You know what I mean?

15 So I think they should have been -- right? 14:12:56
16 They should have drawn a max Democratic plan that
17 risks a dummymander because the next election is a
18 midterm with a Republican president, and the
19 Republicans will almost always lose seats in the
20 house in midterm -- the party of the president -- 14:13:13
21 sorry, and I'm speaking too fast. I'll try to slow
22 down.

23 So in the House of Representatives, in
24 midterm election years, the party of the president
25 virtually every single time will lose seats in the 14:13:25

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1 U.S. House of Representatives. So the wave, right, 14:13:29
2 is going in the Democrats' favor. And so why would
3 they be cautious this year when they should have
4 gone max Dem with the map, right?

5 But Bernie says it's durable, so maybe it 14:13:45
6 is, but it doesn't make sense to me why they would
7 draw a durable partisan gerrymander. They should
8 have been more -- they should have taken more risk.

9 Q. And you're aware that the Prop. 50 map
10 would cover the next three elections: '26, '28 and 14:14:02
11 '30?

12 A. Well, but we also thought the last map
13 would cover the next five elections, right? So, you
14 know, who knows? Would it actually cover the next
15 three elections? You know, who's to say? 14:14:18

16 Q. And I think I'm on my last question now.

17 A. Okay.

18 Q. Is it correct to say that your report does
19 not state that race predominated in the drawing of
20 the Prop. 50 map? 14:14:31

21 A. I would say that -- I would repeat my
22 answer, which was if the map maker, whose name now
23 escapes -- Mr. Mitchell.

24 If he wasn't compelled by the Voting
25 Rights Act to draw 16 majority Hispanic districts 14:14:48

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1 but he decided to on his own, then obviously race 14:14:51
2 played a factor, right, in the drawing of his maps.
3 And since you do that first, right, it's like, okay,
4 here's the 16 districts. Now I can draw the other
5 districts. 14:15:05

6 Then you can make an argument that
7 certainly race played a role and may have
8 predominated.

9 Q. But that's based on assumptions. I guess
10 I'm wondering based on the information that you 14:15:17
11 know --

12 A. Based on everything that I know, that's my
13 opinion, that race played a major role and it may
14 have played a predominant role.

15 Q. But you can't say for certain because -- 14:15:32

16 A. How do you measure this? You know, I
17 think this is up for the judges to decide.

18 MS. HASAN: Understood.

19 Okay. Well, I think that's all I have.

20 THE WITNESS: Okay, excellent. 14:15:46

21 MS. HASAN: Thank you very much.

22 THE WITNESS: Thank you. It was nice to meet
23 you. I guess I'll see you next week in California,
24 I suppose.

25 MS. HASAN: That's right. 14:15:55

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1 THE WITNESS: Yeah, okay.

2 MS. HASAN: There will be lots of us.

3 THE WITNESS: Yeah, exactly.

4 MS. HASAM: We can go off the record, Madam
5 Court Reporter.

6 (Whereupon, the proceedings were concluded
7 at 2:51 p.m.)

8 ---oOo---

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THOMAS BRUNELL, Ph.D.

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19 JOB NO. 7780499

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1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing transcript is
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript () was (X) was not requested.

16 I further certify that I am neither
17 financially interested in the action nor a relative
18 or employee of any attorney of any party to this
19 action.

20 IN WITNESS WHEREOF, I have this date
21 subscribed my name.

22 Dated: December 12, 2025

23
24 

25 ANRAE WIMBERLEY, CSR No. 7778

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LALI MADDURI

lmadduri@elias.law

December 12, 2025

RE: Tangipa, David Et Al. v. Newsom, Gavin Et Al.

12/11/2025, Thomas Brunell , Ph.D., (#7780499).

The above-referenced transcript has been

completed by Veritext Legal Solutions and

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___ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext

to schedule a time to review the original transcript at

a Veritext office.

XX Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF

Transcript - The witness should review the transcript and

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The witness should then sign and date the errata and penalty

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___ Waiving the CA Code of Civil Procedure per Stipulation of

Counsel - Original transcript to be released for signature

as determined at the deposition.

___ Signature Waived - Reading & Signature was waived at the

time of the deposition.

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1 ___ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF
2 Transcript - The witness should review the transcript and
3 make any necessary corrections on the errata pages included
4 below, notating the page and line number of the corrections.
5 The witness should then sign and date the errata and penalty
6 of perjury pages and return the completed pages to all
7 appearing counsel within the period of time determined at
8 the deposition or provided by the Federal Rules.
9 ___ Federal R&S Not Requested - Reading & Signature was not
10 requested before the completion of the deposition.

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Tangipa, David Et Al. v. Newsom, Gavin Et Al.

Thomas Brunell , Ph.D. (#7780499)

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(Thomas Brunell , Ph.D.)

Date

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

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

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

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

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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

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In the Matter Of:

DAVID TANGIPA

vs

GAVIN NEWSOM

PAUL H. MITCHELL

December 10, 2025

CERTIFIED COPY

DAVID TANGIPA vs GAVIN NEWSOM
Paul H. Mitchell on 12/10/2025

UNITED STATES DISTRICT COURT
FOR THE
CENTRAL DISTRICT OF CALIFORNIA

--o0o--

DAVID TANGIPA, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	No.
)	2:25-cv-10616-JLS-WLH-
GAVIN NEWSOM, in his)	KKL
official capacity as the)	
Governor of California,)	
et al.,)	
)	
Defendants.)	
)	

CERTIFIED COPY

--o0o--

Videoconferencing Videotaped Deposition of

PAUL H. MITCHELL

Wednesday, December 10, 2025

--o0o--

ARRAY - JOB NO. 103797

Certified Shorthand Reporters

Reported by: LINDA J. HART, CSR License 4357, RMR/CRR

DAVID TANGIPA vs GAVIN NEWSOM
Paul H. Mitchell on 12/10/2025

2

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DAVID TANGIPA vs GAVIN NEWSOM
Paul H. Mitchell on 12/10/2025

3

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DAVID TANGIPA vs GAVIN NEWSOM
Paul H. Mitchell on 12/10/2025

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--o0o--

DAVID TANGIPA vs GAVIN NEWSOM
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1 Exhibit 24 ABC 10 article, "The Next Steps 308
2 in California Democrats' plan to
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DAVID TANGIPA vs GAVIN NEWSOM
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DAVID TANGIPA vs GAVIN NEWSOM
Paul H. Mitchell on 12/10/2025

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1 BE IT REMEMBERED, that on Wednesday, the 10th
2 day of December, 2025, commencing at the hour of 10:08
3 a.m. thereof, at Hansen Bridgett, LLP, 500 Capitol Mall,
4 Suite 1500, Sacramento, California, before me, Linda J.
5 Hart, a Certified Shorthand Reporter, in and for the
6 County of Sacramento, State of California, there
7 personally appeared

8 PAUL H. MITCHELL,
9 called, as a witness, by the Plaintiffs, who, being by
10 me first duly sworn, was thereupon examined and
11 interrogated as hereinafter set forth:

12 THE VIDEOGRAPHER: Good morning. Here begins 10:08:18
13 media number one of the deposition of Paul Mitchell, 10:08:21
14 Volume 1 in the matter of David Tangpia, et al. versus 10:08:25
15 Gavin Newsom, et al., versus -- scratch verse. 10:08:31

16 This case is in the United States District 10:08:36
17 Court for the Central District of California and the 10:08:39
18 case number is 2:25-cv-10616-JLS-WLH-KKL. 10:08:43

19 Today's date is December 10th, 2025 and the 10:08:53
20 time is 10:08 a.m. 10:08:57

21 This deposition is taking place at Hansen 10:09:00
22 Bridgett, LLP, 500 Capitol Mall, Suite 1500, Sacramento, 10:09:04
23 California. The videographer is Nicholas Coulter 10:09:12
24 appearing on behalf of Array Legal Services. 10:09:15

25 Would counsel please identify yourselves and 10:09:19

DAVID TANGIPA vs GAVIN NEWSOM
Paul H. Mitchell on 12/10/2025

12

1	state whom you represent?	10:09:21
2	MS. HAMILL: Julie Hamill, the United States	10:09:22
3	of America.	10:09:24
4	MR. MEUSER: Mark Meuser, Dhillon Law Group on	10:09:25
5	behalf of the plaintiff.	10:09:29
6	MR. WOODS: Clinton Woods from the California	10:09:29
7	Department of Justice on behalf of the State defendants.	10:09:31
8	MR. GREEN: David Green with the California	10:09:34
9	Department of Justice, also on behalf of State entities.	10:09:36
10	MR. ZARONE: Jake Zarone, Hansen Bridgett, on	10:09:40
11	behalf of Mr. Mitchell.	10:09:42
12	MR. MANOLIUS: Kimon Manolius, the same.	10:09:43
13	MS. MADDURI: My name is Lali Madduri from	10:09:43
14	Elias law group on behalf of the democratic	10:09:52
15	congressional committee and I will be joined by my	10:09:56
16	colleague, Christopher Dodge.	10:09:59
17	MR. deNEVERS: Orion deNevers, Arnold and	10:10:02
18	Porter, on behalf of the LULAC defendants.	10:10:03
19	MS. FERNANDEZ-GOLD: Sofiya Fernandez-Gold,	10:10:06
20	Democracy Defenders, on behalf of defendant intervenor	10:10:10
21	LULAC.	10:10:10
22	MR. OSETE: Jesus Osete for the plaintiff	10:10:16
23	intervenor United States of America.	10:10:17
24	MR. RIVERA: Thomas Rivera on behalf of	10:10:22
25	defendant intervenor LULAC.	10:10:24

DAVID TANGIPA vs GAVIN NEWSOM
Paul H. Mitchell on 12/10/2025

13

1	MR. COLOMBO: Michael Colombo on behalf of	10:10:29
2	plaintiffs.	10:10:31
3	THE WITNESS: They keep popping out, there's	10:10:33
4	more and more.	10:10:34
5	MR. AULISI: Dominic Aulisi on behalf of the	10:10:36
6	plaintiffs.	10:10:37
7	THE VIDEOGRAPHER: Would the reporter please	10:10:45
8	swear in the witness?	10:10:46
9	THE REPORTER: Good day. My name is Linda	
10	Hart, Certified Shorthand Reporter No. 4357, from L.J.	
11	Hart & Associates.	
12	Can I ask you to raise your right hand,	
13	please?	
14	Do you solemnly swear to tell the truth, the	
15	whole truth, and nothing but the truth in this matter	
16	now pending?	
17	THE WITNESS: Yes.	10:11:06
18	THE REPORTER: Go ahead.	10:11:08
19	MS. HAMILL: Thank you.	10:11:09
20	EXAMINATION	10:11:09
21	By: JULIE HAMILL, Attorney at Law, counsel on behalf of	10:11:09
22	the Plaintiffs:	10:11:14
23	MR. MANOLIUS: Do you want them up on the	10:11:14
24	screen or --	10:11:16
25	MR. MEUSER: If we could, less delaying right	10:11:16

DAVID TANGIPA vs GAVIN NEWSOM
Paul H. Mitchell on 12/10/2025

14

1	now.	10:11:20
2	MS. HAMILL: Is it okay to proceed while we're	10:11:21
3	working that out.	10:11:22
4	MR. MANOLIUS: Yeah, of course. I had sent	10:11:23
5	you the number I think --	10:11:24
6	MS. HAMILL: Judge.	10:11:25
7	MR. MEUSER: Well, I sent you the Zoom that	10:11:26
8	they are working off of.	10:11:28
9	MR. MANOLIUS: Okay.	10:11:29
10	MR. MEUSER: So what you have got there is	10:11:30
11	your Zoom and what they, you know, what he's working off	10:11:32
12	is the official Zoom so --	10:11:35
13	MR. MANOLIUS: Do you have the other Zoom	10:11:37
14	number?	10:11:39
15	THE WITNESS: Looks like she's doing	10:11:39
16	something.	10:11:42
17	MS. HAMILL: If it's okay I'd like to begin.	10:11:42
18	A Go for it.	10:11:44
19	Q Okay. Thank you for being here today?	10:11:45
20	A Of course.	10:11:47
21	Q You're obviously very popular, Mr. Mitchell?	10:11:47
22	A I can't confirm or deny that.	10:11:50
23	Q Have you had your deposition take taken	10:11:52
24	before?	10:11:54
25	A Once.	10:11:54

DAVID TANGIPA vs GAVIN NEWSOM
Paul H. Mitchell on 12/10/2025

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1	Q	When was that?	10:11:55
2	A	I can't -- I don't know the exact year.	10:11:56
3	Q	10, 20 years ago?	10:11:58
4		MR. MANOLIUS: If you know.	10:12:02
5	A	Ten-ish.	10:12:03
6		MS. HAMILL: Okay. And what was the case	10:12:04
7		about?	10:12:06
8	A	The case was about a CVRA case in Santa	10:12:06
9		Clarita somewhere.	10:12:11
10	Q	Do you remember the case name?	10:12:13
11	A	No.	10:12:14
12	Q	Santa Clarita California Voting Rights Act	10:12:14
13		case?	10:12:18
14	A	Yeah, it was maybe a community college	10:12:18
15		district or something like that.	10:12:20
16	Q	Were you an expert witness?	10:12:21
17	A	No, why you.	10:12:22
18	Q	Were you a percipient witness?	10:12:23
19	A	I don't know the terminology.	10:12:24
20	Q	Did you draw maps in that case?	10:12:26
21	A	I did an analysis jurisdiction.	10:12:28
22	Q	Okay. Who did you do the analysis for?	10:12:30
23	A	I don't recall the exact client.	10:12:33
24	Q	So you had your deposition taken before	10:12:43
25		probably a long time ago, you probably need a little	10:12:45

DAVID TANGIPA vs GAVIN NEWSOM
Paul H. Mitchell on 12/10/2025

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1	refresher?	10:12:47
2	A Please.	10:12:48
3	Q I'm sure your counsel explained to you how	10:12:48
4	this is going to go, we're not in a courtroom but you're	10:12:51
5	under oath so everything you say here is under penalty	10:12:54
6	of perjury. We're going to try to talk slow or speak	10:12:57
7	slowly so that the court reporter can get down	10:13:00
8	everything that is said.	10:13:02
9	(Zoom interruption.)	10:13:06
10	Let's try not to talk over each other and then	10:13:07
11	when you answer my questions, please use words likes	10:13:10
12	"yes" or "no" instead of sounds like uh-huh, huh-uh, or	10:13:13
13	a nod or a shake of the head.	10:13:16
14	Does that make sense?	10:13:18
15	A Yes.	10:13:19
16	Q Perfect. Okay. I'm going to ask you	10:13:20
17	questions. Your attorney is going to object. I also	10:13:23
18	understand that your attorney intends to instruct you	10:13:27
19	not to answer on the grounds of privilege for certain	10:13:30
20	questions unless your attorney instructs you not to	10:13:33
21	answer, you must answer my questions.	10:13:36
22	A (Witness nodding head.)	10:13:38
23	Q Okay. Is there any reason why you can't give	10:13:39
24	your best testimony today?	10:13:41
25	A No. I do have a little bit of a cold but that	10:13:42

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17

1	shouldn't impair me, I have some cough drops.	10:13:46
2	Q Are you taking any medication that would	10:13:48
3	impede your ability to recall events?	10:13:50
4	A No.	10:13:51
5	Q And as the map drawer in this case, I suspect	10:13:52
6	the Judicial Panel is going to have questions for you	10:13:57
7	next week at the preliminary injunction hearing.	10:14:00
8	Are you willing to come down to Los Angeles	10:14:02
9	next week to testify at the preliminary injunction	10:14:05
10	hearing in this case?	10:14:07
11	A I haven't made a decision.	10:14:08
12	MR. MANOLIUS: Yeah, objection. He's not under	10:14:10
13	subpoena, so he doesn't need to answer that now for that	10:14:14
14	proceeding.	10:14:16
15	MR. WOODS: I'd also object that it calls for	10:14:20
16	a legal conclusion.	10:14:21
17	MS. HAMILL Q: I was just asking if you would	10:14:22
18	be willing to come down to testify during the	10:14:24
19	preliminary injunction hearing next week in this case?	10:14:26
20	MR. MANOLIUS: Same objections. All of them.	10:14:29
21	MR. WOODS: Same.	10:14:32
22	THE WITNESS: (Shrugging shoulders.)	10:14:35
23	MS. HAMILL: Is that a yes or a no?	10:14:36
24	A I am not willing to commit to anything.	10:14:37
25	Q Unwilling to commit to anything?	10:14:39

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18

1	A	Thank you.	10:14:41
2	Q	And are you available next Monday?	10:14:41
3		MR. MANOLIUS: Objection, vague. For what?	10:14:45
4		THE WITNESS: I don't know.	10:14:48
5		MS. HAMILL Q: Do you have any travel or work	10:14:48
6		obligations scheduled for next Monday?	10:14:50
7	A	I don't know.	10:14:53
8		MR. MANOLIUS: Objection. Relevance.	10:14:54
9		MS. HAMILL: And would you be available for	10:14:58
10		remote video testimony if not available to travel to Los	10:14:59
11		Angeles next week?	10:15:03
12		MR. MANOLIUS: Same objections.	10:15:04
13		MR. WOODS: Join.	10:15:05
14		MS. HAMILL: Yes or no?	10:15:08
15	A	I don't know.	10:15:09
16	Q	You don't know? And you live in Sacramento,	10:15:10
17		which is more than 100 miles away from Los Angeles; is	10:15:12
18		that correct?	10:15:16
19	A	Yes.	10:15:16
20	Q	When did you first learn about this case?	10:15:18
21		MR. MANOLIUS: Objection. As to what?	10:15:25
22	A	Could you clarify?	10:15:28
23		MS. HAMILL: Do you know why we're here today.	10:15:29
24	A	Yes. You mean the lawsuit. I first learned	10:15:31
25		about the lawsuit when, I don't know, I don't know the	10:15:36

DAVID TANGIPA vs GAVIN NEWSOM
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19

1	exact date, whenever it first popped up.	10:15:40
2	Q Was it before you received your subpoena?	10:15:42
3	A Yes.	10:15:45
4	Q How long before your subpoena?	10:15:47
5	A I don't recall.	10:15:49
6	Q Did you learn about it the day that it was	10:15:50
7	filed?	10:15:52
8	MR. MANOLIUS: Objection, calls for	10:15:52
9	speculation.	10:15:53
10	A I don't have that information.	10:15:59
11	Q So I don't want you to guess or speculate but	10:16:00
12	I am entitled to your best estimate?	10:16:02
13	A My best estimate is that I would have known	10:16:05
14	when it was publicized in the news, but I wouldn't have	10:16:07
15	had knowledge about it before then.	10:16:11
16	Q So you've known about it since November?	10:16:12
17	MR. MANOLIUS: Objection, calls for	10:16:14
18	speculation. He's already said he doesn't know.	10:16:15
19	A I don't recall the exact date. I wouldn't	10:16:18
20	know. I mean, if that's when the case was -- you	10:16:21
21	apparently know the date that it was filed so whenever	10:16:24
22	the date it was filed or whenever it was publicized in	10:16:26
23	the news, I'm up-to-date in the news so whenever it was	10:16:29
24	filed in the news is when I would have known about it.	10:16:31
25	Q And so when I say the phrase Prop 50 map do	10:16:33

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1	you understand what I'm referring to?	10:16:37
2	A Yes.	10:16:39
3	Q What is your understanding of that?	10:16:39
4	A It is the map that was approved by voters on	10:16:41
5	the ballot on the November election.	10:16:43
6	Q Okay.	10:16:46
7	(Whereupon Plaintiff's Exhibit 1	10:16:46
8	was marked for identification.)	10:16:46
9	MS. HAMILL: Okay. I am marking as Exhibit 1	10:17:05
10	the subpoena to Paul Mitchell to testify at a deposition	10:17:11
11	in a civil action. This was dated for a December 5th	10:17:13
12	appearance and it was issued on November 26th. And all	10:17:24
13	the counsel on the line received a copy of this via an	10:17:37
14	e-mail. Have you seen this document before? Your	10:17:42
15	counsel --	10:17:54
16	A This looks like a document I received.	10:17:55
17	Q And when did you receive it?	10:17:56
18	A I don't recall the exact date I received it.	10:17:58
19	It was on two different dates.	10:18:04
20	Q You received a subpoena on two different	10:18:07
21	dates?	10:18:10
22	A Yes.	10:18:11
23	Q When? Do you know what dates?	10:18:13
24	A Maybe twice on Monday, two different servings.	10:18:14
25	Q I am going to mark as Exhibit 2 the proof of	10:18:19

DAVID TANGIPA vs GAVIN NEWSOM
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21

1	service of subpoena.	10:18:21
2	(Whereupon Plaintiff's Exhibit 2	10:18:21
3	was marked for identification.)	10:18:21
4	THE WITNESS: No, not 5-foot-7 inches. I	10:18:35
5	object to being five foot seven inches in this	10:18:35
6	declaration.	10:18:44
7	MR. WOODS: Object to that.	10:18:44
8	MS. HAMILL: And how tall --	10:18:47
9	A 180 pounds. Mark, you can be bad.	10:18:47
10	MR. MEUSER: I didn't do that. I didn't do	10:18:49
11	that.	10:18:51
12	MS. HAMILL Q: And how tall are you	10:18:51
13	Mr. Mitchell?	10:18:53
14	A 5'10".	10:18:53
15	Q And do you live at 545 Wilhaggen Drive?	10:18:55
16	A Yes.	10:18:58
17	Q Have you seen this document before?	10:18:58
18	A No.	10:19:00
19	Q We'll mark as Exhibit 3 subpoena to testify at	10:19:01
20	a deposition in a civil action, and this is with a date	10:19:17
21	of December 10th, 2025, which is today's date.	10:19:20
22	(Whereupon Plaintiff's Exhibit 3	10:19:20
23	was marked for identification.)	10:19:31
24	MR. WOODS: Sorry, counsel. Shouldn't he be	10:19:31
25	referring to the exhibits that you're marking rather	10:19:33

DAVID TANGIPA vs GAVIN NEWSOM
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22

1	than the counsel copy?	10:19:36
2	MS. HAMILL: Sure.	10:19:41
3	MR. WOODS: That's just --	10:19:43
4	MS. HAMILL: If that's how you want to play.	10:19:45
5	Q Have you seen this document before,	10:19:46
6	Mr. Mitchell?	10:19:48
7	A Yes, I believe so.	10:19:49
8	Q And is this the document that reflects the	10:19:52
9	meeting location and the time of the deposition today?	10:19:55
10	A Yes, it does look like that.	10:19:57
11	Q Okay. And can you look down to the second	10:19:59
12	check mark on this document is for production. Have you	10:20:04
13	seen this before?	10:20:13
14	MR. MANOLIUS: The check mark.	10:20:15
15	MS. HAMILL Q: The section of the document	10:20:16
16	that says "production" and the text that follows.	10:20:18
17	A I've seen something that looks like this, yes.	10:20:22
18	Q Okay. So it says your files, including	10:20:25
19	without limitation all correspondence, memoranda,	10:20:27
20	analysis, reports, tables, figures, charts, invoices,	10:20:30
21	slide decks, talking points, electronic maps and data	10:20:36
22	files and other documents relating to your conception	10:20:40
23	drafting revision analysis or presentation of the	10:20:44
24	California congressional map placed on the November 2025	10:20:48
25	ballot as Proposition 50.	10:20:51

DAVID TANGIPA vs GAVIN NEWSOM
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23

1	Have you seen that before?	10:20:54
2	A Yes.	10:20:57
3	Q And did you endeavor to find the documents	10:20:57
4	requested in this subpoena?	10:21:01
5	MR. MANOLIUS: Objection, attorney-client	10:21:02
6	privilege. Don't answer the question.	10:21:04
7	MS. HAMILL: So you won't tell me if you	10:21:08
8	looked for the documents.	10:21:10
9	MR. MANOLIUS: I am telling you that we have,	10:21:12
10	his counsel has been engaged in a search for documents.	10:21:15
11	MS. HAMILL: Thank you.	10:21:19
12	MR. MANOLIUS: I also note that we issued an	10:21:23
13	objection very late last evening or late after the	10:21:25
14	midnight with regard to that.	10:21:28
15	THE REPORTER: When you mark the exhibits	10:21:31
16	don't cover up any writing with the sticker.	10:21:45
17	MS. HAMILL Q: So you were the owner of	10:21:47
18	Redistricting Partners, LLC; correct?	10:21:49
19	A Yes.	10:21:51
20	Q And you're also the agent for service?	10:21:51
21	A I don't know what that term is.	10:21:54
22	Q And Redistricting Partners principal address	10:21:57
23	is your home; correct?	10:21:59
24	A It's either my home or my accountant's office.	10:22:03
25	I don't know which one.	10:22:06

1	Q	And Liz Stitt serves as chief administrative	10:22:07
2		officer and senior line drawer with Redistricting	10:22:10
3		Partners?	10:22:13
4	A	No.	10:22:13
5		MR. MANOLIUS: Objection, vague as to time.	10:22:13
6		You can answer.	10:22:15
7		THE WITNESS: She is in England right now so	10:22:17
8		she left our, she left as an employee in sometime in the	10:22:19
9		summer. I don't know exactly when.	10:22:24
10		MS. HAMILL: And she does contract work for	10:22:28
11		you; correct?	10:22:29
12	A	No. Right now she's working in England so she	10:22:30
13		doesn't have an employment contract with us of any kind.	10:22:33
14	Q	Have you worked with Miss Stitt at all on the	10:22:36
15		Proposition 50 maps?	10:22:39
16		MR. MANOLIUS: Objection, legislative	10:22:40
17		privilege. You don't have to answer. Don't answer.	10:22:43
18		MS. HAMILL Q: So you're asserting a	10:22:46
19		legislative privilege to the question of whether Liz	10:22:52
20		Stitt worked with you at all on Proposition 50 maps.	10:22:56
21		MR. MANOLIUS: She is not on -- actually, let	10:22:59
22		me correct that.	10:23:02
23		You can certainly ask if she was in	10:23:02
24		communication with Mr. Mitchell regarding this project.	10:23:04
25		I believe the answer is no, but you can ask that	10:23:07

DAVID TANGIPA vs GAVIN NEWSOM
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25

1	question and he'll answer.	10:23:10
2	THE WITNESS: Yes. Sorry. Yes, she was.	10:23:12
3	MS. HAMILL Q: So Liz Stitt was in	10:23:15
4	communication with you regarding this project?	10:23:17
5	A Yes.	10:23:19
6	Q Which means the Proposition 50 maps?	10:23:19
7	A Yes.	10:23:24
8	Q Are there any other members of the	10:23:24
9	Redistricting Partners team?	10:23:25
10	MR. MANOLIUS: Of any kind?	10:23:30
11	MS. HAMILL: Let's say from July 2025 to the	10:23:31
12	present.	10:23:33
13	MR. MANOLIUS: Okay.	10:23:34
14	THE WITNESS: Can I ask you a clarification.	10:23:36
15	MS. HAMILL: Yes, you may.	10:23:39
16	A Okay. So the fact is Liz -- Redistricting	10:23:40
17	Partners has no employees. Liz Stitt was the last	10:23:45
18	employee so when you say Redistricting Partners' team	10:23:47
19	can you clarify what you mean by that?	10:23:50
20	Q Have you heard of Evan McLaughlin?	10:23:51
21	A Yes.	10:23:54
22	Q And Joe Armenta?	10:23:55
23	A Yes.	10:23:57
24	Q And Jacob Thomas Fisher?	10:23:57
25	A Thompson.	10:23:57

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1	Q	Thompson-Fisher?	10:23:57
2	A	Yes.	10:23:59
3	Q	Stacey Reardon?	10:23:59
4	A	Yes.	10:24:00
5	Q	And those people worked with you to help you	10:24:01
6		draw maps?	10:24:02
7		MR. MANOLIUS: Objection, compound. You can	10:24:04
8		answer.	10:24:06
9		MR. WOODS: Vague.	10:24:07
10		THE WITNESS: Do you want to split out the	10:24:07
11		people a little bit? The first three do but Stacey	10:24:09
12		Reardon didn't help draw any maps.	10:24:15
13		MS. HAMILL Q: And did you direct their work?	10:24:21
14	A	Yes.	10:24:23
15	Q	So is it fair to say that you drew the Prop 50	10:24:25
16		maps?	10:24:30
17		MR. MANOLIUS: Objection, calls for	10:24:30
18		information that's privileged under legislative	10:24:32
19		privilege. I instruct you not to answer.	10:24:34
20		MS. HAMILL Q: And in asserting that	10:24:36
21		legislative privilege I need to understand the	10:24:38
22		circumstances under which you're asserting it. So were	10:24:43
23		you under contract with the California Legislature to	10:24:47
24		draw the Proposition 50 maps?	10:24:50
25		MR. MANOLIUS: Objection, vague as to time.	10:24:52

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1	MS. HAMILL: Ever, at any time.	10:24:55
2	A No.	10:24:58
3	MS. HAMILL Q: Were you under contract with	10:24:58
4	any particular legislator to draw the Proposition 50	10:25:00
5	maps?	10:25:04
6	MR. MANOLIUS: Objection, vague as to under	10:25:04
7	contract. You mean in a paid capacity, is that what	10:25:06
8	you're asking?	10:25:08
9	MS. HAMILL: Under any contract, paid or	10:25:09
10	unpaid.	10:25:11
11	MR. WOODS: Objection, calls for a legal	10:25:14
12	conclusion. You can answer if you can.	10:25:16
13	MR. MANOLIUS: And vague.	10:25:17
14	A I don't know what an unpaid contract means, so	10:25:18
15	if you're saying was I -- I was not paid by anybody in	10:25:23
16	the legislature to draw the map.	10:25:30
17	MS. HAMILL Q: Did you have an agreement with	10:25:32
18	someone in the legislature to draw the Proposition 50	10:25:33
19	maps?	10:25:37
20	MR. MANOLIUS: Objection, vague as to the term	10:25:37
21	agreement.	10:25:38
22	A If you can define that.	10:25:39
23	MS. HAMILL Q: You want me to define	10:25:41
24	agreement?	10:25:42
25	A Well, I mean, is agreement a direction or is	10:25:43

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1 agreement a passive you're the one doing it. 10:25:47

2 Q Did anyone in the Legislature ask you to draw 10:25:51

3 the Proposition 50 maps? 10:25:54

4 MR. MANOLIUS: Objection, calls for 10:25:58

5 information that's protected under the legislative 10:25:59

6 privilege. Don't answer. 10:26:02

7 MS. HAMILL Q: Can you please explain to me on 10:26:04

8 what grounds Mr. Mitchell is invoking this privilege? 10:26:06

9 He is not a member of the Legislature so I am very 10:26:11

10 confused as to how this applies to his work. 10:26:14

11 MR. MANOLIUS: I've read the cases so no, I am 10:26:17

12 not going to explain it here or we've made our 10:26:23

13 objection. 10:26:28

14 MS. HAMILL: There's -- we are entitled to a 10:26:29

15 factual explanation of how this privilege would even 10:26:31

16 remotely apply to this work. We don't have any 10:26:34

17 understanding that Mr. Mitchell was working for the 10:26:37

18 Legislature, is a legislator or would be in any way 10:26:39

19 entitled to invoke this privilege. 10:26:44

20 MR. MANOLIUS: We disagree with you. He is -- 10:26:46

21 his, his work went to the Legislature and so in that 10:26:53

22 regard the provide earrings of that work and of any 10:27:04

23 comments to him are, their comments are protected under 10:27:09

24 the Legislature under the legislature. 10:27:14

25 MS. HAMILL: The comments. When did your work 10:27:18

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1	go to the Legislature.	10:27:20
2	MR. MANOLIUS: Objection, vague. If you know.	10:27:21
3	THE WITNESS: I think that there's different	10:27:22
4	ways to characterize the process of going to the	10:27:29
5	Legislature, either the public, there was at some date I	10:27:33
6	don't recall exactly the date the DCCC submitted the	10:27:38
7	through the portal and official capacity was sent to the	10:27:41
8	Legislature at that point. If there's further questions	10:27:45
9	aside from that.	10:27:49
10	MS. HAMILL: So -- your counsel sent an e-mail	10:27:51
11	about one o'clock this morning asserting that you will	10:27:54
12	not testify about your work on the maps starting	10:27:58
13	July 2nd. And so I'm trying to understand the	10:28:04
14	significance of this date if you submitted the maps to	10:28:09
15	the Legislature the DCCC submitted the maps to the	10:28:11
16	Legislature August 15th.	10:28:15
17	MR. MANOLIUS: Okay. Oh objection, lacks	10:28:17
18	foundation, but you can certainly talk about July 2nd.	10:28:19
19	A That was a meeting with the chief of staff and	10:28:22
20	the speaker on a bike path.	10:28:25
21	MS. HAMILL Q: Did you catch that?	10:28:27
22	A It was a meeting with the chief of staff and	10:28:28
23	the speaker.	10:28:31
24	Q You're a fast talker.	10:28:31
25	A So sorry.	10:28:32

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1	Q	It's okay for me.	10:28:34
2	A	Yeah. Yeah.	10:28:35
3	Q	But we need to slow it down so that the court	10:28:35
4		reporter can make a clear record.	10:28:38
5	A	Yeah.	10:28:39
6	Q	So you on July 2nd you had a meeting with the	10:28:40
7		chief of staff of the speaker, is it Rivas?	10:28:43
8	A	Rivas is chief of staff.	10:28:48
9	Q	Rivas is chief of staff on July 2nd. And you	10:28:50
10		didn't enter into a contract?	10:28:56
11		MR. WOODS: Objection, calls for a legal	10:28:59
12		conclusion.	10:29:01
13		MR. MANOLIUS: And also vague as to time.	10:29:01
14		MS. HAMILL Q: You didn't enter into an	10:29:03
15		agreement.	10:29:06
16		MR. MANOLIUS: Same thing.	10:29:06
17		MR. WOODS: Same objections.	10:29:07
18		MS. HAMILL: And we're pretending that we	10:29:08
19		don't know what "agreement" means.	10:29:10
20	A	I don't know if agreement means understanding	10:29:11
21		or agreement means a service that I'm required or	10:29:13
22		obligated to perform.	10:29:18
23		MS. HAMILL: How about an understanding.	10:29:19
24	A	Yes, an understanding.	10:29:20
25	Q	An understanding on July 2nd that you would be	10:29:22

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1	undertaking to draw the Prop 50 maps?	10:29:24
2	MR. MANOLIUS: Objection, misstates his	10:29:27
3	testimony. You can answer.	10:29:28
4	A Misstates that I would draw maps.	10:29:30
5	MS. HAMILL: That you would draw maps.	10:29:32
6	A (Witness nodding head.)	10:29:34
7	Q What kind of maps?	10:29:34
8	A Statewide congressional maps.	10:29:36
9	Q And so that understanding was reached on	10:29:39
10	July 2nd?	10:29:41
11	A (Witness nodding head.)	10:29:44
12	Q Is that correct?	10:29:46
13	A Yes.	10:29:46
14	Q Report report your answer?	10:29:48
15	MS. HAMILL Q: So you listed a number of	10:29:51
16	people earlier. You listed Eric McLaughlin, Joe	10:29:53
17	Armenta, Jacob Thompson-Fisher.	10:30:00
18	Was there anyone else involved in drawing the	10:30:01
19	maps?	10:30:03
20	MR. MANOLIUS: Objection, lacks foundation and	10:30:05
21	calls for speculation. You mean at Redistricting	10:30:07
22	Partners or anywhere else.	10:30:11
23	MS. HAMILL Q: With respect to your work on	10:30:12
24	the proposition 50 maps, was there anyone else involved	10:30:16
25	on your team?	10:30:19

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1	A	Team being an abstract term of like all the	10:30:21
2		former employees of Redistricting Partners that might	10:30:25
3		come together to help draw this whether they were paid	10:30:28
4		or not?	10:30:30
5	Q	Yes?	10:30:31
6	A	Daniel Lopez. I'm not trying to play hide the	10:30:31
7		ball on anything, but I can't recall other names but	10:30:41
8		there might have been somebody else that kind of the	10:30:43
9		extended team that had some input at some point. Those	10:30:46
10		are the ones that come to mind. If the another one	10:30:49
11		comes to mind I can tell you later so --	10:30:52
12	Q	And can you walk me through the process of	10:30:54
13		drawings the Proposition 50 maps?	10:30:57
14		MR. MANOLIUS: Objection, calls for information	10:30:58
15		that's protected under the Legislative privilege. I	10:31:00
16		instruct you not to answer.	10:31:03
17		MS. HAMILL Q: What factors did you consider	10:31:05
18		while you were drawing the Proposition 50 maps.	10:31:07
19		MR. MANOLIUS: Same objections. Don't answer.	10:31:09
20		MS. HAMILL Q: What was your methodology that	10:31:13
21		you used to draw the Proposition 50 maps?	10:31:16
22		MR. MANOLIUS: Same objection, don't answer the	10:31:18
23		question.	10:31:20
24		MS. HAMILL Q: What redistricting platform do	10:31:21
25		you use?	10:31:24

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1	MR. MANOLIUS: Objection, vague as to time.	10:31:24
2	MS. HAMILL: At any time.	10:31:27
3	MR. MANOLIUS: Is that like a -- you mean like	10:31:29
4	computer program? I am just not very techie.	10:31:31
5	MS. HAMILL: I'll ask the witness. Do you	10:31:34
6	understand what I mean when I say --	10:31:35
7	A (Witness nodding head.) Yes, I understand.	10:31:37
8	MS. MANOLIUS: I am sorry.	10:31:39
9	MS. HAMILL: There's no instruction not to	10:31:39
10	answer.	10:31:43
11	MR. MANOLIUS: You can answer.	10:31:44
12	THE WITNESS: There are multiple programs we	10:31:46
13	use, one the primary programs we use is kind of an in	10:31:48
14	house program, I almost couldn't really define it, but	10:31:52
15	Maptitude is one of the other programs that we use,	10:31:55
16	QGIS. We have at times had employees use State	10:31:59
17	redistricting maps just because it's easy and accessible	10:32:04
18	to experiment with something, and then of course normal	10:32:07
19	programs; Excel, Access, database programs, Tableau.	10:32:11
20	Q Do you have a favorite program?	10:32:16
21	MR. MANOLIUS: Objection. Vague as to reason,	10:32:19
22	but --	10:32:22
23	A It depends on the use. My favorite program is	10:32:22
24	probably our internal program that allows us to produce	10:32:25
25	maps quickly.	10:32:29

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1	MS. HAMILL Q: Is that something that is	10:32:30
2	proprietary to you something that you created.	10:32:31
3	A Absolutely, created from scratch.	10:32:34
4	Q Is it similar to a Maptitude or a -- to a	10:32:36
5	state redistricting map?	10:32:39
6	MR. MANOLIUS: Objection, vague. Go ahead.	10:32:40
7	A It -- if you have seen Redistricting Partners	10:32:42
8	map they have a certain look to them. They all look the	10:32:45
9	same, it's the program that does that, it's the program	10:32:49
10	that makes the maps from a shape file.	10:32:51
11	Q Okay. Does it have a name?	10:32:55
12	A Syzygy.	10:32:57
13	Q Sygyzy. Sorry. How do you spell that?	10:32:59
14	A SYGYZY; is that correct.	10:33:01
15	Q Is sounds a little like KIWSI, you know it if	10:33:05
16	you see it?	10:33:08
17	A No, there you go. No. Sygyzy is some obscure	10:33:08
18	word that Jacob Thompson-Fisher liked and so that's what	10:33:13
19	he calls it.	10:33:18
20	Q So what data was available to you while you	10:33:20
21	were drawing the Proposition 50 map?	10:33:25
22	MR. MANOLIUS: Same objection, don't answer the	10:33:28
23	question.	10:33:30
24	MS. HAMILL: And just to clarify you're	10:33:30
25	objecting on the grounds of legislative privilege.	10:33:33

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1	MR. MANOLIUS: Yes, I am sorry. Legislative	10:33:36
2	privilege.	10:33:38
3	MS. HAMILL Q: And what inputs go into the	10:33:38
4	data that you use or went into the data that you used to	10:33:40
5	draw the Proposition 50 maps.	10:33:44
6	MR. MANOLIUS: Same objection. I instruct you	10:33:46
7	not to answer.	10:33:48
8	MS. HAMILL Q: Where do you get your data when	10:33:49
9	you're drawing maps.	10:33:51
10	MR. MANOLIUS: Objection, vague as to what maps	10:33:52
11	when.	10:33:54
12	MS. HAMILL: There's no instruction.	10:33:58
13	A Oh.	10:33:59
14	MR. MANOLIUS: As a general manner.	10:34:00
15	A It depends on the client.	10:34:03
16	In California the law requires you to use the	10:34:06
17	statewide database. In other states we use just raw	10:34:09
18	census. And then if we were looking at other data for	10:34:16
19	other purposes there's other sources.	10:34:20
20	I am vice president of a company called	10:34:21
21	Political Data so we don't really use that data much at	10:34:23
22	all but if we were, we would use that for my other	10:34:27
23	company.	10:34:30
24	Q Is that PDI?	10:34:30
25	A Uh-huh.	10:34:31

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1	THE REPORTER: Yes?	10:34:33
2	THE WITNESS: Yes, it is. Sorry.	10:34:35
3	MS. HAMILL: Thank you.	10:34:35
4	THE WITNESS: And I'm sure there are other	10:34:38
5	sources, like there's -- forget the name. There's a	10:34:39
6	national redistricting data site that use public, other	10:34:47
7	public sources of data.	10:34:52
8	MS. HAMILL: And in California, do you produce	10:34:53
9	the political data or do buy it?	10:34:54
10	MR. MANOLIUS: Objection, vague as to time and	10:34:57
11	under what circumstance. You can answer.	10:34:59
12	THE WITNESS: When I use Political Data the	10:35:02
13	two main sources would be the statewide database and the	10:35:07
14	other source would be PDI.	10:35:10
15	Q And the statewide data base is free; correct?	10:35:14
16	A Yes.	10:35:17
17	Q Do you use consumer data?	10:35:19
18	MR. MANOLIUS: Objection, vague, as a general	10:35:23
19	matter.	10:35:26
20	A No, I have never used consumer data in any	10:35:27
21	redistricting project that I recall.	10:35:31
22	MS. HAMILL Q: Does any of the data that you	10:35:33
23	use have racial assumptions built in.	10:35:35
24	MR. MANOLIUS: Objection, vague as to when and	10:35:38
25	under what circumstances and what project.	10:35:40

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1 THE WITNESS: Could you clarify racial 10:35:43
2 assumptions, what you mean by that? 10:35:45

3 MS. HAMILL: Does it have a meaning to you 10:35:49
4 when I say racial assumptions? 10:35:51

5 A That seems overly broad potentially. The data 10:35:53
6 that I use includes data on race, if that's what you're 10:35:56
7 asking. 10:36:00

8 Q Okay. And what does that look like? 10:36:00

9 MR. MANOLIUS: Again, vague as to time and 10:36:03
10 project. 10:36:05

11 A Generally, census data is in two parts. You 10:36:07
12 have geography and you have data, meaning the counts, 10:36:11
13 and so the data would look like numbers assigned to 10:36:16
14 geographies and then when those two are put together you 10:36:19
15 can use that in redistricting. 10:36:23

16 Q And so do you work with CVAP for certain 10:36:25
17 racial groups and then put that into geography, 10:36:29
18 generally? 10:36:33

19 MR. MANOLIUS: Objection, vague as to time and 10:36:34
20 project. If -- I guess at any time. 10:36:35

21 A In general, we use the CVAP data that's 10:36:40
22 adjusted by the statewide database that's considered an 10:36:45
23 adjusted data set and that's updated most recent data 10:36:48
24 set we would be using at any time. 10:36:52

25 Q And you adjust it is to eliminate the prison 10:36:54

1 **population; is that right?**

10:36:57

2 A The prison population reallocation. It
3 doesn't eliminate the prison population, it just moves
4 them in the different sense of smart groups.

10:36:57

10:37:00

5 **Q Oh, it does?**

6 A Yeah. So, like, if some place has 120 people
7 but the prison population says four people were living
8 there when they were arrested, it now has 120 more
9 people.

10 **Q Oh, interesting.**

11 A Yeah, that's a redistricting.

10:37:15

12 **Q Do you ever decide the election results from**
13 **precincts and match them to census blocks?**

10:37:28

10:37:30

14 MR. MANOLIUS: Objection. Vague. I don't
15 understand the question.

10:37:32

10:37:33

16 MR. WOODS: Joine.

10:37:34

17 A Basically, I can talk? Yes.

10:37:36

18 MS. HAMILL Q: How do you do that?

10:37:38

19 A It's technical, but generally what you do is
20 you take a precinct and you disaggregate that precinct
21 data down to the census blocks based on a weighting.

10:37:41

10:37:47

10:37:55

22 Oftentimes the weighting is how many people
23 are in those census blocks or how much -- what the CVAP
24 total population is in that census block or what the
25 total voter count is.

10:38:00

10:38:01

10:38:16

10:38:19

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1 (Reporter clarification.) 10:38:19

2 In that census block. So if we had a hundred 10:38:21

3 votes cast and we needed to assign it to five census 10:38:26

4 blocks and every census block had 20 people then we 10:38:30

5 would assign it like that. 10:38:34

6 If every census block had one-fifth of the 10:38:35

7 population we would assign it like that. 10:38:38

8 However, if one census block had a half of the 10:38:40

9 population, one census block had a third of the 10:38:43

10 population, the next census block had a sixth of the 10:38:46

11 population and the other two were blank, we would then 10:38:50

12 not assign votes to this blank census blocks, we would 10:38:53

13 assign the votes to the populated census blocks at the 10:38:55

14 appropriate ratio of the weighted field. So that is a 10:38:58

15 technical answer. 10:39:06

16 **Q Does vote by mail impact your data in any way?** 10:39:13

17 MR. WOODS: Objection. Ambiguous. 10:39:17

18 MR. MANOLIUS: Objection, vague as to time and 10:39:17

19 project. 10:39:19

20 **A** One critical way that vote by mail can impact 10:39:19

21 is that when counties report both by mail data in 10:39:23

22 election results separately from the total votes cast in 10:39:26

23 one area, there was an election maybe going black like 10:39:30

24 2008 where some counties didn't report like there wasn't 10:39:35

25 the total vote but there was the vote by mail vote, 10:39:40

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1	things like that, there were irregularities, that's the	10:39:44
2	only kind of thing. Generally we just go with the total	10:39:47
3	vote layer, as long as it's there, with the exception of	10:39:49
4	one very strange old election result there's, it's	10:39:52
5	always been fine. We don't worry. The vote by mail	10:39:56
6	doesn't impact it.	10:40:00
7	Q So we received some documents from the DCCC	10:40:06
8	in the case. Are you familiar with the DCCC?	10:40:10
9	A Yes.	10:40:12
10	Q And in these documents they shared some	10:40:13
11	communications between you and people with the DCCC.	10:40:15
12	Have you seen those documents?	10:40:19
13	A No.	10:40:20
14	Q Have you been in contact with the lawyers for	10:40:21
15	the DCCC?	10:40:23
16	A Not that I'm aware of.	10:40:25
17	Q And so in these communications they represent	10:40:27
18	that the DCCC liked the Proposition 50 map that you drew	10:40:33
19	and so I'm wondering, was there a request for proposals	10:40:38
20	himself from the DCCC for the Proposition 50 map?	10:40:41
21	MR. MANOLIUS: Objection. Lacks foundation.	10:40:45
22	MR. WOODS: Join.	10:40:48
23	MR. MANOLIUS: Vague as to time. And I am not	10:40:48
24	sure what you mean by like it, but you can answer.	10:40:51
25	A Could you repeat the question?	10:40:55

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1	Q	Was there a request for proposals?	10:40:56
2	A	No.	10:40:59
3	Q	There was no request for proposals from the	10:41:00
4		DCCC for a Prop 50 map?	10:41:03
5	A	No. And a suggestion would be that we didn't	10:41:06
6		know what Prop 50 was when we were drawing the maps, so	10:41:09
7		you might --	10:41:13
8		MS. HAMILL: Okay. That's a good	10:41:13
9		clarification to make because early when I said when I	10:41:14
10		was trying to sort of establish what we're going to be	10:41:18
11		discussing, when I talk about the Proposition 50 map I'm	10:41:21
12		also talking about the maps that you drew to get there	10:41:25
13		because nobody knew it was called Prop 50 until it	10:41:27
14		actually got to the ballot; right?	10:41:31
15		MR. MANOLIUS: Objection, calls for	10:41:32
16		speculation, lacks foundation. You can answer.	10:41:34
17	A	Further, we didn't know we were doing a ballot	10:41:37
18		measure necessarily.	10:41:40
19	Q	Okay.	10:41:41
20	A	Or even doing a map that would be real	10:41:42
21		necessarily.	10:41:44
22	Q	Because it started off as a bluff; correct?	10:41:45
23	A	(Witness nodding head.)	10:41:47
24		MR. MANOLIUS: Objection, calls for	10:41:48
25		information that is protected by the legislative	10:41:52

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1	privilege. Don't answer the question.	10:41:54
2	MS. HAMILL Q: Okay. So let me rephrase. Was	10:41:56
3	there a request for proposals from the DCCC to draw a	10:41:59
4	new congressional map for California in the summer of	10:42:03
5	2025?	10:42:08
6	MR. MANOLIUS: To Mr. Mitchell?	10:42:10
7	MS. HAMILL: No, just a request for proposals	10:42:12
8	issued that you were are aware.	10:42:14
9	MR. MANOLIUS: Oh.	10:42:16
10	A I am not aware of that at all.	10:42:17
11	MS. HAMILL: Was there a request for proposals	10:42:18
12	from the State of California to draw a new congressional	10:42:20
13	map for the State of California in the summer of 2025?	10:42:23
14	MR. MANOLIUS: To the extent communications	10:42:27
15	were with the Legislature and then we will assert the	10:42:32
16	legislative privilege, don't answer the question. If	10:42:35
17	there's somebody else made a request of you you can	10:42:37
18	answer.	10:42:40
19	THE WITNESS: Nobody made a request to me in	10:42:41
20	an official capacity in a way like a request for	10:42:44
21	proposal. Sorry to go fast. Nobody -- let me revise	10:42:46
22	that. I never saw a request for proposal to draw maps	10:42:51
23	from any entity.	10:42:56
24	MS. HAMILL Q: How did you end up in	10:42:58
25	communication with the DCCC regarding this map that	10:43:01

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1	became the Prop 50 map?	10:43:05
2	MR. MANOLIUS: Objection, lacks foundation,	10:43:08
3	calls for speculation and vague as to time. Go ahead.	10:43:09
4	A Could you repeat the question, please.	10:43:14
5	MS. HAMILL: Would you mind repeating it for	10:43:16
6	me?	10:43:17
7	(Whereupon the record was read as	10:43:17
8	follows: "Question: ")	10:43:17
9	MR. WOODS: Objection, lacks foundation.	10:43:31
10	MR. MANOLIUS: I renew my objection.	10:43:33
11	A My answer is I don't recall.	10:43:36
12	THE REPORTER: Your answer.	10:43:41
13	A I don't recall.	10:43:42
14	MS. HAMILL:	10:43:44
15	(Whereupon Plaintiff's Exhibit 4	10:43:44
16	was marked for identification.)	10:44:12
17	MS. HAMILL: I am marking for identification	10:44:12
18	as Exhibit 4 the DCCC response to plaintiff's first set	10:44:18
19	of interrogatories. Have you seen this document before.	10:44:26
20	A No.	10:44:39
21	Q I want to direct your attention to page one	10:44:40
22	and take a minute to review it.	10:44:53
23	A Okay.	10:44:55
24	MR. MANOLIUS: The whole page.	10:44:58
25	MS. HAMILL: Yes.	10:44:59

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1	MR. MANOLIUS: Okay.	10:45:01
2	THE WITNESS: So interrogatory number one the	10:45:06
3	words here that means that's what they were asked.	10:45:09
4	MR. MANOLIUS: The way it works is a question	10:45:11
5	and a response.	10:45:13
6	A The response. All right.	10:45:13
7	MR. MANOLIUS: And we are stopping at the	10:45:59
8	bottom of the page.	10:46:02
9	MS. HAMILL: Yes.	10:46:03
10	MR. MANOLIUS: Because the response continues,	10:46:03
11	it says line 16 on page 2.	10:46:05
12	MS. HAMILL: And if you'd prefer to review the	10:46:08
13	entire response to interrogatory number one, that	10:46:11
14	continues on the next page, feel free to do that.	10:46:13
15	A Okay.	10:46:16
16	MR. MANOLIUS: We'll just start with the first	10:46:17
17	part.	10:46:19
18	A Okay. I stopped at the bottom of one.	10:46:23
19	MS. HAMILL: Okay. And so if you look at page	10:46:25
20	one, line 19, the sentence that begins in the middle of	10:46:28
21	line 19 says, the DCCC reviewed an initial draft of the	10:46:32
22	map for the first time on August 3rd, 2025, and called	10:46:36
23	it the draft map. And then it says DCCC liked the draft	10:46:41
24	map. Do you see that?	10:46:45
25	A Yes.	10:46:47

1	Q	Does that refresh your recollection about how	10:46:48
2		you first got in touch with the DCCC regarding the map?	10:46:51
3		MR. MANOLIUS: Objection. Vague as to time,	10:46:55
4		lacks foundation. You can answer what you know.	10:46:57
5		THE WITNESS: No, it doesn't refresh my	10:47:01
6		memory, because the question here is about when they	10:47:04
7		first saw the map.	10:47:07
8		MS. HAMILL Q: Did you provide a copy of the	10:47:09
9		map to the DCCC on August 3rd.	10:47:11
10	A	I have no reason to disbelieve what they have	10:47:15
11		written, but I don't recall.	10:47:18
12	Q	Can you please turn to the next page?	10:47:20
13	A	(Witness complied.)	10:47:25
14	Q	And review the second part of the DCCC	10:47:28
15		response to interrogatory number one.	10:47:33
16	A	The first paragraph.	10:47:57
17		MR. MANOLIUS: Through line 16.	10:47:58
18		MS. HAMILL: Correct. Thank you.	10:48:01
19	A	Okay.	10:48:02
20	Q	Yes.	10:48:04
21	Q	Okay. So according to DCCC in these	10:48:24
22		interrogatory responses, they looked at a draft map that	10:48:29
23		you drew on August 3rd and then they recommended some	10:48:33
24		changes to it, and then August 14th is when your revised	10:48:36
25		map was submitted to the State Legislature. Does that	10:48:43

1	reflect your recollection of how this all transpired?	10:48:47
2	MR. MANOLIUS: Objection, compound objection,	10:48:50
3	to the extent you're misstating the document.	10:48:53
4	And let me add objection, lacks foundation,	10:48:56
5	calls for speculation.	10:48:58
6	MS. MADDURI: Join. Yes. This is Lali	10:49:03
7	Madduri. I represent the DCCC.	10:49:11
8	THE REPORTER: Thank you.	10:49:13
9	MS. HAMILL: Is there --	10:49:17
10	MR. MANOLIUS: Can you read the question back?	10:49:18
11	I am sorry. I lost track.	10:49:19
12	(Whereupon the record was read as	10:49:19
13	follows: "Question: ")	10:49:43
14	MR. MANOLIUS: Objection. Lacks foundation,	10:49:43
15	calls for speculation and as to the substance of the any	10:49:45
16	changes, I instruct you not to answer under legislative	10:49:52
17	privilege.	10:49:57
18	A I think you misstated your question. You	10:50:00
19	meant August 15th. You said August 14th, for the map	10:50:02
20	being submitted to the Legislature.	10:50:07
21	MS. HAMILL: Oh, thank you. You're right. So	10:50:09
22	what happened?	10:50:12
23	A To that, to that August 15th, I am aware of	10:50:12
24	that date, to the rest of the dates, I'm just trusting	10:50:15
25	that the DCCC is correct. I don't recall.	10:50:20

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1	Q	Okay thank you?	10:50:22
2	A	Is that okay?	10:50:24
3	Q	Do you recall making changes to the map after	10:50:26
4		August 3rd of 2025?	10:50:28
5		MR. MANOLIUS: Objection, legislative privilege	10:50:30
6		and instruct you not to answer.	10:50:33
7		MS. HAMILL: And what changes were made to the	10:50:35
8		map between August 3rd and August 14th 062025.	10:50:36
9		MR. MANOLIUS: Same objections. Don't answer.	10:50:41
10		MS. HAMILL Q: Did you bring a copy of your	10:50:44
11		August 3rd version of the map with you today.	10:50:50
12	A	(Witness shaking head.) No.	10:50:53
13	Q	Did you bring any data files for the	10:50:58
14		August 3rd map?	10:51:03
15	A	No.	10:51:05
16		MR. MANOLIUS: And again just to point out our	10:51:05
17		objection covered this material.	10:51:07
18		MS. HAMILL Q: And what considerations did you	10:51:09
19		make when deciding which of the DCCC proposed changes to	10:51:11
20		incorporate in the map.	10:51:16
21		MR. MANOLIUS: Same objections, I instruct you	10:51:17
22		not to answer.	10:51:19
23		MS. HAMILL Q: Did you consider race at all in	10:51:20
24		reviewing the proposed changes from the DCCC and making	10:51:27
25		changes to the map.	10:51:32

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1 MR. MANOLIUS: Same objections. I instruct you 10:51:33
2 not to answer under legislative privilege. 10:51:35

3 MS. HAMILL Q: Isn't it true that the changes 10:51:37
4 you made after August 3rd and before August 14th were 10:51:39
5 designed to preserve a racial quota or a racial target 10:51:43
6 in certain districts in the Proposition 50 map? 10:51:50

7 MR. MANOLIUS: Same objections. I am going to 10:51:53
8 add lacks foundation, calls for speculation and I 10:51:54
9 instruct you not to answer under legislative privilege. 10:51:57

10 MS. HAMILL Q: Can you walk me through all of 10:52:00
11 the changes that you made between the draft map on 10:52:02
12 August 3rd and the submitted map on August 14th. 10:52:06

13 MR. MANOLIUS: Objection, calls for a narrative 10:52:09
14 and also lacks foundation and I instruct you not to 10:52:11
15 answer due to legislative privilege. 10:52:15

16 MS. HAMILL Q: What people and groups were you 10:52:17
17 talking to during this period of time as you were making 10:52:19
18 goes changes to the map after August 3rd? 10:52:22

19 MR. MANOLIUS: Objection, lacks foundation. 10:52:24
20 You can certainly ask him who he talked to, but not the 10:52:26
21 purpose of the communications so with that understanding 10:52:29
22 if you talked to anybody about it you can tell counsel 10:52:32
23 who. And just for the time period just to make sure, 10:52:37
24 okay, August 3rd to 14th. 10:52:45

25 MS. HAMILL: Correct. 10:52:47

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1	MR. MANOLIUS: Sorry. Thank you. And again,	10:52:47
2	the two dates, the third through the 14th or 15th.	10:52:52
3	A In all honesty, I don't recall for those	10:52:56
4	particular dates of exactly who I would have talked the	10:53:00
5	during the that time beyond the Redistricting Partners	10:53:06
6	staff.	10:53:10
7	Q Can you give me your best estimate generally	10:53:10
8	within that rough time period of who you were talking to	10:53:12
9	when you were making changes to the map?	10:53:16
10	MR. MANOLIUS: Again, lacks foundation with	10:53:18
11	regard to the making changes to the map as being	10:53:20
12	associated with any specific conversation. With that	10:53:23
13	understanding and without undermining legislative	10:53:26
14	privilege you can answer who you recall talking to	10:53:30
15	during that time period, about redistricting.	10:53:35
16	A Can I ask my attorney a question. I don't	10:53:38
17	know how this works.	10:53:41
18	MR. MANOLIUS: No. You can't. I mean I would	10:53:41
19	love you to but no, you can't.	10:53:44
20	THE WITNESS: I spoke to Redistricting	10:53:47
21	Partners staff during this period of time, probably	10:53:55
22	spoke to my wife a few times. During this period of	10:53:59
23	time, I believe that was when I spoke with Dustin	10:54:04
24	Corcoran, a friend of mine, just personal friend. There	10:54:08
25	are legislative staff that I spoke with. I don't know	10:54:14

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1	if I'm allowed to State who those people are.	10:54:17
2	MR. MANOLIUS: You can answer who but not what	10:54:21
3	you talked about.	10:54:23
4	A Okay. Michael Wagaman, Steve Omara.	10:54:24
5	MS. HAMILL: And I am sorry as you're going	10:54:29
6	through this list --	10:54:30
7	A Yeah.	10:54:31
8	Q -- would you mind sharing with me the	10:54:31
9	legislators who he worked for, the names of the	10:54:34
10	legislator?	10:54:36
11	A Yeah.	10:54:37
12	MR. MANOLIUS: If you know.	10:54:37
13	THE WITNESS: And I apologize if I'm not going	10:54:38
14	to get everybody I'll do my best to answer.	10:54:41
15	MS. HAMILL: Sure.	10:54:43
16	A Steve Omara, the chief of staff to assembly	10:54:44
17	speaker Rivas, Jason -- I am blanking, starts with an L,	10:54:48
18	little, Lytle, with the chief of staff for the pro tem	10:54:56
19	of the State Senate, Michael Wagaman, who is -- works	10:54:59
20	for the legislature broadly, Jeff Gozzo, G-o-z-z-o, who	10:55:06
21	works for the Legislature, State Senate, I believe,	10:55:19
22	multiple members of Congress, maybe a few different	10:55:26
23	legislators, Christopher Kabalkin, local legislator.	10:55:39
24	Matt Weiner who used to work for the congressional	10:55:50
25	delegation. Staff to members of Congress. And I	10:55:55

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1	probably told a handful of reporters that I couldn't	10:56:09
2	talk to them.	10:56:12
3	Q Did you talk to any advocacy groups?	10:56:13
4	MR. MANOLIUS: During the same time period,	10:56:15
5	August 3rd to August 15th.	10:56:17
6	MS. HAMILL: Yes.	10:56:19
7	MR. WOODS: Objection. Vague.	10:56:20
8	MR. MANOLIUS: Same objection. And I am	10:56:21
9	assuming about what, about redistricting?	10:56:24
10	A Do you want to say about the Prop 50 maps.	10:56:28
11	MS. HAMILL: Yes.	10:56:31
12	A Yes, I did talk to a number of different	10:56:32
13	advocacy groups.	10:56:35
14	MR. MANOLIUS: That's it. That's the answer.	10:56:40
15	The question is whether you had or not.	10:56:43
16	MS. HAMILL: Can you list them for me.	10:56:45
17	A I'm afraid that I might not be comprehensive.	10:56:46
18	MS. HAMILL: Sure.	10:56:50
19	A But I can do my best. During that period of	10:56:50
20	time prior to the maps beings submitted to the	10:56:54
21	Legislature, I spoke with, does spoke with mean include	10:57:01
22	like sending e-mail, getting an e-mail from.	10:57:08
23	Q Yes?	10:57:11
24	A So I received some unsolicited e-mails from	10:57:12
25	different groups.	10:57:16

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1	Q	And were these groups attempting to sway your	10:57:18
2		actions?	10:57:21
3		MR. MANOLIUS: Objection.	10:57:22
4	A	I can't speak to the content.	10:57:23
5		MR. MANOLIUS: Yeah. It calls for information	10:57:24
6		that's privileged under the legislative privilege. I	10:57:26
7		instruct you not to answer.	10:57:29
8		MR. MANOLIUS: Wait for the next question.	10:57:33
9	A	I still haven't answered her first question.	10:57:34
10		MR. MANOLIUS: Okay.	10:57:39
11		THE WITNESS: So, NDRC, do you need what that	10:57:40
12		stands for, national -- NDRC.	10:57:48
13		MS. HAMILL: (Shaking head.)	10:57:55
14	A	Catalyst California, Asian Law Caucus, OC	10:57:56
15		Action, Delores Huerta Foundation, I'm traveling up and	10:58:13
16		down the state thinking about different groups up and	10:58:33
17		down the state that I might have talked to, Black Power	10:58:36
18		Network -- oh, and then I'd say multiple democratic	10:58:38
19		party like county democratic party, different counties,	10:58:52
20		so it might just be an umbrella.	10:58:56
21		And to amend my earlier response about people	10:59:03
22		I forgot to mention political consultants and pollsters.	10:59:06
23		So I am sorry if I forgot that earlier.	10:59:14
24	Q	Okay. So according to these DCCC responses to	10:59:16
25		the interrogatories that we have marked as Exhibit 4, on	10:59:23

1	August 14th the DCCC bought your revision of the	10:59:28
2	August 3rd map.	10:59:33
3	Does that comport with your recollection of	10:59:34
4	what transpired?	10:59:36
5	MR. MANOLIUS: Where is that line --	10:59:37
6	MS. HAMILL: It's on page 2.	10:59:54
7	MR. MANOLIUS: Uh-huh.	10:59:56
8	MS. HAMILL: Line 11 to 12.	10:59:57
9	MR. MANOLIUS: Okay. On the same day. I have	10:59:59
10	got that.	11:00:02
11	A That aligns with my understanding.	11:00:03
12	MS. HAMILL Q: And how much did they pay for	11:00:07
13	it?	11:00:09
14	A I think -- I mean, I think I know the answer.	11:00:09
15	\$108,000.	11:00:19
16	Q Did anyone else pay you for the map?	11:00:21
17	A The identifying the structure of the payments	11:00:24
18	for the map was only the DCCC, only the DCCC paid me for	11:00:33
19	the map.	11:00:38
20	MS. HAMILL: I am going to mark as Exhibit 5 a	11:01:18
21	document entitled Political Consulting Agreement, begins	11:01:21
22	at the bottom with a Bates stamp of DCCC 000183 and goes	11:01:26
23	through DCCC 000192.	11:01:34
24	(Whereupon Plaintiff's Exhibit 5	11:01:34
25	was marked for identification.)	11:01:46

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1	MR. WOODS:	This is five?	11:01:46
2	MR. MEUSER:	This is five.	11:01:48
3	MS. HAMILL:	Have you seen this document	11:02:03
4		before.	11:02:06
5	A	Yes.	11:02:06
6	Q	And what is this document?	11:02:06
7	A	This is a contract for services and to clarify	11:02:07
8		my earlier statement, my understanding of clarification	11:02:11
9		DCCC paid me for the map, that was the way that they	11:02:14
10		chose to clarify it. I believe the other parties to	11:02:17
11		this were paying for my services, my consulting	11:02:21
12		services, so I don't know how they, you asked me how	11:02:25
13		they characterized it so that's how I've seen it, DCCC	11:02:28
14		has characterized it as they were paying me for the map	11:02:32
15		and I don't know how the other groups would characterize	11:02:35
16		the agreement.	11:02:37
17	Q	And those other groups are the house majority	11:02:38
18		pack?	11:02:41
19	A	And Jeffries for Congress.	11:02:42
20	Q	Jeffries for Congress. So those two entities	11:02:44
21		did not pay you for the map?	11:02:47
22	MR. MANOLIUS:	Objection, calls for speculation	11:02:49
23		as to what they were thinking but you can give your	11:02:51
24		understanding.	11:02:55
25	A	The only entity that is claimed they paid for	11:02:55

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1	the map was the DCCC I had a contract for.	11:02:59
2	MS. HAMILL: What was.	11:03:02
3	A Services with three different groups included	11:03:02
4	on this.	11:03:05
5	Q And what was your understanding of your	11:03:05
6	obligation under this agreement because I notice it's	11:03:08
7	lacking a scope of work?	11:03:11
8	MR. MANOLIUS: Objection, calls for a legal	11:03:12
9	conclusion. But you can give your understanding.	11:03:14
10	A My understanding of the scope of work was in	11:03:17
11	two parts. It was early creation of potential maps and	11:03:21
12	then a more fulsome creation of a final map.	11:03:28
13	Q And how was that scope of work relaid to you?	11:03:34
14	MR. MANOLIUS: Objection, lacks foundation,	11:03:39
15	calls for speculation. If you know.	11:03:41
16	THE WITNESS: Through staff.	11:03:43
17	MS. HAMILL: Through telephone calls.	11:03:45
18	A Yeah, or -- yeah, probably.	11:03:48
19	Q Is it in writing anywhere?	11:03:50
20	A I don't think so.	11:03:52
21	Q And so this political consultant agreement or	11:03:54
22	consulting agreement says that it's entered into	11:04:01
23	effective as of July 15th, 2025, so that's 13 days after	11:04:04
24	that initial July 2nd conversation you said you had with	11:04:09
25	the chief of staff to speaker Rivas; correct?	11:04:14

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1	A	What date was that on?	11:04:19
2		MR. MANOLIUS: For the instruction	11:04:21
3		MS. HAMILL: I am looking at the first	11:04:23
4		paragraph of the agreement.	11:04:25
5	A	Okay. Okay. Then yes, it does say July 15th.	11:04:26
6	Q	Do you recall doing work have under this	11:04:29
7		contract prior to July 15th?	11:04:32
8	A	No.	11:04:34
9	Q	Do you know if anyone else submitted maps to	11:04:39
10		the legislative portal that was opened on August 14th by	11:05:02
11		the State Legislature?	11:05:06
12	A	I don't have any personal knowledge of, if	11:05:08
13		that happened.	11:05:11
14	Q	Are you aware?	11:05:12
15	A	I know comments were submitted. I don't know	11:05:15
16		that other maps were submitted.	11:05:18
17	Q	Is it your understanding that the Legislature	11:05:19
18		was going to implement your map regardless of whether	11:05:22
19		other maps were submitted?	11:05:25
20		MR. MANOLIUS: Objection, calls for	11:05:26
21		speculation, lacks foundation. You can answer.	11:05:28
22		MR. WOODS: Same objection.	11:05:30
23		THE WITNESS: I didn't have a written	11:05:32
24		agreement from them but I expected that to be the case,	11:05:36
25		yeah.	11:05:39

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1	MS. HAMILL Q: Are you aware of the	11:05:39
2	Legislature considering any other maps from any other	11:05:45
3	people.	11:05:49
4	MR. MANOLIUS: Objection, lacks foundation,	11:05:50
5	calls for speculation. You can answer, if you know.	11:05:53
6	MR. WOODS: Join.	11:05:56
7	THE WITNESS: I'm aware that other people	11:05:57
8	were -- I'm aware that legislators were looking at other	11:06:01
9	maps, whether they were maps on Twitter, maps that other	11:06:06
10	people were sending to them, but I wasn't apart of any	11:06:09
11	of those discussions.	11:06:12
12	Q Are you aware of any groups submitting maps	11:06:13
13	like advocacy groups submitting maps to the Legislature?	11:06:17
14	A I'm not aware of that.	11:06:22
15	Q Do you know if the map that was submitted to	11:06:24
16	the portal on August 14th is the same map that went onto	11:06:41
17	Proposition 50?	11:06:46
18	A 50? You keep saying 14th on accident, you	11:06:47
19	mean 15th.	11:06:51
20	Q Was it not submitted to the portal on the	11:06:52
21	14th?	11:06:55
22	A Oh, I think you want to check that.	11:06:56
23	Q You're right. Thank you Mr. Mitchell?	11:07:03
24	A That's all right.	11:07:05
25	Q August 15th.	11:07:06

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1	MR. MANOLIUS: So what's the question again?	11:07:07
2	I lost it.	11:07:09
3	MS. HAMILL Q: I'll rephrase it. Do you know	11:07:11
4	if the map that was submitted on August 15th is the same	11:07:18
5	map that went to the voters with Proposition 50? Were	11:07:23
6	there any changes made between that map.	11:07:31
7	A There were changes made.	11:07:32
8	MR. MANOLIUS: Wait, wait, wait. Objection.	11:07:34
9	A Calls for speculation, lacks foundation and to	11:07:36
10	the extent changes were made in the legislative process	11:07:43
11	I'd instruct you not to answer under legislative	11:07:47
12	privilege.	11:07:50
13	MS. HAMILL Q: If changes were made to the map	11:07:51
14	that was submitted on August 15th, wouldn't those have	11:07:58
15	been made in a public session.	11:08:02
16	MR. MANOLIUS: Objection, calls for	11:08:06
17	speculation, lacks foundation. If you know.	11:08:08
18	THE WITNESS: There were media reports that a	11:08:10
19	map, that the map was changed so I had have to go into	11:08:15
20	the legislative process but there were media reports	11:08:19
21	there were very minute changes to the map, technical	11:08:23
22	changes made to the map before it was put on the ballot.	11:08:24
23	Q Do you know what those technical changes were?	11:08:27
24	MR. MANOLIUS: Objection, lacks foundation,	11:08:30
25	calls for speculation and calls for information that is	11:08:31

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1	protected under the legislative privilege.	11:08:34
2	A Are you telling me not to answer?	11:08:36
3	MR. MANOLIUS: Yes, sorry.	11:08:38
4	MS. HAMILL: What did you read about what	11:08:39
5	those technical changes were?	11:08:40
6	MR. MANOLIUS: You mean public press accounts.	11:08:42
7	MS. HAMILL: Yes.	11:08:45
8	MR. MANOLIUS: Compound question, calls for	11:08:46
9	speculation and lacks foundation but you can answer what	11:08:54
10	you saw in the media.	11:08:58
11	A In the media generally I don't recall if it	11:08:59
12	was in a news article or if it was just something that	11:09:02
13	was said on Twitter or something like that, a single	11:09:04
14	census block in city of Commerce and then adjustment of	11:09:11
15	the boundary in Santa Ana that was, you know, several	11:09:15
16	census blocks, minuscule technical changes. At some	11:09:20
17	point I want to take a break if I can, just because.	11:09:34
18	Q Do you want to take a break right now?	11:09:37
19	A Yeah, that would be great.	11:09:38
20	THE VIDEOGRAPHER: The time is 11:09 a.m. We	11:09:40
21	are going off the record.	11:09:43
22	(Whereupon a recess was taken.)	11:21:35
23	THE VIDEOGRAPHER: All right. We are back on	11:21:35
24	the record. The time is 11:22 a.m. and this marks the	11:22:08
25	beginning of videotape number two in the deposition of	11:22:13

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1 Paul Mitchell which is being taken at Hansen Bridgett 11:22:17
2 LLP 500 Capitol Mall, Suite 1500, Sacramento, 11:22:20
3 California. The videographer is Nicholas Coulter on 11:22:25
4 behalf of Array Legal Services. The time is, yes, 11:22 11:22:30
5 a.m. 11:22:38

6 MS. HAMILL Q: All right. I am marking as 11:22:38
7 Exhibit 6 a section of the production from the DCCC the 11:22:42
8 documents are numbered at the bottom Bates number DCCC 11:22:49
9 00005, through DCCC 00009. 11:22:54

10 (Whereupon Plaintiff's Exhibit 6 11:22:54
11 was marked for identification.) 11:23:09

12 A Do you need this one back? 11:23:09

13 Q Yeah. Can you take just a minute or two to 11:23:12
14 familiarize yourself with this document, please? 11:23:29

15 MR. MANOLIUS: Do you have another one. 11:23:31

16 MR. MEUSTER: Here, I'll give you this one. 11:23:33

17 MR. MANOLIUS: That's okay. 11:23:35

18 MR. MEUSER: I have one in here so I'm not 11:23:36
19 worried yet. 11:23:39

20 THE WITNESS: Okay. That was confusing, I 11:23:58
21 thought it was going in the opposite order because it 11:25:12
22 was going -- 11:25:14

23 MS. HAMILL Q: Have you seen the document, on 11:25:16
24 the first page, which is marked in the Bates number 11:25:20
25 ending in five, have you seen this document before? 11:25:23

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1	MR. MANOLIUS: Objection. So is this naturally	11:25:26
2	occurring in this --	11:25:29
3	A No.	11:25:31
4	MR. MANOLIUS: -- packet. This is a question	11:25:32
5	for counsel, because I see a cover letter, but then	11:25:34
6	there's other things on the back. Are -- is this a	11:25:37
7	packet of information or is it just a number of things	11:25:41
8	stuck together?	11:25:44
9	MS. HAMILL Q: Do you recognize this set of	11:25:45
10	documents as an e-mail chain between you and the DCCC	11:25:47
11	including a .pdf of the DCCC cover letter that went to	11:25:53
12	the State Legislature?	11:25:57
13	MR. MANOLIUS: Same objection. It's very hard	11:25:58
14	for me to advise and object when I'm not sure if these	11:26:01
15	all go together at once or not so if you can make that	11:26:04
16	representation it would be helpful. You can answer if	11:26:07
17	you understand.	11:26:12
18	A Are you saying that this I con here that says	11:26:13
19	c A maps submission letters on the cover that this is	11:26:16
20	all of the e-mails.	11:26:20
21	MS. HAMILL: I would like to avoid testifying	11:26:21
22	since I am not under oath here but these are not our	11:26:23
23	documents these were produced to us, so I'm wondering if	11:26:25
24	you recall this communication what in you're exchanging	11:26:29
25	e-mails with the DCCC.	11:26:31

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1	A	I recall the communication of these e-mails	11:26:33
2		that are behind the letter that they sent to the	11:26:35
3		legislature.	11:26:38
4	Q	And do you recognize this letter that's the	11:26:38
5		first page of this set of documents?	11:26:40
6	A	Yes.	11:26:42
7	Q	Marked ending in the number five?	11:26:42
8	A	Yes.	11:26:44
9	Q	You've seen this letter before?	11:26:44
10	A	Yes.	11:26:46
11	Q	And --	11:26:47
12		MR. WOODS: Mr. Mitchell if you could wait	11:26:49
13		until she finishes her question --	11:26:51
14	A	Sorry. Thank you.	11:26:53
15		MS. HAMILL Q: And what is your understanding	11:26:56
16		of this letter that's in the front.	11:26:59
17		MR. MANOLIUS: Objection, irrelevant. You can	11:27:01
18		answer if you you have an understanding.	11:27:05
19	A	This is a letter that would be attached to the	11:27:07
20		draft maps and sent into the portal as a zipped file of	11:27:11
21		some kind.	11:27:15
22		MS. HAMILL: Okay. And so it's your	11:27:16
23		understanding that this was a letter that the DCCC	11:27:17
24		submitted with the maps that you drew into the	11:27:20
25		legislative portal on August 15th.	11:27:23

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1	MR. MANOLIUS: Objection, lacks foundation.	11:27:25
2	Calls for speculation and to the extent you're asking	11:27:28
3	for what's transmitted to the Legislature that's covered	11:27:31
4	by legislative immunity, legislative privilege and don't	11:27:35
5	answer that portion of the question.	11:27:38
6	MS. HAMILL: Isn't the legislative portal	11:27:42
7	public?	11:27:45
8	A Are you asking me that question? Yes, yes, it	11:27:48
9	is.	11:27:51
10	Q Yes, it is public. Are you still going to	11:27:51
11	stand on the privilege?	11:27:53
12	MR. MANOLIUS: Again, I just -- what's	11:27:54
13	submitted, yes, I'll stand on the privilege. The fact	11:27:56
14	that it was submitted is fine for him to answer, that's	11:27:59
15	the distinction I was drawing upon.	11:28:02
16	THE WITNESS: Yes.	11:28:04
17	MS. HAMILL Q: Okay. So let's go through	11:28:05
18	these e-mails, and it is an odd e-mails chain that goes.	11:28:10
19	A The inverse way I thought it was.	11:28:16
20	Q Correct.	11:28:18
21	MR. MANOLIUS: Yes.	11:28:19
22	A Sorry.	11:28:19
23	MS. HAMILL Q: Again, these are not mine. I	11:28:20
24	did not produce these. So it looks like we start, I'm	11:28:23
25	looking at the second page of this Exhibit 6, the bottom	11:28:28

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1	of the page ends in the number 6.	11:28:33
2	A Uh-huh.	11:28:35
3	Q We start on August 15th at 5:42 p.m. Julie	11:28:36
4	Merz is saying Paul here is final lawyer approved	11:28:42
5	language for the cover letter, will send an updated	11:28:45
6	version on DCCC letterhead in a few minutes. Do you	11:28:49
7	recall receiving that e-mail?	11:28:53
8	A Yes, and I'd like to clarify that's Eastern	11:28:54
9	Standard Time.	11:28:58
10	Q Okay. And then you respond at 5:56 Eastern	11:28:58
11	Standard Time you say thank you, at this point I will	11:29:07
12	take it. Thank you. Paul. Were you sort of	11:29:09
13	exasperated at that point?	11:29:13
14	MR. MANOLIUS: Objection, relevance. Lacks	11:29:16
15	foundation. Calls for speculation. You can answer.	11:29:21
16	THE WITNESS: I characterize that as being at	11:29:24
17	the end of a very long process.	11:29:30
18	MS. HAMILL: Were you unhappy with the letter	11:29:33
19	that the DCCC submitted to the Legislature.	11:29:35
20	MR. MANOLIUS: Objection, relevance.	11:29:38
21	A No.	11:29:40
22	MR. MANOLIUS: Lacks foundation, calls for	11:29:40
23	speculation, you can answer.	11:29:42
24	A No, I just was tired.	11:29:44
25	MS. HAMILL: So turning to the third page of	11:29:49

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1 this exhibit the bottom of the page end in the number 11:30:06
2 seven, about a little more than halfway down the page 11:30:10
3 there's an August 15th e-mail at 5:56 p.m. from Julie 11:30:12
4 Merz to you and she said and attached is the .pdf 11:30:19
5 version on letterhead with metadata stripped. Please 11:30:23
6 attach this version to your zip file with all the goods. 11:30:26
7 Send it back to us and we can then give you back your 11:30:29
8 freedom. What was she referring to. 11:30:32

9 MR. MANOLIUS: Objection, calls for 11:30:36
10 speculation, lacks foundation. You can answer. 11:30:38

11 MR. WOODS: Join. 11:30:40

12 THE WITNESS: There's two things there that 11:30:41
13 you're asking. Are you asking about what metadata 11:30:45
14 stripped is referring to or what freedom is referring 11:30:48
15 to. 11:30:51

16 Q Yes. Let's start with metadata stripped? 11:30:51

17 A That means that they were taking off the .pdf, 11:30:54
18 the properties to show like what computer it was created 11:30:59
19 on, who created it, so that would have been their choice 11:31:03
20 to do that when they produced the document. 11:31:07

21 Q The cover letter? 11:31:10

22 A Uh-huh. 11:31:11

23 Q And then what did does she mean by give you 11:31:15
24 back your freedom? 11:31:17

25 MR. MANOLIUS: Same objections. 11:31:18

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1	A	Just that it had been a long process.	11:31:19
2	Q	How long was the process?	11:31:22
3	A	It was, you know, roughly a month, but most	11:31:25
4		condensed into the last two weeks.	11:31:31
5	Q	How many hours did you put into the process?	11:31:33
6		MR. MANOLIUS: You can answer. I mean vague	11:31:38
7		as to time as to when but if you're talking about the	11:31:40
8		last two weeks or if you're talking about the whole	11:31:43
9		process.	11:31:45
10	A	Last two weeks was probably 15, 16 hours a	11:31:45
11		day.	11:31:51
12		MS. HAMILL: Do you have an estimate of total	11:31:52
13		hours that you put into this project and when I say this	11:31:54
14		project I am referring to what became the Prop 50 map.	11:31:56
15		MR. MANOLIUS: Say from July 2nd onward. I'll	11:31:59
16		object as to vague.	11:32:03
17		THE WITNESS: I don't, I don't recall.	11:32:06
18		MS. HAMILL Q: 200 hours?	11:32:09
19		MR. MANOLIUS: Same objection. Calls for	11:32:11
20		speculation.	11:32:13
21	A	I would have to sit down with a piece of paper	11:32:14
22		and physician out what 200 hours is and how much time	11:32:16
23		that is per day, so I don't know.	11:32:19
24		MS. HAMILL: Okay. But it was your full-time	11:32:21
25		job from July 2nd through August 15th.	11:32:24

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1	A	No.	11:32:26
2	Q	What else were you doing then?	11:32:26
3	A	I work for a Political Data. I'm the	11:32:28
4		vice-president.	11:32:31
5	Q	Were you working full time at PDI during this	11:32:31
6		time?	11:32:35
7	A	I was technically for the last two weeks I was	11:32:35
8		on a vacation, because I had planned a vacation as	11:32:38
9		people all know famously.	11:32:42
10	Q	But before that vacation time were you going	11:32:45
11		into an office for PDI?	11:32:48
12	A	I work from home.	11:32:51
13	Q	Okay. Were you working full time for PDI from	11:32:52
14		home during this period of time?	11:32:56
15	A	I'm a full-time employee but it's not like I	11:32:57
16		clock hours so if there are other projects I'm working	11:33:01
17		on it is understood by the company that I'm working on	11:33:04
18		other projects.	11:33:07
19	Q	Going back to this e-mail and we're on the	11:33:08
20		page that ends in number seven, the second full	11:33:10
21		paragraph of the 5:56 p.m. e-mail says the talking	11:33:14
22		points will be more expansive and incorporate more of	11:33:19
23		your helpful context. Do you know if she is referring	11:33:22
24		to talking points in the DCCC letter or is she talking	11:33:25
25		to other talking points?	11:33:28

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1	MR. MANOLIUS: Objection, calls for	11:33:29
2	speculation, vague as to time, lacks foundation, you can	11:33:31
3	answer.	11:33:36
4	MR. WOODS: Join.	11:33:36
5	THE WITNESS: I don't recall.	11:33:43
6	MS. HAMILL Q: Did the DCCC give you talking	11:33:47
7	points for the prop a 50 map.	11:33:49
8	MR. MANOLIUS: Objection, vague as to time.	11:33:52
9	THE WITNESS: I don't recall if it was	11:33:55
10	something that I created or they created or they took my	11:34:02
11	things and modified them to be their things. I don't	11:34:05
12	recall.	11:34:08
13	MS. HAMILL Q: Turning to the next page of	11:34:08
14	this exhibit, the bottom of the document ends in the	11:34:17
15	number 8. The second line says these maps became public	11:34:20
16	and now we need to be able to say these are submitted to	11:34:25
17	the Legislature. What did you mean by that?	11:34:28
18	MR. MANOLIUS: Objection. Calls for	11:34:37
19	speculation, vague.	11:34:38
20	THE WITNESS: And this might speak to my tone	11:34:41
21	in the earlier message, people were tweeting the maps,	11:34:46
22	so the maps had become, the maps had been put online,	11:34:52
23	reporters had the maps, so it was at that point let's	11:34:57
24	hurry up and get these submitted.	11:35:02
25	Q How did the maps become public?	11:35:05

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1	MR. MANOLIUS: Objection, calls for	11:35:07
2	speculation.	11:35:08
3	MR. WOODS: Join.	11:35:09
4	MS. HAMILL: Did you --	11:35:11
5	A Reporters have their ways of getting maps and	11:35:11
6	I have been dealing with reporters for the last several	11:35:14
7	days who would call me and say oh, I have a copy of the	11:35:17
8	map. (Witness shrugging shoulders.)	11:35:21
9	MS. HAMILL Q: Are you aware of anyone from	11:35:23
10	your staff leaking the maps to reporters.	11:35:25
11	MR. MANOLIUS: Objection, lacks foundation,	11:35:27
12	calls for speculation, you can answer.	11:35:29
13	THE WITNESS: No. There was no, none of our	11:35:31
14	staff woke up saying we're going to, you know, I'll give	11:35:37
15	you an example if that helps.	11:35:41
16	Q Nodding head.	11:35:43
17	A Some, there were points in time where on a	11:35:44
18	Zoom map would be shown and then someone would be	11:35:47
19	creative and read the URL at the top of the web browser	11:35:51
20	and if they typed that into the top of the web browser,	11:35:55
21	all of a sudden they have a copy of the map and then	11:35:55
22	every reporter will get it, but that was only in like	11:36:01
23	the last 12 hours.	11:36:03
24	Q So if somebody had a copy of the URL that was	11:36:04
25	used for the map drawing they could put it into their	11:36:08

1 own computer and view it on their own computer? 11:36:11

2 MR. MANOLIUS: Objection, lacks foundation, 11:36:14

3 calls for speculation, you can answer. 11:36:15

4 A The wet map version of the maps, not working, 11:36:17

5 that's wet map versions, like a Google map, off of the 11:36:22

6 map. 11:36:25

7 Q Interesting. 11:36:25

8 A So at that point, meaning that they become 11:36:25

9 public, it means that like Politico had posted a tweet 11:36:28

10 that we think these are the congressional maps. That's 11:36:32

11 in public record. You can pull it up. 11:36:35

12 Q And so the next e-mail in this same change 11:36:38

13 Friday August 15th at 6:02 p.m. Julie Merz says to you, 11:36:41

14 DCCC would prefer to hit send, so please just send to us 11:36:58

15 in a zip file and we will submit. Why couldn't you just 11:37:02

16 submit the map directly? 11:37:07

17 MR. MANOLIUS: Objection. Calls for 11:37:09

18 speculation, lacks foundation, relevance. Go ahead. 11:37:10

19 A They wanted to be the one to submit the map. 11:37:14

20 That was their decision, not mine. 11:37:17

21 Q Do you have an understanding of why? 11:37:19

22 MR. MANOLIUS: Same objections. 11:37:20

23 A I do not have an understanding as to why. 11:37:21

24 MS. HAMILL Q: So ultimately is it your 11:37:23

25 understanding that the DCCC submitted to the Legislature 11:37:36

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1	on August 15th, the map that you drew.	11:37:39
2	MR. MANOLIUS: Objection. Calls for	11:37:43
3	speculation, lacks foundation, and as to the specifics	11:37:47
4	of the map I instruct you not to answer and I insert the	11:37:52
5	legislative privilege.	11:37:57
6	MS. HAMILL Q: Is it a full instruction.	11:37:58
7	MR. MANOLIUS: Yes.	11:38:00
8	MS. HAMILL: Don't answer it all.	11:38:01
9	MR. MANOLIUS: Yeah. Thanks. Sorry about	11:38:02
10	that.	11:38:05
11	MS. HAMILL: Marking as Exhibit 7 another set	11:38:05
12	of e-mails between you, Mr. Mitchell, and the DCCC.	11:38:13
13	(Whereupon Plaintiff's Exhibit 7	11:38:13
14	was marked for identification.)	11:38:21
15	MS. HAMILL: And these also came from the DCCC	11:38:21
16	production and they are Bates stamped.	11:38:28
17	A Oh.	11:38:30
18	Q As DCCC 000043 to DCCC 000045.	11:38:31
19	A (Reading.) Okay.	11:38:52
20	Q Do you remember having this exchange with	11:40:25
21	DCCC?	11:40:27
22	A Yes, I recall.	11:40:28
23	Q And so this appears to be an e-mail exchange	11:40:29
24	earlier the same day, August 15th, before the	11:40:32
25	communications that we just went over in Exhibit 6;	11:40:37

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1	correct?	11:40:40
2	A Yes.	11:40:40
3	MR. MANOLIUS: Objection, calls for	11:40:40
4	speculation. Give me a minute. Lacks foundation. Go	11:40:42
5	ahead.	11:40:49
6	THE WITNESS: Yes.	11:40:49
7	MS. HAMILL Q: And is your e-mail, that's	11:40:49
8	shown on the first page of this exhibit August 15th,	11:40:54
9	11:33 a.m., is your e-mail to the DCCC, is this what you	11:40:59
10	wanted the DCCC to say in their letter that went along	11:41:08
11	with the submission of the Prop 50 map.	11:41:11
12	A I'd like to amend my prior comment about the	11:41:14
13	word term talking points. That's not something I	11:41:17
14	normally use but this is the subject line of this e-mail	11:41:20
15	is talking points, so in the prior comment I made about	11:41:23
16	letter August 15th e-mail and you asked me if I -- asked	11:41:26
17	me about talking points then I presume this is what they	11:41:32
18	were referring to so I don't want it to be, talking	11:41:36
19	points isn't normally how I phrase things, so -- I	11:41:39
20	didn't know that I called this talking points, but this,	11:41:44
21	go on, ask the question again, I am sorry.	11:41:48
22	Q Do you have my question to read back?	11:41:51
23	(Whereupon the record was read as	11:41:51
24	follows: "Question: ")	11:42:17
25	MR. MANOLIUS: Objection. Lacks foundation	11:42:17

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1 calls for speculation and to the extent this talks about 11:42:23
2 how maps were drawn, I instruct you not to answer under 11:42:27
3 legislative privilege. So you can again acknowledge 11:42:30
4 that this e-mail occurred. But I will instruct you not 11:42:34
5 to answer beyond that. 11:42:40

6 A So without getting into how maps are drawn, I 11:42:41
7 would say that I was not trying to tell them how to draw 11:42:45
8 that, write their letter, I was trying to provide things 11:42:50
9 that I thought were good messaging points for their 11:42:53
10 letter. 11:42:57

11 Q And can you tell me what the FAIR MAPS Act is 11:42:58
12 that you were referring to on the first page of this 11:43:01
13 exhibit? 11:43:03

14 MR. MANOLIUS: What it is? You can answer 11:43:05
15 that. 11:43:09

16 THE WITNESS: So the FAIR MAPS Act is a State 11:43:10
17 law that actually applies to municipal like 11:43:12
18 supervisorial, city, county, school board, other 11:43:15
19 redistricting here in the State. It is a parallel to 11:43:19
20 the State commissions criteria, and it's the type of 11:43:25
21 criteria we use in all of our municipal redistricting s, 11:43:28
22 and so it is a you know absent, it is a good framework 11:43:34
23 for redistricting even in other states, I might try to 11:43:40
24 apply a lot of the framework as kind of best practices. 11:43:43
25 Thinks of it as a best practices in the State law. 11:43:46

1 Q Okay. And do you know what that criteria is? 11:43:49

2 MR. MANOLIUS: Objection, calls for a legal 11:43:55

3 conclusion. You can answer your understanding. 11:43:57

4 THE WITNESS: I do know what the criteria is 11:44:00

5 but I wouldn't want to have to do it like a test like 11:44:03

6 line them all outright now but I do know what those 11:44:05

7 criteria are generally. 11:44:08

8 Q To the best of your recollection at this 11:44:09

9 moment can you share with me as much of the criteria as 11:44:11

10 you can remember? 11:44:14

11 A Well, it's criteria such as, you know, 11:44:15

12 preserving communities of interest, following city and 11:44:18

13 county boundaries, you know when we do city council 11:44:21

14 redistricting we follow neighborhood boundaries, and 11:44:25

15 following essentially the same criteria as the State 11:44:31

16 redistricting commission obviously those criteria also 11:44:34

17 include things like partisanship and incumbency those we 11:44:39

18 were allowing ourself to look at when we're drawing 11:44:44

19 lines but other than that, kind of the best practices. 11:44:46

20 Q Is race one of the criteria? 11:44:49

21 A Complying with the Voting Rights Act I believe 11:44:52

22 might be one of the criteria s like number two on the 11:44:55

23 criteria after equal population. 11:44:58

24 Q And how, what's your understanding of how the 11:45:00

25 Voting Rights Act inter relates to race? 11:45:02

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1	MR. MANOLIUS: Objection, calls for a legal	11:45:07
2	conclusion, lacks foundation. I have said it. I'll	11:45:10
3	instruct you not to answer.	11:45:20
4	Q You're instructing not to answer on a legal	11:45:25
5	conclusion?	11:45:28
6	MR. MANOLIUS: Yep.	11:45:28
7	MS. HAMILL: I am not asking for a legal	11:45:28
8	conclusion, I'm asking for your understanding and how	11:45:30
9	you use it in your work so when I said race, you said	11:45:32
10	Voting Rights Act and I'm wondering in your mind how	11:45:35
11	those two relate.	11:45:39
12	MR. MANOLIUS: In his work generally?	11:45:41
13	MS. HAMILL: In your work generally.	11:45:42
14	A So the Voting Rights Act is designed to ensure	11:45:44
15	that voting power of protected classes aren't diluted by	11:45:50
16	the redistricting maps, generally. That's kind of a	11:46:04
17	layperson terminology.	11:46:08
18	MS. HAMILL Q: And can you identify the	11:46:10
19	protected classes in California.	11:46:12
20	MR. WOODS: Objection, calls for a legal	11:46:17
21	conclusion. You can answer.	11:46:18
22	MR. MANOLIUS: I'll join that.	11:46:21
23	A Predominantly in California you'll see	11:46:23
24	redistrict goes looking at black Latino populations.	11:46:26
25	However, we did redistricting in Alaska, we were looking	11:46:31

1 at native Alaskan populations and I think there could be 11:46:33
2 arguments for other populations such such as Armenians 11:46:38
3 or Caldians or something, but I haven't seen that 11:46:50
4 utilized so primarily in California, Black, Asian and 11:46:51
5 Latino. 11:46:57

6 Q Okay. And when you were drawing the Prop 50 11:46:57
7 map you used criteria from the FAIR MAPS Act; correct? 11:47:02

8 MR. MANOLIUS: Objection. Calls for 11:47:05
9 information that's protected under the legislative 11:47:08
10 privilege. I instruct you not to answer. 11:47:10

11 MS. HAMILL Q: And when you were drawing the 11:47:12
12 Prop 50 map you drew the districts to protect the voting 11:47:14
13 power of protected classes in California; correct. 11:47:18

14 MR. MANOLIUS: Same objection, and I instruct 11:47:20
15 you not to answer. 11:47:23

16 MS. HAMILL: And when I say protected classes 11:47:24
17 in California, I mean the racial groups that you just 11:47:26
18 identified, Black, Asian and Latino. 11:47:28

19 MR. MANOLIUS: Same objection, I instruct you 11:47:32
20 not to answer. Calls for information that's protected 11:47:33
21 by the legislative privilege. 11:47:36

22 MS. HAMILL Q: Did the D.C. c can tell you why 11:47:37
23 they didn't use your language regarding the FAIR MAPS 11:47:56
24 Act in their submission letter to the Legislature. 11:48:00

25 MR. MANOLIUS: Objection, lacks foundation, 11:48:02

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1 calls for speculation, you can answer. 11:48:04

2 THE WITNESS: No, they didn't describe why, 11:48:07

3 they didn't use my language essentially saying that 11:48:11

4 these were consistent with the commission criteria and 11:48:14

5 the FAIR MAPS Act. 11:48:17

6 Q Did the DCCC lawyers express to you any 11:48:18

7 concerns about lawsuits along racial lines regarding the 11:48:21

8 Prop 50 map? 11:48:27

9 MR. MANOLIUS: Objection. Vague as to time. 11:48:28

10 Vague as to some of the terminology, but you can report 11:48:34

11 that. 11:48:38

12 A No. 11:48:38

13 MS. HAMILL Q: You mentioned communities of 11:48:44

14 interest. How, what are the communities of interest in 11:48:46

15 California. 11:48:49

16 MR. MANOLIUS: Objection, overbroad, vague and 11:48:50

17 again depending on where in the State. 11:48:54

18 A To answer that week be. 11:48:59

19 MR. MANOLIUS: And also with regard to, I am 11:49:00

20 sorry objection and also with regard to his general 11:49:02

21 redistricting work. Is that the question? 11:49:05

22 MS. HAMILL: Yes. 11:49:08

23 MR. MANOLIUS: Yes. 11:49:09

24 THE WITNESS: It could -- we could be here 11:49:10

25 forever identifying communities of interest, because a 11:49:13

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1 community of interest is a socioeconomic group or other 11:49:16
2 group. The way that I explain it when I do 11:49:21
3 redistricting is that it should generally have three 11:49:24
4 things, it should be something you can identify like a 11:49:27
5 skateboarders, they're a group, it should be something 11:49:29
6 that you can map, skateboarders all live on this part of 11:49:33
7 town and then it should be something that has a concern 11:49:37
8 with the agency being redistricted, the city council is 11:49:43
9 going to get rid of the skate park so the skateboarders 11:49:46
10 are now a community of interest that should be 11:49:49
11 considered. There are other types of communities of 11:49:51
12 interest. A neighborhood is a community of interest. 11:49:53
13 People say I live in boulevard park that's a community 11:49:56
14 of interest. People who go to the senior center could 11:49:58
15 be a community of interest, young people, old people, 11:50:02
16 LGBTQ community has been a community of interest and 11:50:05
17 that's been one that California considers in a lot of 11:50:09
18 municipal redistricting, and I've used in redistricting 11:50:12
19 had elevation be a community of interest in a water 11:50:18
20 redistricting, because at certain elevations the water 11:50:21
21 district had different rates. 11:50:25
22 I have had almond trees and walnut trees be 11:50:25
23 communities of interest, because walnut trees use water 11:50:30
24 differently than almond trees in a water redistricting. 11:50:36
25 I've had agricultural areas and farms be 11:50:36

1 communities of interest. I've had attendance rates, 11:50:42
2 school campuses. 11:50:46

3 There are a plethora of communities of 11:50:48
4 interest and oftentimes they are very subjective and the 11:50:51
5 communities of interest in the State redistricting in 11:50:55
6 the city council redistricting water redistricting they 11:50:57
7 can all be different even in the same footprint so that 11:51:00
8 skateboarding community of interest that impacted lines 11:51:03
9 in Sacramento might have really no interest in the SMUD 11:51:06
10 redistricting or the school board redistricting because 11:51:10
11 they're not really an active community of interest for 11:51:13
12 that agency. 11:51:15

13 Q And people who shop at the same grocery store; 11:51:16
14 right? 11:51:20

15 A Or, yeah, or use Insta-Cart. 11:51:20

16 Q Can racial groups be communities of interest? 11:51:23

17 MR. MANOLIUS: Objection, calls for 11:51:26
18 speculation, vague as to in what context. If you mean 11:51:29
19 in his general redistricting work you can answer the 11:51:34
20 question. 11:51:36

21 THE WITNESS: Generally, if there is a 11:51:37
22 community say with the Armenian grocery stores or there 11:51:43
23 is a community around a Black church, or there is an 11:51:46
24 area where they're concerned about having in language 11:51:50
25 services, then those become the communities of interest, 11:51:55

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1 so it generally is the -- the identified group and their 11:52:00
2 interests in those three things, so they're a group that 11:52:07
3 can be identified a group that can be mapped and a group 11:52:11
4 that has concern before the agency. 11:52:14

5 Those are general ways that I describe it when 11:52:16
6 I do my municipal statewide redistricting, even in New 11:52:18
7 York, that's how we describe communities of interest. 11:52:22

8 **Q In what community of interest data did your 11:52:25**
9 **staff collect for the Prop 50 map? 11:52:28**

10 MR. MANOLIUS: Objection, calls for information 11:52:31
11 that is protected by the legislative privilege. I 11:52:32
12 instruct you not to answer. 11:52:35

13 MS. HAMILL Q: And how did they convert that 11:52:36
14 information into geographic formats. 11:52:39

15 MR. MANOLIUS: Same objection. I instruct you 11:52:41
16 not to answer. 11:52:43

17 MS. HAMILL Q: Were any racial communities of 11:52:44
18 interest used in drawing the Proposition 50 maps. 11:52:47

19 MR. MANOLIUS: Same objection. I instruct you 11:52:50
20 not to answer. 11:52:52

21 MS. HAMILL Q: Did you talk to the DCCC about 11:52:53
22 racial considerations you made in your map. 11:52:56

23 MR. MANOLIUS: Same objection. Instruct you 11:52:58
24 not to answer. 11:53:00

25 MS. HAMILL Q: Why didn't you participate in 11:53:01

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1	the public legislative hearings for Prop 50?	11:53:11
2	MR. MANOLIUS: Objection, lacks foundation.	11:53:15
3	Calls for speculation. Vague as to time. You can	11:53:16
4	answer.	11:53:20
5	THE WITNESS:	11:53:21
6	MR. WOODS: Join.	11:53:22
7	A I wasn't asked to.	11:53:23
8	MS. HAMILL Q: Is and did you speak to any	11:53:24
9	legislators about how you drew the maps before they	11:53:32
10	voted on what became Prop 50?	11:53:35
11	MR. MANOLIUS: Same objection, calls for	11:53:38
12	information that's protected by the legislative	11:53:40
13	privilege. I instruct you not to answer.	11:53:42
14	MS. HAMILL Q: Well, we identified some	11:53:44
15	staffers earlier that you did speak to about the maps;	11:53:47
16	correct.	11:53:52
17	MR. MANOLIUS: You identified the staffers who	11:53:52
18	were engaged during that time, yes, but the content of	11:53:54
19	those conversations protected by legislative privilege	11:53:59
20	and I am instructing him not to answer.	11:54:04
21	MS. HAMILL Q: I am not asking for the	11:54:06
22	content, I am asking did you speak to any of the	11:54:07
23	legislators on the map before they wrote ed on the map.	11:54:09
24	MR. MANOLIUS: I am sorry.	11:54:12
25	A In the prior question you asked about the	11:54:13

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1 drawing of the maps, so are you saying now just did I 11:54:15
2 talk to them at all before while they were considering 11:54:17
3 it? 11:54:21

4 MS. HAMILL Q: Did you talk to any legislators 11:54:22
5 between August 15th, and the vote on the Proposition 50 11:54:25
6 map. 11:54:32

7 MR. WOODS: Objection. 11:54:32

8 MR. MANOLIUS: Objection vague as to what. 11:54:34

9 MR. WOODS: Join. 11:54:37

10 A Yes. 11:54:38

11 MS. HAMILL Q: Who did you speak to? 11:54:38

12 MR. MANOLIUS: Yeah. 11:54:44

13 THE WITNESS: Um, are you saying as an 11:54:45
14 one-on-one basis who did I speak to? 11:54:51

15 MR. MANOLIUS: Maybe start with that. 11:54:55

16 MS. HAMILL: Why don't we start with 11:54:56
17 one-on-one. 11:54:57

18 A You -- it might be incomplete, so I apologize. 11:54:59

19 I'm just going to think of people that I talked to. 11:55:04

20 Par. 11:55:07

21 MR. MANOLIUS: Keep in mind the time period she 11:55:08
22 had asked about. 11:55:10

23 A It was August 15th through the passage; right. 11:55:11

24 MS. HAMILL: Uh-huh. 11:55:14

25 A Christopher Kamon, Sabrina Cervantes, 11:55:16

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1 senators, both of those are senators. Really, if I had 11:55:28
2 like a list of all of the legislators in front of me I 11:55:33
3 might be able the do a better job of this. 11:55:36

4 Angela Gashby, I am just trying to travel 11:55:40
5 around the state in my head, um -- oh, if I had a 11:55:51
6 legislative list I could probably do a better job. 11:56:15

7 **Q Can you give me a percentage of how many 11:56:18**
8 **members of the legislator you spoke with during that 11:56:20**
9 **time period? 11:56:23**

10 A One-on-one, I would say ten. 11:56:24

11 **Q 10-percent or ten individuals? 11:56:25**

12 A Ten total, which is roughly 10-percent of the 11:56:27
13 legislature. 11:56:30

14 **Q And did you also address them in group 11:56:31**
15 **settings? 11:56:33**

16 MR. MANOLIUS: You can answer. 11:56:34

17 A Yes. 11:56:34

18 MS. HAMIL: And in group settings, how many 11:56:35
19 of them did you speak with at a time. 11:56:39

20 MR. MANOLIUS: Objection, compound. If there 11:56:42
21 was more than one meeting you might want to indicate 11:56:44
22 that. 11:56:47

23 THE WITNESS: I believe, to my best of my 11:56:47
24 recollection in group settings, they were speaking with 11:56:50
25 the group and if I was having one-on-one conversation, 11:56:53

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1 like, Rick Sabera we can add to the list, he is a 11:56:57
2 legislator and prior to presenting at one point I talked 11:57:02
3 to him prior to me talking, but I wasn't having 11:57:04
4 one-on-one conversations with the members in the group 11:57:08
5 settings. 11:57:11

6 MS. HAMILL Q: And did you talk to any 11:57:12
7 legislators about protecting racial groups with respect 11:57:14
8 to the Proposition 50 map? 11:57:18

9 MR. MANOLIUS: Objection, calls for 11:57:20
10 information that's protected under the legislative 11:57:21
11 privilege. I instruct you not to answer. 11:57:23

12 MS. HAMILL Q: Did any legislator express any 11:57:25
13 sentiment whatsoever about protecting the voting power 11:57:28
14 of any racial group to you with respect to the 11:57:31
15 Proposition 50 map? 11:57:34

16 MR. MANOLIUS: Same objection and I instruct 11:57:35
17 you not to answer, legislative privilege. 11:57:36

18 MS. HAMILL Q: Isn't it true that multiple 11:57:38
19 legislators expressed to you concerns about protecting 11:57:42
20 the voting power of certain racial groups in California 11:57:45
21 with respect to the Proposition 50 map. 11:57:48

22 MR. MANOLIUS: Objection, compound and also 11:57:51
23 calls for information that's protected by the 11:57:54
24 legislative privilege. 11:57:56

25 MS. HAMILL Q: At the time of the vote on the 11:57:57

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1	map, and when we say map it wasn't really a map; right,	11:58:15
2	it was just the legal descriptions of what became the	11:58:18
3	map; is that right.	11:58:20
4	MR. MANOLIUS: Objection, calls for	11:58:21
5	speculation.	11:58:24
6	THE WITNESS: A census block equivalency is a	11:58:25
7	the equivalent of a map so I would still call it a map	11:58:30
8	even if it's not a picture of the map.	11:58:34
9	MS. HAMILL Q: And at the time and that was	11:58:35
10	AB604; correct.	11:58:41
11	A Yes. I believe there were multiple bills.	11:58:42
12	Q And at the time that the legislature voted on	11:58:48
13	AB604 were they presented with any alternative maps?	11:58:55
14	MR. MANOLIUS: Objection, calls for	11:58:58
15	speculation. You can answer, if you know.	11:59:00
16	THE WITNESS: I'm not aware.	11:59:01
17	MS. HAMILL Q: Did you redraw the map based on	11:59:03
18	any input from any legislators.	11:59:09
19	MR. MANOLIUS: Objection calls for information	11:59:11
20	that's protected by the legislative privilege. I	11:59:12
21	instruct you not to answer.	11:59:15
22	MS. HAMILL Q: I want to go back to Exhibit 6,	11:59:16
23	the DCCC cover letter. So the last couple of lines,	11:59:20
24	let's go with the third from the bottom of the first	11:59:48
25	paragraph, it says, "Republican majority states or	11:59:51

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1 republicans -- doing the bidding of their D.C. party 11:59:55
2 bosses -- are considering adopting a clearly racially 11:59:59
3 gerrymandered, partisan map at the expense of their 12:00:03
4 voters." 12:00:07

5 Is it possible to have a clearly racially 12:00:08
6 gerrymandered partisan map? 12:00:10

7 MR. MANOLIUS: Objection. Calls for 12:00:15
8 speculation, lacks foundation and vague as to time and 12:00:16
9 scope. 12:00:23

10 MR. WOODS: Join. Also, calls for a legal 12:00:24
11 conclusion. 12:00:26

12 MR. MANOLIUS: I'll join that one. 12:00:27

13 THE WITNESS: I don't know and I didn't write 12:00:29
14 this, so -- 12:00:31

15 MS. HAMILL Q: Are you familiar with the 12:00:33
16 concept of a racially gerrymandered partisan map? 12:00:34

17 MR. MANOLIUS: Again, vague as to the term and 12:00:42
18 calls for legal conclusion and calls for speculation. 12:00:45
19 You can answer. 12:00:49

20 MR. WOODS: Join. 12:00:49

21 THE WITNESS: To be clear, my work is in 12:00:51
22 municipal and not partisan redistricting. 12:00:58

23 I have never done a partisan redistricting 12:01:00
24 until now, but generally I think in most cases I've 12:01:03
25 heard of maps being a racial gerrymander or a partisan 12:01:06

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1	gerrymander or another gerrymander or amenity	12:01:11
2	gerrymander, but I don't know that they can't be two	12:01:15
3	things at once. That's not my area of expertise.	12:01:17
4	MS. HAMILL Q: When I say "gut and amend," do	12:01:20
5	you have an understanding of what that means?	12:01:26
6	A My ears went up. Sorry.	12:01:28
7	MR. WOODS: Objection. Calls --	12:01:32
8	MR. MANOLIUS: Objection, vague. Calls for	12:01:33
9	speculation.	12:01:35
10	MR. WOODS: It calls for a legal conclusion.	12:01:35
11	You can answer.	12:01:37
12	THE WITNESS: Of course. I worked in the	12:01:38
13	legislature so I know what a gut and amend is.	12:01:39
14	MS. HAMILL Q: Can you give us a basic	12:01:42
15	explanation from your understanding of what it is?	12:01:43
16	MR. MANOLIUS: Same objection.	12:01:46
17	THE WITNESS: A gut and amend is generally	12:01:47
18	where you take the contents out and you put new contents	12:01:49
19	in and it retains the same bill number, oftentimes the	12:01:51
20	same author, and then it moves forward in the process.	12:01:55
21	MS. HAMILL Q: Do you know why gut and amend	12:01:57
22	is used?	12:01:59
23	MR. MANOLIUS: Objection, calls for	12:02:00
24	speculation, overbroad, vague as to time, subject	12:02:01
25	matter. You can answer.	12:02:03

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1 MR. WOODS: Join. Also, calls for a legal 12:02:05
2 conclusion. 12:02:07

3 THE WITNESS: So from my own experience prior 12:02:07
4 to ever working redistricting, prior to ever working in 12:02:10
5 the Legislature, a bill generally has -- remember how a 12:02:14
6 bill becomes a law, the song? 12:02:19

7 But a bill begins as a draft. It routes its 12:02:20
8 way through committees and some of those committees have 12:02:26
9 deadlines and so, oftentimes, when an urgent issue comes 12:02:30
10 up it's not timely to go back to beginning of the 12:02:35
11 process, it's more timely to take a bill that has gone 12:02:38
12 through some steps and then utilize that as the vehicle 12:02:41
13 is what they'll call that as their vehicle for a new 12:02:45
14 bill. 12:02:48

15 MS. HAMILL Q: So it's a quick way to get a 12:02:48
16 bill passed? 12:02:50

17 A I'm not -- 12:02:51

18 MR. MANOLIUS: Objection. Mischaracterizes 12:02:52
19 his testimony. You can answer the question. 12:02:54

20 THE WITNESS: I haven't worked in the 12:02:57
21 Legislature in almost 20 years so, but from a layperson 12:02:59
22 standpoint it is a more efficient way to move an issue 12:03:02
23 along if it's urgent. 12:03:08

24 MS. HAMILL Q: And was the Prop 50 map the 12:03:09
25 product of gut and amend? 12:03:12

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1	MR. MANOLIUS: Objection. Calls for a legal	12:03:14
2	conclusion, calls for speculation, lacks foundation, and	12:03:18
3	seeks information protected by the privilege, so I	12:03:24
4	instruct you not to answer.	12:03:29
5	MS. HAMILL Q: Based on your understanding of	12:03:31
6	the gut and amend, is Proposition 50 a gut and amend,	12:03:37
7	based on the public process, not on anything that you're	12:03:41
8	familiar with, in your own private capacity?	12:03:43
9	MR. MANOLIUS: Again, same objection. The way	12:03:49
10	you're characterizing it misstates and part of the	12:03:51
11	legislative process, so instruct you not to answer.	12:03:56
12	THE WITNESS: (Witness shrugging shoulders.)	12:04:02
13	MS. HAMILL Q: Okay. I just want to know if	12:04:04
14	you think it was a gut and amend.	12:04:08
15	MR. MANOLIUS: Same objection.	12:04:10
16	MS. HAMILL: Based on public processes?	12:04:11
17	MR. MANOLIUS: Don't answer.	12:04:14
18	MS. HAMILL Q: And there was a clerical error	12:04:15
19	that had to be corrected after the Legislature voted on	12:04:19
20	this map with respect to mislabeled districts; correct?	12:04:23
21	MR. WOODS: Objection, vague.	12:04:30
22	MR. MANOLIUS: Yeah. Same.	12:04:31
23	THE WITNESS: I'm not aware of that. And to	12:04:33
24	be clear, once it was in the Legislature I was paying a	12:04:36
25	lot less attention, but I've never heard that before	12:04:41

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1	until you stated it.	12:04:43
2	MS. HAMILL: So you're unaware of any changes	12:04:45
3	having to be made to the map after the vote in the	12:04:47
4	Legislature?	12:04:50
5	MR. MANOLIUS: Objection. Misstates his	12:04:50
6	testimony, calls for speculation, vague as to time. You	12:04:51
7	can answer.	12:04:56
8	MR. WOODS: Join.	12:04:56
9	THE WITNESS: No idea.	12:04:57
10	MS. HAMILL Q: As a voter.	12:04:59
11	A You're not speaking to the ballot guide?	12:05:03
12	Q I am sorry?	12:05:07
13	A The ballot guide had an error of printing that	12:05:09
14	misabled a district but not, I am not aware of anything	12:05:11
15	with the bill.	12:05:14
16	Q The ballot guide had an error, so it wasn't	12:05:15
17	the map itself?	12:05:18
18	A I don't know what you're speaking to, but I'm	12:05:19
19	potentially conflating an issue that happened after the	12:05:23
20	ballot guide was mailed and a district was misnumbered	12:05:26
21	on a map and they had to send out a supplement.	12:05:29
22	Q Can you tell me more about that?	12:05:32
23	A I am not, I don't work for the Secretary of	12:05:34
24	State so I don't know, I was not a part of this.	12:05:37
25	But voters were mailed a ballot guide and in	12:05:39

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1 the ballot guide I think it's called a ballot guide, 12:05:42
2 there were maps and on one of the maps I believe two 12:05:46
3 districts were numbered 22 or two districts were 12:05:51
4 numbered 27, and other maps in the ballot guide were 12:05:54
5 properly numbered, but even though there was an error on 12:06:00
6 one page they ended up mailing out a postcard to all 12:06:04
7 voters saying this is the properly numbered statewide 12:06:06
8 map. 12:06:09

9 **Q So they mailed a correction postcard to all 12:06:09**
10 **registered voters in California? 12:06:12**

11 A (Witness nodding head.) 12:06:13

12 MR. MANOLIUS: Objection. Calls for 12:06:14
13 speculation, lacks foundation. You can answer, if you 12:06:16
14 know. 12:06:19

15 MR. WOODS: Same objection. Also, relevance. 12:06:19

16 THE WITNESS: My understanding, that's my 12:06:21
17 understanding. 12:06:22

18 MS. HAMILL Q: Do you have any idea how much 12:06:23
19 that cost? 12:06:31

20 MR. WOODS: Same objection. 12:06:34

21 MR. MANOLIUS: Call for speculation, lacks 12:06:34
22 foundation. You can answer. 12:06:38

23 THE WITNESS: I do not know. 12:06:40

24 MS. HAMILL Q: Have any California legislators 12:06:42
25 expressed interest to you in preserving Voting Rights 12:06:53

1	Act's districts in the Proposition 50 map?	12:06:58
2	MR. MANOLIUS: Objection. Calls for	12:07:01
3	information that's protected legislative privilege. I	12:07:02
4	instruct you not to answer.	12:07:05
5	MS. HAMILL Q: And when you're drawing maps	12:07:06
6	generally, how do you know which district is a Voting	12:07:08
7	Rights Act district?	12:07:12
8	MR. MANOLIUS: Objection. Overbroad, vague,	12:07:13
9	relevance, and vague as to the term voting rights	12:07:16
10	district. You can answer your general understanding, as	12:07:22
11	long as it's not part of the Prop 50 process.	12:07:26
12	THE WITNESS: In other redistricting I don't	12:07:29
13	generally call something a voting rights district.	12:07:31
14	MS. HAMILL Q: You don't use that phrase.	12:07:34
15	A Generally, I try not to use a term like voting	12:07:35
16	acts right district, but I do generally want in my	12:07:38
17	municipal redistricting or working with the State of New	12:07:43
18	York in their redistricting or working in other states,	12:07:46
19	I generally do want to be cognizant of VRA and I want to	12:07:49
20	lean on legal counsel for interpretations of the VRA.	12:07:55
21	Q And so, generally, when you're drawing	12:07:58
22	districts and you are trying to protect the voting	12:08:00
23	interests of protected classes, how do you identify	12:08:06
24	which districts those are?	12:08:10
25	MR. MANOLIUS: Objection. Overbroad, lacks	12:08:12

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1 foundation, calls for speculation, and I instruct you 12:08:16
2 not to answer as to the Prop 50 project, but you can 12:08:21
3 answer to any other things you've done. 12:08:24

4 MR. WOODS: Join. 12:08:27

5 THE WITNESS: I think the question itself 12:08:29
6 might be a little bit missing, because generally what 12:08:31
7 happens, say use an example, I have done in a recent 12:08:36
8 redistricting a member of the community comes forward 12:08:41
9 with a draft map that has the district that's over 12:08:42
10 50-percent of one racial group and then I'll generally 12:08:45
11 work with attorneys to say is this something that should 12:08:47
12 be given a priority because of the Voting Rights Act. 12:08:50

13 But the way your question was worded 12:08:55
14 insinuated that I go headstrong into a redistricting 12:08:57
15 with that, there's with some kind of VRA idea prior to 12:09:02
16 any maps being drawn. 12:09:08

17 MS. HAMILL Q: What you just explained to me 12:09:10
18 where you'll receive something from a group that shows 12:09:13
19 you a map with over 50-percent of a particular racial 12:09:16
20 group and then you talk to an attorney to see if that 12:09:21
21 needs special attention. Did you do that with respect 12:09:23
22 to Proposition 50? 12:09:26

23 MR. MANOLIUS: Objection. Calls for 12:09:27
24 information that's protected by the legislative 12:09:29
25 privilege. I instruct you not to answer. 12:09:31

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1	MS. HAMILL Q: What attorneys do you generally	12:09:33
2	or which attorneys do you generally speak to to ask that	12:09:37
3	question?	12:09:39
4	MR. MANOLIUS: Objection, vague as to time,	12:09:40
5	project, state. You can answer.	12:09:42
6	THE WITNESS: Regarding other redistrictings.	12:09:50
7	MS. HAMILL Q: Yes.	12:09:52
8	A It depends if the agency has their own	12:09:52
9	internal legal counsel that's handling that or contract	12:09:56
10	legal counsel or, you know, State of New York had	12:09:58
11	assigned legal counsel and experts, and so it depends	12:10:01
12	based on the agency.	12:10:05
13	Q And when you say agency you mean the	12:10:07
14	government agency?	12:10:09
15	A Governmental agency, yeah.	12:10:09
16	Q And so you'll rely on the legal advice of the	12:10:10
17	governmental agency?	12:10:13
18	A Or their attorneys, contract attorneys.	12:10:14
19	Q Got it. Did you talk to Assembly Member Isaac	12:10:16
20	Bryan while drawing Proposition 50 maps?	12:10:22
21	A Oh, I did. Wait a minute. Hold on a second.	12:10:25
22	Let me revise that.	12:10:31
23	I don't recall. What was the timeframe you	12:10:32
24	asked about?	12:10:39
25	Q While drawing the Proposition 50 maps.	12:10:39

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1	A	No.	12:10:42
2	Q	Did you speak to Mike McGuire while drawing	12:10:43
3		the Proposition 50 maps?	12:10:47
4	A	No.	12:10:50
5		MR. MANOLIUS: And just so vague as to time,	12:10:50
6		you mean between July --	12:10:54
7		THE WITNESS: Since drawn.	12:10:57
8		MR. MANOLIUS: -- July and August timeframe.	12:10:58
9		THE WITNESS: Yeah. So prior to this, the	12:10:59
10		submission of the map, which would be the drawing	12:11:01
11		period, no.	12:11:05
12		MS. HAMILL Q: Did you speak to Speaker Rivas	12:11:05
13		during that same period?	12:11:08
14	A	No.	12:11:09
15	Q	Did you speak to the staff members of any of	12:11:09
16		those three legislators during that period?	12:11:12
17	A	Definitely to the pro tem and the speaker, but	12:11:14
18		not sure about Isaac Bryan's staff.	12:11:17
19		MS. HAMILL: Are you all hungry for lunch or	12:11:25
20		should we push this?	12:11:26
21		THE REPORTER: Off the record?	12:11:36
22		MR. MANOLIUS: Yeah. That would be great.	12:11:38
23		THE VIDEOGRAPHER: The time is 12:11 p.m. We	12:11:40
24		are going off the record.	12:11:42
25		(Whereupon the luncheon recess	12:11:42

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1	was taken at 12:11 p.m.	12:11:42
2	and the deposition was reconvened	12:11:42
3	at 1:04 p.m.)	01:04:09
4	THE VIDEOGRAPHER: We are back on the record.	01:04:09
5	The time s 1:04 p.m. and this marks the beginning of	01:04:19
6	videotape number three in the deposition of Paul	01:04:23
7	Mitchell, which is being taken at Hansen Bridgett, LLP,	01:04:26
8	500 Capitol Mall, Suite 1500, Sacramento, California.	01:04:30
9	The videographer is Nicholas Coulter here on behalf of	01:04:35
10	Array Legal Services.	01:04:39
11	MS. HAMILL Q: All right. I am marking as	01:04:42
12	Exhibit 8 the transcript of the Capitol Weekly Podcast	01:04:45
13	dated August 15th, 2025.	01:04:50
14	(Whereupon Plaintiff's Exhibit 8	01:04:50
15	was marked for identification.)	01:04:56
16	MS. HAMILL Q: And I'll give you a couple of	01:04:56
17	minutes to just sort of skim through this document.	01:05:01
18	A Am I --	01:05:09
19	Q Have you seen this document before?	01:05:11
20	A This is the one that's attached in one of the	01:05:12
21	filings or something like that?	01:05:15
22	Q It's marked as Exhibit 10 for our preliminary	01:05:18
23	hearing.	01:05:22
24	MR. MEUSER: I believe only an excerpt of it	01:05:25
25	was attached. I don't think the entire document itself	01:05:28

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1	was attached, so --	01:05:31
2	THE WITNESS: Let me make sure I know which	01:05:32
3	ones is --	01:05:35
4	THE REPORTER: When you talk, I must write it	01:05:43
5	down.	01:05:47
6	THE WITNESS: Okay.	01:05:48
7	MR. MEUSER: That exhibit number is exhibit	01:05:49
8	number of our joint exhibit list, so you're not pulling	01:05:52
9	it from a prior file. Oh, yeah. Okay.	01:05:57
10	MR. MANOLIUS: So your question was: Have you	01:06:15
11	seen this document before?	01:06:17
12	THE WITNESS: Have I seen this document	01:06:18
13	before? Then maybe not.	01:06:20
14	MS. HAMILL Q: Do you recall doing an	01:06:21
15	interview with Capitol Weekly Podcast on August 15th,	01:06:23
16	2025?	01:06:28
17	A I recall doing an interview with them. The	01:06:28
18	date it says on here, I don't -- just believe it, but I	01:06:31
19	don't recall what day it was.	01:06:35
20	Q And just flipping through the pages, do you	01:06:35
21	generally recollect having a conversation reflected in	01:06:38
22	this transcript?	01:06:43
23	MR. MANOLIUS: Objection, compound, overbroad.	01:06:44
24	You can answer.	01:06:47
25	THE WITNESS: Yes.	01:06:47

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1	MS. HAMILL Q: So at first this Proposition 50	01:06:48
2	operation was a bluff; correct?	01:06:56
3	MR. MANOLIUS: Objection. Calls for	01:06:57
4	information that's protected by the litigation	01:07:00
5	privilege. Don't answer the question.	01:07:03
6	MS. HAMILL Q: Did someone tell you to draw	01:07:05
7	maps or to talk about maps in a way that might scare	01:07:12
8	Texas out of redistricting?	01:07:16
9	MR. MANOLIUS: Same objections. Instruct you	01:07:19
10	not to answer the question.	01:07:23
11	MS. HAMILL Q: And who told you that?	01:07:24
12	A (Witness smiling.)	01:07:28
13	MR. MANOLIUS: Same objections. Instruct you	01:07:29
14	not to answer the question.	01:07:31
15	MS. HAMILL Q: Did anyone pay you to do that?	01:07:32
16	MR. MANOLIUS: Hold. Same objections. In	01:07:35
17	terms of the specificity of what was discussed and	01:07:41
18	implicates the legislative privilege.	01:07:46
19	MS. HAMILL Q: And then you had people	01:07:49
20	reaching out to you asking you to draw a 52 to zero map;	01:07:51
21	correct?	01:07:57
22	MR. MANOLIUS: Objection. Well, again, vague	01:07:57
23	as to time. Are we talking about during the process,	01:07:59
24	because if so it's protected by the legislative	01:08:02
25	privilege so I instruct you not to answer, if it was	01:08:05

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1	during the process we have described from July through	01:08:08
2	August.	01:08:11
3	MS. HAMILL Q: Has anyone ever asked you to	01:08:11
4	draw a 52 to zero Democrat advantage congressional map	01:08:13
5	for California?	01:08:18
6	MR. MANOLIUS: Again, if it's during the map	01:08:23
7	drawing process, I'd caution you to not answer the	01:08:25
8	question, but if it's outside of that process, you can	01:08:29
9	answer the question.	01:08:31
10	THE WITNESS: I'd only characterize maybe	01:08:33
11	people on Twitter saying why doesn't he draw a 52 to	01:08:42
12	zero map, but not somebody actually directing me to do	01:08:46
13	it.	01:08:49
14	MS. HAMILL Q: Can you turn to page 10 of this	01:08:54
15	exhibit that we have marked as Exhibit 8, and I'll	01:08:56
16	direct your attention to lines four through 13?	01:09:08
17	A Uh-huh.	01:09:13
18	MR. MANOLIUS: Through 13, you said?	01:09:34
19	MS. HAMILL: Yes.	01:09:35
20	MR. MANOLIUS: Thanks.	01:09:36
21	MS. HAMILL Q: Do you remember saying these	01:09:37
22	things during this interview?	01:09:55
23	MR. MANOLIUS: The portion between three and	01:09:57
24	14 or three and 13? Do you -- answer the question.	01:10:00
25	THE WITNESS: Yes.	01:10:04

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1	MS. HAMILL Q: And what did you mean when you	01:10:05
2	said the VRA, on line ten?	01:10:06
3	A I meant the layperson's understanding of what	01:10:09
4	Texas was doing.	01:10:16
5	Q And so this section that I've asked you to	01:10:19
6	read sounds like you're talking about the democratic	01:10:22
7	eco-stream.	01:10:27
8	Is that what you mean by people on X and	01:10:27
9	Twitter?	01:10:29
10	A I think that's a typo. I think it was	01:10:30
11	ecosystem.	01:10:32
12	Q Oh, that makes more sense, the democratic	01:10:34
13	ecosystem and --	01:10:38
14	A I may have misstated it but that's what I	01:10:40
15	meant. You know what I mean? This is consistent with	01:10:43
16	what I just said in prior questions, two questions ago.	01:10:46
17	Q So it wasn't like you had a specific request,	01:10:49
18	it was just people on Twitter, people generally were	01:10:51
19	yapping about a 52 to zero democratic advantage	01:10:55
20	congressional map; correct?	01:10:59
21	A It was chatter, yeah.	01:11:00
22	Q But no specific direction?	01:11:02
23	A No.	01:11:04
24	MR. MANOLIUS: Interpose a late objection as	01:11:14
25	to specific direction.	01:11:16

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1	THE WITNESS: I should have waited.	01:11:18
2	MR. MANOLIUS: No, that's not bad. Due to	01:11:20
3	legislative privilege. Thanks.	01:11:23
4	MS. HAMILL Q: And they said why can't we just	01:11:26
5	throw out the VRA and create six to eight more Democrat	01:11:28
6	pickups; right?	01:11:32
7	MR. MANOLIUS: Is your question whether he	01:11:36
8	said that?	01:11:38
9	THE WITNESS: I can affirm that that's what is	01:11:38
10	written here.	01:11:40
11	MS. HAMILL Q: And what did you mean by that?	01:11:41
12	MR. MANOLIUS: Objection, lacks foundation.	01:11:42
13	You can answer.	01:11:44
14	THE WITNESS: I meant that there were certain	01:11:45
15	people in the ecosystem maybe that didn't even know a	01:11:49
16	lot about redistricting who were saying why not just	01:11:52
17	throw all the guardrails off and draw something crazy	01:11:55
18	like what you see on Twitter.	01:11:58
19	There were a lot of what I derisively call	01:12:00
20	Twitter maps drawn by serious people.	01:12:04
21	Q They were not drawn by serious people?	01:12:07
22	MR. WOODS: Is that a "yes"? Sorry.	01:12:10
23	MR. MANOLIUS: It's your question.	01:12:15
24	THE WITNESS: They were not drawn by serious	01:12:16
25	people, yes. Sorry. I was -- I didn't see that as an	01:12:17

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1	actual question, I saw that as more of a --	01:12:20
2	MR. WOODS: Sure. Just sorry, not trying to	01:12:24
3	interject, just want a clear record.	01:12:26
4	MS. HAMILL Q: And so throwing out the	01:12:29
5	guardrails for the VRA, what does that mean to you?	01:12:30
6	A Just throwing out the guardrails for	01:12:34
7	everything.	01:12:36
8	Q For everything, the VRA?	01:12:36
9	A I saw maps that were contiguous. I think Mark	01:12:39
10	has seen those maps too.	01:12:45
11	Q So what does throwing away the VRA mean to	01:12:48
12	you?	01:13:06
13	MR. MANOLIUS: In the context of this	01:13:06
14	interview? You can answer.	01:13:08
15	THE WITNESS: On a podcast, speaking to a lay	01:13:11
16	audience of political people it means just abandoning	01:13:13
17	all constitutional requirements of any kind. It just	01:13:19
18	means doing a map without -- it means, like I stated	01:13:21
19	earlier, doing a map just free of any -- it's a	01:13:26
20	rule-less map essentially.	01:13:33
21	MS. HAMILL Q: Because earlier when I said	01:13:34
22	race, you immediately said the Voting Rights Act, so it	01:13:36
23	sounded like you equated the two.	01:13:40
24	MR. MANOLIUS: Objection, vague. I'm not sure	01:13:41
25	what you're referring to. Misstates his testimony.	01:13:43

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1	MR. WOODS: Join.	01:13:46
2	MR. MANOLIUS: Lacks foundation.	01:13:46
3	THE WITNESS: I am unclear about the question	01:13:50
4	or the connection between what I said earlier and you	01:13:53
5	making this statement here about the VRA so the	01:13:55
6	question, I am sorry, doesn't make sense to me.	01:13:58
7	MS. HAMILL Q: Do you recall earlier	01:14:02
8	discussing race and Voting Rights Act?	01:14:03
9	MR. MANOLIUS: Vague.	01:14:08
10	THE WITNESS: I know.	01:14:09
11	MR. MANOLIUS: Objection, vague.	01:14:09
12	THE WITNESS: We had a discussion about it	01:14:10
13	with regards to my municipal clients and my deference to	01:14:11
14	attorneys on determining Voting Rights Act compliance	01:14:16
15	and so on, but that is a much more serious actual	01:14:18
16	working for an agency working on a redistricting versus	01:14:22
17	talking to a podcast after the maps have been submitted	01:14:25
18	when this is part of, you know, just layperson's	01:14:29
19	understanding.	01:14:33
20	MS. HAMILL Q: For the purposes of the	01:14:35
21	Proposition 50 map, complying with the VRA meant	01:14:52
22	maintaining Hispanic majority districts to you; correct?	01:14:57
23	MR. MANOLIUS: Objection. Calls for	01:15:02
24	information that's protected by the legislative	01:15:02
25	privilege and I instruct you not to answer.	01:15:05

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1	MS. HAMILL Q: While drawing proposition, the	01:15:07
2	Proposition 50 map it was important to you to pay	01:15:11
3	attention to race and not just focus on partisanship;	01:15:15
4	correct?	01:15:19
5	MR. MANOLIUS: Objection. Same objection,	01:15:19
6	legislative privilege, and I instruct you not to answer.	01:15:21
7	MS. HAMILL Q: And you said you were going to	01:15:24
8	create a five district pickup follow the Voting Rights	01:15:27
9	Act and keep communities of interest together; correct?	01:15:31
10	MR. MANOLIUS: Objection. Lacks foundation.	01:15:34
11	Are you asking him to affirm what's in the transcript?	01:15:36
12	I am not sure I understand the question.	01:15:39
13	MS. HAMILL: You can answer.	01:15:40
14	THE WITNESS: Oh, this is what I said, if	01:15:44
15	that's what you're asking.	01:15:47
16	MS. HAMILL: So you're pointing to --	01:15:48
17	A There's line 18 to 20 which I think you're	01:15:50
18	referencing in the transcript, I won't dispute that that	01:15:53
19	is what I said. I trust the transcript.	01:15:56
20	Q Did you use race to identify any communities	01:15:58
21	of interest in your map drawing for Proposition 50?	01:16:06
22	MR. MANOLIUS: Objection, legislative	01:16:09
23	privilege, instruct you not to answer.	01:16:12
24	MS. HAMILL Q: And what communities of	01:16:14
25	interest information did you provide to the California	01:16:17

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1	Legislature for Prop 50?	01:16:20
2	MR. MANOLIUS: Same objections. I instruct you	01:16:22
3	not to answer.	01:16:23
4	MS. HAMILL Q: Let's turn to page 12 of this	01:16:24
5	transcript. I'll point your attention to lines nine	01:16:31
6	through 14.	01:16:36
7	A Hmm.	01:16:40
8	Q And if you peek back at page 11, line 24,	01:16:57
9	you're talking about Sara Sadhwani?	01:17:01
10	A Uh-huh.	01:17:04
11	Q Who is Sara Sadhwani?	01:17:05
12	A She is also on that page on line two.	01:17:06
13	Sara Sadhwani is one of the members of the	01:17:09
14	independent redistricting commission, the state	01:17:12
15	redistricting commission.	01:17:17
16	Q Was?	01:17:18
17	A Is, ten year terms. They have ten year terms.	01:17:19
18	Q So it exists, just doesn't have any power	01:17:23
19	anymore?	01:17:26
20	MR. WOODS: Objection, calls for a legal	01:17:27
21	conclusion.	01:17:28
22	MR. MANOLIUS: Objection, calls for legal	01:17:28
23	conclusion, lacks foundation. You can answer, if you	01:17:30
24	know.	01:17:30
25	THE WITNESS: They actually do still meet	01:17:32

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1 infrequently. I don't think they really have a budget 01:17:34
2 or staff right, now but they do have a role in helping 01:17:37
3 with the transition to the next commission in 2031. 01:17:40

4 MS. HAMILL Q: And so you said, "I don't think 01:17:46
5 she'd stand up on that stage and say I support this if 01:17:48
6 what we're going to get was districts that decimated all 01:17:51
7 of the communities, you know, throughout L.A. like some 01:17:54
8 of the public map or some of the map proposals we've 01:17:57
9 seen." 01:18:00

10 Do you remember saying that? 01:18:01

11 A I trust the transcript. I remember saying 01:18:03
12 something -- this is the kind of thing I would have 01:18:08
13 said. 01:18:10

14 Q And who drew those other maps? 01:18:10

15 A People on Twitter, largely. I use the people 01:18:13
16 on Twitter as a broad representation of things in social 01:18:22
17 media. 01:18:26

18 Q But you're not aware of any legitimate 01:18:29
19 organization that drew alternative maps? 01:18:32

20 MR. MANOLIUS: Objection. Vague as to the term 01:18:36
21 "legitimate organization," and vague as to "drew maps," 01:18:40
22 you can draw maps anywhere, so I am not sure I 01:18:46
23 understand the question, but you can answer. 01:18:49

24 MR. WOODS: Join. 01:18:51

25 THE WITNESS: Earlier in the testimony or the 01:18:52

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1 discussion, I don't know what you call this, you asked 01:18:54
2 me about if other groups were submitting maps or doing 01:18:56
3 maps. 01:18:59

4 I knew there were other maps around but not 01:18:59
5 any association or a group submitting a map or having a 01:19:01
6 map that was one of these maps. 01:19:05

7 MS. HAMILL Q: Were you aware of any 01:19:07
8 alternative maps floating around leading up to 01:19:08
9 Proposition 50 that would have given Democrats more of 01:19:12
10 an advantage, aside from the ones you've dismissed as 01:19:16
11 just Twitter chatter from Twitter people? 01:19:22

12 MR. MANOLIUS: Objection. To the extent you're 01:19:25
13 calling for things that went into the legislative 01:19:29
14 process, I'll instruct you not to answer. If you're 01:19:31
15 aware of anything else, you can answer. 01:19:33

16 MR. WOODS: I would also object that it's 01:19:38
17 vague. 01:19:50

18 THE WITNESS: I don't think I can answer that 01:19:50
19 based on my attorney's objection. 01:19:51

20 MS. HAMILL Q: And if you could turn to page 01:19:53
21 13, lines 16 to 20. 01:19:58

22 A (Witness complied.) 01:20:01

23 Q So you said, "We worked with some folks in 01:20:03
24 D.C. and saw some maps as an example that went into 01:20:10
25 Orange County and just tore up the Asian community in 01:20:15

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1	Orange County as they drew the maps and that's a no go."	01:20:19
2	Why is that a no go?	01:20:22
3	MR. MANOLIUS: I am sorry. What lines are you	01:20:23
4	on?	01:20:25
5	THE WITNESS: 16 to 20 on page 13.	01:20:26
6	MR. MANOLIUS: Objection, vague as to time,	01:20:29
7	scope, context and foundation whether you said it.	01:20:32
8	THE WITNESS: Um, I think what we're looking	01:20:42
9	at here is there were maps that would take different	01:20:46
10	Orange County communities of interest that have	01:20:53
11	traditionally argued before redistricting commission to	01:20:56
12	be kept together and draw them into districts so that	01:20:59
13	they're going into other counties and they are, you	01:21:02
14	know, drawing a district that, you know, goes from	01:21:05
15	Garden Grove to Rancho Palos Verdes, things like that.	01:21:12
16	Q And that was a no go?	01:21:17
17	A It was a no go, because a lot of groups who	01:21:19
18	would have were organized before the redistricting	01:21:25
19	commission advocating for their communities of interest	01:21:28
20	would find themselves decimated in those plans, and so	01:21:31
21	they would become a vocal opposition to the legislators	01:21:34
22	as they're trying to pass a plan or vocal opposition to	01:21:38
23	the ballot measure if it was to be on the ballot.	01:21:42
24	Q Do you know which specifics groups those would	01:21:44
25	be?	01:21:46

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1	A	I don't know. I can't start to name all of	01:21:46
2		them. I clarify basically saying what I just said in	01:21:48
3		the following remainder of that page too.	01:22:04
4	Q	So on page 14, lines nine through 13 --	01:22:11
5	A	(Witness complied.)	01:22:18
6	Q	-- you said you wanted to have the final maps	01:22:20
7		be consistent with commission work and be supported with	01:22:28
8		communities of interest testimony; correct?	01:22:32
9	A	Let me read this for a second, if that's	01:22:35
10		okay --	01:22:37
11	Q	Sure.	01:22:37
12	A	-- because I am not -- I am skimming it and	01:22:37
13		it's not making sense to me. Yes. Okay. Thank you.	01:22:40
14		Could you ask the question? I'm sorry.	01:23:00
15	Q	Do you mind reading that back?	01:23:02
16		(Whereupon the record was read as	01:23:02
17		follows: "Question: So on page	01:22:11
18		14, lines nine through 13 --	01:22:12
19		"Answer: (Witness complied.)	01:22:18
20		"Question: -- you said you	01:22:26
21		wanted to have the final maps be	01:22:27
22		consistent with commission work	01:22:29
23		and be supported with communities	01:22:30
24		of interest testimony; correct?	01:22:32
25		"Answer: Let me read this for a	01:22:35

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1	second, if that's okay --	01:22:36
2	"Question: Sure.	01:22:37
3	"Answer: -- because I am not --	01:22:38
4	I am skimming it and it's not	01:22:39
5	making sense to me. Yes. Okay.	01:22:40
6	Thank you. Could you ask the	01:23:00
7	question? I'm sorry.")	01:23:01
8	MR. MANOLIUS: Objection. Calls for	01:23:15
9	speculation, lacks foundation, but you can certainly	01:23:19
10	answer the question, if you said that.	01:23:23
11	THE WITNESS: I said what is here, so if	01:23:24
12	that's your characterization I won't dispute it.	01:23:26
13	MS. HAMILL Q: Thank you. Was the final map	01:23:29
14	for Proposition 50 supported with communities of	01:23:31
15	interest testimony?	01:23:34
16	MR. MANOLIUS: Objection, vague, lacks	01:23:36
17	foundation. And at what time? I don't understand the	01:23:37
18	question.	01:23:44
19	THE WITNESS: Are you saying that -- are you	01:23:45
20	not asking, are you asking about in the map drawing	01:23:48
21	process or are you saying, like, what was on the ballot	01:23:52
22	after the maps, after my job was over after I was done	01:23:55
23	with the contract?	01:23:58
24	Q I am asking the question in the context we	01:23:59
25	just discussed in your statement here on page 14 from	01:24:01

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1	line 9 to 14. You said you wanted the final work to be	01:24:04
2	supported with communities of interest testimony.	01:24:08
3	A Uh-huh.	01:24:10
4	Q I'm asking you was the final map that became	01:24:10
5	Prop 50 supported with communities of interest	01:24:13
6	testimony?	01:24:16
7	MR. MANOLIUS: Again, objection. Vague as to	01:24:16
8	and where and what context and when. You can answer.	01:24:18
9	MR. WOODS: Join.	01:24:25
10	THE WITNESS: I think objectively looking at	01:24:26
11	the map you can see that the Prop 50 map that was passed	01:24:31
12	by voters was consistent with a lot of what was	01:24:36
13	important in the redistricting commission process and a	01:24:40
14	lot of what testimony was stated before the commission	01:24:42
15	in 2021 and in 2011 as they deliberated.	01:24:45
16	MS. HAMILL Q: What specific communities of	01:24:50
17	interest do you have in mind when you're telling me	01:24:52
18	that?	01:24:54
19	A Well, in this document I talk about the LGBTQ	01:24:54
20	community. I also talk about environmental community,	01:24:58
21	but there could be a hundred different communities of	01:25:00
22	interest throughout the State whose communities of	01:25:05
23	interest that they advocated for in the prior	01:25:08
24	redistricting were retained within the current maps, not	01:25:10
25	only the all the districts that weren't changed at all,	01:25:13

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1 but even the districts that were changed, I don't want 01:25:15
2 to get into the privileged portion, but one could look 01:25:18
3 at the map today and see a lot of consistency between 01:25:22
4 the map today and the map as it was passed by the 01:25:26
5 commission in 2021. 01:25:29

6 **Q And do you have documents reflecting that 01:25:30**
7 **communities of interest testimony of which you're aware? 01:25:34**

8 MR. MANOLIUS: From 2021? Vague as to time. 01:25:37
9 I am not sure I understand. 01:25:42

10 THE WITNESS: They're public documents and you 01:25:45
11 can grab them right now. The commission website is 01:25:47
12 still up and they still have all of their community 01:25:50
13 testimony in an air table. 01:25:54

14 MS. HAMILL Q: And then you said you asked her 01:25:57
15 team to get on the box and start drawing. What is the 01:26:04
16 box? 01:26:07

17 A Um -- 01:26:08

18 MR. MANOLIUS: Objection. First, lacks 01:26:09
19 foundation as to whether you said that, so -- 01:26:11

20 THE WITNESS: The box is an internal staff 01:26:14
21 term for the computer that houses most of the software. 01:26:19

22 MS. HAMILL Q: And that's your proprietary 01:26:23
23 system? 01:26:25

24 A And Maptitude and other things, it's a remote 01:26:26
25 computer. 01:26:29

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1	Q	And when you are done with the marked	01:26:31
2		exhibits, if you can just hand them to the reporter.	01:26:40
3	A	That's perfect. That's perfect. I'll do that	01:26:41
4		from now.	01:26:45
5		MS. HAMILL: I am going to mark as Exhibit 9	01:26:48
6		the Hispanas Organized for Political Equality, HOPE	01:26:50
7		presentation.	01:26:58
8		(Whereupon Plaintiff's Exhibit 9	01:26:58
9		was marked for identification.)	01:27:13
10		MS. HAMILL Q: You're familiar with Hispanas	01:27:13
11		Organized For Political Equity; correct?	01:27:16
12	A	(Witness nodding head.)	01:27:19
13	Q	HOPE?	01:27:19
14	A	HOPE, yes.	01:27:20
15	Q	So we can call them HOPE?	01:27:21
16	A	Please.	01:27:22
17	Q	It's much easier.	01:27:23
18	A	Uh-huh.	01:27:24
19	Q	Great. When did you first become acquainted	01:27:25
20		with HOPE?	01:27:27
21	A	I first became acquainted with HOPE more than	01:27:28
22		a dozen years ago, maybe 15 years ago.	01:27:31
23	Q	2010-ish?	01:27:36
24	A	I think that probably sounds about right.	01:27:40
25	Q	And you gave a presentation to HOPE in October	01:27:42

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1	of 2025; correct?	01:27:45
2	A Yes.	01:27:47
3	Q October 17th?	01:27:48
4	A That's the date on the transcript and I don't	01:27:49
5	dispute it. I don't recollect it exactly.	01:27:51
6	Q And was that to encourage the Latino community	01:27:54
7	to support Prop 50?	01:27:58
8	A This was to inform the HOPE participants, the	01:28:00
9	organization as to what was on the ballot, Prop 50, and	01:28:07
10	yes, but it was -- I don't know that they would want to	01:28:11
11	characterize it as campaigning. It was more of an	01:28:14
12	informational thing. It was myself and a demographer	01:28:17
13	for the no vote.	01:28:20
14	Q For the no site?	01:28:22
15	A Uh-huh.	01:28:23
16	Q And so you were informing HOPE about what the	01:28:24
17	maps did?	01:28:27
18	MR. MANOLIUS: Objection. Lacks foundation,	01:28:28
19	calls for speculation. If you might want him to look at	01:28:31
20	a specific place in the transcript, that would probably	01:28:34
21	be better, but you can answer, if you know.	01:28:37
22	MS. HAMILL: You can stop with the speaking	01:28:39
23	objections.	01:28:41
24	MR. MANOLIUS: Sorry. I am done.	01:28:42
25	THE WITNESS: I don't know that that was my	01:28:45

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1 charge exactly. I speak to HOPE on a regular basis, 01:28:48
2 maybe every six months, maybe every year, and so they 01:28:53
3 were having me back to talk about what was going on with 01:28:58
4 Prop 50. 01:29:01

5 And they don't think they gave me, like, a 01:29:03
6 charge to speak about what specific part of it like 01:29:05
7 that. They told me not to talk about partisanship but 01:29:08
8 they told me to talk about Prop 50. 01:29:11

9 Q And were you paid for this -- 01:29:13

10 A No. 01:29:15

11 Q -- appearance? And just for everyone's 01:29:15
12 reference, this transcript is included as Exhibit B in 01:29:22
13 the U.S. Complaint Intervention and it's also marked as 01:29:25
14 Exhibit 11 for the preliminary injunction hearing. 01:29:28

15 So have you seen this transcript before? 01:29:32

16 A I've seen that it exists. I haven't read 01:29:36
17 through it. 01:29:39

18 Q I want to give you a few minutes to just look 01:29:40
19 through it, generally. 01:29:43

20 A Okay. 01:29:46

21 MR. MEUSER: And for your information, your 01:29:50
22 testimony or your presentation starts on page 20. 01:29:53

23 THE WITNESS: Thank you. Oh, yes. Okay. All 01:29:56
24 right. 01:30:09

25 MS. HAMILL Q: Do you recognize generally the 01:30:09

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1	conversation reflected in this transcript?	01:30:12
2	MR. MANOLIUS: Objection, vague, compound,	01:30:13
3	overbroad. Quite a number of pages. You can look	01:30:15
4	through them too.	01:30:21
5	THE WITNESS: Yes, I recognize them.	01:30:22
6	MS. HAMILL: I am going to ask counsel to	01:30:23
7	please stop with the speaking objections.	01:30:25
8	MR. MANOLIUS: I'll make my objections.	01:30:27
9	Thanks.	01:30:29
10	MS. HAMILL: You're welcome.	01:30:29
11	Q So the Zoom, the video from from this Zoom	01:30:33
12	discussion is no longer publicly available. Do you have	01:30:38
13	any idea why that is?	01:30:40
14	MR. MANOLIUS: Objection, lacks foundation.	01:30:41
15	You can answer.	01:30:43
16	THE WITNESS: I didn't know that it was	01:30:44
17	publicly available, so I don't have any response. I	01:30:45
18	don't have any interaction with -- no.	01:30:49
19	MS. HAMILL Q: At any time did you personally	01:30:51
20	take any action to get the video taken off of the public	01:30:53
21	domain?	01:30:57
22	A No.	01:30:58
23	Q Do you recall telling HOPE that Prop 50 would	01:30:58
24	increase Latino voting power?	01:31:15
25	A No.	01:31:17

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1	Q	I'm going to turn your attention to page 23,	01:31:19
2		line 24 through page 24 line one.	01:31:53
3	A	Uh-huh.	01:32:33
4	Q	Can you read that out loud for me, please,	01:32:34
5		starting at line 24 on page 23?	01:32:37
6	A	I'll trust that this is the right transcript,	01:32:40
7		but -- and I started listing out this concept of drawing	01:32:44
8		a replacement majority/minority Latino in the middle of	01:32:46
9		Los Angeles, that was the number one thing that I first	01:32:50
10		started thinking about because of something that I	01:32:55
11		worked with HOPE on in the last redistricting process.	01:32:57
12	Q	Do you remember saying that?	01:33:00
13	A	I recall speaking to it. I don't remember	01:33:01
14		saying those exact words.	01:33:05
15	Q	Were you being truthful when you said that?	01:33:06
16	A	I was being --	01:33:09
17		MR. MANOLIUS: Objection. Calls for legal	01:33:10
18		conclusion, argumentative. You can answer.	01:33:14
19		THE WITNESS: I was being truthful in that	01:33:17
20		when we first started working on this this was a map	01:33:22
21		that was already drawn.	01:33:24
22		MS. HAMILL Q: When you say this, are you	01:33:27
23		referring to the Proposition 50 map?	01:33:28
24	A	This map that's, this map, this map, I mean a	01:33:30
25		map that puts -- when I say I first started thinking	01:33:35

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1 about it because of something that I worked with HOPE on 01:33:42
2 in the last redistricting process, there was a map 01:33:45
3 associated with that work in 2021, so I knew that that 01:33:47
4 map existed and I knew that that map creates an 01:33:52
5 additional democratic seat in the middle of Los Angeles. 01:33:56

6 **Q Are you saying you drew a map with HOPE in 01:33:59**
7 **2021?** 01:34:02

8 **A** No, I just knew there was one that existed. 01:34:02

9 **Q Okay.** 01:34:05

10 **A** And that had been advocated by Equality 01:34:05
11 California, environmental protection groups and HOPE, so 01:34:09
12 I knew that there was already a map on the shelf. 01:34:12

13 And so on the first thing I can think of is, 01:34:14
14 hey, I know one thing that's easy to do, that's why I 01:34:17
15 was expressing to them there was a, hey, I know 01:34:22
16 something that will pick up a democratic seat. 01:34:25

17 **Q Did you work with HOPE at all in 2021 on that 01:34:28**
18 **map?** 01:34:31

19 **A** I don't recall. I know it existed. 01:34:32

20 **Q How often has HOPE sent you map proposals?** 01:34:36

21 **A** Never any. Potentially, I mean, I don't want 01:34:56
22 to, I don't want to say -- let me para -- let me 01:35:01
23 rephrase that. 01:35:05

24 I don't recall them ever sending me a map 01:35:05
25 proposal. That isn't the core of what they do as an 01:35:08

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1	organization.	01:35:11
2	Q So how does your relationship work? Would	01:35:11
3	they express a desire for something and you would	01:35:14
4	provide them with a draft map --	01:35:16
5	MR. MANOLIUS: Objection.	01:35:18
6	THE WITNESS: In 2021?	01:35:20
7	MR. MANOLIUS: Wait. Objection, vague as to	01:35:21
8	time. I am not sure during what process you mean.	01:35:23
9	MS. HAMILL: At any time.	01:35:25
10	THE WITNESS: So in 2021?	01:35:26
11	MR. MANOLIUS: At any time except, excuse	01:35:29
12	me -- objection -- the Prop 50 map drawing process,	01:35:31
13	which I instruct you not to answer about.	01:35:35
14	THE WITNESS: Yes. Very readily available to	01:35:37
15	anybody who wanted to look is in 2021. HOPE and a	01:35:40
16	number of groups were advocating for a map that would	01:35:43
17	not remove a district from Los Angeles, because that's	01:35:50
18	what the commission chose to do in 2021.	01:35:54
19	They went from 53 to 52 districts and they had	01:35:56
20	a question, how are we going to do this? Are we going	01:36:00
21	to do this by starting from a scratch map and just	01:36:03
22	letting everything fall where it is or are we going to	01:36:06
23	just take a map out of L.A. where they're the slower	01:36:09
24	growing portion of the state and it makes our job easier	01:36:13
25	just to take a district out of L.A.	01:36:16

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1	And so HOPE was advocating for putting that	01:36:18
2	district back in L.A.	01:36:20
3	Q And that was your starting point for	01:36:22
4	Proposition 50?	01:36:25
5	A I guess.	01:36:25
6	MR. MANOLIUS: Objection. I instruct you not	01:36:26
7	to answer based on legislative privilege what was done	01:36:27
8	during Prop 50.	01:36:31
9	THE WITNESS: Speaking here after the map was	01:36:34
10	done I was articulating this lines two through five that	01:36:38
11	I knew that a proposal had been done in 2021 that they	01:36:46
12	were advocating for.	01:36:51
13	MS. HAMILL Q: Going down to line six on page	01:36:52
14	24, it looks like you say you're going to read for a	01:37:14
15	second, so you start reading something at the HOPE	01:37:18
16	presentation; is that correct?	01:37:21
17	A Uh-huh.	01:37:23
18	Q What were you reading?	01:37:24
19	MR. MEUSER: Can that be a verbal answer?	01:37:27
20	MR. MANOLIUS: You said, "Uh-huh."	01:37:29
21	MR. MEUSER: You said, "Uh-huh."	01:37:32
22	THE WITNESS: Oh, yes. I was -- I was saying	01:37:34
23	yes only to characterize that I was following along with	01:37:37
24	what your question was.	01:37:41
25	That line six was, I was reading a letter from	01:37:44

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1	2021.	01:37:50
2	MS. HAMILL Q: The letter from HOPE.	01:37:52
3	A Yes. Oh, you've got it.	01:37:53
4	MR. MEUSER: We're prepared.	01:38:02
5	(Whereupon Plaintiff's Exhibit 10	01:38:02
6	was marked for identification.)	01:38:06
7	MS. HAMILL Q: I have marked as Exhibit 10 a	01:38:06
8	November 24th, 2021, letter from HOPE to the Citizens	01:38:12
9	Redistricting Commission. It is also marked as Exhibit	01:38:19
10	12 for the preliminary injunction hearing.	01:38:24
11	Is this the letter that you were referring to	01:38:28
12	on page 24 of this transcript?	01:38:36
13	MR. MANOLIUS: Just objection, vague. Is it	01:38:39
14	just the first two pages, because there seem to be some	01:38:41
15	other things after it?	01:38:43
16	MS. HAMILL: It's the complete document.	01:38:45
17	THE WITNESS: Um, I was referring to the first	01:38:49
18	two pages of this. I haven't seen the attachment in	01:38:52
19	years.	01:38:56
20	MS. HAMILL Q: So is it your testimony that	01:38:57
21	there is a version of this letter that doesn't have the	01:39:06
22	attachment to it?	01:39:10
23	MR. MANOLIUS: Objection, calls for	01:39:11
24	speculation.	01:39:12
25	THE WITNESS: Oh, um --	01:39:13

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1	MR. MANOLIUS:	Misstates his testimony.	01:39:16
2	THE WITNESS:	I'm only saying that I have only	01:39:18
3	seen the first two pages recently when I was presenting.		01:39:21
4	I had forgotten that this other attachment was even		01:39:24
5	here.		01:39:27
6	MS. HAMILL Q:	But you had seen that before,	01:39:27
7	the attachment?		01:39:29
8	A	Ions ago, yeah, in 2021.	01:39:30
9	Q	So I want to walk you through -- I'm going	01:39:37
10	back to --		01:39:55
11	A	Uh-huh.	01:39:55
12	Q	-- Exhibit 9. You can set aside the letter	01:39:56
13	for a minute.		01:39:58
14	A	Okay.	01:39:59
15	Q	Just going through the transcript here, so	01:39:59
16	line six, page 24, you say you're going to read for a		01:40:03
17	second, and you just testified that you were reading		01:40:07
18	from what has been marked as Exhibit 10, and you read		01:40:09
19	from the HOPE letter.		01:40:12
20	And then I think you're quoting it on line		01:40:14
21	nine, you say, "HOPE is concerned about the elimination		01:40:17
22	of the majority/minority Latino district within the area		01:40:21
23	of Los Angeles Gateway cities."		01:40:24
24	Do you remember saying that?		01:40:27
25	A	I remember reading this letter.	01:40:28

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1	Q	Okay. And then it continues on line 13.	01:40:29
2		"The seat, which is called by the L.A. Times	01:40:31
3		the most Latino district in the country, disappeared off	01:40:34
4		the map despite the growing Latino population throughout	01:40:38
5		the state."	01:40:42
6		Do you remember saying that?	01:40:43
7	A	Yes.	01:40:44
8	Q	And do you believe that to be true?	01:40:45
9	A	I can't speak --	01:40:47
10		MR. MANOLIUS: Just a second. Let me	01:40:55
11		interpose a late objection. Do you remember saying	01:40:57
12		that? Vague, misstates the testimony, if he remembers	01:40:59
13		reading that, adopting it.	01:41:03
14		THE WITNESS: And then I can tell you that I	01:41:08
15		read this. There are statements in here that, it's	01:41:10
16		their letter that says HOPE is concerned about the	01:41:16
17		elimination.	01:41:18
18		I don't have firsthand knowledge of their	01:41:19
19		concern, but I am reading their letter that says they	01:41:21
20		were concerned, and their citing of L.A. Times article	01:41:24
21		that I'm reading their letter, so I don't have	01:41:28
22		independent knowledge of that either.	01:41:31
23		So this isn't my, I didn't write this letter	01:41:32
24		so I am not able to speak to the veracity of the letter,	01:41:34
25		I am just reading back to them what they had submitted	01:41:39

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1	to the commission.	01:41:43
2	MS. HAMILL: Are you able to go back to my	01:41:44
3	last question? And before we do that, I am going to ask	01:41:46
4	one more time politely, please, stop with the improper	01:41:56
5	speaking objections.	01:41:59
6	MR. MANOLIUS: They are not improper, but	01:42:02
7	everybody is entitled to their opinion.	01:42:04
8	If there's lack of clarity in the question, I	01:42:12
9	am going to object.	01:42:15
10	MS. HAMILL: You may object, but don't start	01:42:15
11	testifying or advising your client while on the record.	01:42:17
12	MR. MANOLIUS: I am not doing any of that.	01:42:25
13	(Whereupon the record was read as	01:42:25
14	follows: "Question: And do you	01:40:45
15	believe that to be true?")	01:40:46
16	MR. WOODS: Objection. Vague.	01:42:39
17	MR. MANOLIUS: Calls for speculation, vague.	01:42:41
18	MS. HAMILL Q: You just explained before we	01:42:46
19	got into this transcript, you explained what happened	01:42:48
20	where the commission had to move the map from 53 to 52	01:42:52
21	districts; right?	01:42:57
22	A Uh-huh.	01:42:58
23	Q And they did take away that district; correct?	01:42:58
24	MR. MANOLIUS: Objection, misstates his	01:43:01
25	testimony. You can answer.	01:43:02

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1 THE WITNESS: I stated objectively that the 01:43:03
2 commission had to make a choice of where to remove a 01:43:05
3 district in the district, but they, the district that 01:43:08
4 most people believed was, quote unquote, removed was an 01:43:10
5 L.A. district from the move from 53 to 52. 01:43:12

6 They're characterizing it they are messaging 01:43:18
7 about it in a way that is their own choice of how to 01:43:22
8 message about it. They are not making objective 01:43:24
9 statements here, they are making persuasive statements 01:43:27
10 that I can't speak to. 01:43:29

11 MS. HAMILL Q: Okay. And moving on down page 01:43:30
12 24, starting at line 17, I don't think you're quoting 01:43:32
13 anymore. 01:43:37

14 A Uh-huh. 01:43:38

15 Q I think this is your own speech. "And that 01:43:39
16 letter on page two illustrated what HOPE wanted to see 01:43:41
17 done in a coalition with a lot of other partners in Los 01:43:45
18 Angeles." 01:43:50

19 Do you remember saying that? 01:43:50

20 A That portion of it is my words, it looks like, 01:43:53
21 and then the next sentence is quoting. 01:43:58

22 Q Okay. So the second sentence on line 19, you 01:44:02
23 go back to quoting the HOPE letter that's marked as 01:44:07
24 Exhibit 10? 01:44:10

25 A With number one is the beginning of where I'm 01:44:11

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1	quoting again.	01:44:13
2	Q Okay. So line 20, it says, "Number one,	01:44:13
3	create a gateway cities district centered around Downey	01:44:17
4	as described in the analysis, allowing for the creation	01:44:22
5	of five Latino majority/minority districts in an area	01:44:26
6	where there are currently four."	01:44:30
7	So are you reciting --	01:44:35
8	A I want to, yeah, I want to amend one of my	01:44:39
9	earlier statements, because I might have been reading	01:44:43
10	from a different version of the letter.	01:44:45
11	As you notice, I have two words in here that	01:44:47
12	aren't on the letter that you're providing.	01:44:50
13	You have minority districts in an area, in an	01:44:53
14	area where there are currently four and the letter that	01:44:59
15	you provided me says minority districts where there are	01:45:02
16	currently four, so just slightly different. I might	01:45:07
17	have been reading from a slightly different version of	01:45:09
18	the letter.	01:45:13
19	Q Do you think there is a different version of	01:45:13
20	this letter floating around?	01:45:15
21	MR. MANOLIUS: Objection, speculation.	01:45:16
22	MR. WOODS: Join.	01:45:18
23	THE WITNESS: Potentially.	01:45:19
24	MS. HAMILL Q: And you said that this letter	01:45:19
25	is available on the redistricting commission website;	01:45:21

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1	correct?	01:45:24
2	MR. MANOLIUS: Objection, calls for	01:45:24
3	speculation, lacks foundation.	01:45:25
4	THE WITNESS: I don't recall where I got it	01:45:28
5	from. I just know that when I got it it was two pages,	01:45:29
6	it didn't have these things, and so potentially where	01:45:33
7	we're getting these from different sources or I had a	01:45:37
8	different version of it or something.	01:45:39
9	MS. HAMILL Q: Would you please go back and	01:45:41
10	obtain the copy of the letter from which you were	01:45:43
11	reading at this October 17th, 2025 presentation and	01:45:45
12	provide it to your counsel who will then provide it to	01:45:49
13	me?	01:45:52
14	A You -- I understand your question. I'll look	01:45:53
15	to see if I can do that.	01:45:58
16	Q Thank you.	01:46:00
17	A And maybe I'm wrong, but --	01:46:00
18	Q Thank you. All right. So I believe we're on	01:46:02
19	page 24 of this HOPE transcript, line 17 --	01:46:09
20	A Uh-huh.	01:46:13
21	Q -- down to line 24, and to me that looks like	01:46:14
22	the second page of what we marked as Exhibit 10.	01:46:17
23	A Uh-huh.	01:46:20
24	Q It looks like the first bold bullet point --	01:46:21
25	A Yeah.	01:46:23

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1	Q	-- is that correct?	01:46:24
2	A	Yeah.	01:46:24
3	Q	Is that a fair thing to say?	01:46:25
4	A	Yeah.	01:46:26
5	Q	Okay. Now we're going back to the transcript,	01:46:26
6		page 24, line 25. You say, "Secondly, take the district	01:46:30
7		that was called LB north, which is now the Robert Garcia	01:46:36
8		district, take that district to the south through Seal	01:46:40
9		Beach into Huntington Beach, making a Latino-influenced	01:46:44
10		district at 35 percent Latino by voting age population."	01:46:47
11		Do you remember saying that?	01:46:51
12	A	I remember saying something like that.	01:46:53
13	Q	And that doesn't perfectly reflect point two	01:46:55
14		on the second page of the letter that's marked as	01:46:57
15		Exhibit 10, does it?	01:47:00
16		MR. MANOLIUS: Objection, lacks foundation,	01:47:02
17		vague. You can answer.	01:47:05
18		THE WITNESS: It is off by a few words here	01:47:08
19		and there.	01:47:11
20		MS. HAMILL Q: Do you think perhaps when you	01:47:12
21		were speaking at this HOPE presentation you were	01:47:13
22		ad-libbing a bit from the letter?	01:47:16
23	A	Potentially.	01:47:18
24		MR. MANOLIUS: Objection, calls for	01:47:19
25		speculation.	01:47:20

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1	THE WITNESS: Potentially. I was reading as	01:47:22
2	I'm talking and so there was a little bit, and that	01:47:23
3	might be why there was two words in the first bullet	01:47:30
4	point. I don't know.	01:47:33
5	MS. HAMILL Q: Okay. And so that was your	01:47:34
6	starting point what we just went over you've testified,	01:47:44
7	that that was the start point that you had for	01:47:47
8	Proposition 50; correct?	01:47:50
9	MR. MANOLIUS: Objection, don't answer it.	01:47:51
10	Calls for information protected by the legislative	01:47:53
11	privilege.	01:47:55
12	MS. HAMILL Q: That's what you told HOPE, at	01:47:57
13	least?	01:48:00
14	MR. MANOLIUS: Um, objection. Misstates the	01:48:02
15	testimony, vague. You can answer.	01:48:05
16	MR. WOODS: Join.	01:48:07
17	THE WITNESS: What I told HOPE was that the	01:48:09
18	off the shelf, the first thing available to us in trying	01:48:14
19	to create an additional democratic seat was to utilize a	01:48:16
20	map that had already been drawn that was being advocated	01:48:20
21	for them before the commission, that's what I articulate	01:48:23
22	here.	01:48:26
23	MS. HAMILL Q: Did you tell HOPE that this	01:48:27
24	creating a Latino majority district and putting back in	01:48:29
25	this district was the starting point, because you were	01:48:33

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1	trying to convince them to vote for Proposition 50?	01:48:35
2	MR. MANOLIUS: Objection. I instruct you not	01:48:39
3	to answer, to the extent that it implicates your Prop 50	01:48:41
4	work, legislative privilege, so I instruct you not to	01:48:45
5	answer.	01:48:48
6	MS. HAMILL Q: Did you tell HOPE that this	01:48:48
7	letter we've marked as Exhibit 10 was your starting	01:48:58
8	point, because that was the truth and that's how you	01:49:01
9	started drawing the Proposition 50 map?	01:49:03
10	MR. MANOLIUS: Same objection. Legislative	01:49:06
11	privilege.	01:49:08
12	MS. HAMILL Q: Going back to the transcript,	01:49:09
13	which is marked as Exhibit 9, page 25, line six, you	01:49:10
14	say, "That two bullet points was the first thing we did	01:49:16
15	in drawing the new map. We essentially reversed the	01:49:19
16	Redistricting Commission's decision to eliminate the	01:49:23
17	Latino district from L.A., the old Ed Roybal district,	01:49:26
18	Lucille Roybal-Allard district, the first Latino	01:49:32
19	majority/minority district in the country, the first	01:49:36
20	Latino member of Congress in the country."	01:49:39
21	Do you remember saying that?	01:49:43
22	A I remember saying something like that, yeah.	01:49:44
23	Q Is it true?	01:49:46
24	MR. MANOLIUS: Objection. To the extent it	01:49:47
25	calls for legislative privilege and information, I	01:49:49

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1	instruct you not to answer.	01:49:52
2	MR. MEUSER: Is there an answer?	01:50:10
3	MR. MANOLIUS: I said not to answer.	01:50:11
4	MR. MEUSER: You said to the extent.	01:50:13
5	MR. MANOLIUS: I instruct you not to answer	01:50:15
6	the question.	01:50:17
7	MS. HAMILL Q: Was the point of this exercise	01:50:17
8	that you described between lines six and 13, was the	01:50:23
9	point of that exercise to eliminate Ken Calvert's	01:50:28
10	district or to create a fifth Latino majority district?	01:50:33
11	MR. MANOLIUS: I instruct you not to answer.	01:50:36
12	That's covered by legislative privilege.	01:50:38
13	MS. HAMILL Q: The point of that exercise was	01:50:41
14	to create a fifth Latino majority district, wasn't it?	01:50:44
15	MR. MANOLIUS: Same objection and I instruct	01:50:48
16	you not to answer the question.	01:50:50
17	MS. HAMILL Q: Was it just a fortuitous bonus	01:50:51
18	that eliminating Ken Calvert's district gave you a fifth	01:50:53
19	Latino majority district?	01:50:57
20	MR. MANOLIUS: Same objection. I instruct you	01:50:59
21	not to answer the question.	01:51:02
22	MS. HAMILL Q: If that's the case, if it was a	01:51:07
23	fortuitous bonus, then why did you tell HOPE that you	01:51:09
24	set out to create a majority district?	01:51:14
25	MR. MANOLIUS: Objection. Seeks information	01:51:17

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1	covered by the legislative privilege. You can certainly	01:51:24
2	answer as to what you told HOPE.	01:51:29
3	MR. WOODS: Also, mischaracterizes testimony.	01:51:31
4	THE WITNESS: It definitely mischaracterizes	01:51:33
5	my testimony, I believe. The, I think the point of this	01:51:35
6	was to give a path on the back of the HOPE leadership	01:51:39
7	that advocated really hard for the membership in 2021	01:51:42
8	and to let them know that, that roughly, because if you	01:51:47
9	actually look at the map it is different than their	01:51:52
10	bullet points, but that roughly that they, that what	01:51:56
11	they had advocated for in 2021 was valuable.	01:52:02
12	MS. HAMILL Q: How is it different from their	01:52:07
13	bullet points?	01:52:09
14	MR. MANOLIUS: Objection, vague, lacks	01:52:11
15	foundation. And vague as to how is what different? I	01:52:16
16	am not sure.	01:52:24
17	MS. HAMILL Q: Just quoting your words. You	01:52:24
18	said the Prop 50 map is different from these bullet	01:52:26
19	points; correct?	01:52:30
20	MR. MANOLIUS: I instruct you not to answer	01:52:33
21	the question as to due to legislative privilege with	01:52:34
22	regard to the Prop 50 map.	01:52:38
23	MS. HAMILL Q: I'm asking about the map is	01:52:40
24	drawn, we can all see it. It's not private.	01:52:41
25	Looking at the map, can you tell if it's the	01:52:45

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1 same or different from what's in these proposed bullet 01:52:48
2 points, which were written in 2021 are not relevant to 01:52:51
3 the Prop 50 legislative privilege? 01:52:57
4 A You can see the maps that they submitted and 01:52:59
5 they are similar, but not the same. 01:53:00
6 Q In what ways? 01:53:02
7 A In that there is a Long Beach to Orange County 01:53:03
8 district and there is a north of Long Beach to gateway 01:53:08
9 cities district. 01:53:12
10 Q And how are they different? 01:53:13
11 (Sneezing.) 01:53:18
12 A Because bullet point one says as described in 01:53:20
13 the analysis, which it's not going to match what's in 01:53:27
14 the analysis, and it describes the percentage Latino 01:53:32
15 CVAP in Huntington Beach, because the LB north district 01:53:38
16 is not exactly what we created. Ours goes further into 01:53:41
17 Newport Beach and is not 35 to 40 percent Latino citizen 01:53:45
18 voting population. 01:53:51
19 Q What is it? 01:53:51
20 A Less than that, something less than that. 01:53:52
21 Q And so point one on the second page of 01:53:54
22 Exhibit 10 refers to an analysis. Is that referring to 01:53:58
23 the analysis that's attached to the letter? 01:54:02
24 MR. MANOLIUS: Objection, calls for 01:54:05
25 speculation. 01:54:06

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1 THE WITNESS: When I was doing the 01:54:07
2 presentation I didn't know exactly which analysis they 01:54:09
3 were speaking to, but given these together it was 01:54:12
4 speaking to this, and there's probably even a picture of 01:54:14
5 a map in here. I don't know. And I don't -- and the 01:54:17
6 Prop 50 map did not create an additional Latino 01:54:50
7 majority/minority district. 01:54:58

8 MS. HAMILL Q: What do you mean? 01:54:58

9 A It objectively did not create another Latino 01:54:59
10 district that is was over 50-percent CVAP Latino. 01:55:02

11 The existing map has district 40, the 01:55:06
12 commissioned mapped had a district number 42, it was 01:55:09
13 over 50-percent CVAP Latino, and the new district, that 01:55:20
14 district is now moved up, is renumbered 41 and now 01:55:25
15 there's a new district that goes from Huntington Beach 01:55:29
16 down, from Long Beach down to Huntington Beach, Newport 01:55:31
17 Beach, which is not Latino majority/minority, so there's 01:55:34
18 not an additional Latino majority/minority district 01:55:38
19 created through that. 01:55:42

20 Q So I want to turn your attention to page 25 of 01:55:45
21 what's marked as Exhibit 9, lines 19 through 25. 01:55:48

22 A Yes. 01:55:58

23 Q And so, basically, this is saying you went 01:55:59
24 back to proposals from HOPE, Equality California, groups 01:56:02
25 that were trying to advocate for changes during the last 01:56:06

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1	redistricting process; right?	01:56:09
2	MR. MANOLIUS: Objection, legislative	01:56:10
3	privilege, instruct you not to answer.	01:56:13
4	MS. HAMILL: You said it publicly, so wouldn't	01:56:15
5	that be a waiver of the privilege.	01:56:19
6	MR. MANOLIUS: Again, you can ask him if he	01:56:21
7	said it.	01:56:22
8	MS. HAMILL Q: Did you say this, Mr. Mitchell?	01:56:24
9	A Yes, I said that. And the second portion of	01:56:27
10	that what they were doing in 2021 is true.	01:56:35
11	Q Is any part of this statement not true?	01:56:39
12	A No. I am just saying it's definitely	01:56:41
13	something I can confirm without getting into what	01:56:44
14	happened during the Prop 50 mapping process.	01:56:47
15	Q Was Equality California proposing a Latino	01:56:49
16	majority district?	01:56:52
17	MR. MANOLIUS: Vague as to time. Objection.	01:56:53
18	Vague as to time. And if it's during the Prop 50 time,	01:56:56
19	I instruct you not to answer based on legislative	01:56:59
20	privilege.	01:57:02
21	THE WITNESS: In 2021, Equality California was	01:57:04
22	advocating for the same structure of maps that HOPE was	01:57:09
23	advocating for, which would have replaced an L.A.	01:57:12
24	district.	01:57:16
25	But, again, same set, same number of Latino	01:57:16

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1	majority/minority districts, just one more district in	01:57:20
2	L.A.	01:57:23
3	Q What is your understanding of why Equality	01:57:24
4	California would propose a Latino majority district?	01:57:26
5	A They weren't --	01:57:29
6	MR. MANOLIUS: Objection, calls for	01:57:30
7	speculation.	01:57:31
8	MR. WOODS: Join.	01:57:32
9	MR. MANOLIUS: Lacks foundation. You can	01:57:33
10	answer.	01:57:34
11	THE WITNESS: They were advocating for their	01:57:35
12	LGBT community. They had maps showing there was a	01:57:36
13	strong LGBT community in Long Beach and they believed	01:57:41
14	that that LGBT community could be more effective in	01:57:44
15	advocating and helping to elect a candidate of choice	01:57:48
16	from that group if it was paired with more coastal	01:57:49
17	communities down Huntington Beach, Long Beach.	01:57:51
18	And so their interests and HOPE's interests	01:57:53
19	might have aligned, but that's why Equality California	01:57:56
20	was advocating, and they have a lot of documentation and	01:57:58
21	a lot of public testimony about that.	01:58:02
22	MS. HAMILL Q: I am going to take you back to	01:58:26
23	what I marked as exhibit --	01:58:28
24	A Do you want me to give you those, please?	01:58:34
25	Eight, she had it already. Okay.	01:58:39

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1	Q	So I want to go to page 27, line 17 down to	01:58:52
2		25, and then going to page 28, lines one to two.	01:59:05
3	A	Okay.	01:59:21
4	Q	Do you remember saying this?	01:59:22
5	A	Yes.	01:59:24
6		MR. MANOLIUS: Objection, compound. Out of	01:59:25
7		text. You can answer.	01:59:28
8		THE WITNESS: Yes, I recall saying that second	01:59:29
9		portion of a statement you're reading. You're selecting	01:59:35
10		only a second portion of a statement.	01:59:38
11		MS. HAMILL Q: So I am referring to line 17.	01:59:40
12	A	You have to go to line six. You have to start	01:59:43
13		on line six.	01:59:46
14	Q	Okay. But you do recall saying those things?	01:59:47
15	A	Uh-huh. Yes.	01:59:50
16	Q	Okay. And so on line 18 you say, "And so why	01:59:52
17		would you remove districts from an area that's, you	02:00:04
18		know, from a Latino community where this Roybal-Allard	02:00:07
19		district has been historically and there's a lot of	02:00:12
20		community interest arguments about that district. Why	02:00:14
21		take that out when you could just leave it there and let	02:00:19
22		all the districts in L.A. kind of push out over the	02:00:22
23		area, over the county into other areas."	02:00:24
24		And that was a true statement when you said	02:00:29
25		it; correct?	02:00:30

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1	MR. MANOLIUS: Objection, lacks foundation,	02:00:31
2	calls for speculation, and vague as to what the time	02:00:33
3	period.	02:00:38
4	THE WITNESS: For this statement to make sense	02:00:38
5	you have to go back to line six --	02:00:40
6	MS. HAMILL Q: Okay.	02:00:42
7	A -- because to back up a second, the last	02:00:42
8	commission had to go from 52 to -- 53 to 52 seats.	02:00:44
9	There were two arguments. You've skipped to the second	02:00:47
10	argument.	02:00:53
11	Q Uh-huh.	02:00:54
12	A The first argument, and so I am paraphrasing	02:00:54
13	what other people were saying.	02:00:57
14	Matt Rexroad was saying, hey, L.A. is where	02:00:58
15	you're losing population. Matt Rexroad was saying, hey,	02:01:06
16	L.A. is where you're losing the population, so you	02:01:08
17	should take that, you know, district out of L.A.	02:01:08
18	And, honestly, like, it's easier just to take	02:01:12
19	one district out and let the rest of the districts	02:01:16
20	collapse in on itself than to do what we were saying,	02:01:19
21	which was no, no, no, keep all the districts in L.A., so	02:01:23
22	that's the first argument that people were making.	02:01:27
23	And then the second statement, starting line	02:01:30
24	17, going through the end of that is me characterizing	02:01:33
25	the alternate statement, groups like HOPE and others	02:01:36

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1	were saying.	02:01:40
2	So in both cases, I'm channelling Matt Rexroad	02:01:40
3	in the first statement and I'm channelling advocacy	02:01:45
4	groups in the second statement.	02:01:49
5	These aren't, I am not stating my viewpoint, I	02:01:50
6	am stating what was kind of the public testimony at the	02:01:53
7	time.	02:01:56
8	MS. HAMILL Q: And you ultimately went with	02:01:56
9	the second argument; correct? You did not take the Matt	02:01:58
10	Rexroad approach to the map?	02:02:02
11	MR. MANOLIUS: Objection, we're talking about	02:02:03
12	Prop 50.	02:02:05
13	THE WITNESS: From 2021 --	02:02:06
14	MR. MANOLIUS: Objection. Calls for	02:02:08
15	information that's from, protected by the legislative	02:02:09
16	privilege, because it deals with the map drawing in	02:02:12
17	2025.	02:02:18
18	MS. HAMILL Q: Were you referring to 2021 or	02:02:18
19	to Prop 50 when you made these statements?	02:02:20
20	A Referring to 2021.	02:02:22
21	Q Okay.	02:02:27
22	A So in 2021, these were the two arguments, and	02:02:27
23	organizations advocating for Democrats and for	02:02:31
24	progressive causes were advocating for the latter of	02:02:36
25	maintaining as many seats in L.A. and having the	02:02:40

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1 districts spill over into other counties, rather than 02:02:43
2 having a district get pulled out of the middle of L.A. 02:02:47
3 which would have invariably reduced a democratic member 02:02:50
4 of Congress. 02:02:53

5 So all I'm doing in this is explaining both 02:02:56
6 takes. Matt Rexroad is a republican consultant. 02:03:00

7 MS. HAMILL Q: You didn't use any partisan 02:03:05
8 language when you said this to Capitol Weekly, you only 02:03:06
9 spoke about the Latino population; correct? 02:03:10

10 MR. MANOLIUS: Objection, misstates testimony, 02:03:12
11 calls for speculation. Vague as to time. 02:03:15

12 MR. WOODS: The document speaks for itself. 02:03:18

13 THE WITNESS: Line two mentioned Ken Calvert. 02:03:23

14 MS. HAMILL Q: Okay. So you mentioned Ken 02:03:31
15 Calvert on line two, but where you're talking you just 02:03:33
16 explained to me, it sounds like you replaced what you 02:03:36
17 said on page 27, you replaced Latino with democratic and 02:03:39
18 progressive causes, but, anyway, we'll move on. 02:03:44

19 So then going to page 28, lines three through 02:03:47
20 seven, do you remember saying that? 02:03:54

21 MR. MANOLIUS: I am sorry. Can you repeat 02:04:07
22 your lines? 02:04:09

23 MS. HAMILL Q: Lines three through seven on 02:04:09
24 page 28. 02:04:11

25 MR. MANOLIUS: Thank you. 02:04:13

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1	THE WITNESS: I don't recall saying it, but I	02:04:14
2	don't dispute that it's in the transcript.	02:04:16
3	MS. HAMILL Q: You're saying, "The first thing	02:04:17
4	we did was we used that community of interest testimony	02:04:18
5	and kind of undid what the commission did last time in	02:04:21
6	putting that district back in L.A. and kind of	02:04:24
7	eliminating that Calvert seat."	02:04:27
8	MR. MANOLIUS: Objection.	02:04:31
9	MS. HAMILL Q: That's the first thing you	02:04:33
10	did; correct?	02:04:34
11	MR. MANOLIUS: Objection, legislative	02:04:35
12	privilege. Instruct you not to answer.	02:04:37
13	MS. HAMILL: And, again, we're talking about	02:04:39
14	something that you have already discussed publicly on a	02:04:43
15	podcast and you've said this out loud and now you're	02:04:46
16	asserting the privilege in a deposition?	02:04:49
17	MR. MANOLIUS: Yes. You can ask him if he	02:04:53
18	said it, but to the extent that it implicates the	02:04:55
19	legislative privilege, he's instructed not to answer.	02:04:58
20	MS. HAMILL Q: So you said this, yes? You	02:05:02
21	said this; correct?	02:05:06
22	A Presuming this transcript is right, that's	02:05:07
23	what I said, this does --	02:05:09
24	Q Is there anything in this transcript that	02:05:11
25	you -- that sticks out to you that's not representing	02:05:13

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1 what you actually said? 02:05:16

2 A I haven't found anything yet, but I believe in 02:05:18

3 the other transcripts I have seen things that weren't 02:05:20

4 exactly right so I -- but I do -- I don't dispute it, 02:05:22

5 put it that way. 02:05:26

6 Q As we go through this deposition I'd 02:05:27

7 appreciate it if you point out to me every time you see 02:05:29

8 something in one of these transcripts that doesn't 02:05:32

9 accurately reflect what you've said. 02:05:35

10 A I have. 02:05:36

11 Q Thank you. All right. So you're telling 02:05:37

12 Capitol Weekly the first thing you did was use community 02:05:42

13 of interest testimony and undid what the commission did 02:05:45

14 last time in putting that district back in L.A. and kind 02:05:48

15 of eliminating that Calvert seat, so that tracks with 02:05:51

16 what you told HOPE you did, as well; correct? 02:05:54

17 MR. MANOLIUS: Objection. Compound. Lacks 02:05:57

18 foundation. You can answer. 02:06:00

19 THE WITNESS: The two statements are 02:06:04

20 consistent with each other, if that's what you're asking 02:06:06

21 me. I don't want to characterize what I did. 02:06:09

22 Otherwise, the two statements are consistent with each 02:06:12

23 other. 02:06:14

24 Q Okay. And we're talking about district 41; 02:06:14

25 correct? 02:06:18

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1	A	Yes, the Ken Calvert district. In 2021 it	02:06:18
2		would have been something else.	02:06:25
3	Q	So you relied on the HOPE letter marked as	02:06:30
4		Exhibit 10 when you were drawing the Proposition 50 map;	02:06:40
5		correct?	02:06:43
6		MR. MANOLIUS: Objection. Calls for	02:06:44
7		information protected by the legislative privilege. I	02:06:47
8		instruct you not to answer.	02:06:50
9		MS. HAMILL Q: I want you to turn to the fifth	02:06:51
10		page of what I've marked as Exhibit 10, which looks like	02:07:13
11		this (Indicating).	02:07:18
12	A	Okay. They don't have numbers.	02:07:18
13	Q	My apologies.	02:07:20
14	A	Footnote three at the bottom of it.	02:07:21
15		MR. MEUSER: HOPE letter, so should be the	02:07:25
16		third page of that.	02:07:28
17		MR. WOODS: Got it.	02:07:30
18		THE WITNESS: The bottom of footnote three.	02:07:31
19		MS. HAMILL Q: The third full paragraph down,	02:07:33
20		it starts with, "It is important to remember that voting	02:07:38
21		rights and the protection of voters of color is a higher	02:07:41
22		priority than preserving county boundaries or other	02:07:45
23		lower order criteria."	02:07:49
24		Do you agree with that statement?	02:07:52
25		MR. MANOLIUS: Objection, content, vague as to	02:07:53

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1	context and timing and overbroad and compound. You can	02:07:59
2	answer.	02:08:03
3	MR. WOODS: Join.	02:08:03
4	THE WITNESS: We're talking about 2021;	02:08:05
5	correct?	02:08:10
6	MS. HAMILL Q: I'm asking you if you agree	02:08:10
7	with that statement.	02:08:13
8	MR. MANOLIUS: And also vague as to the	02:08:14
9	context of whatever project it might be.	02:08:16
10	THE WITNESS: I don't know that the	02:08:21
11	terminology is exactly right or how I would -- this is,	02:08:32
12	this is for clarity. This is something that somebody	02:08:36
13	else wrote and that HOPE attached to their letter, which	02:08:40
14	also somebody else wrote, and you're asking me to	02:08:43
15	answer, it's almost like three, three steps down.	02:08:46
16	But I would say that the second portion of	02:08:50
17	that sentence is clearly true, that there are a lot of	02:08:53
18	things that county boundaries or other lower criterias	02:08:56
19	are subservient to the State's redistricting law and the	02:09:00
20	question would be how you characterize Voting Rights Act	02:09:06
21	and protection of voters of color.	02:09:09
22	Communities of interest might be a better way	02:09:13
23	of saying that, because communities of interest is a	02:09:15
24	higher priority than county boundaries or other lower	02:09:17
25	criteria, but this is written by a demographer that's	02:09:22

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1 focused on racially polarized voting, not a demographer 02:09:26
2 who draws districts, so I don't know. 02:09:31

3 Q Continuing to the next sentence, it says, 02:09:35
4 "Further, it is also acceptable for commissioners to 02:09:42
5 value providing influence to voters of color in its 02:09:46
6 districting plans, so long as it is not the sole 02:09:49
7 criterion used, even beyond the minimal requirements for 02:09:52
8 voting rights guidance provided by the commission -- 02:09:54
9 sorry -- provided to the commission by its voting rights 02:09:58
10 staff." 02:10:02

11 Do you agree with that statement? 02:10:03

12 A Well, if I can -- 02:10:04

13 MR. MANOLIUS: Objection, calls for 02:10:05
14 speculation, vague as to context, written by somebody 02:10:07
15 else. You can. 02:10:10

16 THE WITNESS: If I can dissect this, because 02:10:13
17 this is a word salad a little bit. 02:10:15

18 So where he says is acceptable for 02:10:19
19 commissioners to value providing influence to voters of 02:10:22
20 color in its districting plans, that can take a lot of 02:10:27
21 forms. 02:10:30

22 That could mean that it's okay if as an 02:10:31
23 incidental byproduct of preserving communities of 02:10:35
24 interest that a racial minority of voters of color are 02:10:40
25 empowered, as long as their ethnicity is not the sole 02:10:45

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1 criteria, or race is not the sole criteria. And that is 02:10:53
2 true even where you're not dealing with a requirement 02:10:59
3 from attorneys telling you that you have a section two 02:11:06
4 Voting Rights Act requirement. 02:11:09

5 So as an example, if you were to use arguments 02:11:11
6 from the Armenian grocers who said that we want to be 02:11:15
7 together in a community because we have concerns before 02:11:18
8 the city council or we have issues, literally in 02:11:21
9 Glendale they were trying to ban Armenian BBQ, outdoor 02:11:25
10 barbecues, so they got together and organized to try to 02:11:30
11 take on the city council. 02:11:32

12 Would it be okay for you as the redistricting 02:11:33
13 commissioner to say we're going to keep you within a 02:11:35
14 district as a community of interest even though the 02:11:38
15 byproduct of that is that you are creating a better 02:11:42
16 voting power for that minority community? That's what 02:11:45
17 this is characterizing. 02:11:48

18 That legitimate purpose, legitimate goals in 02:11:50
19 redistricting, like maintaining communities of interest, 02:11:55
20 could have the effect of providing greater influence to 02:11:59
21 voters of color, even in areas where we're not talking 02:12:02
22 about the Voting Rights Act at all, and that's not 02:12:04
23 inherently bad or wrong for a redistricting to do that 02:12:07
24 as long as it's not using race as its sole criteria. 02:12:10
25 That's what that is reading to me as. 02:12:14

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1	Q	Well, if all that's true then why wouldn't you	02:12:16
2		just testify and explain to us exactly what the criteria	02:12:18
3		were that you used to draw the Prop 50 map?	02:12:22
4		MR. MANOLIUS: Objection, because it's	02:12:25
5		protected by legislative privilege.	02:12:26
6		Objection, also, that it's a distinct,	02:12:32
7		different process.	02:12:40
8		THE WITNESS: Sorry if that was fast.	02:12:49
9		THE REPORTER: I'll jump in.	02:12:51
10		MS. HAMILL Q: I want you to go to the second	02:12:53
11		to last page of what I have marked as Exhibit 10,	02:13:14
12		please.	02:13:18
13	A	Uh-huh. You mean, the next to the last page,	02:13:18
14		the one with the map at the top?	02:13:23
15	Q	Looks like this (Indicating).	02:13:25
16	A	Yeah.	02:13:27
17	Q	Yes. And that middle paragraph, the bold line	02:13:28
18		says, "To create a new gateway cities district to	02:13:32
19		enhance Latino voting influence, the commission would	02:13:35
20		need to meld together two white majority districts	02:13:38
21		elsewhere, so as to cause an aggregate increase in the	02:13:41
22		number of districts providing voting power for voters of	02:13:45
23		color across the region and the state."	02:13:48
24		Did you meld together two white majority	02:13:50
25		districts like the HOPE letter suggested?	02:13:54

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1	MR. MANOLIUS: Objection, vague as to time.	02:13:56
2	If you're talking about the Prop 50 process, I instruct	02:13:58
3	you not to answer due to legislative privilege.	02:14:02
4	MS. HAMILL: I'm talking about Prop 50.	02:14:07
5	MR. MANOLIUS: My objection and instruction	02:14:11
6	stands.	02:14:13
7	MS. HAMILL Q: Would it be illegal in your	02:14:14
8	mind, in your approaching your work in your	02:14:19
9	understanding, I am not asking for a legal conclusion	02:14:22
10	here -- let me just rephrase that.	02:14:24
11	Would it be improper to meld together two	02:14:28
12	white majority districts in order to increase the voting	02:14:33
13	power of a protected class generally?	02:14:36
14	MR. MANOLIUS: Objection, calls for	02:14:40
15	speculation, incomplete hypothetical, and it sounds like	02:14:41
16	you're asking as a general matter. Depends on the	02:14:49
17	process. And don't answer anything about Prop 50.	02:14:52
18	MR. WOODS: Also, calls for a legal	02:14:58
19	conclusion.	02:15:01
20	THE WITNESS: What I think this is discussing	02:15:04
21	is that there was a district going to be eliminated and	02:15:06
22	I don't know why the analysis reads like this or what he	02:15:11
23	was trying to say, but what he's talking about in 2021	02:15:15
24	was the elimination to have a district, if we -- if the	02:15:20
25	state had created this gateway cities district, it would	02:15:31

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1 have required somewhere else in the state two districts 02:15:37
2 to be collapsed. 02:15:42

3 Whether or not those two districts would be, I 02:15:50
4 don't know what the composition of those two district 02:15:51
5 would be, but mathematically two districts somewhere 02:15:53
6 else would have to be collapsed. 02:15:57

7 MS. HAMILL Q: Would that trigger Voting 02:15:58
8 Rights Act concerns that would make you go and speak to 02:16:01
9 an attorney if you were melding two white majority 02:16:04
10 districts together? 02:16:07

11 MR. MANOLIUS: Objection, calls for 02:16:08
12 speculation, incomplete hypothetical. Depends on the 02:16:09
13 process. Ultimately, attorney-client privilege, but you 02:16:12
14 can answer. 02:16:18

15 MR. WOODS: Calls for legal conclusion. You 02:16:18
16 can answer. 02:16:20

17 THE WITNESS: In other jurisdictions where I'm 02:16:21
18 working and I'm working with legal counsel about 02:16:26
19 particular VRA districts, they seem to be rather 02:16:29
20 agnostic about what happens in the others. 02:16:32

21 They're concerned about a particular district 02:16:35
22 that they might argue, the lawyers might think is 02:16:37
23 required by the Voting Rights Act, but the impact that 02:16:40
24 seems to have on other districts, they seem to not have 02:16:43
25 a significant concern about. 02:16:46

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1	MS. HAMILL Q: I'm going to go back to page	02:16:47
2	five of Exhibit 10, which has that footnote three at the	02:16:49
3	bottom. In the middle of the paragraph that we were	02:16:53
4	looking at before, the paragraph starts with, "It is	02:17:00
5	important."	02:17:03
6	If you go down, the third sentence starts	02:17:05
7	with, "Thus, it may be important that some of these very	02:17:10
8	high Latino districts in L.A. County expand somewhat	02:17:15
9	into neighboring counties, such as Orange County or	02:17:19
10	Riverside County."	02:17:22
11	Do you see that?	02:17:23
12	A Uh-huh.	02:17:24
13	MR. MEUSER: Is that a "yes"?	02:17:27
14	THE WITNESS: Yes.	02:17:29
15	MS. HAMILL Q: And then it says, "Crossing	02:17:30
16	into Orange County will make some of these districts	02:17:33
17	less overpacked but will still allow for very high	02:17:36
18	levels of Latino ability to elect, and Latino CVAP	02:17:39
19	majorities, that end seem errant," but do you see where	02:17:49
20	I'm reading from?	02:17:53
21	A Uh-huh.	02:17:54
22	Q Do you have an understanding of this	02:17:55
23	statement?	02:17:58
24	MR. MANOLIUS: Objection, calls for	02:17:58
25	speculation. You can answer.	02:17:59

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1	THE WITNESS: Generally, I understand the	02:18:03
2	words and I think the and is in place, because Latinos'	02:18:05
3	ability to elect and Latino CVAP majorities are	02:18:12
4	different constructs.	02:18:17
5	MS. HAMILL Q: Got it. That's a helpful	02:18:18
6	explanation. And so it sounds like what this document	02:18:20
7	is saying is that when there are overpacked districts	02:18:22
8	with high levels of Latino voters, that they need to be	02:18:28
9	unpacked. Is that what they're saying?	02:18:39
10	MR. MANOLIUS: Objection, misstates the	02:18:41
11	contents of the letter. Calls for speculation. You can	02:18:43
12	answer.	02:18:47
13	MR. WOODS: Join.	02:18:48
14	THE WITNESS: Um, this is kind of like high	02:18:49
15	level VRA --	02:18:55
16	MS. HAMILL Q: Uh-huh.	02:18:57
17	A -- and I really feel like this level of this	02:18:58
18	discussion, you'd be best served talking to the author	02:19:03
19	of this document, so I have to -- I understand what he	02:19:06
20	is saying, but I don't understand whether or not it's	02:19:10
21	true or not.	02:19:12
22	Q Do you have an understanding of the concept of	02:19:13
23	overpacking districts and then moving populations around	02:19:15
24	to maintain the ability to elect of a protected	02:19:18
25	population? Do you understand that concept?	02:19:23

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1	A	Uh-huh.	02:19:25
2	Q	Okay. Is that what they're talking about	02:19:26
3		here?	02:19:29
4		MR. MANOLIUS: Objection, calls for	02:19:29
5		speculation.	02:19:30
6		THE WITNESS: Yes.	02:19:30
7		MS. HAMILL Q: Is this something that you	02:19:32
8		implemented when you were drawing the maps for	02:19:33
9		Proposition 50?	02:19:35
10		MR. MANOLIUS: Objection. Instruct you not to	02:19:37
11		answer, legislative privilege.	02:19:38
12		MS. HAMILL Q: So moving onto the next	02:19:42
13		sentence, "For instance, district SP710 is 63 percent	02:19:47
14		Latino CVAP. Such a district is likely overpacked	02:19:53
15		beyond what is required."	02:19:57
16	A	I am sorry. I lost track of where you are.	02:19:58
17		Can you tell me again? For instance?	02:20:01
18	Q	Yes.	02:20:02
19	A	Sorry. I was off. Thank you.	02:20:03
20	Q	"For instance, district SP710 is 63 percent	02:20:05
21		Latino CVAP. Such a district is likely overpacked	02:20:09
22		beyond what is required to definitively allow for the	02:20:13
23		election of a Latino candidate of choice."	02:20:16
24		Do you see that?	02:20:20
25	A	Uh-huh. Yes.	02:20:20

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1	Q	Do you have an understanding of that	02:20:21
2		statement?	02:20:23
3		MR. MANOLIUS: Objection, calls for	02:20:23
4		speculation. He didn't write it but he can answer.	02:20:24
5		THE WITNESS: I understand the words. I	02:20:31
6		understand what he's characterizing.	02:20:32
7		MS. HAMILL Q: Generally, when you were	02:20:34
8		drawing maps, what do you consider, what percentage of	02:20:35
9		CVAP do you consider a district is overpacked?	02:20:40
10		MR. MANOLIUS: Objection. Lacks context,	02:20:44
11		vague, depends on the process. And I instruct you not	02:20:47
12		to answer anything about the Prop 50 map drawings for	02:20:51
13		legislative privilege.	02:20:56
14		THE WITNESS: I 100 percent in cases like this	02:20:57
15		default to legal counsel to tell me.	02:20:59
16		And I have been in other instances in Kern	02:21:02
17		County, as an example, where legal counsel asked us to	02:21:05
18		have districts that were 63, 65 percent Latino.	02:21:09
19		So in the situation, there was a lawsuit in	02:21:13
20		Kern County, very well-known one where they were looking	02:21:15
21		at creating kind of CVAP districts like this, so I can't	02:21:18
22		characterize, there's no magic overpacking number.	02:21:21
23	Q	All right. And moving onto the next sentence,	02:21:24
24		it says, "Similarly, STH60 and CDNELA are 56 percent and	02:21:27
25		57 percent Latino CVAP respectively. If these districts	02:21:37

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1	were between 52 percent and 54 percent Latino CVAP, for	02:21:43
2	instance, they would still be very likely to elect	02:21:44
3	Latino candidates of choice."	02:21:48
4	Do you see that?	02:21:50
5	A Uh-huh. Yes.	02:21:50
6	Q Do you have an understanding of what that	02:21:51
7	means?	02:21:53
8	A Yes.	02:21:53
9	MR. MANOLIUS: Objection, calls for	02:21:53
10	speculation, incomplete hypothetical, context. You can	02:21:55
11	answer.	02:21:59
12	MR. WOODS: Join.	02:22:00
13	THE WITNESS: Yes.	02:22:01
14	MS. HAMILL Q: What is your understanding of	02:22:01
15	that statement?	02:22:03
16	A The understanding of that statement, and again	02:22:04
17	these letter number things, these are districts that	02:22:10
18	were draft maps from the commission STH60 CDNELA, that	02:22:15
19	was a methodology they used to maintain districts. So I	02:22:19
20	don't have real clear memory as to what exactly those	02:22:23
21	districts were at the time, but what he's essentially	02:22:26
22	saying is that idea of majority/minority being	02:22:30
23	bifurcated from the idea of ability to elect, and in	02:22:34
24	some parts of the state or country a 52 percent or	02:22:38
25	54 percent Latino CVAP district is sufficient, given an	02:22:42

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1 ability to elect analysis, which is what this 02:22:47
2 demographer does to elect a candidate of choice from 02:22:51
3 this Latino community and other jurisdictions that might 02:22:54
4 not be enough. 02:22:57

5 Q Do you agree that moving Hispanic populations 02:23:00
6 out of overpacked districts into other areas helps to 02:23:03
7 maintain a likelihood that Hispanics will still elect 02:23:06
8 candidates of their choice, and I am asking generally, 02:23:13
9 not specifically, to this scenario? 02:23:16

10 MR. MANOLIUS: Objection, speculation, 02:23:18
11 incomplete hypothetical. You can answer. 02:23:18

12 THE WITNESS: There is no general answer. 02:23:23

13 MS. HAMILL Q: When you were drawing the Prop 02:23:24
14 50 maps, did you have a specific CVAP target in mind? 02:23:26

15 MR. MANOLIUS: Objection, and I instruct you 02:23:30
16 not to answer. It calls for legislatively privileged 02:23:31
17 information. 02:23:34

18 MS. HAMILL Q: When you were drawing the Prop 02:23:35
19 50 maps you had a specific target, Hispanic CVAP in mind 02:23:37
20 for a set number of districts; correct? 02:23:43

21 MR. MANOLIUS: Objection. I instruct you not 02:23:45
22 to answer, legislative privilege. 02:23:46

23 MS. HAMILL Q: And you agree that the sweet 02:23:50
24 spot Hispanic CVAP to maintain electing candidates of 02:23:53
25 their choice is somewhere between 52 and 55 percent; 02:23:58

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1	correct?	02:24:01
2	MR. MANOLIUS: Objection, misstates his	02:24:01
3	testimony, lacks context, incomplete hypothetical. You	02:24:03
4	can answer.	02:24:07
5	MR. WOODS: Same objections.	02:24:07
6	THE WITNESS: I cannot answer or I can?	02:24:08
7	MR. MANOLIUS: You can.	02:24:10
8	THE WITNESS: I can? No, I don't agree with	02:24:11
9	that.	02:24:13
10	MS. HAMILL Q: Can you explain?	02:24:14
11	A I already did explain earlier that it's very	02:24:15
12	situational.	02:24:18
13	In some areas in Kern County, well-documented	02:24:19
14	lawsuit, needs a much higher Latino CVAP based on what	02:24:24
15	the legal counsel told me in that case, and legal	02:24:28
16	counsel in other cases have instructed that a 50 percent	02:24:31
17	CVAP Latino is sufficient for based on ability to elect	02:24:35
18	a candidate of choice, so there is not a doctrine in	02:24:40
19	California about some magical number.	02:24:43
20	Q Would you agree that that sweet spot of 52 to	02:24:45
21	55 percent that's expressed in this letter marked as	02:24:50
22	Exhibit 10 applies to the areas that HOPE was	02:24:54
23	referencing their map, with their map proposal?	02:24:56
24	MR. WOODS: Objection. Calls for speculation.	02:25:01
25	Also, mischaracterizes the document.	02:25:05

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1	MR. MANOLIUS: Lacks foundation, incomplete	02:25:07
2	hypothetical.	02:25:11
3	THE WITNESS: I don't want to sound combative,	02:25:12
4	but your statement of sweet spot is the first time I	02:25:14
5	have ever heard anybody say sweet spot with regards to	02:25:17
6	CVAP target, so this isn't the way that I communicate in	02:25:20
7	any of my redistrictings.	02:25:23
8	I don't mean that to be pejorative. I am just	02:25:25
9	saying that is not any language that I have ever used in	02:25:29
10	redistricting.	02:25:31
11	MS. HAMILL Q: What phrasing would you use?	02:25:33
12	A There wouldn't be a phrasing.	02:25:33
13	Q So there's no target?	02:25:34
14	A No.	02:25:36
15	MR. MANOLIUS: Objection, speculation,	02:25:36
16	incomplete hypothetical. Depends on the context. You	02:25:38
17	can answer.	02:25:41
18	THE WITNESS: I characterized in Kern County	02:25:41
19	there was guidance from legal counsel to get, I don't	02:25:43
20	recall exactly what it was, but it was relatively	02:25:47
21	higher, over 50 percent, but those kind of targets like	02:25:51
22	in Kern County are extremely rare, almost never seen,	02:25:56
23	and it's in a case where there was a legal requirement	02:26:00
24	based on a lawsuit to have a district that was a certain	02:26:03
25	percentage.	02:26:08

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1 That is not how, you go to any of my 02:26:09
2 redistrictings that I have ever done, over 100, that's 02:26:13
3 not how we communicate about these issues. 02:26:15

4 MS. HAMILL Q: Well, I wish I could get your 02:26:18
5 communications regarding Prop 50, but we're getting, 02:26:20
6 we're catching objections on everything, so I have to go 02:26:23
7 through this process here. 02:26:26

8 Moving onto the last sentence in that 02:26:28
9 paragraph, "The commission may want to consider the 02:26:30
10 optimal allocation of Latino CVAP in L.A. County so as 02:26:33
11 to create one additional very high Latino CVAP majority 02:26:38
12 or plurality district in this area while maintaining 02:26:44
13 these four Latino CVAP majority districts." 02:26:46

14 Do you see that. 02:26:51

15 A Yes. 02:26:52

16 Q And that's exactly what you drew up in Prop 02:26:52
17 50? 02:26:55

18 MR. MANOLIUS: Objection, legislative 02:26:55
19 privilege. I instruct you not to answer, privilege. 02:26:58
20 Sorry. 02:27:00

21 MS. HAMILL: Can we take a 10-minute break? 02:27:20

22 THE WITNESS: Sure. 02:27:29

23 THE VIDEOGRAPHER: The time is 2:27 p.m. We 02:27:29
24 are going off the record. 02:27:32

25 (Whereupon a recess was taken.) 02:41:14

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1	THE VIDEOGRAPHER: We are back on the record.	02:41:14
2	The time is 2:41 p.m. and this marks the beginning of	02:41:20
3	videotape number four in the deposition of Paul	02:41:27
4	Mitchell, which is being taken at Hansen Bridgett, LLP,	02:41:30
5	500 Capitol Mall, Suite 1500, Sacramento, California.	02:41:34
6	The videographer is Nicholas Coulter here on behalf of	02:41:40
7	Array Legal Services.	02:41:44
8	MS. HAMILL Q: Mr. Mitchell, at any point	02:41:46
9	between July 2nd and August 15th, did you speak with any	02:41:50
10	of the bill sponsors for any of the three Prop 50 bills?	02:41:57
11	A Can you tell me their names? I don't know	02:42:03
12	which ones.	02:42:05
13	MS. HAMILL Q: You would know better than I	02:42:06
14	would. You don't know who sponsored the bills?	02:42:08
15	A No.	02:42:10
16	MR. MANOLIUS: Objection, calls for	02:42:10
17	speculation.	02:42:11
18	MS. HAMILL Q: Did you speak with Sabrina	02:42:12
19	Cervantes in that period of time?	02:42:17
20	A Yes.	02:42:18
21	Q What did you speak with her about?	02:42:18
22	MR. MANOLIUS: Objection, legislative	02:42:20
23	privilege. Don't answer the question.	02:42:23
24	MS. HAMILL Q: Did you speak with Gail	02:42:24
25	Pellerin Mark.	02:42:32

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1	A	During that time?	02:42:32
2	Q	Yes.	02:42:33
3	A	Yes.	02:42:34
4	Q	What did you speak with her about?	02:42:35
5		MR. MANOLIUS: Same objection, based on	02:42:38
6		legislative privilege.	02:42:40
7		MS. HAMILL Q: Did you speak with Cecilia	02:42:42
8		Aguilar Curry during that period of time of July 2nd to	02:42:57
9		August 15th, did you speak with anyone involved in the	02:43:00
10		assembly committee on elections?	02:43:02
11	A	I would need to know the members of the	02:43:06
12		committee. I'm not trying to be combative. I just	02:43:11
13		don't honestly know the members of the committee and I	02:43:18
14		didn't speak with any staff.	02:43:21
15	Q	I'll pull that list on the next break for you.	02:43:23
16	A	Thank you.	02:43:30
17	Q	During that time period of July 2nd to	02:43:31
18		August 15th, did you speak with anyone on the senate	02:43:34
19		committee on elections?	02:43:37
20	A	Same.	02:43:39
21	Q	You need a list?	02:43:41
22	A	I wouldn't know who is on the committee. I	02:43:42
23		don't do legislative work.	02:43:45
24	Q	Did you just say you don't do legislative	02:43:48
25		work?	02:43:53

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1	A	No, I don't mean like that, I mean	02:43:54
2		historically, like, in Sacramento I'm not a lobbyist.	02:43:55
3		I don't -- I work more in politics than I do	02:43:59
4		in committee staffs and who works where. I don't keep	02:44:03
5		track of whose on what committees.	02:44:05
6	Q	I am going to turn back to the HOPE	02:44:09
7		transcript, Exhibit 9, page 26.	02:44:25
8	A	Oh. Okay.	02:44:31
9	Q	I'll direct your attention to line 14 on page	02:44:37
10		26, going down to line 21. Do you remember making that	02:44:41
11		statement?	02:45:03
12		MR. MANOLIUS: I apologize. Can you give me	02:45:04
13		the line numbers again?	02:45:06
14		MS. HAMILL: 14 to 21.	02:45:08
15		MR. MANOLIUS: Okay. Thanks.	02:45:09
16		THE WITNESS: Yes.	02:45:11
17		MS. HAMILL Q: Was it true at the time that	02:45:31
18		you said it?	02:45:33
19		MR. MANOLIUS: Objection. Legislative	02:45:36
20		privilege. Don't answer the question.	02:45:41
21		MS. HAMILL Q: You're referring to a Voting	02:45:44
22		Rights Act analysis that you got back. Are you	02:45:49
23		referring to a voting rights analysis for Prop 50?	02:45:51
24		And this is a clarifying question because I	02:45:56
25		don't know if you're talking about Prop 50 or something	02:45:59

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1	else.	02:46:14
2	MR. MANOLIUS: Objection, as to Prop 50, calls	02:46:14
3	for information that's privileged by legislative	02:46:24
4	privilege. Don't answer the question.	02:46:27
5	MS. HAMILL Q: Did someone do a Voting Rights	02:46:29
6	Act analysis for your Proposition 50 maps?	02:46:33
7	MR. MANOLIUS: Instruct you not to answer the	02:46:38
8	question. That's protected by legislative privilege.	02:46:40
9	MS. HAMILL Q: Who did the voting rights	02:46:43
10	analysis for the Prop 50 maps?	02:46:45
11	MR. MANOLIUS: Same objection. Instruct you	02:46:48
12	not to answer the question.	02:46:49
13	MS. HAMILL Q: Is that Voting Rights Act	02:46:50
14	analysis published publicly anywhere?	02:46:52
15	MR. MANOLIUS: Same objection.	02:46:57
16	MS. HAMILL: You're going to object on	02:46:59
17	legislative privilege for a publicly published document?	02:47:00
18	MR. MANOLIUS: Lacks foundation. Yes. I	02:47:03
19	instruct you not to answer.	02:47:07
20	MS. HAMILL Q: And do you have a document in	02:47:08
21	your possession that would reflect the Voting Rights Act	02:47:11
22	analysis that was done for this map?	02:47:14
23	MR. MANOLIUS: Same objection and instruct you	02:47:16
24	not to answer. Legislative privilege.	02:47:18
25	MS. HAMILL Q: And so according to your	02:47:21

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1 statement that's reflected in lines 14 to 21, page 26 of 02:47:24
2 this exhibit, the analysis you had done said that the 02:47:29
3 existing commission map and your new Prop 50 map were 02:47:34
4 both compliant with section two but that empirical 02:47:38
5 evidence shows Prop 50 map improves the opportunity for 02:47:42
6 Latino voters to elect candidates of choice in two more 02:47:45
7 districts than the existing plan; is that right? 02:47:49

8 MR. MANOLIUS: Is the question did he say it? 02:47:52

9 MS. HAMILL: No. 02:47:54

10 MR. MANOLIUS: Then objection. I instruct you 02:47:55
11 not to answer the question based on legislative 02:47:57
12 privilege. 02:47:59

13 MS. HAMILL Q: Which two districts have 02:48:00
14 improved opportunity for Latino voters to elect 02:48:08
15 candidates of their choice? 02:48:12

16 MR. MANOLIUS: Same objection. I instruct you 02:48:13
17 not to answer. 02:48:14

18 MS. HAMILL Q: And going down to the next line 02:48:16
19 on page 26, line 22, it says, "Then PPIC just put out an 02:48:23
20 analysis last week that said our plan maintained the 02:48:28
21 status quote in terms of the Voting Rights Act and added 02:48:31
22 one more Latino-influenced district." 02:48:35

23 Is that your understanding of what you did 02:48:38
24 with your Prop 50 map? 02:48:41

25 MR. MANOLIUS: Objection, lacks foundation and 02:48:42

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1	I instruct you not to answer as it implicates	02:48:46
2	legislative privileged information.	02:48:50
3	MS. HAMILL Q: Can you tell by looking at the	02:48:52
4	public map that that's what happened?	02:48:55
5	MR. MANOLIUS: Calls for speculation. You can	02:48:58
6	answer.	02:49:02
7	THE WITNESS: I can only state that that's	02:49:03
8	what the PPIC study found. I haven't done the PPIC	02:49:05
9	study myself, like, I haven't gone into their data.	02:49:08
10	MS. HAMILL Q: Is the PPIC a reliable entity,	02:49:12
11	in your mind?	02:49:15
12	A (Witness nodding head.)	02:49:16
13	MR. MANOLIUS: Objection. Vague as to	02:49:17
14	reliable.	02:49:18
15	THE WITNESS: One among many; absolutely, PPIC	02:49:19
16	is reliable.	02:49:25
17	MS. HAMILL Q: I have a list for you.	02:49:49
18	A Please.	02:49:57
19	Q Did you between the time period of July 2nd	02:49:57
20	and August 15th, did you discuss the Proposition 50 maps	02:50:00
21	with Alexandra Macedo?	02:50:06
22	A I don't believe so.	02:50:08
23	Q Did you discuss the Proposition 50 maps with	02:50:09
24	Steve Bennett during that time period?	02:50:13
25	A I don't believe so. And let me clarify. They	02:50:15

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1	might have been on a group, but as an individual	02:50:19
2	one-on-one which we discussed earlier the distinction	02:50:21
3	between the two, no, not one-on-one.	02:50:24
4	Q And within that time period, did you discuss	02:50:26
5	the Proposition 50 maps with Marc Berman?	02:50:27
6	A I do not believe so.	02:50:32
7	Q During that time period did you discuss the	02:50:33
8	Proposition 50 maps with Jose Luis Solachi, Jr.?	02:50:36
9	A I do not believe so.	02:50:42
10	Q During that time period did you discuss the	02:50:43
11	Proposition 50 maps with Catherine Stefani?	02:50:48
12	A No.	02:50:50
13	Q During that time period, did you discuss the	02:50:51
14	Proposition 50 maps with David Tangpia?	02:50:55
15	A No.	02:51:00
16	Q Were you involved with Catherine Stefani's	02:51:01
17	efforts to get out the vote on election day for	02:51:04
18	Proposition 50?	02:51:07
19	A No.	02:51:08
20	Q During the time period of July 2nd through	02:51:09
21	August 15th, did you discuss the Proposition 50 maps	02:51:16
22	with Steven Choy?	02:51:21
23	A No.	02:51:22
24	Q Did you discuss the Proposition 50 maps with	02:51:23
25	Ben Allen during that time period?	02:51:26

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1	A	No.	02:51:28
2	Q	Did you discuss the Proposition 50 maps with	02:51:30
3		Monique Limon during that time period?	02:51:35
4	A	I do not believe so.	02:51:37
5	Q	And did you discuss the Proposition 50 maps	02:51:44
6		with Thomas Umberg during that period of time?	02:51:47
7	A	No.	02:51:51
8	Q	And when you said no, it is possible that you	02:51:52
9		spoke with these people in a group setting?	02:51:56
10	A	Yes.	02:51:58
11	Q	Okay.	02:51:59
12	A	And if I can remember a conversation with any	02:52:00
13		of them I'll come back to you, but I don't recall	02:52:02
14		anything during that time.	02:52:04
15	Q	Do you have any documents in your possession	02:52:05
16		that would show who you met with and who you spoke to?	02:52:07
17	A	Not that --	02:52:11
18		MR. MANOLIUS: Objection, compound, calls for	02:52:13
19		speculation. You can answer.	02:52:14
20		THE WITNESS: Not as an in total.	02:52:15
21		MS. HAMILL Q: But if you went back, let's say	02:52:18
22		that there weren't objections, would you be able to go	02:52:21
23		back into your e-mail account and look for meetings or	02:52:25
24		schedules or calls that you might have had with these	02:52:28
25		people?	02:52:31

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1	A	Just to, as an example, we talked about side	02:52:31
2		to the window that we're talking about --	02:52:34
3	Q	Uh-huh.	02:52:36
4	A	-- you know, I'll run into a legislator around	02:52:36
5		the capitol, I talk to them whenever we are at a thing	02:52:39
6		together, they might call me, but all those kind of	02:52:43
7		interactions which are probably the majority of the	02:52:46
8		interactions I would have with the legislators would not	02:52:48
9		be in any kind of documentation.	02:52:51
10		Did you say Macedo on that list?	02:53:15
11	Q	Uh-huh.	02:53:16
12	A	Then I did talk to Macedo.	02:53:17
13	Q	You did talk to Assembly Member Macedo?	02:53:19
14	A	During that period, yes. Sorry.	02:53:23
15		It was outside the period, it was between the	02:53:36
16		15th and the 19th, so I'm sorry, so it wasn't during the	02:53:38
17		July 15th to August 15th, it was after, during the	02:53:42
18		legislative session.	02:53:45
19	Q	What did you talk to her about?	02:53:46
20		MR. MANOLIUS: Objection. Legislative	02:53:48
21		immunity, privilege, instruct you not to answer.	02:53:50
22		MS. HAMILL Q: I want to turn your attention	02:53:53
23		to page 30 of the HOPE transcript, lines six through 11.	02:53:56
24	A	(Witness complied.)	02:54:03
25	Q	So here you say, "The Prop 50 maps I think	02:54:06

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1 will be great for the Latino community in two critical 02:54:43
2 ways. One is that they ensure that the Latino districts 02:54:47
3 that are the VRA seats are bolstered in order to make 02:54:50
4 them most effective, particularly in the Central 02:54:54
5 Valley." 02:54:57

6 Do you recall saying that? 02:54:57

7 A I presume that's exactly what I said since 02:55:02
8 that's what's written here so -- 02:55:05

9 Q Did you mean it? 02:55:07

10 MR. MANOLIUS: Objection. Legislative 02:55:07
11 privilege. Instruct you not to answer. 02:55:11

12 MS. HAMILL Q: I assume you were being 02:55:13
13 truthful when you said it? 02:55:16

14 MR. MANOLIUS: Same objection. You're 02:55:17
15 instructed not to answer. 02:55:22

16 MS. HAMILL Q: And what did you mean here when 02:55:23
17 you said that the Latino districts that are the VRA 02:55:25
18 seats? 02:55:28

19 MR. MANOLIUS: Same objection. Instruct you 02:55:28
20 not to answer. 02:55:30

21 MS. HAMILL Q: So you're not, you're going to 02:55:31
22 instruct him not to answer in terms of explaining what 02:55:35
23 it means to say Latino districts that are VRA seats? 02:55:39

24 MR. MANOLIUS: To the extent that it goes to 02:55:43
25 the process in the Legislature, yes, so I am instructing 02:55:47

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1	him not to answer.	02:55:51
2	MS. HAMILL Q: What did you mean when you say	02:55:51
3	you want to bolster the VRA seats?	02:55:53
4	MR. MANOLIUS: Same objection, instruct you	02:55:56
5	not to answer.	02:55:58
6	MS. HAMILL Q: Do you use race as an input	02:55:59
7	when you're, quote, on the box?	02:56:01
8	MR. MANOLIUS: Vague as to time. Instruct you	02:56:03
9	not to answer it as to Prop 50 process.	02:56:07
10	MS. HAMILL Q: Ever.	02:56:13
11	A In redistricting when we're drawing lines?	02:56:14
12	Q Yes.	02:56:16
13	A You have to be cognizant of all of the factors	02:56:17
14	when you're drawing lines, so of course.	02:56:20
15	Q So including race?	02:56:22
16	A Uh-huh.	02:56:24
17	MR. MEUSER: Is that a "yes"?	02:56:27
18	THE WITNESS: Yes.	02:56:27
19	MS. HAMILL Q: Did you use race as an input	02:56:28
20	when you were drawing on the box drawing the Prop 50	02:56:30
21	map?	02:56:34
22	MR. MANOLIUS: Objection, instruct you not to	02:56:34
23	answer, legislative privilege.	02:56:37
24	MS. HAMILL Q: In one of these podcasts you	02:56:38
25	spoke about SCOTUS dismantling the VRA. What did you	02:56:48

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1 mean by that? 02:56:51

2 MR. MANOLIUS: Objection, vague. Calls for 02:56:52

3 speculation. One of these podcasts, question mark? 02:56:54

4 THE WITNESS: I think there's two ways in 02:57:03

5 which I generally would speak about SCOTUS dismantling 02:57:05

6 VRA. 02:57:09

7 The first is that California used to be bound 02:57:09

8 by section five of the Voting Rights Act, but they 02:57:13

9 invalidated section four, which was the conditions upon 02:57:16

10 which section five was operative and in doing so they 02:57:18

11 eliminated a VRA protection nationally that also does 02:57:21

12 affect California redistricting. 02:57:25

13 And then, secondly, there are cases before the 02:57:26

14 court right now where pundits and analysts believe that 02:57:29

15 they might erode the Voting Rights Act in a general way, 02:57:33

16 but I am not an attorney so I can't really speak to what 02:57:37

17 are the possible outcomes. 02:57:41

18 But when you say dismantling, those were the 02:57:42

19 things I think colloquial saying in the redistricting 02:57:45

20 space around the Voting Rights Act. That's what that 02:57:48

21 would mean. 02:57:52

22 Q Does the voting power of any racial group 02:57:53

23 decrease with your Proposition 50 map? 02:58:00

24 MR. MANOLIUS: Objection, vague, compound 02:58:04

25 incomplete hypothetical. You can answer. 02:58:13

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1 MR. WOODS: Join. 02:58:15

2 THE WITNESS: Sure. There's the voting group 02:58:16

3 potentially that, you know, is in a current district 02:58:21

4 where they have an elected representative, the lines 02:58:24

5 have changed, there's going to be winners and losers in 02:58:27

6 every district, so there are voting groups that might 02:58:30

7 have wanted to vote for Kevin Kiley and Kevin Kiley is 02:58:32

8 now going to be in a district that is more now heavily 02:58:36

9 democratic, but that is what happens in redistricting. 02:58:39

10 Q So my question asked about the voting power of 02:58:41

11 any racial group. 02:58:44

12 A Oh, you didn't say, I didn't hear you say 02:58:45

13 racial group, so I am sorry. Let me adjust that then, 02:58:48

14 because I thought you just said group, voting group. 02:58:52

15 So, no, I can't speak to -- could you please 02:58:55

16 repeat the question she asked? I am really genuinely 02:59:00

17 sorry. I thought you said voting group. 02:59:03

18 (Whereupon the record was read as 02:59:03

19 follows: "Question: Does the 02:57:57

20 voting power of any racial group 02:57:58

21 decrease with your Proposition 50 02:58:00

22 map?") 02:58:02

23 THE WITNESS: So I retract my former 02:59:16

24 statement. That was not what I intended to say. 02:59:18

25 MR. MANOLIUS: Objection. Calls for 02:59:20

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1	speculation, incomplete hypothetical. You can answer.	02:59:22
2	THE WITNESS: I don't believe so.	02:59:25
3	MS. HAMILL Q: We're making progress.	02:59:27
4	A I know. I am just running out of cough drops.	02:59:50
5	MR. MEUSER: I may be a Boy Scout, but I don't	03:00:05
6	have any cough drops.	03:00:09
7	MS. HAMILL Q: If you want to hand those	03:00:11
8	exhibits to the court reporter --	03:00:13
9	A 8, 9, 10; I can do that.	03:00:14
10	Q How many Black influenced districts are there	03:00:26
11	in the Prop 50 map?	03:00:28
12	A That would be open to interpretation.	03:00:31
13	Q Enlighten me.	03:00:35
14	A There are --	03:00:38
15	MR. MANOLIUS: Objection, calls for a	03:00:38
16	narrative, vague. You can answer.	03:00:39
17	MR. WOODS: Join.	03:00:42
18	THE WITNESS: There are advocacy groups that	03:00:43
19	would argue that there are multiple districts wherein	03:00:45
20	the Black population has electoral opportunity and	03:00:48
21	greater influence and that the creation of the lings by	03:00:53
22	the last commission and their advocacy was helpful in	03:00:56
23	sustaining that, and that ranges from districts in L.A.	03:01:01
24	to Oakland to Contra Costa, Fairfield, Vacaville, Solano	03:01:04
25	County, Sacramento, Stockton.	03:01:09

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1	There's a lot of places where the Black, the	03:01:10
2	organizations that advocate for the Black community	03:01:14
3	might consider that their community of interest has, you	03:01:16
4	know, a significant ability to elect it somehow.	03:01:22
5	Q Did you deliberately preserve any	03:01:27
6	Black-influenced district in the Proposition 50 map?	03:01:31
7	MR. MANOLIUS: Objection, legislative	03:01:33
8	privilege. Instruct you not to answer.	03:01:35
9	MS. HAMILL Q: Did you do an interview with	03:01:37
10	the Sacramento Observer about Proposition 50?	03:01:39
11	A Yes.	03:01:41
12	Q I'm going to mark as Exhibit 11 -- a note for	03:01:43
13	the record that I am done with the stickers.	03:01:47
14	I am marking as Exhibit 11 an article in the	03:01:55
15	Sacramento Observer entitled, "Untangling Prop 50: How	03:01:58
16	California's Redistricting Fight Impacts Black	03:02:04
17	Communities."	03:02:07
18	(Whereupon Plaintiff's Exhibit 11	03:02:07
19	was marked for identification.)	03:02:24
20	MS. HAMILL Q: So it looks like this article	03:02:24
21	was dated October 20th, 2025.	03:02:33
22	Did you provide the Sacramento Observer with	03:02:36
23	an interview for this particular article?	03:02:40
24	MR. MANOLIUS: Objection, calls for	03:02:42
25	speculation.	03:02:43

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1	THE WITNESS: Yeah, but you said a date. I	03:02:45
2	don't know if the date makes sense.	03:02:51
3	MS. HAMILL Q: On the top of the second page	03:02:54
4	of this exhibit.	03:02:55
5	A So October 2025.	03:02:56
6	Q Yes.	03:02:59
7	A Okay. Okay. Before the election, but after	03:02:59
8	the lines were drawn, after the ballot measure, it was	03:03:02
9	near the end of the ballot measure. Okay.	03:03:06
10	MS. HAMILL Q: And I want to turn to page five	03:03:10
11	of this exhibit and it looks like this is where you come	03:03:12
12	into the article. The second paragraph says, "He,	03:03:22
13	meaning Paul Mitchell, "said his team prioritized	03:03:25
14	protecting the core interests of Black communities,	03:03:29
15	which were for the most part, he said, 'kept intact from	03:03:32
16	the commission process.'"	03:03:36
17	Do you remember saying that to the Sacramento	03:03:38
18	Observer?	03:03:41
19	MR. MANOLIUS: Objection. There's, there's --	03:03:41
20	it's a description of what he said by somebody else, so	03:03:44
21	calls for speculation. You can, you can answer.	03:03:47
22	THE WITNESS: Yeah, I think that that author	03:03:54
23	of this article is characterizing this in a way that I	03:03:57
24	wouldn't have characterized it.	03:04:01
25	But the second part, my stand alone statement,	03:04:05

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1 kept in tact from the commission process, could be me 03:04:09
2 advocating for the Prop 50 maps in that the large areas 03:04:11
3 that the Black community identifies as communities of 03:04:18
4 interest were kept intact. So it was an objective 03:04:21
5 statement about when you look at what the community of 03:04:24
6 interest the Black advocacy organizations were 03:04:27
7 advocating for, that those were intact, but whether this 03:04:29
8 first sentence about us prioritizing the core of Black 03:04:33
9 communities is the reporter's interpretation. 03:04:37

10 **Q Did you prioritize protecting the core 03:04:42**
11 **interests of Black communities? 03:04:45**

12 MR. MANOLIUS: Instruct you not to answer, 03:04:47
13 legislative privilege. 03:04:48

14 MS. HAMILL Q: And the next paragraph says, 03:04:50
15 "Mitchell said preserving three Black districts, two in 03:04:55
16 L.A. and one in Oakland, was foremost." 03:04:58

17 Is that true? 03:05:01

18 MR. MANOLIUS: Objection, calls for 03:05:03
19 speculation written by somebody else. And was it true? 03:05:05
20 Lacks foundation. 03:05:13

21 THE WITNESS: What this paragraph is speaking 03:05:17
22 to is what the organizations that I mentioned in the 03:05:20
23 earlier question, you said white groups have reached out 03:05:26
24 to Black Power Network was one of them, met the Black 03:05:29
25 Power Network, their top priority was, first off, 03:05:33

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1 maintaining the districts that we ended up not even 03:05:36
2 actually touching. 03:05:40

3 These districts are so far away from where the 03:05:41
4 republicans are that it wasn't important in our line 03:05:43
5 drawing to try to go into those districts, and so it was 03:05:46
6 advantageous to the Black organizations that the three 03:05:49
7 districts that they were most focused on weren't 03:05:52
8 touched, so that's me characterizing the organizations. 03:05:56
9 Goal number one was preserving those three districts 03:05:59
10 and, incidentally, our maps did that because there 03:06:01
11 wouldn't have been a partisan advantage to do that. 03:06:05

12 And that's 90 percent of what was important 03:06:08
13 for the Black community, was preserving those districts. 03:06:10
14 So I'm characterizing the importance of those to the 03:06:12
15 organizations that were advocating before the commission 03:06:16
16 in 2021. 03:06:18

17 **Q Were you referring to districts 37, 43 and 12?** 03:06:24

18 **A** When I just said three districts? 03:06:36

19 **Q Yes.** 03:06:39

20 **A** I believe those would be the three districts 03:06:39
21 I'd be talking about, yeah. 03:06:41

22 **Q And so the Proposition 50 map was drawn to** 03:06:43
23 **keep 37, 43 and 12 to be Black influence districts;** 03:06:45
24 **correct?** 03:06:55

25 **MR. MANOLIUS:** Objection, calls for 03:06:55

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1	speculation.	03:07:00
2	MR. WOODS: Join.	03:07:02
3	MR. MANOLIUS: Do not answer.	03:07:07
4	MS. HAMILL Q: Did you intentionally give	03:07:08
5	Young Kim a district?	03:07:10
6	MR. MANOLIUS: I said objection, legislative	03:07:12
7	privilege, I instruct you not to answer.	03:07:19
8	MS. HAMILL Q: Young Kim is a republican;	03:07:24
9	right?	03:07:30
10	A Yes. Good republican member of Congress.	03:07:30
11	Q A good republican?	03:07:33
12	A I'm just joking.	03:07:35
13	Q So why did your map give her a great district,	03:07:36
14	in your words?	03:07:40
15	MR. MANOLIUS: Objection, legislative	03:07:42
16	privilege and instruct you not to answer.	03:07:43
17	MS. HAMILL Q: Was there no way to draw a	03:07:45
18	district that would give a democrat a greater chance of	03:07:47
19	being elected in that area where Young Kim's district	03:07:51
20	is?	03:07:55
21	MR. MANOLIUS: Same objection. I instruct you	03:07:55
22	not to answer, legislative privilege.	03:07:56
23	MS. HAMILL Q: Do you have evidence that	03:07:59
24	Hispanics have been unable to elect candidates of choice	03:08:09
25	in California?	03:08:12

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1	MR. MANOLIUS: Objection.	03:08:14
2	MS. HAMILL Q: Generally.	03:08:15
3	MR. MANOLIUS: Vague as to time, calls for	03:08:15
4	speculation, incomplete hypothetical. You can answer.	03:08:17
5	MR. WOODS: Also, calls for a legal	03:08:20
6	conclusion.	03:08:22
7	THE WITNESS: I can answer?	03:08:23
8	MR. MANOLIUS: Yes, please.	03:08:23
9	THE WITNESS: Can you please repeat the	03:08:26
10	question that she asked to me exactly? I got it wrong	03:08:28
11	last time so I want to make sure I get it right.	03:08:31
12	(Whereupon the record was read as	03:08:31
13	follows: "Question by MS.	03:08:31
14	HAMILL: Do you have evidence	03:08:08
15	that Hispanics have been unable	03:08:09
16	to elect candidates of choice in	03:08:10
17	California?	03:08:13
18	"MR. MANOLIUS: Objection.	03:08:15
19	"MS. HAMILL: Generally.")	03:08:15
20	MR. WOODS: Join.	03:08:47
21	THE WITNESS: At the statewide level, I don't	03:08:48
22	have evidence of that at the statewide level.	03:08:50
23	MS. HAMILL Q: If you had more time to work on	03:08:52
24	the Proposition 50 map, is there anything that you would	03:08:53
25	have done differently?	03:08:56

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1	MR. MANOLIUS: Objection, legislative	03:08:57
2	privilege and I instruct you not to answer.	03:08:59
3	MS. HAMILL Q: Do you have any regrets about	03:09:01
4	how this transpired?	03:09:03
5	MR. MANOLIUS: Same objection.	03:09:05
6	THE WITNESS: I wish I had eaten more.	03:09:07
7	MR. MEUSER: That is actually in his report in	03:09:15
8	the Capitol Weekly Podcast, so --	03:09:18
9	MS. HAMILL: I believe I am finished with my	03:09:21
10	questions, but I do reserve the right to come back if	03:09:32
11	there's time at the end. Thank you.	03:09:37
12	And I am going to pass this off to my	03:09:39
13	colleague, Mr. Mark Meuser.	03:09:41
14	MR. MEUSER: Let's go off the record for a	03:09:46
15	minute.	03:09:48
16	THE VIDEOGRAPHER: The time is 3:09 p.m. We	03:09:49
17	are going off the record.	03:09:51
18	(Whereupon a recess was taken.)	03:22:45
19	THE VIDEOGRAPHER: We are back on the record.	03:22:45
20	The time is 3:22 p.m. and this marks the beginning of	03:22:57
21	videotape number five in the deposition of Paul	03:23:02
22	Mitchell, which is being taken at Hansen Bridgett, LLP,	03:23:05
23	500 Capitol Mall, Suite 1500, Sacramento, California.	03:23:10
24	The videographer is Nicholas Coulter here on	03:23:15
25	behalf of Array Legal Services.	03:23:18

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1	EXAMINATION	03:23:18
2	By: MARK MEUSER, Attorney at Law, counsel on behalf of	03:23:18
3	the Plaintiffs:	03:23:18
4	Q Good afternoon, Paul.	03:23:23
5	A Hi.	03:23:24
6	Q As you know, I am Mark Meuser for the	03:23:25
7	plaintiffs and I am going to take an opportunity to try	03:23:28
8	to ask you some more questions.	03:23:30
9	I'll try not to duplicate, but there might be	03:23:32
10	a few duplications here, so -- you understand you're	03:23:35
11	still under oath?	03:23:38
12	A Yes.	03:23:38
13	(Whereupon Plaintiff's Exhibit 12	03:23:38
14	was marked for identification.)	03:23:38
15	MR. MEUSER Q: Okay. In front of you right	03:23:39
16	now is a document that's been marked as document number	03:23:40
17	12. Have you seen this document before?	03:23:44
18	A No.	03:23:45
19	Q Not until I sat down?	03:23:46
20	Q I am going to represent to you that this was a	03:23:51
21	document that was served on your counsel at about	03:23:53
22	1:00 a.m. this morning, so your counsel had a very late	03:23:57
23	night last night.	03:23:59
24	Would you take a minute and just review the	03:24:01
25	response to Request for Production number one?	03:24:05

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1	A	Okay.	03:24:08
2	Q	Okay. Now, go read the Request for Production	03:25:23
3		number one.	03:25:25
4	A	(Witness complied.) The first line? Yes.	03:25:27
5	Q	You were served with the notice of your	03:25:37
6		deposition on Monday, December 1st; is that correct?	03:25:42
7	A	If that's what the records are -- I don't	03:25:47
8		remember exactly what day it was.	03:25:50
9	Q	Okay. And in that deposition notice there was	03:25:52
10		a request to bring documents; is that correct? Do you	03:25:58
11		remember Julie going through that list of questions	03:26:02
12		where it said documents?	03:26:04
13	A	Yes.	03:26:05
14	Q	And did you bring any documents with you	03:26:06
15		today?	03:26:13
16		MR. MANOLIUS: Objection. I have already	03:26:14
17		stated our position on the documents. We are happy to	03:26:15
18		work with you going forward, but there was not	03:26:19
19		sufficient time to prepare for this deposition and to	03:26:21
20		gather everything that we'd have to gather and review,	03:26:23
21		so the answer to your question is no.	03:26:26
22		MR. MEUSER Q: So in 10 days you have not been	03:26:29
23		able to produce a single document; is that correct?	03:26:30
24		MR. MANOLIUS: I would more characterize it as	03:26:33
25		we are not producing any documents today given the	03:26:38

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1 burdensome nature of what you've requested and the need 03:26:43
2 to review everything, gather everything, review 03:26:47
3 everything for privilege and the like. 03:26:49

4 And, again, as I noted in my e-mail to you, we 03:26:52
5 are very happy to establish a schedule for that 03:26:55
6 production. 03:26:57

7 MR. MEUSER Q: But as of today at the time of 03:26:59
8 this deposition you have not brought any documents to 03:27:01
9 this deposition? 03:27:03

10 A No. 03:27:03

11 Q Okay. And there is no privilege log that has 03:27:04
12 been delivered as of today; correct? 03:27:08

13 MR. MANOLIUS: Correct. As I also stated in 03:27:10
14 my e-mail to you, we would be providing that as we went 03:27:11
15 through the documents and helped develop the documents. 03:27:14
16 It's a very voluminous and tedious process and we've 03:27:17
17 also been busily preparing for this deposition. 03:27:21

18 MR. MEUSER Q: Did you know approximately how 03:27:24
19 many documents that you gave to counsel to review in 03:27:26
20 response to this document production? 03:27:28

21 A I do not. 03:27:31

22 Q Was this produced to counsel in the form of an 03:27:33
23 electronic drive? 03:27:37

24 MR. MANOLIUS: Objection, attorney-client 03:27:38
25 privilege. I instruct you not to answer the question. 03:27:41

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1 MR. MEUSER Q: Right now all I am trying to do 03:27:43
2 is figure out the size of the file that you're trying to 03:27:46
3 review, because you have not produced anything here. 03:27:48

4 MR. MANOLIUS: Uh-huh. 03:27:50

5 MR. MEUSER: So if it was 10 boxes of paper, 03:27:51
6 is it, you know, a zip drive that was 100 megabytes? 03:27:54

7 All I am trying to figure out is the volume of 03:27:57
8 documents that you are reviewing, so because it's been 03:27:59
9 10 days here and there's not a single document. 03:28:03

10 MR. MANOLIUS: Uh-huh. 03:28:05

11 MR. MEUSER: There's not a single document, 03:28:06
12 there's not a privilege log, so I'm just trying to, in 03:28:07
13 case we have to go to the court, I am trying to make 03:28:09
14 sure that we have a record here, Counsel. 03:28:11

15 MR. MANOLIUS: And I can tell you that I don't 03:28:12
16 know the size of it. It's voluminous. I am not very 03:28:14
17 good on the technical end of things, I rely on other 03:28:18
18 people in my firm to deal with that, which is in the 03:28:22
19 process and happening, so I don't know the size. 03:28:24

20 I mean, I don't know if you know the size. 03:28:27

21 THE WITNESS: I have no idea. Every time we 03:28:29
22 create a map there are files created, put in folders and 03:28:31
23 they have been given access to all of that. 03:28:34

24 MR. MEUSER Q: Did you send some sort of zip 03:28:37
25 file to counsel when you delivered the documents to 03:28:40

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1	counsel?	03:28:44
2	A Dropbox.	03:28:47
3	Q Dropbox. Do you recall what the size of the	03:28:48
4	Dropbox file was you transferred?	03:28:50
5	A It wasn't a file, it was access to the	03:28:52
6	folders, so I don't know what it was.	03:28:54
7	Q On what date did you give counsel access to	03:28:57
8	your computers?	03:29:07
9	A I don't recall.	03:29:09
10	MR. MANOLIUS: Objection, attorney-client	03:29:10
11	privilege. Don't answer the question.	03:29:12
12	MR. MEUSER: Next I am handing you which is	03:29:13
13	called Exhibit 13, which is a subpoena to appear and	03:29:30
14	testify at a hearing in Los Angeles.	03:29:33
15	(Whereupon Plaintiff's Exhibit 13	03:29:33
16	was marked for identification.)	03:29:33
17	MR. MEUSER Q: Earlier when we started this	03:29:43
18	deposition you were asked a few questions about being in	03:29:44
19	Los Angeles. At that time you were not under subpoena.	03:29:48
20	This is an official subpoena to appear at trial on	03:29:52
21	Monday, the 15th.	03:29:55
22	Will you be appearing on Monday, the 15th?	03:30:02
23	MR. MANOLIUS: Objection. He's not compelled	03:30:04
24	by this piece of paper to appear in Los Angeles. It's	03:30:07
25	beyond the 100-mile limit for a preliminary injunction	03:30:12

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1 hearing. That's noted in rule 45(c). He's already been 03:30:14
2 burdened by coming to this deposition on short notice 03:30:18
3 and preparing. 03:30:21

4 The Supreme Court recently said that this is 03:30:22
5 not going to be an action that gets very far and the 03:30:25
6 burden on him has been enough, so he will not be 03:30:29
7 appearing in Los Angeles. 03:30:32

8 MR. MEUSER: I need to be able to explain to 03:30:35
9 the judge -- 03:30:37

10 MR. MANOLIUS: Yes. 03:30:37

11 MR. MEUSER: -- so I appreciate that answer. 03:30:38

12 MR. MANOLIUS: Of course. 03:30:40

13 MR. MEUSER: Okay. 03:30:43

14 (Whereupon Plaintiff's Exhibit 14 03:30:43
15 was marked for identification.) 03:31:05

16 MR. MEUSER: I have just handed you what is 03:31:05
17 called Exhibit D -- sorry, Exhibit 14, which is a DCCC 03:31:14
18 letter, "To whom it may concern," from Julie Merz. 03:31:25

19 And then it proceeds to be a 59 page document 03:31:28
20 that seems to have Redistricting Partners' logo on every 03:31:34
21 single page after the first page; is that correct? 03:31:41

22 A Seems excessive, seems like a lot, but yes, 03:31:44
23 that is. 03:31:46

24 Q Is this a document that you prepared and gave 03:31:47
25 to DCCC? 03:31:48

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1	MR. MANOLIUS: You can answer.	03:31:54
2	THE WITNESS: Yes.	03:32:00
3	MR. WOODS: Counsel, before you get too far,	03:32:01
4	do you have a paper copy?	03:32:04
5	MR. MEUSER: It's called August 15th draft	03:32:06
6	map.	03:32:08
7	MR. WOODS: I understand my special access has	03:32:09
8	been spotted, so it's gone.	03:32:11
9	MR. MEUSER: I didn't, because I thought	03:32:13
10	everybody would be on the computer file. I am sorry.	03:32:15
11	MR. WOODS: Okay.	03:32:17
12	MS. MADDURI: Counsel, did you say this was a	03:32:22
13	document DCCC produced?	03:32:24
14	MR. MEUSER: It is actually a document that	03:32:26
15	you produced. It was in a zip file that was attached to	03:32:29
16	the e-mail that you, that we've already discussed	03:32:32
17	earlier today.	03:32:35
18	In one of the e-mails that we were discussing	03:32:38
19	there was a Dropbox link and this letter appears in that	03:32:40
20	Dropbox link.	03:32:43
21	MS. MADDURI: Can you identify the documents	03:32:45
22	by Bates numbers?	03:32:47
23	MR. MEUSER: No. This particular document	03:32:48
24	that is looking at has not been Bates stamped or are you	03:32:51
25	talking about the letter where this zip drive is?	03:32:55

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1	MS. MADDURI: I am sorry. I thought you said	03:33:00
2	this was a document that DCCC produced. Is that not	03:33:02
3	right? If they produced it there would be Bates stamps	03:33:05
4	on it.	03:33:09
5	MR. MEUSER: DCCC had an e-mail that is Bates	03:33:11
6	stamped. In that e-mail is a Dropbox link. When you	03:33:13
7	typed in the Dropbox link this document was still in it,	03:33:16
8	so it was --	03:33:20
9	MS. MADDURI: I see. Okay.	03:33:22
10	MR. MEUSER: And this is something that was in	03:33:30
11	an August 15th e-mail from Paul Mitchell to Julie that	03:33:31
12	we have discussed earlier when Julie Hamill was asking	03:33:36
13	questions.	03:33:39
14	And if you look at the text in there, there	03:33:40
15	was a Dropbox link and that this document that he's	03:33:43
16	looking at right now came from that Dropbox link.	03:33:47
17	Have you seen that document before?	03:33:55
18	A Yes.	03:33:56
19	Q And you created that document?	03:33:56
20	MR. MANOLIUS: Objection. The entirety of it,	03:33:59
21	compound. You can answer.	03:34:02
22	THE WITNESS: Yes.	03:34:07
23	MR. MEUSER Q: Redistricting.	03:34:09
24	A To be clear, I put these two documents	03:34:10
25	together. I did not create this letter.	03:34:14

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1	Q	You didn't create the letter but you created	03:34:16
2		the .pdf document that's with the letter; correct?	03:34:19
3	A	Uh-huh.	03:34:22
4		MR. MANOLIUS: Yeah?	03:34:24
5		THE WITNESS: Yes.	03:34:25
6		MR. MEUSER Q: Can you tell me what these 59	03:34:27
7		pages are?	03:34:29
8	A	This is a redistricting packet. Sometimes we	03:34:31
9		call it an atlas is what we called it internally.	03:34:35
10		It is of the cover map of the agency, it is	03:34:39
11		data tables for each of the districts and then inside of	03:34:45
12		it are individual maps of each district with data	03:34:48
13		regarding the populations, and then an inset map that	03:34:52
14		shows where that district lies within the State of	03:34:55
15		California.	03:34:57
16	Q	So beginning on page nine you have	03:34:59
17		congressional district one; correct?	03:35:02
18	A	I don't have them numbered, but I trust you	03:35:06
19		that that's page nine.	03:35:08
20	Q	So prior to page nine, these are just going to	03:35:09
21		be data generally about the entire redistricting	03:35:13
22		process, all the districts; is that correct?	03:35:20
23	A	The summary data table using the U.C. Berkeley	03:35:22
24		statewide database census and CVAP data.	03:35:26
25	Q	Did you send this atlas to anybody else?	03:35:32

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1	MR. MANOLIUS: Objection, vague as to time.	03:35:38
2	MR. MEUSER Q: Between August 10th and	03:35:41
3	August 20th, did you send an atlas package to anybody	03:35:44
4	else?	03:35:47
5	A Between August 10th and August 20th, yes,	03:35:49
6	sure.	03:35:52
7	MR. MEUSER Q: Who else did you send the atlas	03:35:53
8	packets to?	03:35:55
9	A I don't recall.	03:35:57
10	Q I am going to hand you what we're going to	03:35:58
11	mark as Exhibit 15.	03:36:00
12	(Whereupon Plaintiff's Exhibit 15	03:36:00
13	was marked for identification.)	03:36:04
14	MR. MEUSER Q: Which is on the legislature's	03:36:04
15	Prop 50 website and it's actually titled "atlas."	03:36:08
16	A Oh.	03:36:13
17	MR. MANOLIUS: Thank you.	03:36:16
18	MR. MEUSER Q: And for those following along	03:36:22
19	at home, this would be titled DCCC map atlas (AB 604),	03:36:24
20	that's a document that has just been marked as	03:36:34
21	Exhibit 15.	03:36:37
22	MR. MANOLIUS: Did you have a question, Mark?	03:36:55
23	I am sorry.	03:36:56
24	THE WITNESS: I have it.	03:36:58
25	MR. MEUSER Q: Okay. Do you believe that	03:36:59

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1	these two documents were both generated by your in-house	03:37:01
2	software?	03:37:07
3	MR. MANOLIUS: Hmm?	03:37:10
4	THE WITNESS: Yes, these are what SYZYGY	03:37:19
5	creates.	03:37:22
6	MR. MEUSER: Do you recall sending to the	03:37:27
7	State Legislature this particular legislative atlas to	03:37:29
8	the Legislature so that they could publish it on line so	03:37:35
9	anybody could view it?	03:37:39
10	MR. MANOLIUS: Objection. Speculation as to	03:37:41
11	the purpose the Legislature would have, but you can	03:37:44
12	answer the first part of the question.	03:37:46
13	THE WITNESS: This legislative map, this map	03:37:48
14	was run by us in order for the Legislature to place	03:37:53
15	something as a .pdf on the website.	03:37:57
16	MR. MEUSER Q: Okay. I noticed that the one	03:38:01
17	that I handed you that we got from the DCCC e-mail, that	03:38:02
18	has your logo Redistricting Partners; correct?	03:38:07
19	A Yes.	03:38:12
20	Q And the one that's marked 15 has the	03:38:12
21	California Legislature seal; is that correct?	03:38:14
22	A Yep.	03:38:16
23	Q Do you know if you put on the images of seals	03:38:16
24	or do you know if the Legislature did that? Do you have	03:38:21
25	any knowledge of how the logo was changed?	03:38:24

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1	A	Yeah. We have a file, they provided us the	03:38:29
2		logos.	03:38:32
3	Q	So the State Legislature provided you the	03:38:34
4		logos, you put those on and you mail it to the	03:38:37
5		appropriate person at the State Legislature; is that	03:38:39
6		correct?	03:38:42
7	A	Yes.	03:38:42
8	Q	Are you aware if there's any difference in	03:38:43
9		these two documents?	03:38:48
10		MR. MANOLIUS: Objection.	03:38:51
11		MR. MEUSER: Other than the logo.	03:38:52
12		MR. MANOLIUS: Other than the logo?	03:38:54
13		Objection. Information that's privileged under	03:38:56
14		legislative privilege. I instruct you not to answer the	03:38:58
15		question.	03:39:01
16		MR. MEUSER Q: Okay. Can you turn to page --	03:39:02
17		the section of the page that is district one?	03:39:09
18		MR. WOODS: On which document?	03:39:13
19		MR. MANOLIUS: On which one.	03:39:16
20		MR. MEUSER: Both sets.	03:39:17
21		THE WITNESS: Yes.	03:39:33
22		MR. MEUSER Q: Is the content on, regarding	03:39:35
23		district one, other than the logo, the same on these two	03:39:37
24		documents?	03:39:40
25	A	No.	03:39:40

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1	Q	What is different?	03:39:41
2		MR. MANOLIUS: Objection. Legislative	03:39:44
3		privilege. I instruct you not to answer.	03:39:46
4		MR. MEUSER: You're going to instruct him not	03:39:50
5		to answer something that is a public document that's on	03:39:52
6		a State Legislature website?	03:39:55
7		MR. MANOLIUS: Oh.	03:39:58
8		THE WITNESS: The difference is that the one	03:40:00
9		provided to the DCCC has voter registration in the upper	03:40:03
10		right-hand corner and the one provided by the	03:40:08
11		Legislature has the same box, but the 2020 census field	03:40:11
12		in that.	03:40:15
13		MR. MEUSER Q: When you were preparing the	03:40:24
14		atlas for the Legislature, did anyone ask you to put in	03:40:26
15		the different box and not put in party registration, in	03:40:35
16		your atlas?	03:40:39
17		MR. MANOLIUS: Objection. I will object,	03:40:40
18		legislative privilege. I instruct you not to answer the	03:40:44
19		question.	03:40:46
20		MR. MEUSER Q: Mr. Mitchell, you're not	03:40:47
21		answering that question at the instruction of your	03:40:51
22		counsel; is that correct?	03:40:53
23	A	Exactly.	03:40:54
24	Q	And let's just go to the second page of either	03:40:57
25		one of these, of both of these documents, so it will be	03:41:03

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1	the page that starts with 2020 census.	03:41:06
2	A Oh, second page. Okay.	03:41:12
3	Q Other than the logo at the top of the page,	03:41:17
4	are you aware of any numbers on this page that are	03:41:20
5	different?	03:41:23
6	A No.	03:41:24
7	Q For the series of questions I am about ready	03:41:25
8	to ask, I don't care which one of these you use, you can	03:41:29
9	put whichever one in front of you that you want because	03:41:33
10	I am going to ask about some numbers on the tables, so	03:41:36
11	whichever one you prefer. I'm just make sure everybody	03:41:39
12	knows.	03:41:42
13	So you are going to use the official	03:41:42
14	legislative atlas here real quick. Okay.	03:41:44
15	First question I am going to ask you before we	03:41:47
16	actually turn to the numbers on this page is how many	03:41:50
17	Hispanic majority districts were drawn by the	03:41:53
18	commission?	03:41:55
19	MR. MANOLIUS: In 2021?	03:41:55
20	MR. MEUSER: In 2021.	03:41:57
21	MR. MANOLIUS: If you know.	03:41:59
22	THE WITNESS: 16.	03:41:59
23	MR. MEUSER Q: Okay. Do you know how many of	03:42:02
24	them were designated by the commission as a Voting	03:42:03
25	Rights Act district?	03:42:07

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1	A	14.	03:42:08
2	Q	How many Hispanic majority districts did you	03:42:11
3		create as a part of this legislative package that became	03:42:15
4		known as Prop 50?	03:42:20
5		MR. MANOLIUS: Objection, legislative	03:42:22
6		privilege, I instruct you not to answer.	03:42:23
7		MR. MEUSER Q: Looking at the official atlas	03:42:29
8		that is a public document, is congressional district one	03:42:31
9		a Hispanic majority district?	03:42:36
10	A	No.	03:42:40
11	Q	Is congressional district two a Hispanic	03:42:42
12		majority district?	03:42:45
13	A	No.	03:42:47
14	Q	Is congressional district three a Hispanic	03:42:48
15		majority district?	03:42:51
16	A	No.	03:42:52
17	Q	Is congressional district four a Hispanic	03:42:52
18		majority district?	03:42:55
19	A	No.	03:42:57
20	Q	Is congressional district five a Hispanic	03:42:57
21		majority district?	03:43:00
22	A	No.	03:43:01
23	Q	Is congressional district six a Hispanic	03:43:02
24		majority district?	03:43:06
25	A	No.	03:43:06

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1	Q	Is congressional district seven a Hispanic	03:43:07
2		majority district?	03:43:10
3	A	No.	03:43:11
4	Q	Is congressional district eight a Hispanic	03:43:11
5		majority district?	03:43:15
6	A	No.	03:43:15
7	Q	Is congressional district nine a Hispanic	03:43:16
8		majority district?	03:43:18
9	A	No.	03:43:19
10	Q	Before I go to the next page I am going to ask	03:43:20
11		you a question.	03:43:23
12		Earlier today, Julie was asking you questions	03:43:23
13		about Hispanic opportunity districts or minority	03:43:25
14		opportunity districts and I believe you said something	03:43:29
15		along the lines, and correct me if I'm wrong, but	03:43:30
16		something that different people have a different matrix	03:43:33
17		of what is a Hispanic opportunity district or minority	03:43:36
18		opportunity district.	03:43:43
19		Not talking about the maps of Prop 50, but	03:43:43
20		generally speaking, in the redistricting world what is	03:43:46
21		your definition of a minority opportunity district?	03:43:48
22	MR. MANOLIUS:	Objection, asked and answered,	03:43:52
23		misstates his testimony. He already said that. You	03:43:53
24		have got it, Paul.	03:43:59
25	THE WITNESS:	I don't know that it's right to	03:44:00

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1 go all the way back to that question, but I think the 03:44:02
2 term might have been different than calling it a 03:44:06
3 minority opportunity district. 03:44:08

4 I don't think that was the terminology that 03:44:10
5 was used in the earlier question, but I've seen people 03:44:12
6 use the term minority opportunity district in different 03:44:21
7 ways and I don't have, like, a favorite terminology for 03:44:25
8 that. 03:44:29

9 **Q Have you ever drawn what you would classify as 03:44:37**
10 **a minority opportunity district? 03:44:40**

11 MR. MANOLIUS: Objection. To the extent 03:44:43
12 you're asking about Prop 50, instruct you not to answer 03:44:45
13 based on legislative privilege. You can answer that 03:44:49
14 outside of that context. 03:44:52

15 MR. WOODS: Also, vague. 03:44:55

16 THE WITNESS: I don't use that terminology, I 03:44:58
17 don't think. So if I had ever said something was a 03:45:00
18 minority opportunity, that might surprise me. That's 03:45:02
19 something that is -- that does -- that's generally not 03:45:06
20 something that I use as terminology. 03:45:09

21 **Q And when I say a Hispanic majority district 03:45:12**
22 **are you considering that as a CVAP majority district or 03:45:17**
23 **would you just see it or are you answering that as just 03:45:21**
24 **a population being the majority? 03:45:25**

25 MR. MANOLIUS: Yeah, funny objection. I 03:45:29

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1	should have clarified that before, so what's your --	03:45:32
2	THE WITNESS: When we're talking in a	03:45:36
3	redistricting construct, the shorthand would be that	03:45:37
4	when you say what is the Latino share of the district,	03:45:39
5	you're talking about it within a voting rights context	03:45:42
6	and so we're using the citizen voting age population.	03:45:45
7	Q So that's the CVAP number and CVAP percentage;	03:45:49
8	correct?	03:45:54
9	A Yes.	03:45:54
10	Q So when I've been asking you the questions	03:45:54
11	about the Hispanic majority, you're looking at the lines	03:45:56
12	on this chart that are Latino CVAP and Latino CVAP	03:45:59
13	percentage; correct?	03:46:06
14	A Yes.	03:46:06
15	Q Okay. We are going to start asking those	03:46:07
16	questions again and we are going to start on	03:46:09
17	congressional district 10. Is congressional district 10	03:46:11
18	a Hispanic minority/majority district?	03:46:14
19	A It's not a majority/minority district.	03:46:17
20	Q Is congressional district 11 a	03:46:20
21	minority/majority district?	03:46:23
22	A I then -- generally, we say majority/minority,	03:46:25
23	but, no.	03:46:28
24	Q Yes, sorry. Is congressional district 12 a	03:46:28
25	Hispanic majority/minority district?	03:46:32

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1	A	No.	03:46:34
2	Q	Is congressional district 13 a Hispanic	03:46:35
3		majority/minority district?	03:46:41
4	A	Yes.	03:46:42
5	Q	Is congressional district 14 a Hispanic	03:46:42
6		majority/minority district?	03:46:46
7	A	No.	03:46:47
8	Q	Is congressional district 15 a Hispanic	03:46:48
9		majority/minority district?	03:46:51
10	A	No.	03:46:52
11	Q	Is congressional 16 a Hispanic	03:46:53
12		majority/minority district?	03:46:55
13	A	No.	03:46:57
14	Q	Is congressional district 17 a Hispanic	03:46:57
15		majority/minority district?	03:47:01
16	A	No.	03:47:02
17	Q	Is congressional district 18 a Hispanic	03:47:03
18		majority/minority district?	03:47:06
19	A	Yes.	03:47:07
20	Q	So two on this page; correct?	03:47:08
21	A	Yes.	03:47:09
22	Q	Going to the next page, we are going to be	03:47:10
23		looking at congressional district 19.	03:47:14
24		Is congressional district 19 a Hispanic	03:47:16
25		majority/minority district?	03:47:19

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1	A	No.	03:47:20
2		MR. MANOLIUS: Counsel, just wondering, I	03:47:21
3		mean, the document speaks for itself.	03:47:22
4		MR. MEUSER Q: Well, I asked him and you	03:47:26
5		objected, so I am having to do this one at a time, so if	03:47:27
6		you want to ask -- if you want to allow him to answer	03:47:30
7		how many Hispanic majority/minority districts, and I	03:47:33
8		know he knows what that number is, so if you want to	03:47:37
9		allow him to do it we don't have to do this one by one,	03:47:39
10		but I am more than willing to do this one at a time.	03:47:42
11		Okay?	03:47:48
12		MR. MANOLIUS: Maybe he can check it out and	03:47:49
13		add them up off the document. Would that be okay?	03:47:52
14		MR. MEUSER Q: All I was looking for was a	03:47:57
15		number.	03:47:59
16	A	There are 16.	03:47:59
17	Q	Thank you. Which 16 congressional districts	03:48:01
18		are Hispanic majority/minority districts?	03:48:12
19	A	Which are the 16? You want me to name them	03:48:15
20		all?	03:48:17
21	Q	Yes.	03:48:18
22	A	I mean, I'd have to go back and do it the way	03:48:18
23		we did it then, so you're talking about district numbers	03:48:21
24		13, 18, 21, 22, 25, 29, 31, 33, 34, 35, 38, 39, 41, 46,	03:48:28
25		and 52.	03:49:08

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1	Q	Thank you. Now, earlier we were asking some	03:49:09
2		questions about the HOPE letter; correct?	03:49:19
3	A	Yes.	03:49:24
4	Q	And do you recall seeing in the transcript	03:49:24
5		where you stated to HOPE that you were helping HOPE with	03:49:29
6		that process of the HOPE letter?	03:49:33
7		MR. WOODS: Objection, mischaracterizes	03:49:37
8		testimony.	03:49:39
9		MR. MANOLIUS: Yeah, misstates his testimony.	03:49:39
10		MR. MEUSER Q: Well, let's go to the HOPE	03:49:42
11		presentation real quick. You probably have it in the	03:49:44
12		stack right over there.	03:49:46
13	A	What number is it?	03:50:00
14		MR. MANOLIUS: 10?	03:50:01
15		THE WITNESS: Okay. Eleven? Nine?	03:50:06
16		MR. MEUSER Q: I'd like you to go to page 23	03:50:11
17		and 24, so page 23, line 24, through page 24 line five.	03:50:20
18	A	Yes, in the last redistricting process. That	03:50:40
19		wasn't your question, so yes.	03:50:42
20	Q	Yes. So I am going to just read this out loud	03:50:44
21		and you tell me if I read it correctly. "And I started	03:50:47
22		listing out this concept of drawing a replacement Latino	03:50:51
23		majority/minority district in the middle of Los Angeles,	03:50:55
24		that was the number one thing that I first started	03:50:59
25		thinking about, because it was something that I worked	03:51:01

1 with HOPE on in the last redistricting process." 03:51:04

2 Did I read that correctly? 03:51:08

3 A Yes. 03:51:09

4 Q What did you do with HOPE during 2021 during 03:51:11

5 the redistricting process? 03:51:19

6 A They had an interest in keeping a district for 03:51:21

7 an incumbent member of Congress and that aligned with 03:51:26

8 our client's interest in drawing an LGBT community of 03:51:31

9 interest district that would go from Long Beach down to 03:51:36

10 Orange County, and so there was a synergy between those 03:51:41

11 groups and others. 03:51:43

12 And so we worked with HOPE on it. As it was 03:51:44

13 said earlier, I have had, like, a 15 year relationship 03:51:48

14 with HOPE and never been, I don't charge them, but 03:51:51

15 they -- 03:51:56

16 Q Did you draw a map for HOPE that they were 03:51:56

17 using in 2021? 03:51:59

18 A We drew maps. I don't know, their 03:52:04

19 presentation actually didn't present a map that I drew. 03:52:09

20 Q Okay. 03:52:12

21 A Their letter didn't present a map that I drew, 03:52:12

22 so they were advocating for maps though. 03:52:15

23 Q And you were working with a different 03:52:18

24 organization that was joined with HOPE at that time? 03:52:20

25 A Yes. 03:52:25

1	Q	Yes? Were you a part of that expert report	03:52:26
2		that was attached to the HOPE letter?	03:52:39
3	A	That was something that was kind of a	03:52:42
4		byproduct of another contract that I had, so I was aware	03:52:48
5		that it was being done. I was aware that that was done,	03:52:51
6		but I didn't write it.	03:52:53
7	Q	You didn't write the report. Did you consult	03:52:54
8		with the people who wrote that report?	03:52:58
9	A	Consulted with Christian Grose, yes.	03:52:59
10	Q	And this would have been at or around the time	03:53:03
11		of November of 2021?	03:53:05
12	A	Oh, probably earlier than that, but yes, in	03:53:08
13		2021.	03:53:14
14	Q	You understand that the HOPE letter is dated	03:53:16
15		November 24th, 2021; correct?	03:53:18
16	A	Yes.	03:53:21
17	Q	And you understand that the report by	03:53:21
18		Christian Grose is dated November 23rd, 2021; correct?	03:53:24
19	A	Sure.	03:53:28
20	Q	So prior to November 23, 2021, what	03:53:29
21		interactions did you have with Christian Grose that was	03:53:34
22		related to the report that is contained in the	03:53:36
23		November 24th, 2021, letter?	03:53:42
24	A	In the 2021 redistricting we worked with	03:53:44
25		clients who contracted with Christian Grose to do a	03:53:50

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1	variety of analyses in several parts of the state, so	03:53:56
2	that's the time when this organization was looking for	03:54:03
3	something to advocate, they would have something to use.	03:54:08
4	Q Turn to congressional district 41 in that	03:54:12
5	atlas.	03:54:25
6	A (Witness complied.)	03:54:26
7	Q And I am sorry, you probably won't appreciate	03:54:30
8	this, but I called this particular district the Yoga	03:54:45
9	Genie, because a thousand years in a lamp, you have a	03:54:49
10	pretty bad back. But that's my imagination.	03:54:51
11	Do you see the word "Downey" --	03:54:57
12	A Yes.	03:55:01
13	Q -- in this particular district?	03:55:02
14	A Yes.	03:55:03
15	Q And looking at the HOPE letter, what was the	03:55:04
16	number one city that they mentioned for this new gateway	03:55:11
17	district?	03:55:18
18	MR. MANOLIUS: And you're referring to 2021?	03:55:18
19	MR. MEUSER: Yes, 2021.	03:55:22
20	MR. MANOLIUS: Okay.	03:55:23
21	THE WITNESS: Downey.	03:55:25
22	MR. MEUSER Q: Okay. And does that	03:55:32
23	description, say, go down to Orange County?	03:55:33
24	A No, not for this district.	03:55:36
25	Q In the HOPE letter --	03:55:46

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1	A	I don't think so, not in that bullet point	03:55:48
2		number one. Sorry. Does it say it somewhere else?	03:55:51
3	Q	I think you're right, it actually says it in	03:55:54
4		the --	03:55:58
5	A	Second bullet point.	03:55:58
6	Q	No. It's actually in the expert report here.	03:56:00
7		Sorry.	03:56:04
8	A	I don't know.	03:56:04
9	Q	Is Downey in congressional district 41?	03:56:50
10	A	Yes.	03:56:53
11	Q	In your presentation to HOPE you said that you	03:56:53
12		created a new congressional district taking Ken	03:56:59
13		Calvert's 41 and insert it in the gateway cities. Is	03:57:06
14		congressional district 41 the district you were	03:57:10
15		referring to in your HOPE presentation?	03:57:12
16		MR. MANOLIUS: Objection. Instruct you not to	03:57:16
17		answer, legislative privilege.	03:57:18
18		MR. MEUSER Q: And you're not answering that	03:57:21
19		question at the instruction of your attorney?	03:57:36
20	A	Correct.	03:57:38
21	Q	Turning to page 24 of the transcript regarding	03:57:39
22		HOPE, starting line 20 --	03:57:48
23		MR. WOODS: I am sorry, page 24, Counsel.	03:57:58
24		MR. MEUSER: 24, line 20.	03:58:00
25		MR. WOODS: Thank you.	03:58:02

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1	MR. MEUSER Q: "Number one created a gateway	03:58:05
2	cities district centered around Downey as described in	03:58:07
3	the analysis allowing for a creation of five Latino	03:58:10
4	majority/minority districts in an area where there are	03:58:16
5	currently four?"	03:58:19
6	Did I read that correctly.	03:58:20
7	A Yes.	03:58:21
8	Q My question is this: The City of Downey in	03:58:22
9	congressional district 41 according to the legislative	03:58:29
10	atlas that we have marked as Exhibit 15 --	03:58:33
11	A Yes.	03:58:36
12	Q -- the very next paragraph, starting on line	03:58:37
13	25 into page 25, "Secondly, take a district that was	03:58:50
14	called LB north which is now the Robert Garcia district,	03:58:54
15	take that district to the south through Seal Beach into	03:58:59
16	Huntington Beach making a Latino-influenced district at	03:59:02
17	35 percent Latino by voting age population."	03:59:06
18	Did I read that correctly?	03:59:09
19	A Yes.	03:59:10
20	Q Okay. Looking at congressional district 42 in	03:59:11
21	the atlas legislative atlas, does congressional district	03:59:18
22	42 include the cities of Long Beach, Seal Beach and	03:59:24
23	Newport -- and Huntington Beach?	03:59:30
24	A Yes.	03:59:32
25	Q I am going to ask a question that's been	03:59:33

1 bugging me since day one since I have seen this. 03:59:44

2 You were aware that in the California 03:59:47

3 Constitution we are supposed to number congressional 03:59:49

4 districts one at the top of the state down to 52 at the 03:59:51

5 bottom. 03:59:57

6 Do you know why these districts got numbered 03:59:57

7 contrary to what the California Constitution says? 04:00:00

8 MR. MANOLIUS: Objection, calls for a legal 04:00:02

9 conclusion, calls for speculation. 04:00:03

10 MR. WOODS: Objection. Same objections. 04:00:05

11 Also, relevance. 04:00:09

12 MR. MEUSER Q: You can answer. 04:00:12

13 A The decision on numbering was based, I think, 04:00:15

14 primarily on reducing the amount of change as opposed to 04:00:18

15 the Constitution's previous requirement before Prop 50 04:00:21

16 of numbering one to 52. 04:00:26

17 In the ballot measure Prop 50 allowed for that 04:00:29

18 to be bypassed for this one redistricting. It was just 04:00:32

19 to reduce the number of the amount of letters that would 04:00:35

20 have to be reprinted. 04:00:39

21 MR. MEUSER Q: I appreciate that answer. I 04:00:41

22 believe I've heard public statements by you that nine 04:00:47

23 congressional districts did not change a single 04:00:51

24 boundary; is that correct? 04:00:57

25 MR. MANOLIUS: Objection. Vague as to where 04:00:59

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1	you've heard that and where that comes from, calls for	04:01:03
2	speculation. You can answer.	04:01:05
3	THE WITNESS: I believe it's nine or ten. I	04:01:10
4	always forget exactly the number, but there were a large	04:01:12
5	number of districts that were too far away from areas	04:01:16
6	where we were trying to flip districts.	04:01:20
7	MR. MEUSER Q: As you sit here today could you	04:01:25
8	name the nine or ten congressional districts that did	04:01:27
9	not change a single boundary?	04:01:30
10	MR. MANOLIUS: Between 2021 redistricting?	04:01:32
11	MR. MEUSER: And the commission.	04:01:37
12	THE WITNESS: I could attempt to.	04:01:38
13	MR. MANOLIUS: Don't speculate.	04:01:41
14	THE WITNESS: Okay.	04:01:43
15	MR. MEUSER: I am entitled to your best	04:01:44
16	recollection and if you can name six you name six, if	04:01:47
17	you -- just the best of your ability.	04:01:50
18	THE WITNESS: There's one technical thing that	04:01:53
19	I believe that potentially the census block layer	04:01:55
20	changed a little bit, so there might be some changes	04:01:58
21	like a census block is unpopulated kind of thing, but	04:02:00
22	districts 11 and 12, which are unchanged.	04:02:05
23	MR. MEUSER Q: Those are in the Bay Area?	04:02:11
24	A Yep. District -- I don't deal with these	04:02:13
25	districts as much, I don't know as much, is it -- Ted	04:02:18

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1	Lieu district didn't change and I don't have the zoom to	04:02:38
2	know what Ted Lieu district is.	04:02:45
3	Q Well, you're looking at a document that has	04:02:47
4	maps of every single --	04:02:49
5	A It doesn't say the numbers on the map.	04:02:50
6	Q I know that, but you could flip through and	04:02:52
7	find the individual districts, couldn't you?	04:02:54
8	A Oh, yeah, yeah, yeah. Sorry.	04:02:58
9	MR. MANOLIUS: Just throw in an objection that	04:03:31
10	it's compound and burdensome that he has to go through	04:03:33
11	the entire packet, but that's okay.	04:03:36
12	THE WITNESS: Why am I not finding the Ted	04:03:38
13	Lieu district? I am unsure if district 19 changed. The	04:03:41
14	Ted Lieu, district whatever number that is --	04:04:03
15	MR. MEUSER Q: Okay.	04:04:05
16	A -- there it is, 36. Sorry. It was just	04:04:06
17	taking me awhile to get to it.	04:04:11
18	Q And that's the coastal Los Angeles County?	04:04:12
19	A Santa Monica, yeah. 37 did not change, 43 did	04:04:16
20	not change. I know I've missed some, so it's hard for	04:04:36
21	me --	04:05:01
22	Q If I do my math right, I have heard you name	04:05:02
23	five districts right now; correct?	04:05:04
24	A Yeah. So I'd have to go back and look, but I	04:05:06
25	thought it was, like, nine districts that didn't change	04:05:09

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1 at all. I would just have to go look at it more 04:05:11
2 closely, because there are districts where, there are 04:05:15
3 some districts where we made a small change like 04:05:17
4 unifying Ventura and in a district that wasn't otherwise 04:05:20
5 changed or something like that, so I'd have to go 04:05:24
6 through again and look, but I believe it added up to 04:05:28
7 nine. Sorry. 04:05:34

8 Q Okay. If you want to turn to your Capitol 04:05:35
9 Weekly Podcast transcript, and I am reading from page 11 04:05:41
10 starting at lines four through eight. Page 11, four 04:05:46
11 through eight. 04:06:03

12 And this particular conversation was made 04:06:04
13 public on August 15th, 2025. Do you recall if you made 04:06:09
14 the podcast the same day that it aired? 04:06:13

15 A I don't recall. 04:06:16

16 Q And this sentence reads, "And, you know, the 04:06:17
17 fact that we can do these things in terms of like 04:06:25
18 drawing maps, that is -- you know, it's not touching 04:06:28
19 nine entire congressional districts." 04:06:31

20 Did I read that correctly? 04:06:35

21 A Yes. 04:06:36

22 Q When you said that, was -- were you saying 04:06:37
23 that you did not change the lines in nine congressional 04:06:45
24 districts? 04:06:50

25 MR. MANOLIUS: Objection, legislative 04:06:50

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1	privilege and instruct you not to answer the question.	04:06:53
2	MR. MEUSER: This is a public statement that	04:06:56
3	he has made saying that he did not touch nine entire	04:06:58
4	congressional districts and I am just making sure that	04:07:01
5	at the time he made the statement publicly for the world	04:07:04
6	to see --	04:07:07
7	MR. MANOLIUS: Uh-huh.	04:07:08
8	MR. MEUSER: -- that it was his understanding	04:07:09
9	that he did not touch, that the Prop 50 maps did not	04:07:11
10	touch nine entire congressional districts.	04:07:15
11	MR. MANOLIUS: Again, you can ask him if he	04:07:17
12	said it, but I'm going to object to anything going	04:07:19
13	further than that.	04:07:23
14	MR. MEUSER Q: Did you say that?	04:07:24
15	A Yes.	04:07:25
16	Q Okay. And is it your understanding that when	04:07:27
17	you said you know it's not touching nine entire	04:07:35
18	congressional districts, is it your understanding that	04:07:39
19	that meant nine congressional districts had zero line	04:07:43
20	changes?	04:07:48
21	MR. MANOLIUS: Same objection, instruct you not	04:07:49
22	to answer, legislative privilege.	04:07:51
23	MR. MEUSER Q: And are you refusing to answer	04:07:54
24	that question at your attorney's request?	04:07:56
25	A Correct.	04:07:57

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1	Q	Are you familiar with the organization MALDEF,	04:07:59
2		M-A-L-D-E-F?	04:08:11
3	A	Yes.	04:08:11
4	Q	Have you worked with MALDEF.	04:08:12
5		MR. MANOLIUS: Vague as to "work with." Hired	04:08:17
6		by?	04:08:21
7		MR. MEUSER Q: Have you ever been hired by	04:08:21
8		MALDEF?	04:08:23
9	A	No.	04:08:24
10	Q	During the 2021 redistricting, did you ever	04:08:25
11		see any of the reports presented by MALDEF?	04:08:29
12	A	Yes.	04:08:32
13	Q	Okay. And do you recall as you sit here today	04:08:33
14		how many Hispanic majority/minority districts MALDEF was	04:08:39
15		asking the commission to draw?	04:08:44
16	A	No.	04:08:47
17		MR. MEUSER: Okay. We are going to go ahead	04:08:50
18		and mark this as Exhibit 16.	04:08:51
19		(Whereupon Plaintiff's Exhibit 16	04:08:51
20		was marked for identification.)	04:08:51
21		MR. MEUSER Q: And for those following along	04:08:57
22		at home, this is going to be the document in the file	04:08:58
23		that is called, "MALDEF report 2021."	04:09:04
24		MR. MEUSER: And I have got a copy for you	04:09:16
25		too, Counsel.	04:09:20

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1	MR. WOODS: Mark, do you have another copy for	04:09:24
2	me?	04:09:26
3	MR. MEUSER: I do not. Sorry. I didn't want	04:09:26
4	to kill trees, but I thought everybody else would have	04:09:29
5	that file. Sorry.	04:09:32
6	Q Have you seen this particular report before	04:09:42
7	that's just been handed to you as Exhibit 16?	04:09:44
8	A Not that I -- not that I recall. I am	04:09:47
9	presuming I would have, I just don't remember, exactly.	04:09:50
10	Q If you could turn to page, what's been marked	04:09:53
11	as page 10 in that, this exhibit?	04:09:56
12	A They have page numbers?	04:09:59
13	Q Yes, should be in the bottom right,	04:10:00
14	A Uh-huh.	04:10:02
15	Q And I am just, top two lines after the	04:10:08
16	statement of voting rights compliance, I am going to	04:10:11
17	just read these.	04:10:14
18	A Uh-huh.	04:10:15
19	Q "After the rule of equal population the first	04:10:16
20	rule of redistricting is construct -- is constructing	04:10:18
21	districts to comply with section two of the Federal	04:10:22
22	Voting Rights Act. The MALDEF U.S. Congressional	04:10:25
23	Redistricting Plan presents 16 Latino majority citizen	04:10:30
24	voting age population districts that are largely	04:10:34
25	protectable under section two of the Voting Rights Act."	04:10:38

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1	Did I read that correct?	04:10:40
2	A Yes.	04:10:42
3	Q Are you aware that in the 2021-cycle MALDEF	04:10:44
4	was asking the commission to draw 16 districts where	04:10:51
5	Hispanics were the majority, according to CVAP?	04:10:54
6	MR. MANOLIUS: Objection, calls for	04:10:59
7	speculation. He's already said he doesn't recall seeing	04:11:00
8	this document before.	04:11:03
9	THE WITNESS: I don't recall specifically, but	04:11:05
10	looking at it, it looks like one of the documents, so --	04:11:06
11	MR. MEUSER Q: If you could turn to the next	04:11:10
12	page, 11.	04:11:15
13	A (Witness complied.)	04:11:17
14	Q And before I ask you this, before I ask you	04:11:19
15	questions, you're kind of thumbing through the images of	04:11:24
16	all the maps that are with this report?	04:11:27
17	A Uh-huh.	04:11:30
18	Q Do you recall ever seeing any of these maps	04:11:31
19	before?	04:11:33
20	A I can't speak to any of these individuals	04:11:35
21	maps.	04:11:37
22	Q Okay.	04:11:37
23	A This is five years ago.	04:11:37
24	Q I understand. But it doesn't refresh your	04:11:39
25	recollection at all as to having seen it?	04:11:42

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1	MR. MANOLIUS: Okay. Just compound because	04:11:45
2	there are many maps in here so --	04:11:46
3	MR. MEUSER Q: Yeah.	04:11:50
4	A I have looked at MALDEF maps for a long time.	04:11:50
5	They look the same in every road.	04:11:53
6	Q Who wrote those?	04:12:01
7	A Steven Ochoa looks like, most likely.	04:12:02
8	Q And when was the last time you talked to	04:12:05
9	Steven Ochoa?	04:12:09
10	A Several weeks or a month ago or a couple of	04:12:12
11	months ago or something.	04:12:15
12	Q Did you speak with Steven Ochoa at any time	04:12:15
13	between July 2nd and February 15th?	04:12:18
14	A You said February. August?	04:12:20
15	Q August 15th.	04:12:24
16	A No.	04:12:25
17	Q Did you speak with anybody at MALDEF between	04:12:26
18	July 2nd and August 15th?	04:12:34
19	A No. Let me amend that to say I don't recall.	04:12:36
20	Q You can go ahead and set that aside. I have	04:12:56
21	got a couple fun exhibits here.	04:13:08
22	A That's it?	04:13:11
23	MR. MANOLIUS: Finally.	04:13:17
24	MR. MEUSER: I am handing you Exhibit 17.	04:13:18
25	(Whereupon Plaintiff's Exhibit 17	04:13:18

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1	was marked for identification.)	04:13:22
2	MR. MEUSER: And for those following along at	04:13:22
3	home, this Exhibit 17 is Paul Mitchell X post dash 52	04:13:25
4	Democrat map.	04:13:34
5	Can you please identify for the record what	04:13:35
6	Exhibit 17 is?	04:13:37
7	A Exhibit 17 is a Tweet of mine and it was	04:13:38
8	posted on November 3rd.	04:13:46
9	Q Day before election?	04:13:48
10	A There you go.	04:13:49
11	Q And what does this particular X post of yours	04:13:50
12	show?	04:13:55
13	MR. MANOLIUS: Objection, compound.	04:13:57
14	Objection, also, to the word "show."	04:14:01
15	MR. MEUSER: Okay. I'll re-ask.	04:14:04
16	Q What is the significance of this particular X	04:14:10
17	post that you were trying to convey to the world when	04:14:16
18	you sent it out?	04:14:18
19	A Well, I was trying to convey to the limited	04:14:20
20	number of people who follow me that I, as was done in	04:14:23
21	the other testimony, rather derisively referred to	04:14:32
22	Twitter maps and I felt as though Twitter maps showing	04:14:35
23	crazy lines drawn by somebody in their basement weren't	04:14:40
24	necessarily productive into the conversation, and so I	04:14:44
25	was expressing my frustration with the silly Twitter	04:14:46

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1	maps.	04:14:51
2	Q And I remember the conversation we had which	04:14:51
3	is why we got this into the record here.	04:14:53
4	This is an example of one of the 52 old maps	04:14:56
5	that you criticized throughout the, from July 2nd all	04:15:00
6	the way to November 3rd; is that correct?	04:15:07
7	A Yes.	04:15:08
8	Q Regarding your atlas, the CVAP numbers --	04:15:09
9	A Uh-huh.	04:15:20
10	Q -- what, where did you get the CVAP numbers?	04:15:21
11	A You're required to use the statewide	04:15:24
12	databases' CVAP data and population data in California.	04:15:27
13	Q Okay. And what year of database was the state	04:15:31
14	redistricting database using?	04:15:35
15	A In the terminology in redistricting we don't	04:15:39
16	refer to the year that it was produced, we refer to the	04:15:42
17	year that it represents. And so the data is the '19	04:15:45
18	dash '23 CVAP, so a five-year average from 2019 to 2023.	04:15:49
19	Q And when you're talking about the five-year	04:15:54
20	average you're talking about the American community	04:15:56
21	survey put on by the census?	04:15:59
22	A It's a product, it's a special product put on,	04:16:01
23	put together after the American community survey as a	04:16:05
24	special kind of addendum.	04:16:08
25	Q Okay. And so the statewide database is taking	04:16:10

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1	the data from the census and then as you were talking to	04:16:17
2	Julie earlier today, they remove the prisoners from	04:16:21
3	that; is that correct?	04:16:25
4	A Reallocate.	04:16:26
5	Q Reallocate. And that was the data that you	04:16:27
6	were using in this particular report?	04:16:33
7	A Yes.	04:16:34
8	Q Okay. Not 2022?	04:16:35
9	A You mean, not 1822.	04:16:38
10	Q Not the 2022 ACS data, you were using 2023 ACS	04:16:41
11	data; correct?	04:16:49
12	A In 2022, they were using the, like, no, it's	04:16:49
13	not the same CU update as they were using in the 2021	04:16:54
14	redistricting process, if that's what you're asking.	04:16:59
15	Q Well, I understand that the redistricting	04:17:01
16	commission could not have used the 2023 data, because it	04:17:03
17	did not exist at that time; correct?	04:17:06
18	A They couldn't have used the '19 to '23, of	04:17:08
19	course.	04:17:10
20	Q And what you're saying is that in these	04:17:11
21	atlases, the numbers that you were using was the '19 to	04:17:16
22	'23 five year ACS data; correct?	04:17:22
23	A (Witness nodding head.)	04:17:25
24	Q Is that a "yes"?	04:17:26
25	A Yes.	04:17:27

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1 Q Okay. The only reason why I am saying this is 04:17:27
2 we have a had experts for the last four days give me 04:17:30
3 places where you were getting your data, so I am just 04:17:33
4 trying to get from you which set of numbers all the 04:17:36
5 experts are supposed to look at. 04:17:38

6 A Yeah. 04:17:40

7 Q So, again, I am going to repeat to make sure I 04:17:40
8 have a clean record so that all of our experts know. 04:17:43

9 When we're looking at the CVAP data that is 04:17:46
10 contained in the atlas, you were using the 2023 census 04:17:50
11 data, the American community census data from a 04:17:55
12 five-year period that was then reallocated according to 04:17:58
13 the statewide database? 04:18:03

14 A So to use the terminology of redistricting 04:18:05
15 consultants we all agree upon, I think we use the '19 04:18:07
16 dash '23, which means it's data from 2019 to 2023, that 04:18:12
17 five year average, and it's that data from the census 04:18:16
18 has been adjusted by the statewide database. 04:18:19

19 (Whereupon Plaintiff's Exhibit 18 04:18:19
20 was marked for identification.) 04:18:19

21 MR. MEUSER Q: Thank you. I appreciate that. 04:18:22
22 And I don't think I am going to need this one, but since 04:18:28
23 we printed it up I am going to just go ahead and give 04:18:31
24 it. 04:18:34

25 I am going to hand you what has been marked as 04:18:34

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1	Exhibit 18. And for those following at home, this is a	04:18:36
2	DM Tweet concerning use of recent ACS survey data.	04:18:43
3	Do you remember this X post?	04:18:50
4	A If I can take a look real quick.	04:18:55
5	Q Please, do.	04:18:58
6	A I do recall this.	04:18:58
7	(Off-the-record discussion between	04:18:58
8	Mr. Manolius and the Witness.)	04:18:58
9	THE WITNESS: Sorry.	04:19:11
10	THE REPORTER: Are we on the record or off the	04:19:15
11	record?	04:19:17
12	MR. MEUSER Q: This particular post has	04:19:19
13	absolutely nothing to do with Prop 50; correct?	04:19:21
14	A Absolutely.	04:19:24
15	Q But this does have to do with redistricting in	04:19:25
16	California; correct? Los Angeles city, to be precise?	04:19:28
17	A Yes.	04:19:32
18	Q And in the particular post there was an X post	04:19:32
19	that you're responding to that somebody was suggesting	04:19:38
20	they should do redistricting in Los Angeles city; is	04:19:41
21	that correct?	04:19:45
22	A Could you restate that? I am sorry.	04:19:46
23	Q Well, you can't actually see this because you	04:19:48
24	don't see what this is responding to, so I am going to	04:19:51
25	actually rephrase.	04:19:53

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1	You were aware a year ago that there were some	04:19:54
2	public discussions about redistricting Los Angeles	04:19:57
3	County; correct?	04:20:00
4	A Yes.	04:20:00
5	Q And in response to those public discussions	04:20:01
6	you posted your thoughts on X; is that correct?	04:20:04
7	A Yes.	04:20:08
8	Q And is it your position that if somebody is	04:20:09
9	redrawing the lines that they need to use the most	04:20:16
10	recent ACS database, not the one that their districting	04:20:22
11	commission used, but they have to use the most recent	04:20:28
12	one available at the time that they redrew the lines?	04:20:30
13	A I would want to --	04:20:33
14	MR. MANOLIUS: Objection, as to they have to	04:20:34
15	use, like a legal requirement. That's just my	04:20:37
16	question -- my objection.	04:20:40
17	THE WITNESS: I want to be clear here. Yes, I	04:20:44
18	believe that if they were to redraw, I say in here on	04:20:50
19	Twitter they would have to use, but I think maybe in a	04:20:55
20	deposition the better terminology would be that they	04:20:58
21	would normally use the latest American survey data,	04:21:02
22	because that is what is in practice in California, is we	04:21:07
23	use the data as it gets updated every year.	04:21:09
24	Q And that is what you did when updating the	04:21:12
25	atlases --	04:21:14

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1	A	Yes.	04:21:15
2	Q	-- that are a matter of public record?	04:21:15
3		MR. MANOLIUS: Objection, to the extent you're	04:21:17
4		asking him how he drew his maps, legislative privilege,	04:21:19
5		but you can answer the question at this point.	04:21:23
6		THE WITNESS: Without speaking to the line	04:21:26
7		drawing process, the maps that you are showing me are	04:21:29
8		using the new ACS data.	04:21:32
9		MR. MEUSER Q: Another one of your X posts,	04:21:36
10		and I don't know, I am just going to do a quick thing.	04:21:41
11		In this particular X post you're talking about three	04:21:45
12		separate articles. I have all three articles here. Do	04:21:48
13		we want to have them all as one exhibit or do you want	04:21:53
14		this to be four separate exhibits? What's better for	04:21:56
15		you.	04:21:59
16		MR. MANOLIUS: I don't care.	04:21:59
17		(Whereupon Plaintiff's Exhibit 19	04:21:59
18		was marked for identification.)	04:22:01
19		MR. MEUSER Q: We'll do it as four separate	04:22:01
20		exhibits so we can do this.	04:22:04
21		So Exhibit 19 is going to be a Paul Mitchell	04:22:06
22		Tweet that I'm a calling, if you're keeping track at	04:22:09
23		home, in that link or in that X post has three different	04:22:14
24		links.	04:22:19
25		The first one is Caltech; is that correct?	04:22:19

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1	A	Yes.	04:22:23
2		MR. MEUSER: And so I am marking as Exhibit 20	04:22:24
3		what is a Caltech report.	04:22:27
4		(Whereupon Plaintiff's Exhibit 20	04:22:27
5		was marked for identification.)	04:22:27
6		MR. MEUSER: Can you look at this real briefly	04:22:29
7		and tell me if that is the report that you were linking	04:22:31
8		to in your X post?	04:22:35
9	A	I can't see the link to say whether I was	04:22:37
10		linking to, like, an article that had this report or	04:22:37
11		this report directly to .pdf, but this is the report I	04:22:40
12		would be referencing in this, that first part.	04:22:42
13		MR. MEUSER: And then I am going to hand you	04:22:46
14		Exhibit 21 --	04:22:48
15		(Whereupon Plaintiff's Exhibit 21	04:22:48
16		was marked for identification.)	04:22:49
17		MR. MEUSER Q: -- which is a PPIC report.	04:22:49
18		Please let me know if this is a report that you were	04:22:52
19		referring to in your X post?	04:22:54
20	A	Yes.	04:22:56
21	Q	And I am sorry, Counsel, let me just -- I	04:22:59
22		should have handed this to you earlier.	04:23:04
23		MR. MANOLIUS: Thank you.	04:23:06
24		(Whereupon Plaintiff's Exhibit 22	04:23:06
25		was marked for identification.)	04:23:11

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1	MR. MEUSER Q: And then the third link is	04:23:11
2	talking about a UCLA report; correct?	04:23:12
3	A Yes.	04:23:17
4	Q And is that the UCLA report, what I have just	04:23:18
5	marked as Exhibit 22?	04:23:21
6	A Actually, I think you have got these	04:23:24
7	backwards.	04:23:25
8	Q Oh.	04:23:26
9	A The second one is the AAPI one and the third	04:23:26
10	one is the PPIC one.	04:23:30
11	Q Thank you. But the three reports that I just	04:23:32
12	handed you are the three reports that you were referring	04:23:37
13	to in your particular X post, is that --	04:23:40
14	A Yes.	04:23:43
15	Q -- correctly stated?	04:23:44
16	A Yep.	04:23:47
17	Q Is it fair for me to assume that you read all	04:23:48
18	three of those reports?	04:23:56
19	A No, I definitely glossed over them. I don't	04:23:58
20	know that I read them all thoroughly, particularly the	04:24:05
21	last Cal-Poly one, I don't know that I read every line.	04:24:08
22	I don't know that I read them, PPIC one.	04:24:13
23	Q Did you in the X post I see that we'll start	04:24:17
24	with the Cal, the Cal-Poly Caltech report --	04:24:21
25	A Uh-huh.	04:24:23

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1	Q	-- I see that there is a quotation that you,	04:24:24
2		that is in your X post.	04:24:27
3	A	Uh-huh.	04:24:28
4	Q	Did you pull that quotation out of the report?	04:24:29
5	A	I believe that was the point of the quotes,	04:24:32
6		but I'd have to find it in here. I don't know where it	04:24:37
7		is exactly. It looks like -- oh, I'd have to look for	04:24:41
8		it.	04:24:45
9	Q	Were you the one who submitted this X post?	04:24:45
10	A	Yes.	04:24:48
11	Q	Did anybody else have access to your X	04:24:49
12		account?	04:24:52
13	A	No.	04:24:52
14	Q	And you reviewed the three documents; correct?	04:24:54
15		MR. MANOLIUS: Objection, asked and answered.	04:24:57
16		He said he was familiar with them a little bit.	04:24:58
17		THE WITNESS: I am familiar with them, yeah.	04:25:02
18		MR. MEUSER Q: And these three quotes that are	04:25:04
19		familiar in the X post, you pulled those quotes and	04:25:06
20		typed them into the X post; is that correct?	04:25:11
21	A	I think that's what I'm purporting here is	04:25:14
22		that these are quotes from these documents, so that's	04:25:16
23		what I'm presuming.	04:25:19
24	Q	Okay. Let's read the first quote.	04:25:20
25		"Proposed Proposition 50 map will further	04:25:22

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1	increase Latino voting power over the current commission	04:25:26
2	map."	04:25:30
3	Did I read that correctly?	04:25:30
4	A Yes.	04:25:31
5	Q Do you agree with that statement?	04:25:34
6	MR. MANOLIUS: Objection. Legislative	04:25:37
7	privilege and instruct him not to answer.	04:25:41
8	MR. MEUSER Q: On what day did you send this X	04:25:44
9	post?	04:25:47
10	A October 23rd.	04:25:47
11	Q Were you still working for the Legislature on	04:25:49
12	that day?	04:25:51
13	MR. MANOLIUS: Objection. Lacks foundation	04:25:52
14	and vague as to the term "working for." You can answer.	04:25:56
15	THE WITNESS: I wasn't working for anybody at	04:26:01
16	this point, other than PDI.	04:26:04
17	MR. MEUSER Q: Was this post made in any kind	04:26:06
18	of official capacity on behalf of the Legislature to	04:26:09
19	promote the Prop 50 maps?	04:26:12
20	A I think you'd have to unpack -- I am sure that	04:26:15
21	I was doing this in order to promote or advance the	04:26:25
22	legislators' interest in passing Prop 50 and the	04:26:27
23	campaign's interest.	04:26:32
24	Q Did you ask -- sorry.	04:26:33
25	Did somebody ask you to post these three	04:26:35

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1	articles and promote them?	04:26:41
2	MR. MANOLIUS: Or any one of them.	04:26:43
3	MR. MEUSER Q: Or any one of them.	04:26:45
4	A No.	04:26:47
5	Q As a citizen who was concerned about Prop 50	04:26:47
6	maps, you were reading the news regularly on Prop 50;	04:26:52
7	correct?	04:26:56
8	A Yes.	04:26:56
9	Q And you read these studies that talked about	04:26:56
10	Prop 50; correct?	04:26:59
11	A I saw they existed, yes.	04:27:00
12	Q And you took the time to pull quotes out of	04:27:02
13	that, those studies; correct?	04:27:05
14	A Yes.	04:27:07
15	Q And do you have anything on your X posts that	04:27:07
16	say re-Tweets are not my own thoughts or anything like	04:27:11
17	that?	04:27:15
18	A I don't think that means anything.	04:27:15
19	Q Okay. You posted these because you believed	04:27:17
20	these particular statements?	04:27:21
21	A I think that I posted these because I believed	04:27:23
22	these particular statements would be encouraging to	04:27:27
23	people who want to ensure that these maps aren't somehow	04:27:29
24	ruinous to the communities that they care about.	04:27:36
25	Q So focusing in on the Cal-Poly Pomona, that	04:27:39

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1	statement that is in quotation marks, do you, Paul	04:27:45
2	Mitchell, as a private citizen agree with that	04:27:48
3	statement?	04:27:51
4	MR. MANOLIUS: Object. Legislative privilege,	04:27:58
5	don't answer.	04:28:01
6	MR. MEUSER Q: And are you not answering that	04:28:02
7	question at the instruction of your attorney?	04:28:03
8	A Correct.	04:28:07
9	Q Let's read the second quotation. "Proposed	04:28:09
10	map likely will increase Asian American voting power."	04:28:11
11	Did I read that correctly?	04:28:15
12	A Yes.	04:28:16
13	Q And do you agree with that statement?	04:28:18
14	MR. MANOLIUS: Same objection. I instruct you	04:28:25
15	not to answer.	04:28:28
16	MR. MEUSER Q: And are you not answering that	04:28:28
17	question at the instruction of your attorney?	04:28:30
18	A Correct.	04:28:31
19	Q Third quote: "The proposed plan matches the	04:28:31
20	current one almost exactly: It adds one more Latino	04:28:35
21	influence district, but otherwise replicates the status	04:28:39
22	quo."	04:28:43
23	Did I read that correctly?	04:28:43
24	A Yes.	04:28:45
25	Q And do you agree with that particular	04:28:46

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1	statement?	04:28:51
2	MR. MANOLIUS: Same objection. Instruct you	04:28:51
3	not to answer.	04:28:54
4	MR. MEUSER Q: And you are not answering that	04:28:54
5	question at the instruction of your attorney?	04:28:56
6	A Correct.	04:28:57
7	Q Earlier today we I think, if I'm remembering	04:28:58
8	right, it was Exhibit 5, which was the contract that you	04:29:11
9	signed with the DCCC. Can you go pull that up?	04:29:14
10	A (Witness complied.) Thank you.	04:29:18
11	Q And this particular contract you were paid,	04:29:28
12	you agreed to be paid \$325,000; is that correct?	04:29:48
13	A For the entirety of the contract?	04:29:52
14	Q Yes.	04:29:54
15	A Yes.	04:30:28
16	Q Okay. And I believe you said earlier that you	04:30:29
17	were paid \$108,000 roughly by the DCCC; is that correct?	04:30:32
18	A Yes.	04:30:38
19	(Whereupon Plaintiff's Exhibit 23	04:30:38
20	was marked for identification.)	04:30:38
21	MR. MEUSER Q: Okay. I am going to mark as	04:30:38
22	Exhibit 23 a document that's Bates stamped DCCC 000177,	04:30:41
23	just an invoice from the DCCC for or to the DCCC from	04:30:51
24	Redistricting Partners; correct?	04:30:57
25	A Yes.	04:30:59

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1	Q	And it's for, what is the dollar amount on	04:30:59
2		that?	04:31:02
3	A	\$108,000 --	04:31:02
4	Q	And --	04:31:03
5	A	-- 333.33.	04:31:05
6	Q	Thank you. And has that invoice been paid?	04:31:10
7	A	Yes.	04:31:13
8	Q	Okay. Have you been paid \$108,000,	04:31:13
9		\$108,333.33 from Hakeem Jeffries?	04:31:18
10	A	Okay.	04:31:26
11	Q	Have you been paid \$108,333.34 from House	04:31:27
12		Majority PAC?	04:31:34
13	A	I'd to have clarify which one gave me 33 cents	04:31:36
14		or 34 cents, but, in general, yes, within a penny.	04:31:39
15	Q	Okay. Well, I can tell you from public	04:31:42
16		filings that Hakeem Jeffries claims that he paid you the	04:31:45
17		\$0.33.	04:31:49
18	A	Oh. So HMP drew the short straw.	04:31:50
19	Q	They haven't made their public disclosure yet,	04:31:54
20		but I am assuming that that would be the case. So, on	04:31:58
21		what date did you receive payment from the DCCC?	04:32:01
22	A	On or around the date of this invoice.	04:32:05
23	Q	And what is the date of that invoice?	04:32:08
24	A	Actually, yeah, on or around the date of the	04:32:09
25		invoice, August 15th.	04:32:12

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1	Q	Okay. And on or about what time were you paid	04:32:13
2		by Hakeem Jeffries?	04:32:17
3	A	I don't recall.	04:32:19
4	Q	Was it about a month later in the middle of	04:32:20
5		September?	04:32:23
6	A	That sounds appropriate, sounds about right.	04:32:23
7	Q	And do you know when House Majority PAC or	04:32:26
8		HMP paid you?	04:32:31
9	A	Around the same time, I think, around the same	04:32:32
10		time.	04:32:34
11		MR. MANOLIUS: As which one?	04:32:34
12		MR. MEUSER Q: As which one?	04:32:36
13	A	As Hakeem Jeffries.	04:32:37
14	Q	Okay. I was going there too. Did you retain	04:32:42
15		any attorneys as a part of the drawing of the Prop 50	04:32:52
16		maps?	04:32:59
17		MR. WOODS: Objection, ambiguous.	04:33:01
18		MR. MEUSER Q: Did Redistricting Partners have	04:33:04
19		to retain any attorneys that were paid out of that	04:33:06
20		\$325,000?	04:33:10
21	A	No.	04:33:12
22	Q	I believe you have said in public that a VRA	04:33:13
23		analysis was done. What attorneys did that VRA	04:33:21
24		analysis?	04:33:28
25		MR. MANOLIUS: Objection, lacks foundation.	04:33:29

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1	What attorneys? You can answer.	04:33:35
2	THE WITNESS: The VRA analysis was not done by	04:33:41
3	an attorney.	04:33:46
4	MR. MEUSER Q: Okay. Who did the VRA analysis	04:33:47
5	that you referred to in your public comments?	04:33:50
6	MR. MANOLIUS: If you know.	04:33:54
7	THE WITNESS: Yeah. Christian Grose.	04:33:55
8	MR. MEUSER Q: Okay. And Christian Grose is,	04:33:57
9	I've heard his name pop up a couple times here today.	04:34:01
10	Who is Christian Grose?	04:34:03
11	A He is a professor at Schwarzenegger Institute	04:34:05
12	UC or at USC, like the name is something like that, and	04:34:10
13	he's a recognized expert in voting rights.	04:34:14
14	Q Did Redistricting Partners pay him to do that	04:34:19
15	VRA report?	04:34:22
16	MR. MANOLIUS: Objection. Legislative	04:34:27
17	privilege, I'll instruct you not to answer.	04:34:30
18	MR. MEUSER Q: And you're not answering that	04:34:37
19	question at the instruction of your attorney?	04:34:38
20	A Correct.	04:34:40
21	Q How many pages was the report Christian Grose	04:34:41
22	wrote that was given to you?	04:34:46
23	MR. MANOLIUS: Same objections, instruct you	04:34:48
24	not to answer.	04:34:50
25	MR. MEUSER Q: How many pages?	04:34:52

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1	MR. MANOLIUS:	Yep.	04:34:53
2	MR. MEUSER Q:	And you're not going to answer	04:34:54
3		at the instruct of your attorney?	04:34:56
4	A	Correct.	04:34:58
5	Q	On what date did Christian Grose give you that	04:34:59
6		report?	04:35:02
7	MR. MANOLIUS:	Same objection. I instruct you	04:35:02
8		not to answer.	04:35:04
9	MR. MEUSER Q:	And you're not answering at the	04:35:05
10		instruction of your attorney?	04:35:08
11	A	Correct.	04:35:09
12	Q	How many VRA analyses did Christian Grose do?	04:35:10
13	MR. MANOLIUS:	Same objections. I instruct	04:35:22
14		you not to answer.	04:35:24
15	MR. MEUSER Q:	And you're not answering that	04:35:25
16		question at the instruction of your attorney?	04:35:27
17	A	Correct.	04:35:29
18	Q	Starting on July 2nd, you were at a bicycle	04:35:30
19		ride or a bicycle race --	04:35:40
20	A	Ride.	04:35:42
21	Q	-- with the speaker's chief of staff. Which	04:35:43
22		was it?	04:35:45
23	A	It was a bike ride.	04:35:45
24	Q	Just a bike ride?	04:35:47
25	A	Yeah.	04:35:48

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1	Q	And on that bike ride you were discussing	04:35:48
2		redistricting in California; is that correct?	04:35:54
3	A	Yes.	04:35:56
4	Q	From July 2nd to July 15th, and the reason why	04:35:58
5		I am using July 15th is because that's the date that's	04:36:03
6		in your contract with the DCCC, did you talk with any	04:36:05
7		other individuals regarding California redistricting?	04:36:10
8		MR. MANOLIUS: Objection, vague. Any	04:36:15
9		individuals?	04:36:17
10		MR. MEUSER: Any --	04:36:18
11		MR. MANOLIUS: People.	04:36:19
12		MR. MEUSER Q: Anybody regarding Prop 50,	04:36:20
13		regarding California redistricting.	04:36:23
14	A	Yes.	04:36:25
15	Q	Okay. Approximately, how many people did you	04:36:25
16		talk to?	04:36:28
17	A	A dozen?	04:36:29
18	Q	Any of the people that you talked to, were	04:36:34
19		they legislators?	04:36:36
20		MR. MANOLIUS: You mean, California	04:36:40
21		legislators?	04:36:40
22		THE WITNESS: California legislators, I don't	04:36:46
23		recall.	04:36:48
24		MR. MEUSER Q: Okay. Were any of them	04:36:48
25		California Congressmen or women?	04:36:50

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1	A	Yes.	04:36:53
2	Q	I'm not asking what you talked about.	04:36:54
3		Who did you talk to between July 2nd and	04:36:58
4		July 15th, who was either a California congressman or	04:37:01
5		congresswoman regarding redistricting in California?	04:37:05
6	A	Um, just start naming names?	04:37:12
7	Q	Start naming names.	04:37:16
8	A	Hakeem Jeffries, Nancy Pelosi, Zoe Lofgren,	04:37:17
9		Pete Aguilar, Brad Sherman.	04:37:23
10		MR. MANOLIUS: Just keeping in mind the time	04:37:28
11		period.	04:37:30
12		THE WITNESS: Yeah, yeah, this is in that time	04:37:30
13		period.	04:37:35
14		MR. MANOLIUS: Okay.	04:37:38
15		THE WITNESS: Yeah, Pete Aguillar. I think	04:37:39
16		that's -- I'd have to start guessing after that, so	04:37:59
17		that's my best recollection.	04:38:01
18		MR. MEUSER Q: And those conversations all	04:38:03
19		took place between July 2nd and July 15th; correct?	04:38:05
20	A	Yes.	04:38:08
21	Q	Were any of these in person meetings or were	04:38:08
22		these all over the phone?	04:38:12
23	A	These would all have been over the phone.	04:38:13
24	Q	Okay. Between July 2nd and July 15th, did you	04:38:19
25		have any conversations with Governor Gavin Newsom or any	04:38:23

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1	of his staff?	04:38:27
2	A Yes.	04:38:28
3	Q Who?	04:38:29
4	A Nathan Brinken, Lindsay Covia, Izzie Garden,	04:38:31
5	Bob Saladay; that would probably be it.	04:38:43
6	Q Okay. Other than the chief of staff of	04:38:51
7	Speaker Rivas, between July 2nd and July 15th, did you	04:38:58
8	speak to any other staff of a California Legislature?	04:39:01
9	A Um, legislative staff generally, not to an	04:39:09
10	exactly to a member, Michael Wagaman, likely Jason	04:39:21
11	Lyles.	04:39:40
12	I don't want to start guessing, but there	04:39:40
13	could have been others that just don't jump to mind.	04:39:42
14	Q In your contract with the DCCC it refers back	04:39:46
15	to a July 15th day. Is there something significant that	04:39:52
16	happened on July 15th as to why that was the date of the	04:39:57
17	contract?	04:40:01
18	MR. MANOLIUS: When you say refers back to	04:40:03
19	July 15th, you just mean the date of the contract being	04:40:05
20	July 15th?	04:40:08
21	MR. MEUSER Q: If that's the start date of the	04:40:09
22	contract, even though it's not signed until August, it	04:40:10
23	relates back to a July 15th date and I am wondering what	04:40:13
24	the significance of this relates back date is?	04:40:16
25	A I don't recall without looking at the	04:40:19

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1 calendar. 04:40:20

2 Q Do you maintain a calendar that sets the 04:40:21

3 schedule of who you talk to regarding the redistricting 04:40:25

4 process? 04:40:29

5 A I don't have staff that put together a 04:40:30

6 calendar for me, so what I have is spotty. 04:40:33

7 Q Has the calendar that you created been given 04:40:37

8 to counsel so that they can review to see if it's 04:40:40

9 something that they need to give to us in response to 04:40:42

10 our document request? 04:40:46

11 MR. MANOLIUS: Objection, calls for 04:40:48

12 attorney-client privilege. Don't answer. 04:40:49

13 MR. MEUSER: So, Counsel, I am going to ask 04:40:53

14 you to make sure that you get from your client the 04:40:55

15 calendar that he, you know, however spotty it is, that 04:40:57

16 you get the calendar and review it to get us something 04:41:00

17 that is responsive? 04:41:04

18 MR. MANOLIUS: Will do. 04:41:07

19 MR. MEUSER: Thank you. 04:41:08

20 Q Between July 15th and August 1st? 04:41:10

21 A August 1st. 04:41:17

22 Q August 1st, so we did the first two weeks. 04:41:18

23 Now we're doing the second two weeks. 04:41:24

24 Are there any California congressmen or women 04:41:27

25 that you talked to regarding this redistricting process? 04:41:31

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1	A	Yes.	04:41:37
2	Q	Who?	04:41:38
3	A	Zoe Lofgren, Pete Aguilar, Nancy Pelosi, and	04:41:39
4		then from there I'd have to go, like, district by	04:41:58
5		district to maybe move this along. The members who are	04:42:01
6		in districts that changed significantly, I would have	04:42:07
7		had a discussion with them about that.	04:42:10
8	Q	Did you call those congressmen up or were you	04:42:13
9		working through somebody who had scheduled a time for	04:42:18
10		you to talk to the congressman?	04:42:21
11	A	Combination.	04:42:24
12	Q	When was the first date that you started	04:42:28
13		talking with the DCCC?	04:42:31
14	A	I don't recall.	04:42:33
15	Q	Does the date August 1st have any significance	04:42:35
16		to you regarding your conversations with the DCCC?	04:42:43
17	A	At this moment, no, I don't.	04:42:46
18	Q	Did you use the DCCC at all to make	04:42:50
19		connections with congressmen to talk about their	04:42:53
20		districts?	04:42:57
21	A	No.	04:42:57
22	Q	I am assuming that some of these congressmen	04:42:59
23		you have their numbers and are able to reach out to them	04:43:05
24		already; is that correct?	04:43:07
25	A	Yes.	04:43:08

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1	Q	And then there's probably some congressmen	04:43:08
2		that you don't have a relationship and you had somebody	04:43:11
3		else make the contact. Is that fair?	04:43:13
4	A	Sure.	04:43:15
5	Q	Between July 15th and the end of the month,	04:43:16
6		August 1st, were there anybody from the governor's, the	04:43:23
7		Governor or the governor's office that you spoke to	04:43:28
8		about redistricting?	04:43:30
9	A	Yes, and it would be the same people.	04:43:32
10	Q	Okay. And same question now, same time period	04:43:35
11		for any legislators, California state legislators?	04:43:40
12	A	I don't recall. One, her name was mentioned	04:43:48
13		earlier, I am blanking on her name, she's the Santa Cruz	04:44:11
14		county registrar, Gale Pelgrin.	04:44:14
15	Q	Thank you. Same question, legislative staff?	04:44:18
16	A	Same legislative staff; Jason Lyles, Steve	04:44:21
17		Omara, Michael Wagaman. There could have been somebody	04:44:25
18		else who called me that I just don't recall.	04:44:33
19	Q	Between August 1st and August 15th, are there	04:44:35
20		any new names of congressmen that you spoke to during	04:44:40
21		that period of time that you have not already mentioned?	04:44:44
22	A	No, it would have been the same members of	04:44:48
23		Congress that we were talking about earlier that had	04:44:52
24		their districts changed.	04:44:55
25	Q	Same time period, August 1st to August 15th,	04:44:56

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1	any new individuals that you were talking to from the	04:44:59
2	governor's office?	04:45:03
3	A Um, David Sack.	04:45:04
4	Q Same time period, August 1st to August 15th,	04:45:20
5	are there any state legislators that you spoke to during	04:45:24
6	this two-week period of time?	04:45:29
7	A Yes, and that was covered in the earlier	04:45:32
8	testimony. I can't recall the names exactly of all the	04:45:35
9	legislators that I met with, but I met with a handful of	04:45:39
10	legislators and talked to a handful of legislators.	04:45:44
11	Q But that was during the August 1st to	04:45:47
12	August 15th period; correct?	04:45:50
13	A Yeah, right before they put the bill into	04:45:51
14	print.	04:45:54
15	Q And I believe earlier you indicated that there	04:45:54
16	was some kind of presentation you gave to multiple	04:45:57
17	legislators. Is that a fair statement of what you did?	04:46:01
18	A Uh-huh. Yes.	04:46:04
19	Q How long was this presentation?	04:46:06
20	A 25 minutes or so.	04:46:09
21	Q Was it in person or via technology, like Zoom?	04:46:12
22	A Group presentations were all Zoom.	04:46:16
23	Q Okay. Do you recall approximately when this	04:46:18
24	presentation was made?	04:46:22
25	A There would have been a few and they would	04:46:24

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1 have been in the weeks leading to the legislative 04:46:32
2 drafting of the bill and potentially one or two in the 04:46:35
3 week that the Legislature was considering the bill. 04:46:40

4 Q And when you say a few, is that less than a 04:46:43
5 dozen? 04:46:46

6 A Oh, yeah. 04:46:46

7 Q Less than five? 04:46:47

8 A A few means three to five or so. 04:46:47

9 Q Three to five. Okay. And you believe one of 04:46:50
10 these was done during the legislative session? 04:46:53

11 MR. MANOLIUS: Objection, lacks foundation. 04:46:58

12 THE WITNESS: I wouldn't exclude it. I think 04:47:00
13 there might have been some presentation to one of the 04:47:01
14 groups at that time. 04:47:06

15 MR. MEUSER Q: Do you recall the groups that 04:47:09
16 you were making these presentations to? Do you recall 04:47:11
17 the name of the groups? 04:47:14

18 A Generally. 04:47:16

19 Q What were the names of the groups? 04:47:17

20 A Assembly Democratic Caucus, Senate Democratic 04:47:19
21 Caucus, and I don't recall what other caucus I might 04:47:27
22 have spoken with. I don't recall names. 04:47:35

23 Q Is it a fair statement to say that you were 04:47:38
24 never on a podcast with any of the republican 04:47:40
25 legislators? 04:47:43

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1	A	Republican legislators? No. You mean a Zoom	04:47:44
2		or a podcast?	04:47:48
3	Q	Zoom podcast, yeah.	04:47:49
4	A	Um, no, not during the redistricting.	04:47:51
5	Q	Let me rephrase the question.	04:48:00
6		Between August 1st and August 24th, were you	04:48:03
7		ever on a Zoom podcast that had a republican legislator	04:48:05
8		in which you were talking about what became known as	04:48:10
9		Prop 50 maps?	04:48:13
10	A	I don't recall.	04:48:15
11		MR. MEUSER: Okay. Counsel, do you want to	04:48:16
12		take about a 10, 15-minute break here?	04:48:29
13		MR. MANOLIUS: Ten.	04:48:32
14		MR. MEUSER: Okay. Ten-minute break	04:48:33
15		everybody.	04:48:36
16		THE VIDEOGRAPHER: The time is 4:48 p.m. We	04:48:36
17		are going off the record.	04:48:38
18		(Whereupon a recess was taken.)	04:56:36
19		THE VIDEOGRAPHER: We are back on the record.	04:56:36
20		The time is 4:56 p.m. and this marks the beginning of	04:56:50
21		videotape number seven in the deposition of Paul	04:56:54
22		Mitchell, which is being taken at Hansen Bridgett, LLP	04:56:58
23		500 Capitol Mall, Suite 1500, Sacramento, California.	04:57:03
24		The videographer is Nicholas Coulter here on	04:57:07
25		behalf of Array Legal Services.	04:57:11

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1	MR. MEUSER Q: Welcome back. Mr. Mitchell,	04:57:16
2	you know you're still under oath?	04:57:19
3	A Yes.	04:57:21
4	Q Counsel, this question is more for you for	04:57:21
5	clarification.	04:57:24
6	On your legislative privilege are you claiming	04:57:24
7	legislative privilege for conversations that he had with	04:57:27
8	congressmen who are not legislators?	04:57:31
9	MR. MANOLIUS: Yes.	04:57:34
10	MR. MEUSER Q: Okay. And you are claiming --	04:57:35
11	MR. MANOLIUS: Not legislators, not California	04:57:37
12	state legislators.	04:57:40
13	MR. MEUSER Q: They are not California state	04:57:42
14	legislators who are involved in the passage, voting for	04:57:43
15	or the drafting of language or adopting of the language	04:57:46
16	of the state proposition or state constitutional	04:57:48
17	amendment that became Proposition 50?	04:57:52
18	MR. MANOLIUS: Yes.	04:57:54
19	MR. MEUSER Q: Okay. Mr. Mitchell, have you	04:57:56
20	been instructed by any legislator to claim legislative	04:58:08
21	privilege here today?	04:58:14
22	MR. MANOLIUS: Objection, attorney-client	04:58:17
23	privilege. Instruct you not to answer the question.	04:58:19
24	MR. MEUSER Q: And, Mr. Mitchell you're not	04:58:22
25	answering that question at the instruction of your	04:58:24

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1	attorney; correct?	04:58:25
2	A Correct.	04:58:26
3	Q Okay. I have pulled three documents for you	04:58:27
4	that have been previously marked. I went through these	04:58:35
5	documents in great detail with Julie earlier today, but	04:58:38
6	I have some follow-up questions that I want to do, so we	04:58:42
7	pulled, for the record, those following at home	04:58:45
8	Exhibit 7, Exhibit 8 and Exhibit 9.	04:58:48
9	So which one is in front of you, talking	04:58:52
10	points, number seven?	04:58:55
11	A Yes.	04:58:56
12	Q Okay. And this is an e-mail from you to Merz	04:58:57
13	at DCCC.org; is that correct?	04:59:04
14	A This is an e-mail from Julie to me, the other	04:59:08
15	way around.	04:59:12
16	Q Ah-ha. You have a different copy than what	04:59:18
17	I'm looking at. Okay. So starting right below that,	04:59:21
18	that is an e-mail that you sent; is that correct?	04:59:25
19	A It's an e-mail that I sent, but I don't know	04:59:31
20	if it was just to Julie or to other people or, yeah.	04:59:33
21	Q Okay. Fair enough. And you write, "Here are	04:59:35
22	some things that I would like to see in a letter that	04:59:41
23	would go with this submission. I have cc'd Ellen on	04:59:44
24	this in case she has any thoughts or input."	04:59:49
25	Did I read that correct?	04:59:51

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1	A	Yes.	04:59:52
2	Q	And you sign your name, "Paul"?	04:59:53
3	A	Yes.	04:59:55
4	Q	Okay. Now, as I'm looking at this document	04:59:57
5		you have stuff that is indented all the way, you know,	05:00:00
6		there's stuff that's indented and stuff that's not	05:00:05
7		indented; correct?	05:00:07
8	A	Correct.	05:00:08
9	Q	The stuff that is indented there's multiple	05:00:09
10		paragraphs here on these two pages here that are	05:00:13
11		indented. Is that something that you wrote or is that	05:00:15
12		something that someone else wrote that you were copying	05:00:18
13		it?	05:00:22
14	A	Something that I wrote.	05:00:22
15	Q	Okay. So was the section that is indented	05:00:24
16		that you wrote, was this something that you were	05:00:31
17		expecting the DCCC to put into some talking points memo.	05:00:34
18		Is that a fair assessment?	05:00:38
19		MR. MANOLIUS: Objection, calls for	05:00:40
20		speculation and also calls for information that's	05:00:42
21		protected by the legislative privilege, so I'll instruct	05:00:49
22		you not to answer that.	05:00:53
23		MR. MEUSER Q: Mr. Mitchell you wrote this	05:00:55
24		e-mail?	05:00:56
25	A	Yes.	05:00:58

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1	Q	Okay. And you wrote it to the DCCC; correct?	05:00:58
2	A	Yes.	05:01:06
3	Q	What was the reason the DCCC told you to write	05:01:07
4		this e-mail to them?	05:01:13
5		MR. MANOLIUS: Objection, lacks foundation,	05:01:15
6		calls for speculation.	05:01:18
7		THE WITNESS: I don't recall if they asked me	05:01:20
8		to write this e-mail.	05:01:23
9		MR. MEUSER q: Let's go through this one line	05:01:26
10		at a time.	05:01:31
11		The first sentence says, "This isn't a hack	05:01:32
12		job map, it's actually good. We want to stress the	05:01:35
13		importance of using criteria that are standard in	05:01:39
14		California."	05:01:42
15		Did I read that correctly.	05:01:43
16	A	Yes.	05:01:44
17	Q	Now we have an indented paragraph, and I am	05:01:45
18		going to read that. "The plan was created using a	05:01:50
19		traditional redistricting criteria, consistent with the	05:01:53
20		state commission criteria and with the FAIR MAPS Act,	05:01:59
21		but with the additional criteria of improving partisan	05:02:01
22		gains in response to Texas and other states who are	05:02:03
23		conducting mid-decade redistricting."	05:02:05
24		Did I read that correct?	05:02:08
25	A	Yes.	05:02:09

1	Q	Can you please explain to me why the second	05:02:10
2		paragraph is indented, but the first paragraph was not?	05:02:14
3	A	The ideas that these are snippets that they	05:02:18
4		could consider.	05:02:27
5	Q	So the first paragraph would be an explanation	05:02:28
6		as to what that snippet was saying; correct?	05:02:31
7	A	Sure.	05:02:35
8	Q	So the first paragraph is kind of an explainer	05:02:36
9		and the second paragraph is something that you thought	05:02:39
10		that DCCC could use. Is that fair?	05:02:42
11	A	Or that they could modify, that they could --	05:02:45
12		this is the, I'm writing this pretty quickly so this	05:02:47
13		wasn't expected as a cut-and-paste. I would have	05:02:51
14		written their letter for them in that case.	05:02:54
15	Q	So paragraph three is an explainer of what	05:02:56
16		paragraph four stated; correct?	05:02:59
17	A	Yes.	05:03:02
18	Q	And then paragraph five is kind of a brief	05:03:05
19		explainer to the long next two paragraphs that are	05:03:10
20		indented; correct?	05:03:14
21	A	Yes.	05:03:15
22	Q	And so on and so forth down this entire	05:03:16
23		e-mail; correct?	05:03:20
24	A	Yes.	05:03:21
25	Q	And the words in the indented -- strike that.	05:03:22

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1	Everything in this was something that you	05:03:28
2	personally typed; is that correct?	05:03:31
3	A Yes.	05:03:33
4	Q That first indented paragraph says,	05:03:33
5	"Traditional redistricting criteria."	05:03:52
6	What does that term mean to you as someone in	05:03:55
7	the business of redistricting?	05:04:02
8	MR. MANOLIUS: Objection, vague. Do you mean	05:04:06
9	as a general matter?	05:04:07
10	MR. MEUSER: I tried to put it as general as	05:04:09
11	possible.	05:04:11
12	MR. MANOLIUS: Okay.	05:04:11
13	THE WITNESS: So --	05:04:13
14	MR. MANOLIUS: So the question is answer it as	05:04:13
15	a general matter and not as with regard to the	05:04:15
16	legislative process that we have been talking about	05:04:19
17	today.	05:04:21
18	THE WITNESS: Traditional criteria is a banner	05:04:23
19	term that a lot of people put a lot of things under that	05:04:25
20	banner.	05:04:28
21	MR. MEUSER Q: What did you put under that	05:04:31
22	banner?	05:04:32
23	A Equal population, maintaining cities and	05:04:34
24	counties, maintaining communities of interest, main --	05:04:37
25	keeping geographies together, political geographies, so	05:04:40

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1 districts are contiguous, they are compact. Those are 05:04:45
2 the kind of traditional criteria. 05:04:51

3 Q And then you say the state commissioned 05:04:53
4 criteria. Are you referring to the California 05:05:00
5 Constitution that the state redistricting commission is 05:05:04
6 required to abide by when they draw California lines? 05:05:10

7 MR. WOODS: Objection, calls for a legal 05:05:15
8 conclusion. 05:05:17

9 MR. MANOLIUS: Yeah, I'll join that. 05:05:17

10 THE WITNESS: To be clear it says consistent 05:05:19
11 with the commission criteria, so it's basically saying 05:05:21
12 in alignment with the commission criteria and doesn't 05:05:25
13 mean that it is specifically every one of the commission 05:05:28
14 criterias. 05:05:30

15 It was just the numbering of the districts as 05:05:32
16 a commission criteria that we didn't use, but had the 05:05:33
17 heart and sole of the commission criteria in it. 05:05:37

18 Q Understand that. And then there's an "and the 05:05:39
19 FAIR MAPS Act;" correct? 05:05:45

20 A Yes. 05:05:46

21 Q Did you use anything in the FAIR MAPS Act in 05:05:47
22 drawing the lines that became Prop 50? 05:05:53

23 MR. MANOLIUS: Objection, legislative 05:05:57
24 privilege and instruct you not to answer. 05:05:58

25 MR. MEUSER Q: And you are not answering my 05:06:02

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1	question at the instruction of your attorney?	05:06:03
2	A Correct.	05:06:05
3	Q Okay. Looking at the paragraph that starts,	05:06:06
4	"Trying to create Minimal Disruptions," do you see that?	05:06:19
5	A On the next page?	05:06:24
6	Q Yeah, I think so.	05:06:28
7	A Yeah, I see it.	05:06:29
8	Q And then the indented paragraph below that,	05:06:30
9	the last sentence of that indented paragraph reads,	05:06:32
10	"This California plan leaves nine districts untouched	05:06:37
11	and in 19 districts fewer than 10-percent of the	05:06:40
12	residents are impacted."	05:06:44
13	Did I read that correct?	05:06:46
14	A Yes.	05:06:47
15	Q And did you write that on or about	05:06:47
16	August 15th, 2025?	05:06:51
17	A Yes.	05:06:53
18	Q Reading the next indented section that starts	05:06:55
19	with, "The firm we hired," do you see that paragraph?	05:07:20
20	A Yes.	05:07:22
21	Q Now, this is a paragraph that you drafted that	05:07:24
22	explains Redistricting Partners; is that correct?	05:07:29
23	A Yes.	05:07:33
24	Q And you wrote this on August 15th; correct?	05:07:34
25	A Yes.	05:07:36

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1 Q Did you copy this from your website or 05:07:37
2 anything like that or did you just draft this on 05:07:39
3 August 15th for this e-mail? 05:07:42

4 A Probably, a combination of both. 05:07:44

5 Q The last sentence in this section, I want to 05:07:46
6 go ahead and read this to you. "In addition to 05:07:52
7 municipal and state redistricting, they have worked for 05:07:54
8 nonprofit and community-based organizations, including 05:07:57
9 Common Cause, the American Civil Liberties Union, 05:08:01
10 Advancement Project, Irvine Foundation and other 05:08:05
11 foundations exploring redistricting, voting rights and 05:08:08
12 election issues." 05:08:12

13 Did I read that correctly? 05:08:13

14 A Yes. 05:08:15

15 Q I want to focus in on the two words, "voting 05:08:16
16 rights." 05:08:22

17 Which organizations or nonprofit, what 05:08:23
18 non-profit and community-based organizations have you 05:08:28
19 worked with regarding voting rights? 05:08:31

20 MR. MANOLIUS: Objection. Vague as to the 05:08:37
21 term "voting rights," vague as to time. You can answer. 05:08:39

22 THE WITNESS: All of these listed and probably 05:08:43
23 more. 05:08:45

24 MR. MEUSER Q: And when you worked with the 05:08:45
25 Common Cause on voting rights, what did you do for 05:08:48

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1	Common Cause?	05:08:52
2	A I can speak to at least two that jump to mind	05:08:54
3	to give an understanding.	05:08:58
4	I worked with Common Cause on an Amicus brief	05:08:59
5	in New Mexico on the redistricting, independent	05:09:04
6	redistricting commission, an analysis of their	05:09:09
7	districts.	05:09:13
8	I worked with them and an umbrella of the	05:09:15
9	Irvine Foundation in 2012, '13, something around there	05:09:21
10	on an analysis of the cities and localities with	05:09:24
11	racially polarized voting for the purpose of them	05:09:32
12	understanding the potential of the California Voting	05:09:35
13	Rights Act.	05:09:38
14	Q Did you do a racial polarized analysis for	05:09:38
15	that project that you just referred to?	05:09:41
16	A I wouldn't call it a full racially polarized	05:09:43
17	analysis, but I did some regressions.	05:09:47
18	Q When did you do that, these regressions?	05:09:49
19	A In 2012 or 2013 or something like that.	05:09:52
20	Q Okay.	05:09:58
21	A 2011, 2012, 2013, something like that. I also	05:09:58
22	did analysis for ACLU in Chula Vista for their CVRA.	05:10:07
23	Q Okay.	05:10:14
24	A I mean, there's -- yeah.	05:10:15
25	Q And this was all done through Redistricting	05:10:17

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1	Partners; correct?	05:10:19
2	A Yes.	05:10:21
3	Q When did Redistricting Partners open up?	05:10:21
4	A 2011. It could have been 2010.	05:10:24
5	Q Nobody is going to shoot you if you gave the	05:10:32
6	wrong answer.	05:10:36
7	Let's go ahead and go to the Capitol Weekly	05:10:37
8	Podcast. And if you can turn to page six, starting on	05:10:42
9	line six, I see the name Evan McLaughlin. Who is Evan	05:10:57
10	McLaughlin?	05:11:09
11	A Evan McLaughlin is a former staff of	05:11:10
12	Redistricting Partners, former -- you want me to give	05:11:14
13	you resume?	05:11:19
14	Q Yes.	05:11:19
15	A He works for the California firefighters now,	05:11:19
16	former chief of staff to Lorenzo Gonzales, former staff	05:11:22
17	person at the San Diego Labor Council. He is a --	05:11:27
18	Q Okay. How long have you known Evan	05:11:33
19	McLaughlin?	05:11:36
20	A Probably, since the 2011 redistricting cycle.	05:11:38
21	Q Did Redistricting Partners pay Evan McLaughlin	05:11:46
22	for the work that he did as a part of your work of	05:12:00
23	drawing the Proposition 50 maps?	05:12:05
24	A Yes.	05:12:08
25	Q Okay. The next -- strike that.	05:12:09

1	What was Evan McLaughlin's role in drawing the	05:12:13
2	Proposition 50 maps?	05:12:19
3	MR. MANOLIUS: Objection, legislative	05:12:20
4	privilege, I instruct you not to answer.	05:12:22
5	MR. MEUSER Q: And you're not answering that	05:12:24
6	question at the instruction of your attorneys?	05:12:26
7	A Correct.	05:12:27
8	Q Okay. When Evan McLaughlin worked for	05:12:28
9	Redistricting Partners, what was his role at your firm?	05:12:31
10	A This is prior to?	05:12:37
11	MR. MANOLIUS: Yeah, prior to.	05:12:39
12	THE WITNESS: Are you saying in the past	05:12:41
13	redistricting when he was an actual employee?	05:12:43
14	MR. MEUSER Q: Yes, when he was an employee at	05:12:45
15	your firm.	05:12:47
16	A When he was an employee at my firm in the 2021	05:12:47
17	redistricting cycle, I don't recall his actual title,	05:12:50
18	but he was basically, like, my number two on the	05:12:53
19	political side.	05:12:59
20	Q Okay. The second name on line six is Joe	05:13:00
21	Armenta. Do you see that?	05:13:07
22	A Armenta.	05:13:09
23	Q Armenta. Sorry. Who is Joe Armenta?	05:13:09
24	A Joe Armenta is an employee of Redistricting	05:13:14
25	Partners in the last redistricting cycle as well and he	05:13:19

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1	also works for the California firefighters.	05:13:22
2	Q When did you first meet Joe Armenta?	05:13:25
3	A In the 2021 redistricting cycle.	05:13:29
4	Q And during the 2021 redistricting cycle, what	05:13:32
5	was Joe Armenta's job?	05:13:35
6	A Working on redistricting and in a number of	05:13:37
7	different states and more the monitoring commissions	05:13:44
8	type of work.	05:13:49
9	Q Can you be more precise what he was doing?	05:13:52
10	A The firm is kind of split into agency work and	05:13:55
11	more political or advocacy work, and so he would be on	05:13:58
12	the advocacy side.	05:14:01
13	Q And Evan McLaughlin in the 2021 redistricting	05:14:03
14	cycle, what side of the firm was he on?	05:14:06
15	A The advocacy side.	05:14:08
16	Q Thank you. Did Redistricting Partners pay Joe	05:14:11
17	Armenta for the work that was done on Proposition 50?	05:14:14
18	A Yes.	05:14:18
19	Q Next name on this list is Jacob	05:14:19
20	Thompson-Fisher. Who is Jacob Thompson-Fisher?	05:14:22
21	A He is one of the original creators of	05:14:27
22	Redistricting Partners from the 2011 cycle and worked	05:14:31
23	for Redistricting Partners, and now he does contract	05:14:34
24	data work for different organizations.	05:14:41
25	Q Do you know the names of these organizations	05:14:43

1	that he does work for?	05:14:45
2	A The only one I know of is SEIU.	05:14:46
3	Q During the 2021 redistricting cycle, what	05:14:50
4	tasks and jobs did Jacob Thompson-Fisher do for	05:14:53
5	Redistricting Partners?	05:14:56
6	A Mostly in charge of our data on both sides and	05:14:57
7	then did some municipal redistricting.	05:15:01
8	Q And was Jacob Thompson-Fisher paid by	05:15:05
9	Redistricting Partners as a part of their, as part of	05:15:08
10	the drawing of Prop 50 maps?	05:15:12
11	A Yes.	05:15:14
12	Q The next name on this list starts on line	05:15:16
13	eight is Stacey Reardon. Do you see that name?	05:15:19
14	A Yes.	05:15:23
15	Q Who is Stacey Reardon?	05:15:23
16	A Stacey Reardon is a staff person. I think	05:15:25
17	she's got her own firm now and she used to work for	05:15:29
18	Redistricting Partners.	05:15:33
19	Q What was her role when she used to work for	05:15:34
20	Redistricting Partners?	05:15:36
21	A She was more on the advocacy side, and then I	05:15:37
22	believe she also helped somewhat on the municipal side	05:15:43
23	with outreach meetings and so on.	05:15:47
24	Q Now, I read here from this statement that you	05:15:49
25	made on Capitol Weekly Podcast, and I am going to just	05:15:51

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1	read the statement first and make sure I read it right.	05:15:54
2	"Stacey Reardon came in and helped with a lot	05:15:56
3	of the community of interests stuff."	05:15:59
4	Did I read that correctly?	05:16:01
5	A You read that correctly.	05:16:02
6	Q Is that a statement that you made to Capitol	05:16:04
7	Weekly Podcast?	05:16:09
8	A Yes.	05:16:09
9	Q And when you use the words "community of	05:16:10
10	interest," earlier you were talking to Julie Hamill here	05:16:16
11	about community of interests.	05:16:23
12	Is the conversation that we had earlier today	05:16:25
13	about communities of interest, is that the same	05:16:31
14	definition that you would use for what you meant in this	05:16:33
15	sentence when you said Stacey Reardon handled the	05:16:36
16	community of interest stuff?	05:16:40
17	MR. MANOLIUS: Objection, legislative	05:16:41
18	privilege, I instruct you not to answer.	05:16:43
19	MR. MEUSER Q: And you're not answering the	05:16:47
20	question at the instruction of your attorney?	05:16:49
21	A Correct.	05:16:50
22	Q Liz Stitt, and I probably just butchered	05:16:51
23	that --	05:16:57
24	A No, that's perfect.	05:16:57
25	Q -- who is Liz Stitt?	05:16:59

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1	A	Liz is a former staff member of Redistricting	05:17:01
2		Partners and previously worked in the Legislature and	05:17:08
3		she is now in England.	05:17:11
4	Q	When she worked for Redistricting Partners in	05:17:15
5		the past, what was her role?	05:17:23
6		MR. MANOLIUS: Again, this is before.	05:17:25
7		THE WITNESS: Yes. So in her, when she was an	05:17:27
8		employee, she was primarily on the municipal side, I	05:17:29
9		think she might have started with the advocacy side but	05:17:33
10		quickly transitioned to the municipal side.	05:17:37
11		MR. MEUSER Q: And I forgot to ask about	05:17:39
12		Stacey Reardon. Was she paid by prop -- by	05:17:41
13		Redistricting Partners as a part of the work for Prop	05:17:44
14		50?	05:17:47
15	A	Yes.	05:17:47
16	Q	And Liz Stitt, was she paid by Redistricting	05:17:47
17		Partners for her work on Prop 50?	05:17:52
18	A	She has not been paid.	05:17:54
19	Q	She has not been paid. Are you planning on	05:17:56
20		paying her?	05:17:58
21	A	Um, we have not worked that out yet. She is	05:17:59
22		living in a foreign country.	05:18:02
23	Q	Now, in this paragraph, starting on line 16,	05:18:06
24		you say, "I'd call Liz and talk with her about the	05:18:12
25		things she had done overnight."	05:18:17

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1		Did I read that correctly?	05:18:18
2	A	What line you said?	05:18:20
3	Q	16 and 17.	05:18:23
4	A	Yeah.	05:18:24
5	Q	And this was you had a daily conversation with	05:18:25
6		Liz every morning while you were walking the dogs?	05:18:28
7	A	Roughly.	05:18:30
8	Q	And is it fair to say that she was working on	05:18:32
9		that while you were sleeping at night?	05:18:39
10	A	Yes.	05:18:41
11	Q	She was working on Prop 50 while you were	05:18:41
12		sleeping at night?	05:18:44
13		MR. MANOLIUS: Objection, calls for	05:18:44
14		speculation. You can answer, if you know.	05:18:45
15		THE WITNESS: It states it right here and I	05:18:47
16		think it's pretty plain language there.	05:18:50
17		MR. MEUSER Q: Chris Chaffee, line 19.	05:18:54
18	A	Chaffee.	05:18:56
19	Q	Who is Chris Chaffee?	05:18:57
20	A	Chris Chaffee, along with Jacob	05:18:59
21		Thompson-Fisher, is one of the three kind of original	05:19:02
22		people with Redistricting Partners and who works for the	05:19:05
23		Governor now.	05:19:08
24	Q	Is Chris Chaffee paid by Redistricting	05:19:10
25		Partners for work that was associated with Prop 50?	05:19:15

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1	A	No.	05:19:21
2	Q	Daniel Lopez?	05:19:21
3	A	Daniel Lopez works in Los Angeles and had	05:19:22
4		worked previously for Redistricting Partners, worked for	05:19:26
5		a period in the past.	05:19:30
6	Q	Okay. Was Daniel Lopez paid for any work by	05:19:32
7		Redistricting Partners as a part of the work that you	05:19:37
8		did on Prop 50?	05:19:41
9	A	No.	05:19:42
10	Q	At any time did you talk with Gavin Newsom	05:19:44
11		between July 2nd and August 24th about Prop 50?	05:19:49
12	A	August 24th, I do not believe so, no.	05:19:56
13	Q	So prior to him signing the bill?	05:20:03
14	A	Oh, no, absolutely not.	05:20:04
15	Q	That's the date.	05:20:06
16	A	I didn't know what the 24th meant.	05:20:07
17	Q	Page seven, lines 14 and 15. Actually, I'll	05:20:11
18		start on line 13. "But, you know, the focus really was	05:20:25
19		on trying to put together a work product that we could	05:20:29
20		be proud of given the fact that Redistricting Partners	05:20:32
21		has only done nonpartisan redistricting."	05:20:34
22		Did I read that correctly?	05:20:38
23	A	Yes.	05:20:41
24	Q	And that statement is something that you told	05:20:41
25		Capitol Weekly Podcast; correct?	05:20:45

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1	A	Yes.	05:20:47
2	Q	And you told Capitol Weekly Podcast that you	05:20:48
3		were proud of the work that you had done as a part of	05:20:53
4		the redistricting process of Prop 50?	05:20:56
5	A	Slightly different wording, but yes.	05:21:02
6		MR. MANOLIUS: Misstates. You can answer.	05:21:04
7		THE WITNESS: It was that we could be proud	05:21:06
8		of, that the team could be proud of.	05:21:08
9		MR. MEUSER Q: And are you proud of the work	05:21:10
10		that you did as that became Prop 50?	05:21:12
11		MR. MANOLIUS: Objection, legislative	05:21:15
12		privilege. I'll instruct you not to answer.	05:21:17
13		MR. MEUSER: Let me just get this correct.	05:21:20
14		You're asking for legislative work product or	05:21:22
15		legislative privilege over how he feels about the work	05:21:27
16		that he did three months ago?	05:21:30
17		MR. MANOLIUS: Uh-huh, yes, that's correct.	05:21:32
18		MR. MEUSER Q: Okay. And, Mr. Mitchell,	05:21:34
19		you're refusing to answer at the instruction of your	05:21:37
20		attorney?	05:21:39
21	A	Correct.	05:21:39
22	Q	Page eight, starting on line 13, "But if we	05:21:41
23		were going to do it we want to do it with the same kind	05:21:53
24		of California values and the values that our company	05:21:56
25		has."	05:22:01

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1	Did I read that correct?	05:22:01
2	A Yes.	05:22:02
3	Q Is that a statement that you made to Capitol	05:22:03
4	Weekly Podcast?	05:22:08
5	A Yes.	05:22:08
6	Q When you use the phrase "California values,"	05:22:09
7	what does that mean to you?	05:22:13
8	MR. MANOLIUS: Same objection. Instruct you	05:22:16
9	not to answer, legislative privilege.	05:22:17
10	MR. MEUSER: You're instructing him to not	05:22:22
11	answer how he uses the word "California values"?	05:22:25
12	MR. MANOLIUS: To the extent it's part of this	05:22:30
13	process, yes, I am.	05:22:32
14	MR. MEUSER Q: Mr. Mitchell, you've done over	05:22:34
15	100 redistrictings; correct?	05:22:38
16	A Yes.	05:22:40
17	Q And not including Proposition 50, if you were	05:22:41
18	to say that this redistricting project had some kind of	05:22:46
19	California values, what does California values mean to	05:22:51
20	you in a redistricting process?	05:22:53
21	A In my redistricting outside of Prop 50 is what	05:22:55
22	you're asking?	05:22:58
23	Q Yes.	05:22:58
24	MR. MANOLIUS: Objection, compound.	05:22:59
25	Contextual objection, but you can answer.	05:23:01

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1 THE WITNESS: California has a history since 05:23:04
2 the adoption of the commission in the last two 05:23:07
3 redistricting cycles, and with the furtherance of the 05:23:11
4 FAIR MAPS Act and furtherance of other legislative 05:23:14
5 priorities to increase the number of independent 05:23:17
6 redistricting commissions, to have redistricting be 05:23:20
7 taken out of the hands of politicians and incumbents and 05:23:22
8 be drawn based on what's best for the community, and 05:23:25
9 that's the work that we do with Redistricting Partners 05:23:29
10 in our every day work. 05:23:32

11 MR. MEUSER Q: And the sentence continues, 05:23:34
12 "The values that our company has." 05:23:35

13 What values does Redistricting Partners have 05:23:37
14 as a company? 05:23:42

15 A Outside of Prop 50? 05:23:45

16 MR. MANOLIUS: Yes. Objection, to the extent 05:23:47
17 inside the Prop 50 envelope, just using different words. 05:23:49
18 You can answer for things you've done in the past. 05:23:54

19 THE WITNESS: So people who know Redistricting 05:23:59
20 Partners and know the redistrict world understand that 05:24:04
21 our company is unique in that we very strongly follow 05:24:07
22 the FAIR MAPS Act, we very strongly engage with 05:24:12
23 community-based organizations, we very strongly push for 05:24:16
24 community engagement and maps that are drawn by the 05:24:20
25 community, not by the elected officials. 05:24:23

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1 We have a rule as an example that when we do a 05:24:26
2 redistricting, we will not meet individually with 05:24:29
3 elected officials, we will not know where the incumbents 05:24:32
4 live and we will draw maps that are fair and where the 05:24:36
5 community and the elected officials can know that they 05:24:41
6 were drawn in a fair redistricting process that is 05:24:44
7 consistent with the FAIR MAPS Act, even in agencies that 05:24:47
8 aren't covered by the FAIR MAPS Act. 05:24:51

9 So we do water board redistricting prior to 05:24:53
10 the expansion of the FAIR MAPS Act and we would only 05:24:56
11 take the contract if they would agree to meeting the 05:24:57
12 higher bar of the FAIR MAPS Act in doing it. 05:25:00

13 And we have done Zooms with elected officials 05:25:02
14 who wanted to hire us and wanted to know where the 05:25:05
15 incumbents lived, and we told them we wouldn't take that 05:25:07
16 contract if that was the condition. 05:25:10

17 So our firm is very focused on fair, open, 05:25:11
18 transparent redistricting. We don't do, talk about 05:25:16
19 redistricting in closed sessions. We don't have side 05:25:20
20 meetings with incumbents or others to advocate for 05:25:24
21 certain lines outside of the public process and we're a 05:25:30
22 very transparent redistricting firm, and that's our 05:25:32
23 reputation, and we'll do some contracts because of it 05:25:36
24 and we get some contracts because of it. 05:25:39

25 Q When you were drawing Prop 50 maps did you 05:25:41

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1	know where the incumbents lived?	05:25:44
2	MR. MANOLIUS: Objection, legislative	05:25:45
3	privilege. I instruct you not to answer.	05:25:49
4	MR. MEUSER Q: Mr. Mitchell, you're not	05:25:50
5	answering that question at the instruction of your	05:25:52
6	attorney?	05:25:53
7	A Correct.	05:25:53
8	Q I know you talked a little bit with Julie	05:25:55
9	about this earlier today. Please turn to page ten.	05:25:59
10	A (Witness complied.)	05:26:02
11	Q And starting at line three, I believe you're	05:26:10
12	generally talking about the democratic eco -- I am	05:26:13
13	trying to remember what you said.	05:26:20
14	A Ecosystem.	05:26:21
15	Q Ecosystem?	05:26:24
16	A Ecosystem. Yeah. The paragraph that starts	05:26:25
17	at line nine says, "So many of them were like if Texas	05:26:28
18	is going to throw away the VRA then we can throw away	05:26:32
19	the VRA."	05:26:35
20	Is it my understanding that that statement	05:26:36
21	that you made to Capitol Weekly Podcast, you were	05:26:37
22	referring to things that you were hearing on social	05:26:40
23	media, but not necessarily anything that you heard from	05:26:45
24	a legislator or a congressman or staffer of a legislator	05:26:50
25	or congressman; is that correct?	05:26:55

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1	MR. MANOLIUS: Objection, legislative	05:26:57
2	privilege. I instruct you not to answer.	05:26:58
3	MR. MEUSER: You're instructing him not to	05:27:04
4	tell me if statements of throwing away the VRA were	05:27:05
5	something that he heard from a legislator or something	05:27:10
6	he heard from outside the legislative stream?	05:27:12
7	MR. MANOLIUS: Correct.	05:27:16
8	MR. MEUSER Q: Okay. Let me re-ask this	05:27:17
9	question. This statement that you made in Capitol	05:27:18
10	Weekly Podcast, this was a public statement; correct?	05:27:25
11	A Yes.	05:27:27
12	Q Anybody in the world could go listen to the	05:27:28
13	Capitol Weekly Podcast; correct?	05:27:33
14	A Yes.	05:27:34
15	Q Okay. And in that podcast you made the	05:27:35
16	statement that you had heard people say that Texas was	05:27:39
17	going to throw away the VRA, then we -- and that "we"	05:27:43
18	means California; is that correct?	05:27:46
19	A Yes.	05:27:50
20	MR. MANOLIUS: Objection, vague. You can	05:27:51
21	answer.	05:27:52
22	MR. MEUSER Q: -- then California can throw	05:27:53
23	away the VRA. Did any California legislator make the	05:27:54
24	statement that if Texas is going to throw away the VRA	05:28:07
25	then we can throw away the VRA?	05:28:12

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1	MR. MANOLIUS: Same objection. I instruct you	05:28:14
2	not to answer. Legislative privilege.	05:28:15
3	MR. MEUSER Q: And, Mr. Mitchell, you're not	05:28:17
4	answering my question --	05:28:19
5	A Correct.	05:28:19
6	Q -- because of the instruction of your	05:28:20
7	attorney?	05:28:21
8	A Correct.	05:28:21
9	Q Okay. I am going to be asking this multiple	05:28:22
10	times here, so did anybody from Gavin Newsom's office	05:28:24
11	tell you that if Texas is going to throw away the VRA	05:28:29
12	then we can throw away the VRA?	05:28:33
13	MR. MANOLIUS: Same objection. Instruct you	05:28:35
14	not to answer.	05:28:36
15	MR. MEUSER Q: And, Mr. Mitchell, you're not	05:28:37
16	going to answer this question at the instruction of your	05:28:38
17	attorney?	05:28:40
18	A Correct.	05:28:40
19	Q Okay. Mr. Mitchell, did any congressmen or	05:28:41
20	their staff tell you that if Texas is going to throw	05:28:46
21	away the VRA, then we can throw away the VRA?	05:28:48
22	MR. MANOLIUS: Same objections, same	05:28:51
23	instruction.	05:28:53
24	MR. MEUSER Q: And, Mr. Mitchell, you're not	05:28:53
25	going to answer my question at the instruction of your	05:28:55

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1	attorney?	05:28:58
2	A Correct.	05:28:58
3	Q Mr. Mitchell, are you aware of anybody in the	05:28:59
4	ecosystem who made the statement if Texas is going to	05:29:08
5	throw away the VRA then we can throw away the VRA?	05:29:13
6	A The person that posted the map on Exhibit 17.	05:29:18
7	Q What's the date of that?	05:29:23
8	A I'm just being -- but this is the kind of	05:29:24
9	thing, people who are doing maps like this --	05:29:27
10	Q Yes.	05:29:28
11	A -- Twitter maps and people in the media,	05:29:29
12	people on social media.	05:29:35
13	Q And then starting on line 17, you say to	05:29:43
14	Capitol Weekly Podcast, "I had to calmly show them look,	05:29:48
15	we can create a five district pick-up map and follow the	05:29:53
16	Voting Rights Act, keep communities of interest	05:29:56
17	together."	05:30:01
18	Did I read that correctly?	05:30:01
19	A Yes.	05:30:02
20	Q Is that a statement that you made to Capitol	05:30:03
21	Weekly Podcast?	05:30:07
22	A Yes.	05:30:08
23	Q And when you said, "I had to calmly show	05:30:09
24	them," was this something that you're referring to in X	05:30:15
25	post?	05:30:21

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1	MR. MANOLIUS: I am sorry?	05:30:21
2	MR. MEUSER Q: An X post, posted on X, Tweet	05:30:22
3	it, Twitter.	05:30:26
4	A Oh. It could have been both a -- it could	05:30:27
5	have been different communications, including, like, a	05:30:36
6	DM.	05:30:39
7	Q It could have been a DM? And when you say DM,	05:30:39
8	a direct message on a social media platform?	05:30:42
9	A Yes.	05:30:45
10	Q Okay. And when you say, "I had to calmly show	05:30:46
11	them," were you referring to any legislator when you	05:30:51
12	made that statement, "I had to calmly show them"?	05:30:54
13	MR. MANOLIUS: Well, I am going to object.	05:30:59
14	Well, why don't we get the answer to see if there's a	05:31:01
15	reason to go forward. Go ahead, you can answer, if you	05:31:03
16	know.	05:31:07
17	THE WITNESS: I don't recall.	05:31:08
18	MR. MEUSER Q: When you say, "We can create a	05:31:10
19	five district pick-up map to follow the Voting Rights	05:31:16
20	Act."	05:31:16
21	Did I read that correct?	05:31:20
22	A Yes.	05:31:22
23	Q Are you aware of any direct message that you	05:31:23
24	sent to anyone between July 2nd and August 15th where	05:31:28
25	you told them on a direct message that you could draw a	05:31:35

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1	five district pick-up map following the Voting Rights	05:31:42
2	Act?	05:31:46
3	MR. MANOLIUS: Objection, only that you didn't	05:31:46
4	quote the entire sentence, but you can answer, Paul.	05:31:48
5	THE WITNESS: I don't recall a direct message	05:31:51
6	where I would have said that.	05:31:53
7	MR. MEUSER Q: And do you recall any social	05:31:55
8	media post where you made the statement that you could	05:31:56
9	draw a map that had a five district pickup that followed	05:31:59
10	the Voting Rights Act?	05:32:03
11	A No, I don't believe I made a post like that.	05:32:05
12	Q Do you recall any conversation that you had	05:32:10
13	with a legislator or a congressman or their staff in	05:32:16
14	which you explained to them that you could create a five	05:32:21
15	district pick-up map and follow the Voting Rights Act?	05:32:25
16	MR. MANOLIUS: Objection, legislative	05:32:30
17	privilege and I instruct you not to answer.	05:32:32
18	MR. MEUSER Q: This is a "yes" or "no"	05:32:35
19	question. I wasn't asking for the communication, I was	05:32:36
20	asking did he, does he recall that he made any such	05:32:38
21	statement?	05:32:41
22	MR. MANOLIUS: I'll maintain my objection.	05:32:47
23	Thanks.	05:32:49
24	MR. MEUSER Q: And Mr. Mitchell you're not	05:32:49
25	responding at the request of your attorney?	05:32:50

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1	A	Correct.	05:32:53
2	Q	Turn to page 13.	05:32:53
3	A	(Witness complied.)	05:33:09
4	Q	Line 16, you tell Capitol Weekly Podcast, "We	05:33:14
5		work with some folks in D.C. and saw some maps."	05:33:18
6		Who in D.C. did you work with?	05:33:24
7	A	That would probably be the DCCC or the NDRC.	05:33:27
8	Q	NDRC, and that's National Democratic --	05:33:43
9	A	-- Redistricting --	05:33:47
10	Q	-- Committee?	05:33:48
11	A	-- Committee.	05:33:48
12	Q	Okay. Thank you. "And saw some maps." Are	05:33:49
13		you saying that the DCCC shared some maps with you?	05:33:55
14		MR. MANOLIUS: Objection. Legislative	05:34:01
15		privilege. I instruct you not to answer.	05:34:05
16		MR. MEUSER: You're saying the DCCC giving him	05:34:07
17		documents is going to be legislative privilege?	05:34:09
18		MR. MANOLIUS: I am objecting, yes, and	05:34:13
19		instructing him not to answer.	05:34:15
20		MR. MEUSER Q: And you're not answering at the	05:34:17
21		instruction of your attorney?	05:34:19
22	A	Correct.	05:34:20
23	Q	Okay. I am going to ask the same question.	05:34:20
24		Did the NDRC share any maps with you between July 2nd	05:34:23
25		and August 15th?	05:34:31

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1	MR. MANOLIUS: Same objection and instruct you	05:34:33
2	not to answer.	05:34:34
3	MR. MEUSER Q: And, Mr. Mitchell, you're not	05:34:36
4	answering at the instruction of your attorney?	05:34:37
5	A Correct.	05:34:41
6	Q Top of page 14. This says, "No respect for	05:34:41
7	the LGBT community."	05:34:53
8	Did I read that sentence correct?	05:34:55
9	A Yes.	05:34:56
10	Q And I believe you were talking earlier about	05:34:58
11	the work that you were doing in the 2021 redistricting	05:35:01
12	on behalf of the LGBT community. Did I hear that	05:35:06
13	testimony right, that in 2021 you were working with the	05:35:11
14	LGBT community to help them in the redistricting	05:35:14
15	process?	05:35:17
16	A Yes.	05:35:17
17	Q And as a part of drawing the Prop 50 maps, was	05:35:19
18	the LGBT community one of the communities of interest	05:35:32
19	that you were looking at when you drew any of the	05:35:37
20	congressional lines that were associated with Prop 50?	05:35:43
21	MR. MANOLIUS: Objection, legislative	05:35:47
22	privilege, I instruct you not to answer.	05:35:48
23	MR. MEUSER Q: And, Mr. Mitchell, you are not	05:35:51
24	answering here today --	05:35:52
25	A Correct.	05:35:53

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1	Q	-- at the instruction of your attorney?	05:35:54
2	A	Correct.	05:35:55
3	Q	Page 15, line 18 and 19 where you talk about	05:35:56
4		Wild Wild West redistricting, and in this particular	05:36:16
5		sentence you're talking about other states, even	05:36:21
6		democratically held states.	05:36:24
7		Which states do you categorize as the Wild	05:36:27
8		Wild West of redistricting in this statement that you	05:36:31
9		made to Capitol Weekly Podcast?	05:36:35
10		MR. WOODS: Objection. Relevance.	05:36:38
11		MR. MANOLIUS: I join it. You can answer.	05:36:41
12		THE WITNESS: Illinois.	05:36:43
13		MR. MEUSER Q: Any other states?	05:36:45
14	A	That's the one that comes to mind.	05:36:46
15	Q	Line 24 and 25, same page, "They are	05:36:50
16		oftentimes violating the Voting Rights Act."	05:37:00
17		Did I read that statement correct?	05:37:04
18	A	Which line?	05:37:06
19	Q	Lines 24 and 25.	05:37:07
20	A	You said what page?	05:37:09
21	Q	15.	05:37:11
22	A	For some reason I went to page 24. Sorry.	05:37:13
23		Yes.	05:37:22
24	Q	Is that a statement that you made on Capitol	05:37:23
25		Weekly Podcast?	05:37:27

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1	A	Yes.	05:37:27
2	Q	In your opinion, which states have violated	05:37:28
3		the Voting Rights Act, as you understand it?	05:37:38
4		MR. MANOLIUS: Objection, calls for a legal	05:37:43
5		conclusion, overbroad and vague.	05:37:45
6		MR. WOODS: And that's join.	05:37:48
7		THE WITNESS: In that regard I think it's easy	05:37:54
8		just to point to all of the redistricting maps that have	05:37:55
9		been overturned by the courts. That's all I was	05:37:58
10		referencing.	05:38:01
11		MR. MEUSER Q: When you made this statement to	05:38:01
12		the Capitol Weekly Podcast, was there a specific or	05:38:03
13		specific states you were thinking of when you made the	05:38:06
14		statement that oftentimes violated the Voting Rights	05:38:10
15		Act?	05:38:14
16		MR. MANOLIUS: Same objection.	05:38:14
17		MR. WOODS: Join.	05:38:16
18		THE WITNESS: States that have historically	05:38:18
19		violated the Voting Rights Act causing all of the	05:38:20
20		lawsuits and terms we now know and use in redistricting,	05:38:23
21		so there's too many to kind of pick out.	05:38:27
22		MR. MEUSER Q: Is there any one or two states	05:38:30
23		that stick out to you as in your belief regularly are	05:38:33
24		violating the Voting Rights Act?	05:38:39
25		MR. MANOLIUS: Same set of objections. You	05:38:42

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1	can answer.	05:38:46
2	MR. WOODS: Same. Join.	05:38:46
3	THE WITNESS: Something like North Carolina,	05:38:47
4	states where they've had big redistricting cases in the	05:38:49
5	last 34 years.	05:38:52
6	Q Any other states?	05:38:54
7	A No.	05:38:55
8	Q We can put away the Capitol Weekly Podcast	05:38:55
9	and we are going to go to the HOPE transcript next. And	05:39:53
10	let's turn to page 22.	05:40:09
11	A (Witness complied.)	05:40:11
12	Q And we are going to start on page, on line	05:40:12
13	nine. You ready?	05:40:16
14	MR. MANOLIUS: One second. Sorry.	05:40:23
15	MR. MEUSER: No problem.	05:40:26
16	MR. MANOLIUS: Thank you.	05:40:37
17	MR. MEUSER Q: I am going to read paragraph,	05:40:38
18	or line nine through 13: "Now, when I was first talking	05:40:41
19	to by folks, I won't call out any names of elected	05:40:46
20	officials, but I did have some elected officials call me	05:40:51
21	and say, well, if Texas is going to throw away the VRA,	05:40:54
22	we should just throw away the VRA."	05:40:58
23	Which elected officials told you that we	05:41:00
24	should throw away the VRA?	05:41:05
25	MR. MANOLIUS: Objection, legislative	05:41:07

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1	privilege. Instruct you not to answer. Also, vague as	05:41:09
2	to when the these conversations occurred, but that's	05:41:14
3	better.	05:41:18
4	MR. MEUSER Q: Let's go ahead and clean this	05:41:19
5	up. Did I read that correctly?	05:41:20
6	A You did read that correctly.	05:41:22
7	Q Is that a statement that you made to HOPE	05:41:23
8	during your presentation to HOPE?	05:41:25
9	A Given that it's in this transcript, I would	05:41:27
10	believe so.	05:41:30
11	Q You don't believe so?	05:41:30
12	A I said I would believe so.	05:41:31
13	Q You would believe so. Okay. At what time	05:41:34
14	period were you referring to someone telling you we	05:41:37
15	should just throw away the VRA?	05:41:41
16	MR. MANOLIUS: Objection, legislative	05:41:47
17	privilege and instruct you not to answer.	05:41:48
18	MR. MEUSER: You were the one who said that it	05:41:51
19	wasn't clear as to the time. I am just asking the time.	05:41:52
20	MR. MANOLIUS: I also said it was barred by	05:41:55
21	legislative privilege, so I appreciate your cleaning up	05:41:57
22	at the time because I wasn't sure.	05:42:03
23	MR. MEUSER Q: So, Mr. Mitchell, you're not	05:42:05
24	going to answer my question at the instruction of your	05:42:06
25	attorney?	05:42:08

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1	A	Correct.	05:42:08
2	Q	Again, we are going to make this thing	05:42:09
3		abundantly clear for the record.	05:42:12
4		Did an elected official contact you and tell	05:42:13
5		you that if Texas is going to throw away the VRA, we	05:42:19
6		should just throw away the VRA?	05:42:23
7		MR. MANOLIUS: Same objection. Instruct you	05:42:26
8		not to answer.	05:42:27
9		MR. MEUSER Q: Mr. Mitchell, you're not going	05:42:28
10		to answer that question at the instruction of your	05:42:29
11		attorney?	05:42:31
12	A	Correct.	05:42:32
13	Q	Can you tell me if this conversation was with	05:42:33
14		a congressman or congresswoman or with a state	05:42:36
15		legislator?	05:42:40
16		MR. MANOLIUS: You can answer.	05:42:53
17		THE WITNESS: I don't recall.	05:42:55
18		MR. MEUSER Q: Did just a single elected	05:42:57
19		official say this or was this multiple elected officials	05:43:01
20		who made this statement, generally we should throw away	05:43:05
21		the VRA.	05:43:08
22	A	Let me characterize this. I think that there	05:43:15
23		were people who would say those words and others would	05:43:17
24		give me maps or say things like, if Texas can do	05:43:20
25		whatever they want to do why can't we do whatever we	05:43:25

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1 want to do? 05:43:27

2 So in their wording to me wouldn't be those 05:43:28

3 exact words, but I would interpret it as if, let's throw 05:43:30

4 down the guardrails as I testified or as I said earlier 05:43:33

5 with Ms. Hamill. 05:43:36

6 Q There's a difference between throwing away the 05:43:39

7 guardrails and throwing away the VRA. Would you agree 05:43:42

8 with that? 05:43:45

9 MR. MANOLIUS: Objection, vague, overbroad, 05:43:45

10 compound question. You can answer. 05:43:53

11 THE WITNESS: Generally, if somebody is 05:43:55

12 putting out maps that are, you know, free of traditional 05:44:01

13 redistricting criteria they're throwing everything out, 05:44:07

14 and so in this statement where I am saying this, it 05:44:10

15 might just be shorthand for, you know, the kind of 05:44:13

16 things I was hearing. 05:44:16

17 So I was hearing this from multiple people and 05:44:17

18 sometimes they wouldn't say the exact words, but this is 05:44:20

19 the kind of idea that I would say when I was doing a 05:44:23

20 presentation like this. 05:44:25

21 Q Would you agree with me that someone who drew 05:44:26

22 a sample map that had only one person in it and another 05:44:28

23 map that had a million people in it, that that is a 05:44:33

24 completely different issue than someone drawing a map 05:44:36

25 that violates the VRA? 05:44:39

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1	MR. MANOLIUS: Objection, vague. I don't	05:44:42
2	understand the question. One person in what, in 1,000?	05:44:44
3	MR. MEUSER: In a congressional district.	05:44:48
4	MR. MANOLIUS: Oh.	05:44:49
5	THE WITNESS: He is laying no equal	05:44:51
6	protection.	05:44:52
7	MR. WOODS: I am going to object that calls	05:44:53
8	for a legal conclusion, but you can answer.	05:44:54
9	MR. MANOLIUS: I'll join that too.	05:44:56
10	THE WITNESS: The issue is that when I'm	05:44:57
11	speaking to a group, if I say, oh, my gosh, there's a	05:44:59
12	map that's noncontiguous, that doesn't exactly get the	05:45:02
13	point across. And so something like this would be the	05:45:06
14	thing that I might highlight for a group like that,	05:45:09
15	rather than something like, oh, my gosh, this map was	05:45:12
16	noncontiguous and, like, they're supposed to care.	05:45:14
17	MR. MEUSER Q: So the question I am going to	05:45:18
18	ask you, how many, I am asking for a number, how many	05:45:19
19	elected officials specifically told you we should just	05:45:24
20	throw away the VRA?	05:45:30
21	A I don't recall someone using those exact	05:45:32
22	words --	05:45:35
23	Q Okay.	05:45:36
24	A -- because I even say in one of these quotes	05:45:40
25	kind of.	05:45:43

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1	Q	And in the very next paragraph, starting on	05:45:50
2		line 16, you say, "And I would be, like, okay, thanks	05:45:52
3		for calling. But there was no way that I was going to	05:45:55
4		do that."	05:45:58
5		Did I read that correctly?	05:45:59
6	A	Yes.	05:46:00
7	Q	And that is the statement that you made on --	05:46:01
8		to the HOPE; correct?	05:46:07
9	A	Don't know which one this was, but, yes.	05:46:08
10	Q	And your statement to HOPE is that you were	05:46:11
11		not going to be violating the Voting Rights Act; is that	05:46:15
12		correct?	05:46:22
13		MR. MANOLIUS: Objection, misstates what's	05:46:22
14		here. The document speaks for itself, speaks for	05:46:24
15		itself. You can answer.	05:46:28
16		THE WITNESS: I would characterize it not like	05:46:31
17		that, because that seems to point to some outcome.	05:46:35
18		But I was suggesting to them that issues they	05:46:43
19		care about, if people were arguing to throw those	05:46:47
20		overboard, that I was somebody who would care about	05:46:52
21		their issues.	05:46:56
22	Q	And you've worked with HOPE you said for over	05:46:57
23		a dozen years; correct?	05:47:00
24	A	Yes.	05:47:02
25	Q	And you understand that the Voting Rights Act	05:47:02

1	was something that was very important to HOPE; is that	05:47:05
2	correct?	05:47:08
3	MR. MANOLIUS: Objection. Vague and calls for	05:47:10
4	speculation about a whole lot of people potentially, but	05:47:14
5	you can answer, if you can.	05:47:17
6	MR. WOODS: Join.	05:47:19
7	THE WITNESS: They are not exactly a Voting	05:47:20
8	Rights Act organization, something like MALDEF or	05:47:23
9	something, so they are more, and the name in their title	05:47:25
10	of their name Hispanas Organized For Political Equality,	05:47:27
11	that is their mission.	05:47:32
12	MR. MEUSER Q: But earlier today we were	05:47:33
13	looking at that HOPE letter --	05:47:36
14	A Yes.	05:47:37
15	Q -- that you read to HOPE; correct, yes?	05:47:37
16	A Yes, yes, yes.	05:47:40
17	Q And in that letter they're talking about	05:47:41
18	Voting Rights Act issues; is that correct?	05:47:44
19	A Yes.	05:47:45
20	Q And now you're coming back and talking to HOPE	05:47:46
21	and you state here that elected officials told you to	05:47:49
22	throw away the VRA; correct?	05:47:55
23	MR. MANOLIUS: Objection, misstates his	05:47:58
24	testimony.	05:47:59
25	THE WITNESS: That's a paraphrase.	05:48:01

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1	MR. MEUSER Q: And you said, don't worry, I'm	05:48:02
2	not getting rid of the VRA; is that correct?	05:48:06
3	MR. MANOLIUS: Objection. I don't see that	05:48:10
4	here.	05:48:11
5	THE WITNESS: That isn't -- that is a	05:48:12
6	mischaracterization, because I don't have the ability to	05:48:14
7	get rid of the VRA.	05:48:16
8	MR. MEUSER Q: You were not going to draw any	05:48:18
9	districts that violated the VRA; is that correct?	05:48:19
10	MR. WOODS: That's also mischaracterizing.	05:48:23
11	MR. MANOLIUS: Wait a minute. Objection. I	05:48:24
12	instruct you not to answer, that's legislative	05:48:26
13	privilege.	05:48:26
14	MR. MEUSER Q: And you're not answering the	05:48:29
15	question at the instruction of your attorney?	05:48:31
16	A Correct.	05:48:32
17	Q Page 23, line 14, "And following the Voting	05:48:39
18	Rights Act was very important."	05:48:49
19	Did I read that correctly?	05:48:50
20	A You read that line 14, yes.	05:48:52
21	Q And is that something that you said to HOPE on	05:48:55
22	this presentation?	05:48:59
23	A I am just reading the full context here. Yes.	05:49:00
24	Q And in all the redistricting work that you did	05:49:16
25	before July 2nd, 2025, would that be a fair statement to	05:49:22

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1	say that following the Voter Right Act is an important	05:49:28
2	thing for Redistricting Partners?	05:49:33
3	A I would say more broadly that following the	05:49:35
4	Voting Rights Act is important for anybody doing	05:49:38
5	redistricting --	05:49:41
6	Q And I am going to --	05:49:42
7	A -- and for Redistricting Partners in all our	05:49:44
8	municipal redistricting.	05:49:48
9	Q And was following the Voting Rights Act a very	05:49:50
10	important thing for Redistricting Partners while drawing	05:49:52
11	the Proposition 50 maps?	05:49:55
12	MR. MANOLIUS: Objection, legislative	05:49:58
13	privilege, I instruct you not to answer.	05:49:59
14	MR. MEUSER Q: Mr. Mitchell, you're not	05:50:01
15	answering that question today at the instruction of your	05:50:02
16	counsel?	05:50:04
17	A Correct. If we are going to go much longer	05:50:05
18	can we get a restroom break?	05:50:48
19	Q I was going to be suggesting a restroom break	05:50:50
20	in about 10 minutes so we can confer, but if you want to	05:50:53
21	wait 10 minutes? We can go now.	05:50:57
22	A Sure.	05:51:01
23	Q Turn to page 29 of the transcript. Can you	05:51:02
24	read to yourself paragraph eight -- line 8 through 16	05:51:09
25	and then I am going to read it out loud real quick? Let	05:51:14

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1	me know when you're ready.	05:51:18
2	A Sure.	05:51:26
3	Q Okay. So I will go ahead and read this out	05:51:27
4	loud. "And so you've got some places where he needs to	05:51:30
5	get support and get engaged folks to support and do	05:51:34
6	turnout there for Latinos to protect a Latino member of	05:51:38
7	Congress in a district that is still a Latino-influenced	05:51:42
8	district, but is no longer a majority/minority district	05:51:45
9	because his district, most Latino portions go into the	05:51:49
10	replacement Roybal Allard district."	05:51:53
11	Did I read that correctly?	05:51:59
12	A Yes.	05:52:00
13	Q Did you say that to HOPE in October of this	05:52:00
14	year?	05:52:02
15	A That appears that that's what I said, yes.	05:52:03
16	Q You used the phrase "Latino-influenced	05:52:06
17	district." Outside of your Proposition 50 work, what	05:52:11
18	does Latino-influenced district mean to you?	05:52:15
19	A It's Latino-influenced district is more of a	05:52:20
20	non-redistricting term. It's one that doesn't have the	05:52:27
21	same meaning as a majority/minority district or district	05:52:31
22	with the ability to elect Latinos. It's a general term	05:52:37
23	used by lay people to suggest a district where there's a	05:52:41
24	strong population.	05:52:46
25	Q Sorry. I didn't mean to interrupt you. When	05:52:49

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1	you use the phrase "a strong population," is there a	05:52:52
2	number in your head that would equal a strong	05:52:55
3	population?	05:52:58
4	A In -- no, there isn't. And we've had the	05:52:58
5	California Voting Rights Act which has tried to	05:53:04
6	adjudicate what a Latino-influenced district is and may	05:53:07
7	have not come up with a number. There is no norm.	05:53:11
8	Q So if a district had 10-percent of Latinos in	05:53:14
9	it, would you characterize that as a Latino-influenced	05:53:18
10	district?	05:53:22
11	MR. MANOLIUS: Objection. You're talking	05:53:22
12	about as a general matter in his practice?	05:53:23
13	MR. MEUSER: Yes.	05:53:26
14	MR. MANOLIUS: Other than Prop 50? You can	05:53:27
15	answer.	05:53:29
16	THE WITNESS: It really would depend on the	05:53:30
17	turnout rate of that Latino population and the turnout	05:53:31
18	rate of other populations in the area, but that's	05:53:35
19	usually, usually you see higher numbers than that when	05:53:37
20	you're talking about Latino-influenced districts, but I	05:53:42
21	am not the arbiter of what the bright line is.	05:53:46
22	Q But you're the one who used the phrase	05:53:47
23	"Latino-influenced district" and you're the one who used	05:53:50
24	the phrase, you know, a strong showing, so I'm trying to	05:53:52
25	figure out, you know, I'm not entitled -- I am entitled	05:53:55

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1 to your best estimate here.

05:54:00

2 So if it was 25 percent would you consider
3 that a Latino-influenced district?

05:54:01

05:54:04

4 MR. MANOLIUS: Objection, vague. It lacks
5 foundation and that he's already said it depends on the
6 circumstances, and there are different things like
7 turnout rates and all that, but you can answer.

05:54:06

05:54:09

05:54:12

05:54:15

8 THE WITNESS: It's completely situational. It
9 has to do with the cohesiveness of that Latino
10 population, their turnout rates, what the other
11 population is like, so very well I could consider
12 someplace that has a 25 percent.

05:54:17

05:54:22

05:54:26

05:54:28

05:54:31

13 This is a thing that comes up a lot in
14 municipal redistricting under the California Voting
15 Rights Act and, again, there is no, even the courts have
16 not given a definition of influenced district, even
17 though it's in the California Voting Rights Act, that
18 word, influenced district.

05:54:34

05:54:36

05:54:40

05:54:42

05:54:48

05:54:51

19 Q And this phrase --

05:54:53

20 A The ability to influence is in the California
21 Voting Rights Act, that's the terminology.

05:54:54

05:54:56

22 Q So on page 29 when you used the word
23 Latino-influenced district, you're referring to a
24 specific district that is on our atlas.

05:54:58

05:55:01

05:55:04

25 Can you look at the atlas and tell me which

05:55:08

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1 district you were talking about when you talked to HOPE 05:55:11
2 in October and you said that there was this 05:55:16
3 Latino-influenced district? 05:55:21

4 MR. MANOLIUS: Objection, legislative 05:55:24
5 privilege. I instruct you not to answer. 05:55:26

6 MR. MEUSER: Counsel, you're instructing him 05:55:30
7 not to answer when he went out into public and said 05:55:32
8 there's this Latino-influenced district and he has 05:55:35
9 publicly put out this document to the Legislature that 05:55:38
10 breaks out every single district, he is out there 05:55:42
11 talking to people trying to encourage them to vote for 05:55:45
12 Prop 50, this is public information that he himself has 05:55:50
13 made public and you're instructing him about subsequent 05:55:53
14 comments made? You're instructing him not to answer the 05:55:57
15 question? 05:56:00

16 MR. MANOLIUS: Yes, because it goes to his the 05:56:00
17 creation of the maps themselves and what the intention 05:56:04
18 was behind that, so I am going to instruct him not to 05:56:07
19 answer based on legislative privilege, yes. 05:56:09

20 MR. MEUSER Q: Mr. Mitchell, you're not 05:56:12
21 answering this question at the instruction of your 05:56:13
22 attorney? 05:56:15

23 A Correct. 05:56:15

24 Q Let's turn to page 30 of your transcript. And 05:56:17
25 I am going to read this paragraph. "The Prop 50 maps I 05:56:31

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1 think will be great for the Latino community in two 05:56:34
2 critical ways. One is that they ensure that the Latino 05:56:37
3 districts that are the VRA seats are bolstered in order 05:56:40
4 to make them most effective particularly in the Central 05:56:45
5 Valley." 05:56:49

6 Did I read that correctly? 05:56:49

7 A Yes. 05:56:52

8 Q Did you make that statement to HOPE in October 05:57:00
9 of 2025? 05:57:05

10 A Yes. 05:57:07

11 Q And earlier you said there were 14 VRA 05:57:09
12 districts drawn by the redistricting commission; is that 05:57:16
13 correct? 05:57:19

14 MR. MANOLIUS: Objection, misstates his 05:57:20
15 testimony. Vague as to VRA that he used, but he can 05:57:21
16 answer. 05:57:30

17 THE WITNESS: What I said earlier in testimony 05:57:31
18 was there were 16 majority/minority districts and the 05:57:32
19 commission identified 14 of those districts as VRA seats 05:57:36
20 -- I don't want to say VRA seats but as seats that were 05:57:45
21 drawn in order to, for lack of a -- I don't want to 05:57:48
22 paraphrase too much, but there were 14 that were 05:57:51
23 identified. 05:57:54

24 Q And you told HOPE that the Proposition 50 maps 05:57:54
25 were great for the Latino community, you made that 05:58:00

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1	statement; correct?	05:58:05
2	MR. MANOLIUS: Objection. That's not a	05:58:06
3	complete statement, but I think we know what you're	05:58:07
4	referring to. Objection, vague. You can answer.	05:58:10
5	THE WITNESS: Yes.	05:58:13
6	MR. MEUSER Q: And you've had two reasons why	05:58:15
7	you thought the Prop 50 maps were great for the Latino	05:58:18
8	community; correct?	05:58:22
9	A What two are you referencing?	05:58:23
10	Q You say there's two critical ways that the	05:58:25
11	Prop 50 maps are great for the Latino communities; is	05:58:27
12	that correct?	05:58:32
13	A Two critical ways, I see, yes.	05:58:32
14	Q Okay. One of those ways is that ensures that	05:58:34
15	the Latino districts that are the VRA seats are	05:58:39
16	bolstered in order to make them most effective. You	05:58:44
17	said that; correct?	05:58:48
18	A Yes.	05:58:49
19	Q And when you are referring to the VRA seats	05:58:50
20	are you referring to the 14 VRA seats designated by the	05:58:56
21	redistricting commission during the redistricting	05:59:00
22	process in 2021?	05:59:03
23	MR. MANOLIUS: Objection, legislative	05:59:06
24	privilege. I instruct you not to answer.	05:59:08
25	MR. MEUSER Q: And, Mr. Mitchell, you're not	05:59:10

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1	answering my question today at the instruction of your	05:59:14
2	counsel?	05:59:16
3	A Correct.	05:59:17
4	Q Next paragraph, starting on line 12, and then,	05:59:18
5	secondly, have to hazard a guess, and I don't want to be	05:59:23
6	too political or partisan here, but I have to hazard a	05:59:28
7	guess that whoever gets elected in that gateway cities	05:59:32
8	district in Los Angeles, it's a majority/minority	05:59:34
9	district, is going to be a better representative for the	05:59:37
10	community than the representative being elected from the	05:59:40
11	Ken Calvert seat."	05:59:43
12	Did I read that correctly?	05:59:44
13	A Correct.	05:59:45
14	Q And you made that statement; correct?	05:59:46
15	A Correct.	05:59:47
16	Q And in this particular sentence you are	05:59:48
17	talking about congressional district 41 that belonged to	05:59:52
18	Ken Calvert out in Riverside and is now in the gateway	05:59:56
19	cities of Los Angeles; correct?	06:00:00
20	A Correct.	06:00:03
21	Q Next page, 31, top of the page, lines one	06:00:04
22	through five, "So I think there are opportunities there	06:00:27
23	in the substance of the maps and the outcomes of the	06:00:32
24	maps, and I think there's a lot of opportunities in	06:00:35
25	terms of kind of those VRA concerns as well."	06:00:38

1	Did I read that correct?	06:00:41
2	A Yeah, that's -- I don't recall exactly saying	06:00:44
3	that, but that's in the transcript. It seems a little	06:00:46
4	garbled, seems like a little bit of a word salad.	06:00:49
5	Q Do you deny making that statement?	06:00:53
6	MR. MANOLIUS: Objection, misstates his	06:00:54
7	testimony.	06:00:56
8	THE WITNESS: I don't have a reason to deny	06:00:56
9	saying that, but looking at this transcript I -- it	06:00:58
10	looks a little bit disjointed.	06:01:02
11	MR. MEUSER Q: And you used the phrase "VRA	06:01:11
12	concerns." Do you see that phrase?	06:01:15
13	A Yes.	06:01:16
14	Q What does "VRA concerns" mean to you?	06:01:18
15	A I don't know.	06:01:21
16	MR. MEUSER: Mr. Mitchell, you asked for a	06:01:32
17	short break. Let's go ahead and take a 10-minute break	06:01:34
18	at this time.	06:01:37
19	THE WITNESS: Thank you.	06:01:38
20	MR. MEUSER: And counsel and I will go over	06:01:38
21	our notes and see if we can wrap this up.	06:01:40
22	MR. MANOLIUS: Great. Thank you very much.	06:01:42
23	THE VIDEOGRAPHER: The time is 6:01 p.m. We	06:01:44
24	are going off the record.	06:01:50
25	(Whereupon a recess was taken.)	06:11:06

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1	THE VIDEOGRAPHER: We are back on the record.	06:11:06
2	The time is 6:11 p.m. and this marks the beginning of	06:11:16
3	videotape number seven in the deposition of Paul	06:11:21
4	Mitchell, which is being taken at Hansen Bridgett, LLP,	06:11:24
5	500 Capitol Mall, Suite 1500, Sacramento, California.	06:11:28
6	The videographer is Nicholas Coulter here on	06:11:33
7	behalf of Array Legal Services.	06:11:37
8	MR. MEUSER: Mr. Mitchell, you understand	06:11:39
9	you're still under oath?	06:11:43
10	A Yes.	06:11:44
11	Q A couple cleanup questions, so we're going	06:11:44
12	back to questions that you were asked earlier today.	06:11:46
13	I believe you were testifying earlier that you	06:11:49
14	had been paid by the DCCC by Jeffries, Hakeem Jeffries	06:11:51
15	and by HMP, House Majority PAC. How did you receive	06:12:01
16	those payments?	06:12:04
17	MR. MANOLIUS: Objection. I think misstates	06:12:06
18	his testimony. I don't believe -- have they all been	06:12:08
19	paid?	06:12:11
20	THE WITNESS: Yeah, they have all been paid.	06:12:11
21	MR. MANOLIUS: Sorry. Go ahead.	06:12:12
22	THE WITNESS: Wires.	06:12:14
23	MR. MEUSER Q: And who were the wires sent to?	06:12:16
24	A Redistricting Partners.	06:12:18
25	Q Redistricting Partners or to your accountant?	06:12:19

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1	A	To the bank.	06:12:22
2	Q	Okay.	06:12:23
3	A	Yeah, to my bank account, not to the	06:12:24
4		accountant.	06:12:28
5	Q	Do you know who Swing Strategies is?	06:12:29
6	A	Yes.	06:12:32
7	Q	This is our opportunity to take care of this.	06:12:33
8	A	You can go for it, you can clean this up.	06:12:35
9		This is it.	06:12:37
10	Q	That's what I'm trying to do.	06:12:37
11	A	Yeah. Yeah.	06:12:39
12	Q	So you know what I mean by Swing Strategies;	06:12:40
13		correct?	06:12:44
14	A	Yes.	06:12:44
15	Q	And there is in the public disclosure the	06:12:44
16		person who, the address --	06:12:47
17	A	On the invoice?	06:12:50
18	Q	-- on the invoice where DCCC sent the payment	06:12:51
19		it went to Swing Strategies; correct?	06:12:55
20	A	It went to Ken Andreas. It went to	06:12:57
21		Redistricting Partners, but my accountant is Ken	06:13:00
22		Andreas.	06:13:04
23	Q	Okay. And who is Ken Andreas?	06:13:04
24	A	Ken Andreas is an accountant that I have had	06:13:06
25		since 2011, a personal friend, and decades ago Matt	06:13:10

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1	Rexford, who is a republican consultant, helped me get	06:13:17
2	my accounting set up with his accountant, Ken Andreas.	06:13:23
3	He's a good friend.	06:13:25
4	Q And what's Ken Andreas's relationship with	06:13:26
5	Swing Strategies?	06:13:28
6	A He is also their accountant.	06:13:29
7	Q And so the address for your bookkeeper is Ken	06:13:32
8	Andreas; correct?	06:13:34
9	A Yes.	06:13:35
10	Q And Ken Andreas happens to also be the	06:13:36
11	bookkeeper for Swing Strategies; correct?	06:13:38
12	A Yes. Swing Strategies was the no campaign.	06:13:40
13	Small world.	06:13:46
14	Q Yeah, but I'm actually trying to help you with	06:13:47
15	this one.	06:13:50
16	Earlier today we were talking about	06:13:54
17	disaggregating political data. Do you remember that	06:13:59
18	conversation?	06:14:02
19	A I forgot about it, but, yes.	06:14:02
20	Q And in that conversation you were talking	06:14:04
21	about when a census block, when census blocks and	06:14:06
22	precincts did not align; correct?	06:14:09
23	A I was talking about when census blocks are	06:14:12
24	necessary within precinct boundaries.	06:14:15
25	Q It is my understanding that CVAP data is not	06:14:18

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1	available at the census block level, so how would you	06:14:21
2	use CVAP data to disaggregate election results?	06:14:24
3	A The same way, because unlike what I think you	06:14:30
4	were inferring in the question about a nonalignment --	06:14:32
5	Q Yes.	06:14:35
6	A -- census blocks always align to block groups,	06:14:35
7	so there's always alignment, so it's exactly the same	06:14:38
8	methodology that I discussed earlier.	06:14:42
9	Q Okay. And what components of the State's	06:14:44
10	database would you use for disaggregation?	06:14:48
11	A I would -- don't recall if Jacob	06:14:51
12	Thompson-Fisher would have been the one that did that so	06:14:54
13	I don't recall. I don't even -- yeah, I don't recall.	06:14:57
14	Q Do you ever use racial data to disaggregate	06:15:00
15	election results to census blocks?	06:15:04
16	MR. MANOLIUS: Objection, to the extent answer	06:15:06
17	outside of the Prop 50 matter. Otherwise, it's	06:15:10
18	legislative privilege.	06:15:13
19	THE WITNESS: Yeah. In the history of our	06:15:14
20	company and the way that we do work, we would not be	06:15:16
21	doing it like that. That would not make sense.	06:15:19
22	MR. MEUSER Q: Okay.	06:15:21
23	A You would use generally population, citizen	06:15:22
24	voting age total population, because you're trying to	06:15:26
25	disaggregate votes cast or registered voter registration	06:15:29

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1	numbers.	06:15:34
2	Q When creating the Prop 50 maps, what data sets	06:15:36
3	did you use?	06:15:40
4	MR. MANOLIUS: Objection, legislative	06:15:41
5	privilege. I instruct you not to answer.	06:15:43
6	MR. MEUSER Q: Mr. Mitchell, you're not	06:15:46
7	answering that question at the instruction of your	06:15:47
8	attorney?	06:15:49
9	A Correct.	06:15:49
10	Q Did you use election results when drafting the	06:15:50
11	Proposition 50 maps?	06:15:56
12	MR. MANOLIUS: Same objection, instruct you	06:15:58
13	not to answer.	06:15:59
14	MR. MEUSER Q: And, Mr. Mitchell, you're not	06:16:00
15	answering my question at the instruction of your	06:16:01
16	attorney?	06:16:03
17	A Correct.	06:16:03
18	Q Which election results did you look at when	06:16:05
19	drawing the Proposition 50 maps?	06:16:11
20	MR. MANOLIUS: Same objection, same	06:16:13
21	instruction.	06:16:15
22	MR. MEUSER Q: And, Mr. Mitchell, you're not	06:16:16
23	answering my question at the instruction of your	06:16:18
24	attorney?	06:16:21
25	A Correct.	06:16:21

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1	Q	Mr. Mitchell, earlier today we were looking at	06:16:22
2		the atlas that you created for the DCCC; correct?	06:16:26
3	A	Yes.	06:16:29
4	Q	And in that there was the box of every single	06:16:29
5		congressional district where it showed the voter	06:16:32
6		registration numbers for that district; correct?	06:16:35
7	A	Correct.	06:16:36
8	Q	Where did you get that data that you used in	06:16:37
9		the atlas that you gave to the DCCC?	06:16:41
10		MR. MANOLIUS: You can answer.	06:16:45
11		THE WITNESS: I think a better way to state it	06:16:46
12		is that this data that is in that, on that map, its	06:16:48
13		origin is from the statewide database.	06:16:53
14		MR. MEUSER Q: So when building the maps in	06:16:58
15		your software, the statewide database would tell you	06:17:01
16		what the political breakdown of that district is;	06:17:07
17		correct?	06:17:12
18		MR. MANOLIUS: Objection, legislative	06:17:12
19		privilege, instruct you not to answer.	06:17:18
20		MR. MEUSER Q: Mr. Mitchell, you're not	06:17:22
21		answering my question today because of the direction of	06:17:23
22		your attorney?	06:17:25
23	A	Yes.	06:17:26
24	Q	Okay. Prior to working on Proposition 50	06:17:27
25		maps, when you're doing one of these hundreds of other	06:17:30

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1	redistrictings, would you use statewide data, the	06:17:32
2	statewide database?	06:17:38
3	A In prior redistricts we do use statewide	06:17:39
4	database, yes.	06:17:42
5	Q And when you draw a district using statewide	06:17:43
6	database in your system does it tell you the political	06:17:48
7	registration number for each district?	06:17:54
8	MR. MANOLIUS: Objection, vague. You mean as	06:18:01
9	a general matter, and outside the Prop 50 process?	06:18:02
10	MR. MEUSER Q: My question specifically said	06:18:06
11	all of the examples prior to Prop 50.	06:18:07
12	MR. MANOLIUS: Okay. Thank you.	06:18:10
13	THE WITNESS: I wouldn't use it at all. We	06:18:11
14	wouldn't use voter registration when we do municipal	06:18:13
15	redistricts, because its voter criteria that's	06:18:17
16	precluded, so we exclude it.	06:18:21
17	And in the instances where we have put it in	06:18:22
18	have been infrequent and would have been not for	06:18:24
19	municipal work. Maybe in 2021 we would have put a PDI	06:18:28
20	voter file in there as analysis, but it's not something	06:18:33
21	that we regularly use in our data sets.	06:18:36
22	Q So the atlas that you have put together that	06:18:39
23	has the racial breakdowns of Hispanics, correct, in this	06:18:42
24	atlas it has the breakdown of Hispanics in every single	06:18:49
25	district; correct?	06:18:53

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1	MR. WOODS:	Objection, mischaracterizes the	06:18:54
2		document. It speaks for itself.	06:18:56
3	MR. MANOLIUS:	I'll join.	06:18:57
4	THE WITNESS:	The document has the racial	06:19:00
5		breakdowns by total population in the 2020 census and	06:19:01
6		through the CVAP, yes.	06:19:05
7	MR. MEUSER Q:	And has it for Hispanics;	06:19:08
8		correct?	06:19:09
9	A	Yes.	06:19:09
10	Q	And as it has it for Blacks; correct?	06:19:10
11	A	Yes.	06:19:12
12	Q	And it has it for Asians; correct?	06:19:12
13	A	Yes.	06:19:15
14	Q	But it doesn't have it for whites; correct?	06:19:15
15	A	It has an "other" category and the other is	06:19:18
16		white and/or the -- there is a CVAP of Alaska native,	06:19:23
17		it's AIAN, Alaska native, and basically the Hawaiian	06:19:30
18		population and others like that, so there's -- that's in	06:19:36
19		the "other."	06:19:38
20	Q	Okay. That particular data set, you know,	06:19:39
21		the --	06:19:46
22	A	American Indian Alaska Native. Sorry.	06:19:47
23	Q	In the atlas you have the breakdown of how	06:19:50
24		many people are in each population group. Is that	06:19:53
25		something that you print with all your other	06:19:57

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1	redistricting atlases that you do for other clients?	06:20:00
2	A Yes. In different varieties, like I said in	06:20:03
3	Alaska it would show Alaska native and not something	06:20:08
4	else.	06:20:11
5	Q Understand. So you regularly print atlases	06:20:11
6	for your clients that list out the racial breakdowns of	06:20:17
7	each district and call it -- and insert it into your	06:20:21
8	atlas; is that correct? Is that a "yes"?	06:20:26
9	A Yes.	06:20:29
10	Q And here after Prop 50 you created an atlas	06:20:30
11	for the Legislature and it included in this atlas the	06:20:34
12	racial breakdowns of the various racial ethnicities for	06:20:37
13	each congressional district; correct?	06:20:44
14	A Yes.	06:20:46
15	MR. MANOLIUS: Asked and answered. You can	06:20:46
16	answer.	06:20:47
17	THE WITNESS: Yes.	06:20:48
18	MR. MEUSER Q: So when, I am again asking	06:20:53
19	prior to Prop 50, when you're using your software and	06:20:56
20	you have drawn a district using the statewide database	06:21:03
21	you are able to see the racial breakdown of that	06:21:08
22	district; correct?	06:21:13
23	MR. MANOLIUS: Objection, vague. I am not	06:21:19
24	sure I understand the question. You can answer, if you	06:21:20
25	do.	06:21:22

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1 THE WITNESS: As a general rule we normally 06:21:23
2 would be able to, but it would be, there's so many 06:21:27
3 different programs we use potentially it wouldn't be on 06:21:29
4 or maybe it would be in another program, so not every 06:21:33
5 time. 06:21:37
6 MR. MEUSER Q: But you print that data in your 06:21:38
7 atlas every single time; correct? 06:21:40
8 A Yeah. This is a stand alone separate program. 06:21:42
9 We throw a shape file in and it produces this -- 06:21:46
10 Q Okay. 06:21:50
11 A -- as a stand alone program. 06:21:51
12 Your talking about when you're drawing 06:21:53
13 districts, this isn't something you use when you're 06:21:55
14 drawing districts, it's something you use to put out a 06:21:56
15 final product for a client. 06:22:00
16 Q Okay. But you have the data of what the 06:22:02
17 racial breakdown is for every single district that you 06:22:07
18 use to put together the shape, put together these 06:22:10
19 atlases; correct? 06:22:14
20 A In my normal redistricting course of my normal 06:22:14
21 business redistricting. 06:22:18
22 Q Yes. 06:22:19
23 A Outside of Prop 50, yes. 06:22:19
24 Q And in Proposition 50 you created an atlas 06:22:21
25 associated with the work as a result of Prop 50; 06:22:24

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1	correct?	06:22:28
2	MR. WOODS: Objection, asked and answered.	06:22:28
3	MR. MANOLIUS: Same, join.	06:22:29
4	THE WITNESS: Yes.	06:22:32
5	MR. MEUSER: Julie?	06:22:34
6	MS. HAMILL: May I project?	06:22:48
7	FURTHER EXAMINATION	06:22:48
8	By: JULIE HAMILL, Attorney at Law, counsel on behalf of	06:22:48
9	the Plaintiffs:	06:22:55
10	I just want to be clear --	06:22:55
11	A Yes.	06:22:57
12	Q -- that you are refusing to answer any	06:22:57
13	questions regarding how or why you drew the Proposition	06:23:00
14	50 maps on the basis of legislative privilege?	06:23:04
15	MR. MANOLIUS: I'm objecting to that and I'll	06:23:08
16	affirm it for you, yes, that is our position.	06:23:11
17	MS. HAMILL: You're objecting to that	06:23:14
18	question?	06:23:15
19	MR. MANOLIUS: No, I am just trying to -- the	06:23:16
20	answer to your question is yes.	06:23:20
21	MS. HAMILL Q: I am going to ask it one more	06:23:23
22	time to make a clear record.	06:23:24
23	I want to be clear that you are refusing to	06:23:26
24	answer any questions regarding how or why you drew the	06:23:28
25	Proposition 50 map on the basis of legislative	06:23:31

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1	privilege?	06:23:34
2	A Yes, upon advice of my counsel.	06:23:34
3	MS. HAMILL: Thank you.	06:23:36
4	MR. MEUSER: Okay. I'll switch places with	06:23:41
5	you.	06:23:47
6	MR. WOODS: If you want to.	06:23:47
7	THE REPORTER: 33 minutes left.	06:23:58
8	MR. WOODS: I'll be very very quick.	06:23:59
9	EXAMINATION	06:23:59
10	By: S. CLINTON WOODS, Attorney at Law, counsel on behalf	06:23:59
11	of the Defendants:	06:24:10
12	Q Good evening, Mr. Mitchell. I may have	06:24:10
13	introduced myself off the record. I am not sure if I	06:24:13
14	have.	06:24:16
15	My name is Clinton Woods. I am a Deputy	06:24:16
16	Attorney General from the State of California	06:24:18
17	representing the State defendants in this matter.	06:24:20
18	I just have a few questions and I want to be	06:24:24
19	very clear that in my questions I am not asking about	06:24:27
20	your work on Prop 50. I am focusing on after you	06:24:31
21	submitted the maps or Redistricting Partners submitted	06:24:38
22	the maps.	06:24:44
23	I am not asking for any conversations or	06:24:44
24	communications or anything that you would have learned	06:24:46
25	from your work with Prop 50, but as an individual	06:24:49

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1	citizen, a California citizen.	06:24:52
2	Would it be fair to say that you wanted Prop	06:24:56
3	50 to pass?	06:25:01
4	A Yes.	06:25:02
5	Q Okay. Did you agree with the partisan aims of	06:25:03
6	Prop 50?	06:25:08
7	A Yes.	06:25:09
8	MR. MANOLIUS: Objection, vague as to the term	06:25:10
9	"partisan aims," but I think he understood the question	06:25:12
10	so --	06:25:14
11	THE WITNESS: I agreed to do it only because	06:25:15
12	of what Texas did. Normally, I wouldn't agree to	06:25:16
13	partisan redistricting because in this case, because of	06:25:19
14	the circumstances, I did agree to it.	06:25:21
15	MR. WOODS Q: Understood. Are you a register	06:25:24
16	democrat?	06:25:26
17	A Yes.	06:25:28
18	Q Do you consider more democrats in Congress to	06:25:28
19	be a good thing?	06:25:31
20	A Yes, particularly right now.	06:25:32
21	Q Okay. Did you vote for Prop 50?	06:25:35
22	A I did.	06:25:37
23	Q Okay. Would it be fair to say that after you	06:25:38
24	submitted the map that the public interviews that you	06:25:41
25	did that counsel has been talking about, whatever other	06:25:45

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1	public interviews or statements you might have made were	06:25:50
2	done with the aim of convincing people to vote for Prop	06:25:53
3	50?	06:25:57
4	A Clearly that would have been one of the aims,	06:25:57
5	absolutely.	06:26:00
6	Q Okay. Because you agreed with the partisan	06:26:00
7	aims of Prop 50; right?	06:26:03
8	A Yes.	06:26:04
9	Q After you submitted the maps, I am a	06:26:06
10	California citizen, I am guessing based on your	06:26:11
11	testimony so far, and please correct me if I'm wrong,	06:26:15
12	that you paid attention to the Prop 50 campaign?	06:26:18
13	A Quite a bit, yes.	06:26:21
14	Q Okay. Did you see any political	06:26:22
15	advertisements about Prop 50?	06:26:28
16	A Quite a lot, yes.	06:26:29
17	Q Okay. Where did you see them?	06:26:30
18	A Mostly on social media. I didn't see the	06:26:32
19	YouTube ads because I paid for the one where I don't	06:26:35
20	have to see the ads.	06:26:38
21	Q Okay. So did you see any ads on television?	06:26:39
22	A I did see some ads on television.	06:26:42
23	Q Okay. I am a sports fan so I saw a lot of ads	06:26:44
24	both for and against Prop 50 on every Warriors game that	06:26:48
25	I watched. Did you see --	06:26:54

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1	A	I am a huge sports fan, but they weren't	06:26:55
2		putting the ads on my obscure Belgian bike races.	06:26:58
3	Q	Fair enough. Fair enough. So you saw these	06:27:02
4		ads on the Internet?	06:27:03
5	A	Mostly, yes.	06:27:04
6	Q	Did you see or did you hear any ads on the	06:27:05
7		radio?	06:27:09
8	A	I heard ads on podcasts.	06:27:10
9	Q	Okay. All right. Were these ads pro Prop 50	06:27:14
10		or anti Prop 50 or both?	06:27:21
11	A	Both.	06:27:23
12	Q	And I realize that this is a big question, but	06:27:24
13		can you give me an estimate of how many ads you saw on	06:27:27
14		line, about Prop 50?	06:27:33
15	A	How many unique different ads?	06:27:34
16	Q	Sure.	06:27:37
17	A	Yeah. So I saw probably a dozen different ads	06:27:37
18		and I saw them, many of them several times over and	06:27:41
19		over.	06:27:46
20	Q	Okay. And when you say a dozen different ads	06:27:46
21		would that be pro Prop 50, anti Prop 50 or both?	06:27:48
22	A	Both.	06:27:55
23	Q	And you?	06:27:56
24	A	Even the ones they put me in.	06:27:57
25	Q	Even the ones they put you in. How many ads	06:27:59

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1	did you see they put you in?	06:28:03
2	MS. HAMILL: Objection, relevance.	06:28:06
3	THE WITNESS: Four.	06:28:09
4	MR. WOODS Q: What's that?	06:28:09
5	A Four ads.	06:28:10
6	Q Oh, okay. Let's see. And how many ads did	06:28:11
7	you hear on a podcast?	06:28:15
8	A Maybe, half a dozen. It was not as frequent.	06:28:17
9	Q Okay. Of the pro Prop 50 advertisements that	06:28:23
10	you either saw or heard, how many of those pro Prop 50	06:28:27
11	advertisements mentioned partisan gain?	06:28:32
12	A I would say every one of them mentioned	06:28:36
13	partisan gain or anti-Trump, which is a cue for partisan	06:28:41
14	pushing back on republicans, yeah.	06:28:46
15	Q That was going to be my next question is how	06:28:49
16	many of them mentioned President Trump?	06:28:51
17	A Almost every one of them.	06:28:53
18	Q Almost every one. How many of them mentioned	06:28:54
19	Texas?	06:28:57
20	A Almost every one of them.	06:28:58
21	Q Okay. Of the anti Prop 50 advertisements that	06:29:00
22	you saw --	06:29:05
23	A Uh-huh.	06:29:05
24	Q -- and let me ask the question: The ads that	06:29:06
25	you were in, were those anti Prop 50 ads?	06:29:08

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1	A	They were the "No on Prop 50" ads, yes.	06:29:10
2	Q	How many of them, of those anti ads mentioned	06:29:14
3		democratic partisanship?	06:29:17
4	A	Almost every one of them, I think, yeah.	06:29:20
5	Q	How many of them? You said about four of them	06:29:22
6		mentioned you; is that right?	06:29:25
7	A	Yeah.	06:29:27
8	Q	Okay. And do you recall what they said about	06:29:27
9		you?	06:29:32
10	A	They would put me in a montage of legislators,	06:29:32
11		Governor Newsom, and special interests and shady, they	06:29:37
12		do, like, a shady image of me.	06:29:44
13	Q	You were in, like, black and white?	06:29:46
14	A	In a couple of them.	06:29:47
15		MS. HAMILL: Objection. Relevance.	06:29:49
16		MR. WOODS Q: I'll get there. So they	06:29:51
17		mentioned you alongside Gavin Newsom; correct?	06:29:53
18	A	Yes.	06:29:55
19	Q	Other prominent democrats?	06:29:56
20	A	Nancy Pelosi.	06:29:59
21	Q	Right. Did you see any pro Prop 50	06:30:00
22		advertisements that originated from republicans?	06:30:06
23	A	No.	06:30:10
24	Q	Did you see any anti Prop 50 advertisements	06:30:13
25		that originated from democrats?	06:30:19

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1	A	No.	06:30:21
2	Q	Of the pro Prop 50 advertisements that you	06:30:22
3		saw, dozen or so, whatever they were, how many of those	06:30:27
4		pro Prop 50 advertisements mentioned race?	06:30:30
5	A	Not one.	06:30:34
6		MS. HAMILL: Objection, relevance.	06:30:36
7		MR. WOODS Q: Of the anti Prop 50	06:30:38
8		advertisements that you saw, a dozen or so, how many of	06:30:41
9		those mentioned race?	06:30:45
10	A	I don't recall seeing that in any of those.	06:30:48
11	Q	Okay. Would it be fair to say that you are a	06:30:50
12		close observer of California politics?	06:30:54
13	A	Yes.	06:30:57
14	Q	Do you know as you sit here today independent	06:30:58
15		of any of your work what or who represents California	06:31:01
16		district 13 in Congress?	06:31:09
17	A	Adam Gray.	06:31:12
18		(Whereupon Plaintiff's Exhibit 24	06:31:12
19		was marked for identification.)	06:31:12
20		MR. WOODS Q: I am going to hand you what's	06:31:15
21		been marked as Exhibit 24.	06:31:16
22		Exhibit 24 is has been submitted to the court,	06:31:26
23		it's exhibit -- at the bottom you can see it's	06:31:30
24		Exhibit 43 to the Eason declaration, which is a	06:31:35
25		declaration that my office submitted in opposition to	06:31:42

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1	the motion for preliminary injunction.	06:31:45
2	A Okay.	06:31:47
3	Q And what it is is a copy of an article that	06:31:47
4	was published on August 15th, and that was created by	06:31:51
5	ABC 10, and my first question is: Have you ever seen	06:31:58
6	this article before?	06:32:03
7	A No, I probably -- if I had seen it I would	06:32:05
8	have clicked on the video to see things like that, so I	06:32:07
9	don't know what, if I saw the article.	06:32:10
10	Q Fair enough. If you look at page two of the	06:32:12
11	exhibit and it's Bates numbered CA-751 at the bottom, do	06:32:16
12	you see that?	06:32:23
13	A Where am I looking at the "About"? Which is	06:32:24
14	about?	06:32:28
15	Q At the CA-751.	06:32:29
16	A I see that, yeah, yeah.	06:32:31
17	Q Okay. Great. So that page, if you see, if	06:32:32
18	you look at the -- well, first of all, the top paragraph	06:32:39
19	on that page, it mentions you.	06:32:43
20	Do you see that?	06:32:45
21	A "ABC 10 obtained a draft proposal," that one?	06:32:46
22	Q Yes.	06:32:50
23	A Yes. Oh, yeah, "Headed by Sacramento based	06:32:51
24	data consultant Paul Mitchell."	06:32:54
25	Q That's you?	06:32:56

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1	A	That is me.	06:32:56
2	Q	Okay.	06:32:57
3	A	I drew the maps.	06:32:57
4	Q	All right. And there's a quote there that	06:32:59
5		says, "There's the changes where we sought to increase	06:33:02
6		the partisanship of a district so that we could get a	06:33:07
7		democrat elected in order to combat what Trump is	06:33:10
8		doing."	06:33:14
9		Did I read that correctly?	06:33:14
10	A	That is correct.	06:33:16
11	Q	Do you believe that you said that?	06:33:17
12	A	Yes.	06:33:19
13	Q	There's an additional quote. "Then there's	06:33:20
14		the other districts, where you might see people moving	06:33:23
15		because of all of the other movements."	06:33:26
16		Did I read that correctly?	06:33:29
17	A	Yes.	06:33:30
18	Q	Do you believe you said that?	06:33:31
19	A	Yes.	06:33:32
20	Q	And then moving further down this page, about	06:33:33
21		halfway down, a little bit more than halfway down	06:33:37
22		there's a paragraph that is a quotation that is	06:33:39
23		something that you said and I am going to read it here.	06:33:43
24		It says, "We have these five democratic	06:33:47
25		pickups, but we also have about five seats where we have	06:33:52

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1	democrats who, you know, maybe won by a couple hundred	06:33:55
2	votes in the last election and we can't afford for a	06:33:59
3	republican to pick that seat up and eat into those	06:34:02
4	potential gains."	06:34:06
5	Did I read that correctly?	06:34:08
6	A Yes.	06:34:09
7	Q All right. Do you believe you said that?	06:34:10
8	A Yes.	06:34:11
9	Q And then the quote continues, "So we did a lot	06:34:13
10	to bolster democratic candidates up and down the state	06:34:16
11	that are potentially in tough races, like Adam Gray in	06:34:20
12	the Central Valley."	06:34:23
13	Did I read that correctly?	06:34:25
14	A That is correct.	06:34:26
15	Q Do you believe you said that?	06:34:27
16	A Yep. That's not even August 15th. That's a	06:34:28
17	very quick reporter.	06:34:35
18	Q All right. Let me just check my notes. I	06:34:37
19	think that's all I have.	06:34:50
20	A Thank you very much.	06:34:52
21	MR. WOODS: Thank you, Mr. Mitchell.	06:34:53
22	THE VIDEOGRAPHER: Is that everyone? All	06:34:57
23	right. The time is 6:34 p.m.	06:34:58
24	MR. MANOLIUS: I have a few.	06:35:02
25	THE VIDEOGRAPHER: This is the end of today's	06:35:03

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1 deposition.

06:35:05

2 THE REPORTER: Mr. Meuser, you're responsible
3 for the O&I?

4 MR. MEUSER: Yes, and I want a rough draft
5 ASAP.

6 MS. HAMILL: Rough draft and certified
7 electronic copy ASAP.

8 MR. WOODS: Rough draft and certified copy.

9 MR. MANOLIUS: Rough draft and certified copy.

10 MR. DeNEVERS: Certified copy electronic.

11 MR. DODGE: Certified copy electronic.

12 THE REPORTER: Thank you.

13 (Whereupon the proceedings were
14 concluded at 6:35 p.m.)
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CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

I, LINDA J. HART, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was not requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto subscribed my signature on this 12th day of December, 2025.



LINDA J. HART, CSR #4357
RMR/CRR

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Date: December 5, 2025

Case: Tangipa, et al. -v- Newsom, et al.

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - - - -x

DAVID TANGIPA, et al., :

Plaintiffs, :

and :

UNITED STATES OF AMERICA, :

Plaintiff-Intervenor, :

v. : 2:25-cv-10616-
JLS-WLH-KKL

GAVIN NEWSOM, in his Official :

Capacity as the Governor of :

California, et al., :

Defendants, :

and :

DEMOCRATIC CONGRESSIONAL :

CAMPAIGN COMMITTEE, et al., :

Defendant-Intervenors. :

- - - - -x

Videotaped Deposition of

DAVID TANGIPA

Volume I

Conducted Virtually

Friday, December 5, 2025

5:14 p.m. PST

Job No.: 612155

Pages: 1 - 126

Reported By: Kadi A. Harmon

Transcript of David Tangipa
Conducted on December 5, 2025

2

1 Deposition of DAVID TANGIPA, conducted
2 virtually by videoconference. All parties attended
3 remotely.
4
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10 Pursuant to notice, before Kadi A. Harmon,
11 Court Reporter and Notary Public in and for the
12 State of New York.
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Transcript of David Tangipa
Conducted on December 5, 2025

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Transcript of David Tangipa
Conducted on December 5, 2025

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ALSO PRESENT:

Christie Jeon, Videographer

Jeremy Dineen, Technician

Transcript of David Tangipa
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By Attorney Dodge	9

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Conducted on December 5, 2025

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P R O C E E D I N G S

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THE VIDEOGRAPHER: Here begins Media Number 1
in the videotaped deposition of David Tangipa, in
the matter of Tangipa, et al. versus Newsom, et al.,
in the United States District Court for the Central
District of California, Western Division; Case
Number 2:25-cv-10616-JLS-WLH-KKL.

Today's date is December 5th, 2025. The time
on the video monitor is 5:14 p.m. The videographer
today is Christie Jeon representing Planet Depos.
This video deposition is taking place remotely.

Would Counsel please voice-identify
themselves and state whom they represent?

ATTORNEY DODGE: Good evening. Christopher
Dodge on behalf of Intervenor-Defendant, DCCC.

ATTORNEY ROSENBERG: Good evening. I am
Deputy Attorney General Jennifer Rosenberg
representing the State Defendants, California
Governor Gavin Newsom and Secretary of State Shirley
Weber.

ATTORNEY MEUSER: Good evening. Mark Meuser
from the Dhillon Law Group, representing Plaintiffs
in this matter.

ATTORNEY FERNANDEZ GOLD: Hi, there. This is
Sophia Fernandez Gold on behalf of

17:13:40

17:13:46

17:13:51

17:13:56

17:14:00

17:14:04

17:14:18

17:14:29

17:14:37

17:14:44

17:14:47

17:14:49

17:14:53

17:14:56

17:15:03

17:15:06

17:15:07

17:15:10

17:15:12

17:15:13

17:15:19

17:15:21

17:15:24

Transcript of David Tangipa
Conducted on December 5, 2025

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1	Defendant-Intervenor, League of United Latin	17:15:26
2	American Citizens.	17:15:28
3	ATTORNEY DODGE: I think that should cover	17:15:33
4	everyone who will be speaking, as I understand it.	17:15:39
5	THE VIDEOGRAPHER: The Court Reporter today	17:15:43
6	is Kadi Harmon representing Planet Depos.	
7	Would the Reporter please swear in the	
8	witness?	
9	THE COURT REPORTER: Okay. First, will	
10	Counsel please stipulate that in lieu of formally	
11	swearing in the witness, the Reporter will instead	
12	ask the witness to acknowledge that their testimony	
13	will be true under the penalties of perjury, that	
14	Counsel will not object to the admissibility of the	
15	transcript based on proceeding in this way, and that	
16	the witness's identity has been verified?	
17	Do you all agree?	17:16:07
18	ATTORNEY DODGE: Agreed on behalf of DCCC.	17:16:07
19	ATTORNEY ROSENBERG: Agreed on behalf of the	17:16:12
20	State Defendants.	
21	ATTORNEY FERNANDEZ GOLD: Agreed on behalf	
22	of --	17:16:14
23	ATTORNEY MEUSER: Agreed on behalf of the	17:16:14
24	Plaintiff.	17:16:16
25	THE COURT REPORTER: Okay. Thank you.	

Transcript of David Tangipa
Conducted on December 5, 2025

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1 And then I will ask the witness: Do you
2 acknowledge that your testimony will be true under
3 the penalties of perjury?

4 THE WITNESS: Yes. 17:16:32

5 THE COURT REPORTER: Thank you. 17:16:36

6 Whenever you're ready, Counsel. 17:16:37

7 ATTORNEY DODGE: Thank you. 17:16:41

8 Good evening, everyone. 17:16:44

9 My name is Chris Dodge. I'm with the Elias
10 Law Group. I represent the DCCC in this matter, 17:16:45
11 which has intervened as a Defendant. 17:16:43

12 E X A M I N A T I O N 17:16:43

13 BY ATTORNEY DODGE:

14 Q Mr. Tangipa, if you could please start by 17:16:49
15 stating your full name for the record, and by 17:16:52
16 spelling your last name? 17:16:55

17 A Yes. David, Jariustokaeutulelei Tangipa, and 17:16:56
18 my last name is spelled T-a-n-g-i-p-a. 17:17:01

19 Q I'm sure you can do it, but I will not try to 17:17:06
20 spell your middle name based on that. 17:17:11

21 Have you ever been deposed before? 17:17:14

22 A I have not. 17:17:16

23 Q Well, congratulations. I advise not to make 17:17:17
24 a habit out of it.

25 Given -- given that this is your first one,

Transcript of David Tangipa
Conducted on December 5, 2025

10

1 let me just go over some ground rules, and please 17:17:20
2 ask me any questions you have, or if you don't 17:17:21
3 understand something, please just indicate as much 17:17:25
4 and we can go over it.

5 So first, you understand that we have a Court 17:17:28
6 Reporter here today whose job is to make a complete 17:17:30
7 and accurate record of what we are saying. 17:17:34

8 Does that sound good? 17:17:36

9 A Yes. 17:17:38

10 Q Just to help the Court Reporter with her job, 17:17:38
11 and to make sure that we have an accurate record of 17:17:40
12 everything, can you agree that you'll answer my 17:17:43
13 questions audibly and clearly; so no shaking your 17:17:45
14 head or responding uh-huh or nuh-uh? 17:17:48

15 A Yes. 17:17:51

16 Q Perfect. 17:17:52

17 Can we all agree that you will please wait 17:17:53
18 for me to finish my question before answering so 17:17:57
19 that we don't talk over each, and I will, of course, 17:18:01
20 try to do the same? 17:18:02

21 A Yes. 17:18:03

22 Q As I indicated, if you don't understand a 17:18:05
23 question or if a question is confusing, please let 17:18:08
24 me know and I can either repeat it or try to ask it 17:18:11
25 a different way. 17:18:16

Transcript of David Tangipa
Conducted on December 5, 2025

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1	Sound good?	17:18:17
2	A Yes.	17:18:17
3	Q If I ask a question and you do answer it, I	17:18:17
4	will assume that you understood the question; is	17:18:21
5	that fair?	17:18:23
6	A Yes.	17:18:23
7	Q If at any time you would like to take a	17:18:23
8	break, please let me know. The only rule is that if	17:18:27
9	I've already asked a question, if there's a question	17:18:31
10	pending, please finish that question before asking	17:18:31
11	for a break.	17:18:34
12	Does that work?	17:18:35
13	A Yes.	17:18:36
14	Q The Court Reporter asked you just a moment	17:18:36
15	ago to confirm that your testimony today will be	17:18:44
16	true and accurate; yes?	17:18:47
17	A Yes.	17:18:48
18	Q And you agreed to provide truthful, complete,	17:18:49
19	and accurate testimony to the best of your ability;	17:18:51
20	yes?	17:18:55
21	A Yes.	17:18:55
22	Q Did you bring any materials with you today to	17:18:56
23	your deposition?	17:18:59
24	A I did not.	17:18:59
25	Q Can you just sort of tell me who is in the	17:19:02

Transcript of David Tangipa
Conducted on December 5, 2025

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1	room with you right now for the record?	17:19:07
2	A Mark Meuser, who is my attorney.	17:19:07
3	Q But you don't have any documents in front of	17:19:12
4	you, or anything beyond your computer?	17:19:15
5	A I do not.	17:19:18
6	Q And Mark's the only guy in the room, or	17:19:18
7	person --	17:19:22
8	A Mark is --	
9	Q -- in the room?	17:19:22
10	A Mark is the only person in the room.	17:19:23
11	Q Okay. I'm just going to turn to some	17:19:25
12	background information.	17:19:29
13	You're currently a member of the California	17:19:30
14	Assembly, correct?	17:19:31
15	A Yes.	17:19:32
16	Q And how long have you been a member of the	17:19:32
17	Assembly?	17:19:35
18	A I have been a member of the Assembly for one	17:19:35
19	year, since I swore in.	17:19:41
20	Q And what district do you represent in the	17:19:43
21	Assembly?	17:19:47
22	A I represent District 8.	17:19:48
23	Q And where generally in the state is that?	17:19:49
24	A That is -- it is Northeast Fresno County; it	17:19:51
25	is Eastern Madera County; Mariposa; Tuolumne;	17:19:56

Transcript of David Tangipa
Conducted on December 5, 2025

13

1	Eastern Calaveras County; and all of Mono and Inyo.	17:19:58
2	Q And what political party are you a member of?	17:20:03
3	A I am a Republican.	17:20:07
4	Q And can you just briefly describe your	17:20:09
5	educational background?	17:20:12
6	A Yup. I -- I'm a Bulldog. I went to Fresno	17:20:14
7	State. My undergrads were political science and	17:20:17
8	criminology, I got a prelaw certificate, and I got	17:20:20
9	my master's in business.	17:20:22
10	Q Sounds like you were busy.	17:20:25
11	And what was your line of work before you	17:20:28
12	became a member of the Assembly?	17:20:30
13	A I worked in both real estate, and I was a	17:20:32
14	field representative for the Fresno County Board of	17:20:34
15	Supervisors, under District 5, Nathan Magsig.	17:20:35
16	(Reporter clarification.)	17:20:52
17	ATTORNEY DODGE: And if the Tech could please	17:20:52
18	pull up Tab 1, which I'll ask to be labeled as	17:20:57
19	Exhibit 1?	17:21:02
20	THE AV TECHNICIAN: Please stand by.	17:21:03
21	(Tangipa Deposition Exhibit 1 marked for	
22	identification and attached to the transcript.)	17:21:50
23	THE AV TECHNICIAN: All right. So it is	17:21:50
24	marked in the chat, and the witness should have	17:21:54
25	control.	17:21:57

Transcript of David Tangipa
Conducted on December 5, 2025

14

1	ATTORNEY DODGE: If you could just take a	17:21:58
2	moment to review this document, Mr. Tangipa.	17:22:00
3	THE WITNESS: Did he say I have control? Am	17:22:14
4	I able to scroll down?	17:22:17
5	ATTORNEY DODGE: I believe you should have	17:22:19
6	control to move throughout the document, which is	17:22:21
7	not particularly long, this one, if you just want to	17:22:24
8	take a look. Let me know if you have any issues	17:22:29
9	with that.	17:22:32
10	I'd say the next page is where it gets	17:22:33
11	interesting.	17:22:38
12	THE WITNESS: I was -- am I the one rolling	17:22:39
13	that down?	17:22:41
14	THE AV TECHNICIAN: Yes, sir. You are.	17:22:43
15	THE WITNESS: Okay. Yeah. I just have to	17:22:49
16	use the key pad. Sorry about that.	17:22:52
17	ATTORNEY DODGE: Oh, I see.	17:22:55
18	THE AV TECHNICIAN: And page up and page down	17:22:55
19	might work a little faster for you.	17:23:01
20	THE WITNESS: Got it.	17:23:02
21	BY ATTORNEY DODGE:	17:23:02
22	Q Do you recognize this document?	17:23:03
23	A Yes.	17:23:03
24	Q And you understand this is a notice to take	17:23:04
25	your deposition today?	17:23:07

Transcript of David Tangipa
Conducted on December 5, 2025

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1	A Yes.	17:23:11
2	Q And as we established earlier, you understand	17:23:14
3	and have agreed to provide truthful, complete,	17:23:19
4	accurate testimony today?	17:23:23
5	A Yes.	17:23:24
6	Q And there's no reason why you can't testify	17:23:25
7	fully and truthfully today?	17:23:27
8	A Yes. There is no reason.	17:23:30
9	Q Can you tell me what you did to prepare for	17:23:32
10	this deposition?	17:23:35
11	A I just reviewed my declaration.	17:23:37
12	Q Did you meet with your attorneys at all?	17:23:42
13	A I talked to my attorneys.	17:23:46
14	Q Specifically in preparation for this	17:23:48
15	deposition?	17:23:51
16	A We just talked about what a deposition is,	17:23:53
17	since this is my first.	17:23:56
18	Q And ballpark, how long did you speak with	17:23:58
19	them about the deposition?	17:24:01
20	A Maybe about 30 minutes.	17:24:02
21	Q And other than your attorneys, did you meet	17:24:06
22	with anyone to prepare for the deposition?	17:24:09
23	A I did not.	17:24:10
24	Q Did you speak with any of the other	17:24:11
25	Plaintiffs in preparation for the deposition?	17:24:15

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16

1	A I have not.	17:24:17
2	Q Did you review any -- beyond your	17:24:18
3	declaration, did you review any documents to prepare	17:24:21
4	for this deposition?	17:24:25
5	A I did not.	17:24:25
6	Q Did your attorneys ask you to collect any	17:24:26
7	documents ahead of this deposition?	17:24:30
8	A Just the social media, I think, that I was	17:24:32
9	asked for, that people wanted my handles for social	17:24:42
10	media.	17:24:43
11	Q So -- so specifically you were asked just to	17:24:43
12	provide the handles, not any particular materials or	17:24:44
13	screenshots or anything like that?	17:24:49
14	A And anything else -- emails that I put out	17:24:51
15	about Prop 50.	17:24:55
16	Q Okay. So social media handles, emails.	17:24:56
17	Anything else?	17:25:01
18	A Nope.	17:25:02
19	Q And did you collect those emails?	17:25:07
20	A Yes. I did.	17:25:09
21	Q Are there any other documents you're still in	17:25:10
22	the process of collecting for your attorneys in this	17:25:16
23	matter?	17:25:19
24	A I don't believe so.	17:25:20
25	Q Can you tell me how you first became involved	17:25:21

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17

1	in this litigation?	17:25:25
2	A As a -- well, how I first became involved?	17:25:27
3	Q Yes.	17:25:33
4	A Well, I've been involved with this whole	17:25:33
5	redistricting process since the very beginning.	17:25:38
6	Q I'm going to focus more specifically, right	17:25:41
7	now at least, just on the lawsuit. So you know,	17:25:44
8	the -- the matter we're litigating before the Court	17:25:45
9	today.	17:25:48
10	When did you first express interest in	17:25:48
11	participating in litigation over Proposition 50?	17:25:52
12	A After the election.	17:25:56
13	Q And did you reach out to your counsel about	17:25:59
14	that, Mr. Meuser and the Dhillon Law Group, or did	17:26:01
15	they contact you first?	17:26:07
16	A I had spoken to them about -- at the --	17:26:08
17	pretty much on election night.	17:26:13
18	Q And you spoke to them about the possibility	17:26:16
19	of filing a lawsuit regarding Proposition 50?	17:26:19
20	A Yes.	17:26:22
21	Q And did you tell your counsel at that meeting	17:26:26
22	the basis upon which you were interested in	17:26:31
23	challenging Proposition 50 as a legal matter?	17:26:34
24	A Repeat the question again?	17:26:38
25	Q Yeah. It wasn't a very good question, was	17:26:39

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18

1	it?	17:26:43
2	When you -- when speaking to your attorneys	17:26:43
3	on election night about the prospect of suing	17:26:46
4	Proposition 50, did you tell your attorneys the	17:26:51
5	legal basis on which you wanted to challenge the	17:26:54
6	law?	17:26:57
7	A Well, this was something that I had talked	17:26:58
8	about from the very beginning as well, that lawsuits	17:27:01
9	were more than likely gonna come up, and I had	17:27:04
10	stated that even when I was on the dais voting on	17:27:07
11	these maps. So this was something that I had talked	17:27:12
12	about from the very beginning all the way back in	17:27:15
13	August.	17:27:17
14	Q And why did you want to be involved in this	17:27:17
15	litigation specifically?	17:27:20
16	A Because I witnessed the process, and I	17:27:22
17	believe that they violated the Constitution.	17:27:24
18	Q When you say they, who are you referring to?	17:27:28
19	A I'm referring to Governor Newsom, and the	17:27:31
20	members of the Assembly who put this in front of us.	17:27:36
21	Q Since the litigation was filed, have you	17:27:43
22	communicated with any of the other Plaintiffs in	17:27:46
23	this case about the lawsuit?	17:27:49
24	A I have not.	17:27:49
25	Q Have you had any communications with the	17:27:51

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19

1	California Republican Party about this lawsuit?	17:27:53
2	A Essentially from the -- the day that we	17:27:57
3	announced at the press conference, and that's about	17:28:01
4	it.	17:28:03
5	Q And can you tell me about what those	17:28:05
6	communications were about at the press conference,	17:28:08
7	at a high level?	17:28:12
8	A They just told me that they were going to	17:28:13
9	sign on, and everybody else was going to just jump	17:28:16
10	on.	17:28:20
11	Q When you say they told you, was there a	17:28:20
12	particular person on behalf of the California	17:28:23
13	Republican Party you were speaking with?	17:28:29
14	A The CA GOP Chairwoman, Corrin Rankin.	17:28:29
15	Q Thank you.	17:28:36
16	Have you seen the Complaint that has been	17:28:37
17	filed in this lawsuit?	17:28:39
18	A Have I seen the Complaint?	17:28:40
19	Q Yes.	17:28:42
20	A I'm not sure. Some of these documents I'm	17:28:45
21	not the most familiar with, with what they would	17:28:48
22	look like.	17:28:52
23	Q That's fair enough.	17:28:53
24	When the case started, did your attorneys	17:28:56
25	provide you with any kind of document, a formal	

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1	legal document, that set forth the claims you were	17:28:59
2	making in this case?	17:29:01
3	A Is that similar to my declaration?	17:29:02
4	Q It could be your declaration. It could also	17:29:08
5	be something that we would call a Complaint that	17:29:12
6	sets forth legal allegations.	17:29:13
7	A I just wouldn't know how to, like, answer	17:29:19
8	that, mainly because I'm just not familiar with the	17:29:22
9	term, I guess. Because there's -- there's a couple	17:29:24
10	I would say that were put in front of me, and I	17:29:25
11	reviewed. But most of it, I just -- I thought it	17:29:27
12	was all part of my declaration.	17:29:30
13	Q That's fair. That's fair.	17:29:32
14	So but this document isn't specifically	17:29:34
15	coming to mind right now?	17:29:36
16	A No.	17:29:39
17	Q So let's turn a little bit to your	17:29:40
18	involvement with Proposition 50 itself.	17:29:43
19	When did you first become aware that	17:29:46
20	California Democrats wanted to redraw the State's	17:29:56
21	Congressional map?	17:29:57
22	A There was some language, somebody was talking	17:29:57
23	about it back in July. And I mean, to be honest	17:29:59
24	with you, I thought it was a joke.	17:30:00
25	Q But July is sort of when you recall this	17:30:02

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21

1	process starting; that's fair?	17:30:05
2	A Yes.	17:30:06
3	Q And how did you first learn about this	17:30:07
4	effort?	17:30:12
5	A Pretty much people were talking about it on	17:30:12
6	media, press releases. Some people -- I mean, I	17:30:15
7	know there was a lot of talks about what had	17:30:20
8	happened in Texas, and people just kept talking	17:30:23
9	about redistricting, and then the Governor started	17:30:27
10	talking about it too.	17:30:32
11	Q So setting aside Texas for the moment,	17:30:33
12	specifically the efforts in the California	17:30:36
13	Legislature, when -- who was the first -- what was	17:30:36
14	the first source you learned from that this was,	17:30:38
15	like, an effort that was actually underway?	17:30:41
16	A I mean really, it was only a news thing. And	17:30:44
17	I -- I truly thought it was a joke. I did not think	17:30:49
18	that this was gonna happen. So you're --	17:30:50
19	Q You first -- so you first heard on the news	17:30:54
20	that this -- this might happen?	17:31:00
21	A Essentially that, or Governor Newsom might	17:31:01
22	have put something out just talking about it in	17:31:04
23	some -- you know, we must respond, or something like	17:31:05
24	that.	17:31:07
25	Q I mean, at that time, why did you think the	17:31:11

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22

1	Democrats in the Legislature wanted to redraw the	17:31:18
2	Congressional map?	17:31:22
3	A At that time, why did I think they wanted to	17:31:22
4	redraw the maps?	17:31:25
5	Q Yes.	17:31:26
6	A I believe in response to what was going on in	17:31:27
7	Texas.	17:31:30
8	Q And what was going on in Texas?	17:31:32
9	A Texas received a DOJ letter on July, I	17:31:34
10	believe, 7th, to -- that it was their final notice	17:31:40
11	before they were essentially going to get	17:31:44
12	Court-ordered to redistrict.	17:31:47
13	Q When you say that the Democrats in the	17:31:50
14	Legislature wanted to respond to what was happening	17:31:54
15	in Texas, what was your understanding of what they	17:32:00
16	were trying to achieve with that response?	17:32:05
17	A I believe what they were trying to achieve	17:32:09
18	was to utilize a moment in time so that they could	17:32:12
19	seize an opportunity to throw out our Independent	17:32:21
20	Redistricting Commission.	17:32:28
21	Q And what did they hope to accomplish by	17:32:28
22	throwing out the Independent Redistricting	17:32:31
23	Commission?	17:32:35
24	A That they would be able to -- well, they've	17:32:36
25	always combatted that part. So I mean, I believe	17:32:39

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23

1	that this was just, again, a moment to throw out the	17:32:41
2	Redistricting Commission that we have here, and the	17:32:46
3	gold standard. And I had talked about that often.	17:32:49
4	Q Was there a motive behind trying to -- in	17:32:53
5	your understanding, was there a motive behind	17:33:00
6	throwing out the Independent Redistricting	
7	Commission?	17:33:09
8	ATTORNEY MEUSER: Calls for speculation.	17:33:09
9	You can answer.	17:33:11
10	A I believe they have Trump derangement	17:33:12
11	syndrome.	17:33:18
12	Q Sorry. I just want to go back to what my	17:33:19
13	question as formulated was, which was: You first	17:33:20
14	learned in roughly July of this past summer that	17:33:21
15	Democrats in the Legislature wanted to redraw	17:33:23
16	California's Congressional map; yes?	17:33:28
17	A I believe they wanted to throw out the	17:33:32
18	Independent Commission.	17:33:34
19	Q And there was nothing else they wanted to	17:33:35
20	achieve beyond that?	17:33:38
21	A Well, they've always been against the	17:33:39
22	Independent Commission.	17:33:44
23	Q Was throwing out the Independent Commission a	17:33:44
24	means to an end, or was that the end itself?	17:33:46
25	A I think that was part of the process, was	17:33:48

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1	throwing out the Independent Commission. Because in	17:33:49
2	California, I believe we had a gold standard on how	17:33:52
3	we're supposed to do it, and the proper way. And,	17:33:55
4	you know, this was a means to throw out the	17:33:58
5	Independent Commission.	17:34:02
6	Q At the time that the process for enacting	17:34:05
7	Proposition 50 was first starting, did you have any	17:34:11
8	conversations with your Democratic colleagues in the	17:34:14
9	Assembly about Proposition 50?	17:34:20
10	A At the time this was starting?	17:34:21
11	Q In July or August of 2025, did you have any	17:34:23
12	conversations with your Democratic colleagues in the	17:34:26
13	Assembly about Proposition 50?	17:34:29
14	A I did not.	17:34:29
15	Q So at no time in August of 2025 did you ask	17:34:31
16	any of your Democratic colleagues about	17:34:40
17	Proposition 50?	17:34:44
18	A To the best of my knowledge, I mean, I don't	17:34:44
19	remember anything when it comes to Prop 50. I --	17:34:48
20	yeah. I mean, I just couldn't remember back if I	17:34:52
21	had most of those conversations. Especially, we	17:34:55
22	were out of session at that time, so I wasn't really	17:34:58
23	with them.	17:35:00
24	Q Did you participate in the debate in the	17:35:01
25	Legislature over Proposition 50?	17:35:06

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25

1	A I did. I was one of the only members who saw	17:35:07
2	it in the Elections Committee, in the Appropriations	17:35:11
3	Committee, and I also spoke about it on the floor.	17:35:15
4	Q And fair to say, you strongly opposed	17:35:16
5	Proposition 50, right?	17:35:19
6	A Well, I strongly opposed the bills that they	17:35:21
7	put in front of us, and the way that they did this	17:35:25
8	entire process.	17:35:28
9	Q Sure.	17:35:29
10	And I guess just to make sure we're on the	
11	same page, when I say Proposition 50, I mean to	17:35:31
12	refer to the underlying constituent bills that	17:35:34
13	became Proposition 50.	17:35:38
14	Can we agree on that understanding?	17:35:39
15	A Yes.	17:35:42
16	Q So when I ask: You strongly opposed	17:35:42
17	Proposition 50 in the Legislature, your answer would	17:35:49
18	be?	17:35:50
19	A Yeah. I strongly opposed what they were	17:35:50
20	doing, and -- yeah. I had made that very clear on	17:35:54
21	talking about the process in itself too, and what	17:35:59
22	they were doing.	17:36:00
23	Q And you stated your opposition to	17:36:00
24	Proposition 50 in the Legislature multiple times	17:36:02
25	during the debate over that legislation?	17:36:05

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1	A I did.	17:36:12
2	Q When you speak on the floor in the Assembly,	17:36:13
3	is that under oath?	17:36:18
4	A I -- it is not.	17:36:19
5	Q It is in some states. That's why I asked.	17:36:21
6	But fair to say you speak truthfully during	17:36:24
7	legislative debates?	17:36:32
8	A Yes. I do speak truthfully, and I would love	17:36:34
9	for that to be part of our state if that is	17:36:38
10	happening in other states.	17:36:39
11	Q And when you speak, either in a legislative	17:36:39
12	committee or on the floor, you express your sincere	17:36:42
13	beliefs about the legislation that's under	17:36:45
14	consideration; yes?	17:36:49
15	A Yes. One hundred percent.	17:36:49
16	Q And during the debate over Proposition 50 in	17:36:54
17	the Legislature, what were you hoping to accomplish?	17:36:58
18	A I was hoping that people would see the -- the	17:37:01
19	sham of a process, and how people, I mean, were	17:37:06
20	essentially weaponized and utilized for their end	17:37:15
21	goal of throwing out. I believe that people in	17:37:18
22	California, again, were discarded and used for this	17:37:21
23	entire scheme.	17:37:26
24	Q But a little more specifically, when you were	17:37:29
25	speaking out against Proposition -- Proposition 50	17:37:32

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1	in the Legislature, what was your goal?	17:37:36
2	A My goal was for them to say everything that	17:37:39
3	they needed to say, so people could see that. And	17:37:43
4	my goal has always been to put a spotlight of what's	17:37:47
5	happening in California, and how people --	17:37:52
6	minorities, people of color, poor people, and people	17:37:55
7	in rural areas -- are being used by the	17:38:00
8	supermajority in Sacramento.	17:38:01
9	Q And when you say they, you wanted "they" to	17:38:05
10	admit what "they" were doing, who are you referring	17:38:07
11	to?	17:38:09
12	A Anybody that was involved, whether it was the	17:38:09
13	co-authors, the authors, and the Governor included,	17:38:12
14	on this entire process.	17:38:15
15	Q So you're referring to the supporters of	17:38:17
16	Proposition 50; fair?	17:38:21
17	A Any of the authors. Anybody who was involved	17:38:22
18	in that entire process.	17:38:26
19	Q And when you were -- when you were speaking	17:38:27
20	out against Proposition 50 in the Legislature, it's	17:38:29
21	fair to say that one of your goals was to get the	17:38:32
22	sponsors of Proposition 50 to admit what they were	17:38:37
23	doing; fair?	17:38:39
24	A Yes. I wanted them to admit all of the	17:38:40
25	things that they were doing, how they were, again,	17:38:45

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1	standing on the people of California and utilizing,	17:38:48
2	whether it's their identities, their communities,	17:38:51
3	and their areas for their goals.	17:38:54
4	Q And you wanted them to admit on the record	17:38:58
5	what their goals were in pushing Proposition 50;	17:39:02
6	fair?	17:39:07
7	A Yes.	17:39:07
8	Q Is it fair to say you were also trying to	17:39:09
9	persuade your colleagues to vote against	17:39:12
10	Proposition 50?	17:39:15
11	A Yes. I was.	17:39:15
12	Q And you were also hoping to influence what	17:39:19
13	Congressional map would ultimately govern in	17:39:24
14	California; fair?	17:39:27
15	A No. I was hoping my colleagues would do the	17:39:29
16	right thing.	17:39:34
17	Q You mentioned a moment ago how part of your	17:39:36
18	goal was to get sponsors of the bill to admit what	17:39:40
19	they were doing. Do you recall that?	17:39:46
20	A Yes.	17:39:47
21	Q And that was, in part, to raise awareness	17:39:48
22	amongst the public as to why California Democrats	17:39:53
23	were trying to redraw the map; fair?	17:40:01
24	A A big part of it was because I didn't know	17:40:03
25	what was going on, and it bothered me, as member of	17:40:07

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1 the Assembly, that I didn't have any information, 17:40:11
2 and I was voting on a bill that was going to 17:40:15
3 affect 40 million people, and I didn't know what was 17:40:16
4 happening because they wouldn't talk to us. 17:40:19

5 Q So you were trying to get the word out about 17:40:22
6 what Proposition 50 was about? 17:40:26

7 A I was trying to figure out what was 17:40:27
8 happening, because again, we were kept in the dark. 17:40:30

9 We were -- and when I say we, I mean members of the 17:40:33
10 Elections Committee and other Republicans. 17:40:38

11 Because I had asked anybody if they knew what 17:40:41
12 was going on, and a lot of people, the ones that -- 17:40:46
13 at least my colleagues, just didn't know what was 17:40:48
14 going on, or what was happening. So my questions 17:40:51
15 and what I was asking for them, I think was just 17:40:55
16 reasonable questions that anybody would ask to 17:40:55
17 figure anything out. 17:40:57

18 Q And in addition to asking those questions, 17:41:00
19 you were also trying to broadcast to the public what 17:41:03
20 was going on; is that fair to say? 17:41:08

21 A Yes. I believe people should see, you know, 17:41:09
22 things, bills, that could affect their lives. 17:41:12

23 Q And you, in broadcasting what was happening 17:41:17
24 to the public, was trying to convey to them what the 17:41:22
25 Legislature was doing; fair? 17:41:27

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1	A I was really -- again, that might have been	17:41:28
2	part of it, but I was really trying to convince my	17:41:31
3	colleagues simply to just do the right thing. I	17:41:35
4	didn't want them to vote on a bill that they didn't	17:41:39
5	read, that they didn't know, that when they claim	17:41:43
6	that they're protecting communities of interest and	17:41:45
7	minorities, and they're taking that into account,	17:41:48
8	that I would ask them to: One, explain how that	17:41:53
9	happens; and two, why not keep us involved in the	17:41:55
10	process?	17:41:59
11	And so I was more or less trying to really	17:41:59
12	convince my colleagues because I worried that we	17:42:03
13	were putting California in jeopardy with how much	17:42:05
14	they forced this process on us.	17:42:08
15	Q Were you concerned they were giving lack of	17:42:11
16	attention to communities of interest?	17:42:12
17	A I was very concerned on the whole process	17:42:16
18	because we were on break, we had no communications,	17:42:20
19	and I had -- in less than 24 hours, I didn't even	17:42:23
20	know if I was voting on this or not, and the	17:42:27
21	language was barely given to me less than 24 hours.	17:42:30
22	Q Well, you mentioned the term "communities of	17:42:35
23	interest" a moment ago. I just was curious what you	17:42:37
24	were referring to there. You said you were asking	17:42:40
25	your colleagues about communities of interest.	17:42:43

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1	What was your concern with that?	17:42:45
2	A Yeah. I asked, even on -- in the Elections	17:42:48
3	Committee, I had asked: What did they do about	17:42:51
4	communities of interest? You know, when they were	17:42:53
5	looking at the Voter Rights Act, you know, what were	17:42:56
6	they doing, and a lot of them had stated that they	17:42:59
7	took into account the Voter Rights Act.	17:43:03
8	And actually, while I was questioning, Marc	17:43:06
9	Berman, he stated that -- and it's actually the	17:43:08
10	question that I had asked was about when lawsuits	17:43:11
11	pop up, because of the way that they did this	17:43:15
12	process, what was their, you know, reasoning? Why	17:43:17
13	did they think they were protected? And Marc Berman	17:43:20
14	actually stated that they took very, very -- I'm	17:43:22
15	forgetting what he said specifically, but he said we	17:43:27
16	took into very large account the Voter Rights Act	17:43:28
17	when preparing these maps.	17:43:32
18	Q I just -- I want to go back a little bit to	17:43:35
19	what my question was about, which was this	17:43:38
20	communities of interest issue.	17:43:43
21	You asked about what attention was given to	17:43:45
22	that, and I just -- I'm curious, why? Why were you	17:43:45
23	asking about that?	17:43:49
24	A Because it's in the -- it's in the language	17:43:49
25	of the bill. Communities of interest is defined by	17:43:52

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1	communities with race, sex, geographical lines. So	17:43:54
2	that's actually in the bill.	17:44:01
3	Q What reasons did you have for opposing	17:44:07
4	Proposition 50 during the legislative debate?	17:44:12
5	A In the bill, it says that the Assembly and	17:44:17
6	Senate Elections Committee prepared these bills.	17:44:19
7	That means I had a play in writing these, because I	17:44:23
8	sit on the Assembly, and I sit on the Assembly	17:44:27
9	Elections Committee. And I wanted to make sure that	17:44:31
10	everybody knew that I did not play a factor in these	17:44:32
11	maps.	17:44:37
12	I think that that is: One, a wholehearted	17:44:38
13	lie. I -- I mean, I -- the chair of the Elections	17:44:40
14	Committee didn't even know that the maps had	17:44:44
15	changed. And again, I think when we're voting on	17:44:47
16	legislation that takes into account 40 million	17:44:53
17	people, a state that is as valuable as California	17:44:56
18	is, I think the people deserve a whole lot more than	17:44:58
19	that. And if I don't know what I'm voting on,	17:45:02
20	there's no way we should vote on something that	17:45:06
21	takes that away from them.	17:45:07
22	Q So it sounds like one of your concerns was	17:45:07
23	the process by which Proposition 50 was being	17:45:11
24	enacted. Did you have other reasons for opposing	17:45:14
25	Proposition 50?	17:45:19

Transcript of David Tangipa
Conducted on December 5, 2025

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1 A Well, my -- my concern, not only the process 17:45:19
2 of gutting and amending a bill during the break and 17:45:23
3 forcing it on us, was also because in the language, 17:45:25
4 they lied. I did not have -- I did not partake on 17:45:29
5 these maps. And in the legislation, it says: The 17:45:33
6 Assembly and Senate Elections Committee prepared 17:45:38
7 these maps. 17:45:44

8 If that was true, why didn't I get any 17:45:44
9 copies, any maps, anything? I didn't even have the 17:45:48
10 bill language until less than 24 hours before I had 17:45:50
11 to vote on it. So that was my big reason was: One, 17:45:55
12 the language itself in Prop 50 was lying. Because 17:45:58
13 again, I did not play a factor, and yet I had to 17:46:04
14 vote on it. 17:46:07

15 Q So I'm just trying to understand why you 17:46:08
16 opposed the legislation. And you've articulated one 17:46:11
17 reason, which is you didn't like the process by 17:46:15
18 which it was being enacting and you lacked 17:46:18
19 sufficient time to review it; is that fair to say? 17:46:21

20 A I think as a legislator, that is very 17:46:27
21 accurate, is that: One, the process; and two, if a 17:46:31
22 bill contains lies in it, it is very easy to oppose 17:46:34
23 lies. 17:46:41

24 Q So is there any other reason you were opposed 17:46:42
25 to Proposition 50? 17:46:48

Transcript of David Tangipa
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1 A Yes. I -- one, I could see what they, again, 17:46:50
2 were really doing as a systemically dismantle the 17:46:51
3 Independent Redistricting Committee; and, I mean, 17:46:54
4 they used minority groups and stole rural 17:46:57
5 representation away, and utilized that as their 17:47:01
6 justification for why they drew the maps the way 17:47:04
7 that they did. 17:47:07

8 Q When you say justification, what are you 17:47:08
9 referring to? 17:47:12

10 A Their justification for why they changed the 17:47:12
11 maps, and how they drew the lines. 17:47:16

12 Q Sorry. But what is that justification? 17:47:21

13 A Well, they made claims, like, 76 percent of 17:47:21
14 the lines are kept the same. They also made claims 17:47:23
15 that more minority, which they referred to as 17:47:28
16 minority representation, was taken into account. 17:47:32
17 And they actually created more minority districts. 17:47:36
18 So that was their statement. 17:47:40

19 And when I was on the Elections Committee, 17:47:41
20 and I asked them: When you make these 17:47:44
21 justifications, and you talked about the Voter 17:47:49
22 Rights Act, there are very clear parameters that 17:47:50
23 they have to follow for it to be in compliance. 17:47:54

24 Q And you were concerned they didn't follow 17:48:00
25 those parameters? 17:48:02

Transcript of David Tangipa
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1	A I was concerned that it would open up the	17:48:02
2	State of California to lawsuits.	17:48:04
3	Q Because they didn't follow the parameters of	17:48:07
4	the Voting Rights Act?	17:48:09
5	A Because they didn't --	17:48:14
6	ATTORNEY MCCALL: Oh, thank you.	
7	UNIDENTIFIED SPEAKER: Of course.	17:48:18
8	ATTORNEY DODGE: Sorry.	17:48:18
9	Christina McCall, could you please mute	17:48:20
10	yourself?	17:48:25
11	BY ATTORNEY DODGE:	17:48:28
12	Q Let's -- let's go back a little bit before	17:48:28
13	that interruption.	
14	A Yes.	
15	Q Before -- before that, you were saying	17:48:32
16	that -- you were describing the parameters of the	17:48:33
17	Voting Rights Act, and I asked you: Were you	17:48:35
18	concerned that those parameters were not followed in	17:48:38
19	the process of passing Proposition 50?	17:48:42
20	A Yes.	17:48:44
21	Q Did you have any concern that the DCCC was	17:48:49
22	involved in passing the Proposition 50 map?	17:48:54
23	A I didn't have concerns. We just knew that	17:49:00
24	the -- you know, when nobody would tell us who drew	17:49:03
25	the maps, and then when you see a -- I don't know,	17:49:06

Transcript of David Tangipa
Conducted on December 5, 2025

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1	what is it -- a press release, or something comes	17:49:09
2	from KCRA 3, the new organization, that the DCCC was	17:49:13
3	involved in that, and Paul Mitchell was also	17:49:18
4	involved in that, I mean, it's kind of surprising to	
5	me that others knew who drew the maps, but I did	17:49:24
6	not.	17:49:27
7	Q Once you saw that press release, did you grow	17:49:40
8	concerns that DCCC may have been involved in drawing	17:49:47
9	the maps?	17:49:47
10	A I was concerned from the very beginning	17:49:47
11	because I just wanted to know information that was	17:49:49
12	not given to me.	17:49:52
13	Q Did you ever express concern that DCCC was	17:49:55
14	involved in drawing the maps?	17:50:01
15	A I'm not sure if I expressed concern. I just	17:50:03
16	wanted them to admit who drew the maps.	17:50:08
17	Q Okay. Let's shift gears a little bit.	17:50:18
18	What does the term partisan gerrymandering	17:50:22
19	mean to you?	17:50:28
20	A Well, the term just means that people have a	17:50:29
21	bias and they are gerrymandering, creating districts	17:50:32
22	to favor them.	17:50:36
23	Q You said "they" and "them" in that answer.	17:50:38
24	Who are you referring to by they and them	17:50:41
25	when you say that?	17:50:44

Transcript of David Tangipa
Conducted on December 5, 2025

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1 A Well, when you ask: What does partisan 17:50:45
2 gerrymandering mean, it means -- I mean, that could 17:50:50
3 be anybody who draws for their own -- their own 17:50:53
4 biases. They draw -- they draw political maps for 17:50:57
5 their biases. 17:51:02

6 Q So if I'm understanding you correctly, it's 17:51:06
7 fair to say that you think partisan gerrymandering 17:51:09
8 is when someone draws a map to benefit their own 17:51:10
9 party; is that fair? 17:51:15

10 A I believe that it could benefit their own 17:51:16
11 biases. So that means if they wanted to draw -- 17:51:21
12 whether it's political, whether it's racial, whether 17:51:23
13 it's their individual beliefs on how they see which 17:51:27
14 communities should be together -- that has to deal 17:51:31
15 with their own -- their own biases. 17:51:35

16 Q What do you mean by biases? 17:51:39

17 A I mean, exactly -- it could be whatever they 17:51:43
18 personally want. 17:51:49

19 Q So to you, a partisan gerrymandering is 17:51:52
20 someone drawing maps to what they personally want? 17:51:58

21 A I believe, yes, that that has to deal with 17:52:01
22 their -- well, partisan gerrymandering to me is 17:52:05
23 almost like a -- it's almost like saying partisan 17:52:08
24 partisan. I think gerrymandering in itself, the 17:52:12
25 term is innately partisan, because you are drawing a 17:52:15

Transcript of David Tangipa
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1	map to favor one or the other.	17:52:20
2	Q One or the other what?	17:52:24
3	A I mean, it could be anything. People could	17:52:26
4	gerrymander for whichever reason that they want to	17:52:29
5	gerrymander. It, again, just depends on who's	17:52:33
6	drawing the maps.	17:52:38
7	Q And what is the term -- you said partisan	17:52:39
8	partisan a moment ago.	17:52:43
9	A Uh-huh.	
10	Q What does the term partisan mean to you?	17:52:46
11	A Partisan means it -- an end goal to achieve,	17:52:48
12	through your own individual lens I guess.	17:52:52
13	Q So what makes a map a partisan gerrymander?	17:52:57
14	A When they -- or, when someone creates a	17:53:03
15	political map for their own individual goals.	17:53:13
16	Q Did you ever use the term partisan	17:53:22
17	gerrymandering in the course of the debate over	17:53:25
18	Proposition 50?	17:53:29
19	A I believe so, yes.	17:53:29
20	Q And do you recall whether or not you argued	17:53:33
21	that Proposition 50 was a partisan gerrymander when	17:53:37
22	speaking about it in the Legislature?	17:53:42
23	A I've always referred to it as that.	17:53:43
24	Q And when you say that, you mean a partisan	17:53:48
25	gerrymander?	17:53:52

Transcript of David Tangipa
Conducted on December 5, 2025

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1	A Yes.	17:53:53
2	ATTORNEY DODGE: Okay. If we can bring up	17:53:59
3	Tab 2, please, which I'll ask to be labeled as	17:54:02
4	Tangipa Exhibit 2.	17:54:07
5	(Tangipa Deposition Exhibit 2 marked for	
6	identification and attached to the transcript.)	17:54:57
7	BY ATTORNEY DODGE:	17:54:57
8	Q This is a rather large document, so why don't	17:55:00
9	you take just a moment to review it?	17:55:03
10	Do you recognize this document, or do you see	17:55:40
11	what this document refers to?	17:55:50
12	A It looks like the transcript for the	17:55:51
13	Elections Committee.	17:55:54
14	Q That's correct. And I'll represent to you	17:55:54
15	that it is from the August 19, 2025 session of the	17:55:57
16	Elections Committee. Does that sound fair to you?	17:56:01
17	A Yes.	17:56:04
18	Q And do you recall whether or not you	17:56:04
19	participated in that session?	17:56:05
20	A I do recall.	17:56:08
21	Q And during that session, you proposed an	17:56:11
22	amendment to Proposition 50. Do you recall that?	17:56:17
23	A Yes.	17:56:20
24	Q And do you recall the purpose of that	17:56:21
25	amendment?	17:56:24

Transcript of David Tangipa
Conducted on December 5, 2025

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1	A I believe that amendment was to make it to	17:56:26
2	where anybody who, I believe participated in the	17:56:33
3	map, was not allowed to run for a seat.	17:56:35
4	Q A seat for what?	17:56:41
5	A A seat for their proposed maps.	17:56:43
6	Q In Congress?	17:56:46
7	A Yes.	17:56:48
8	Q And do you recall if it was whether they	17:56:53
9	participated in drawing the map, or if they just	17:56:56
10	voted for the map?	17:57:01
11	A I actually don't remember. I don't know if	17:57:03
12	it had to deal with -- maybe it was a process on	17:57:07
13	drawing the maps, or even if it was voting on them.	17:57:11
14	Q And why did you propose that amendment?	17:57:15
15	A Because I believed the process in what was	17:57:20
16	being done was wrong.	17:57:25
17	Q So you proposed an amendment so that someone	17:57:33
18	involved in Proposition 50 couldn't run for Congress	17:57:37
19	because you thought what was happening was wrong?	17:57:40
20	A Yeah. I mean, I believe that we were voting	17:57:45
21	on something that none of us knew about. And if	17:57:49
22	they, you know, again, wanted to do the right thing,	17:57:52
23	you know, at least they could try to prove that they	17:57:58
24	were.	17:58:03
25	I know that there were other -- there was,	17:58:03

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1 like, another media or press release that kind of 17:58:09
2 came out that had stated that members in the 17:58:12
3 Legislature were actively coordinating, and were 17:58:16
4 only going to do this if they had seats specifically 17:58:21
5 drawn for them. So that is what was reported by, 17:58:25
6 again, I believe KCRA 3. And, you know, that again 17:58:30
7 to me, is wrong. 17:58:34

8 Q You used the term "do the right thing" a 17:58:39
9 moment ago. And you said it earlier as well. I'm 17:58:45
10 just curious what you mean by that? 17:58:47

11 A I mean, if I vote on legislation that 17:58:50
12 involves 40 million people, I hope we read the bill. 17:58:55
13 I hope we actually take into consideration what 17:58:58
14 we're doing. 17:59:01

15 I had shared that on the Elections Committee. 17:59:03
16 You can see that in this transcript, that I had 17:59:04
17 asked them for more time, simply because I didn't 17:59:04
18 have the chance to review a bill properly, and I 17:59:07
19 believe that that is wrong. 17:59:12

20 Q So you've kept referring to this procedural 17:59:13
21 concern you've had with how Proposition 50 was 17:59:17
22 enacted; is that fair to say? 17:59:20

23 A The process? 17:59:22

24 Q Yes. 17:59:24

25 A Yes. 17:59:26

Transcript of David Tangipa
Conducted on December 5, 2025

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1	Q Was there anything about the content of that	17:59:27
2	legislation that you opposed?	17:59:31
3	A Was there anything about the content from	17:59:34
4	the -- yes. I opposed the content, and a lot of it,	17:59:38
5	the main reason why, was because I didn't have a	17:59:43
6	reasonable amount of time to review the maps. And	17:59:47
7	when the -- my colleagues were using language about	17:59:51
8	the Voter Rights Act, when they were talking about	17:59:55
9	what they were doing to keep communities together, I	17:59:59
10	really preferred to have all of that information.	18:00:02
11	And the main reason why, is when I was not an	18:00:05
12	Assemblyman, I actually was somebody who was part of	18:00:08
13	the Independent Redistricting Commission, as	18:00:14
14	somebody who sat in those meetings, made calls to	18:00:17
15	make sure that the Central Valley and rural places	18:00:20
16	of California had a voice. So I sat in on over, I	18:00:23
17	don't know, maybe 20 hours listening in to the	18:00:28
18	Independent Redistricting Committee a long time ago,	18:00:31
19	listening to what they were doing, what they were	18:00:33
20	taking into account.	18:00:36
21	And then I saw what we did in less than four	18:00:37
22	days, and how we voted on things that was admittedly	18:00:41
23	not read, that the chair of the Elections Committee	18:00:45
24	didn't even know that the maps changed. I believe	18:00:49
25	that that entire thing was a sham and wrong.	18:00:52

Transcript of David Tangipa
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1	Q	So did you understand what the consequences	18:00:57
2		of the legislation would be when you opposed it?	18:01:01
3	A	Did I understand the consequences?	18:01:05
4	Q	Yeah. What would ensue as a result of the	18:01:08
5		legislation?	18:01:14
6	A	I knew what they were trying to do in front	18:01:15
7		of us when it comes to pushing the bills forward; is	18:01:19
8		that what you mean?	18:01:23
9	Q	I mean, sure.	18:01:24
10		What were they trying to do in pushing the	18:01:25
11		bills forward?	18:01:29
12	A	They were trying to jam through this process.	18:01:30
13	Q	And what did they hope to achieve by that	18:01:35
14		process?	18:01:39
15	A	Dismantling the Independent Redistricting	18:01:39
16		Committee.	18:01:48
17	Q	Can we go to Page 35 of Exhibit 2?	18:01:48
18		Let me know when you get there.	18:01:53
19	A	Okay. I'm working on it. All right.	18:02:06
20	Q	You're there?	18:02:31
21	A	Yes.	18:02:33
22	Q	Okay. Take a minute just to review this page	18:02:33
23		and the next one.	18:02:38
24		Okay. You can stop there.	18:03:50
25	A	Yeah.	

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1	Q Do you see at the bottom of Page 36, where	18:03:52
2	you are right now, you say: DCCC wrote these maps.	18:03:56
3	Do you see that?	18:03:59
4	A I do.	18:04:00
5	Q What is your understanding of DCCC's role in	18:04:00
6	this process?	18:04:07
7	A Just from the report that KCRA -- if you can	18:04:08
8	see the sentence right before -- KCRA had put out	18:04:14
9	some leaked emails, I believe.	18:04:20
10	Q Right. I'm not asking you about how you	18:04:21
11	learned about DCCC's involvement in the process.	18:04:22
12	I'm asking you what your understanding of their role	18:04:27
13	is?	18:04:29
14	A I believe that they paid Paul Mitchell to	18:04:29
15	draw these maps.	18:04:32
16	Q And you understand that DCCC supports the	18:04:37
17	election of Democratic candidates to the House of	18:04:40
18	Representatives, right?	18:04:44
19	A I do.	18:04:45
20	Q And you think the DCCC helped draw these	18:04:46
21	maps?	18:04:53
22	A I think the DCCC paid Paul Mitchell to draw	18:04:53
23	these maps.	18:05:02
24	Q Well, you say right here on Page 36: DCCC	18:05:02
25	wrote these maps.	

Transcript of David Tangipa
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1	You see that, right?	18:05:03
2	A Yes.	18:05:05
3	Q Okay. So you think DCCC had some hand in	18:05:05
4	drawing the maps; fair to say?	18:05:09
5	A Well, when I was asking that question, I wish	18:05:10
6	somebody would say: Who drew the maps? Because	18:05:14
7	none of them told us who drew the maps.	18:05:20
8	When I said this, in the legislation, it says	18:05:23
9	that the Elections -- the Assembly and Senate	18:05:24
10	Elections Committee prepared these maps. So me	18:05:26
11	saying this is because I know that that is not true	18:05:29
12	from the legislation.	18:05:33
13	So somebody did it. I had no idea who was	18:05:34
14	doing it. I do know that Paul Mitchell came out,	18:05:37
15	said that he did it, and there is documents out	18:05:43
16	there, I believe that KCRA put out, that said DCCC	18:05:49
17	paid him to draw these maps.	18:05:53
18	Q So you don't think the Election Committee had	18:05:55
19	any hand in drawing the boundaries in these maps?	18:05:57
20	A I believe when the author, or the presenter	18:05:57
21	of the bill, says to me that he did not read it, and	18:06:01
22	I believe that the Elections Chair, who didn't even	18:06:05
23	know that the maps had changed the day before until	18:06:09
24	told by a consultant, I don't believe that they were	18:06:11
25	being very truthful when they say that they	18:06:16

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1	participated in this map.	18:06:20
2	Q So that -- that's not quite what I asked.	18:06:21
3	My question is: Because the Election	18:06:24
4	Committee -- well, strike that.	18:06:27
5	It's fair to say that the Election Committee	18:06:28
6	did not draw the maps; fair?	18:06:30
7	A Not fair. When in the legislation it says	18:06:33
8	that they drew the maps.	18:06:39
9	Q And you said you were frustrated because that	18:06:40
10	was lie, right?	18:06:45
11	A I was very frustrated because somebody was	18:06:45
12	lying. And I think, actually in this transcript, it	18:06:49
13	said -- whether it was Paul Mitchell, whether it was	18:06:50
14	the DCCC, or whether it's in this legislation -- can	18:06:53
15	somebody please, for the love of God, tell me who	18:06:56
16	drew the maps?	18:06:59
17	Q But based on your conversations with your	18:07:00
18	colleagues on the Committee, you knew it wasn't the	18:07:02
19	Election Committee that had drawn the maps?	18:07:04
20	A No. I did not know.	18:07:06
21	Q Well, you just said they weren't familiar	18:07:08
22	with the contents of the legislation, so how could	18:07:12
23	they have drawn the maps?	18:07:15
24	A Well, that's exactly why I was asking: Why	18:07:19
25	is it in the legislation that it says that?	18:07:23

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1	Q Right. And if you believed that, you	18:07:24
2	wouldn't have asked the question, right?	18:07:24
3	A Well, if somebody was telling the truth, I	18:07:24
4	wouldn't have asked the question.	18:07:26
5	Q Who is "somebody" in that sentence?	18:07:28
6	A Any of the members, whether it's on the	18:07:32
7	Elections Committee, or anyone that could answer	18:07:35
8	those questions. And I actually state that in this	18:07:38
9	transcript: Is there anybody that can tell me who	18:07:42
10	drew these maps?	18:07:45
11	And not only that, I asked the lawyer that	18:07:46
12	was there: Can you tell me how long you had to	18:07:50
13	review these maps, and because I did not have a	18:07:51
14	sufficient amount of time to review these maps, and	18:07:55
15	who is paying for it?	18:07:58
16	So I was asking for clarity. A lot of the --	18:08:00
17	a lot of what I was asking for on the Elections	18:08:03
18	Committee was for clarity. Because there is no way	18:08:07
19	that I knew for a fact who drew the maps, when the	18:08:10
20	legislation was telling me one thing; when the chair	18:08:15
21	was telling me something else; and when the media is	18:08:18
22	telling me something else.	18:08:22
23	Q But it's fair to say then that you were	18:08:23
24	concerned it wasn't accurate when the legislation	18:08:26
25	said the Election Committee had drawn the maps?	18:08:29

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1	A Repeat that again?	18:08:32
2	Q It's fair to say that you were concerned it	18:08:34
3	was inaccurate when the legislation said the	18:08:37
4	Election Committee had drawn the maps?	18:08:38
5	A Yes. I am very concerned when legislation	18:08:40
6	lies.	18:08:44
7	Q That's not what I asked. I said: You were	18:08:45
8	concerned that it was inaccurate when the	18:08:49
9	legislation stated the Election Committee had drawn	18:08:53
10	the maps?	18:08:55
11	A Well, remember, I am on the Elections	18:08:56
12	Committee, so that would mean that I had an	18:08:58
13	involvement in that. That is not true.	18:08:58
14	So, yes. I am concerned when it says a	18:09:01
15	committee that I sit on had an involvement on these	18:09:05
16	maps, and I believe that that is a lie.	18:09:10
17	Q Why were you concerned, in this portion of	18:09:16
18	your comments, about DCCC's involvement in drawing	18:09:19
19	the maps?	
20	A Why was I concerned? Because --	18:09:32
21	Q Well, why were you bringing them up? Why	18:09:34
22	were you bringing them up?	18:09:37
23	A Because I didn't know who was telling the	18:09:37
24	truth, and who wasn't. When you have three	18:09:41
25	different areas telling you three different things,	18:09:43

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1	I think me, voting on a bill that affects 40 million	18:09:43
2	people, I should have clarity. And when KCRA states	18:09:50
3	that the protemp has something, when what was	18:09:54
4	presented to us says something different, and when	18:09:54
5	the chair says something different, that leaves me	18:09:57
6	very confused.	18:10:02
7	Q Were you concerned that DCCC might have been	18:10:03
8	involved in drawing the maps?	18:10:08
9	A I was not concerned.	18:10:11
10	Q So why are you bringing them up here then?	18:10:20
11	A Because I don't like to be lied to.	18:10:25
12	Q So in the same portion in Page 36, you go on	18:10:37
13	to say, quote: There is so much political gains and	18:10:43
14	political partisanship that has been played, that	18:10:49
15	has been lied to the California people.	18:10:54
16	Did I say that accurately?	18:10:55
17	A Yes.	18:10:55
18	Q And you're talking about Proposition 50 here;	18:10:56
19	fair?	18:10:58
20	A I'm talking about the people involved in --	18:11:00
21	again, how people have been lied to, including me.	18:11:05
22	Q So you weren't talking about Proposition 50	18:11:09
23	here?	18:11:12
24	A I was talking about the entire thing.	18:11:13
25	Q The entire thing, meaning the legislative	18:11:15

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1	debate over Proposition 50?	18:11:21
2	A The legislative debate; what was happening in	18:11:21
3	the media; what was I -- what I was being told by	18:11:26
4	the Elections Chair; all of it. It was so	18:11:27
5	confusing, and not only that, I did not have a	18:11:29
6	sufficient amount of time, nor did I receive any	18:11:32
7	material prior to the notice. So that's exactly	18:11:35
8	what I'm talking about is that the people of	18:11:38
9	California have been lied to, and really,	18:11:41
10	weaponized.	18:11:44
11	Q Well, you -- you say political gains.	18:11:45
12	Political gains for whom? Whose political gains are	18:11:47
13	you referring to here?	18:11:52
14	A Again, their end goal to dismantle the	18:11:53
15	Independent Redistricting Commission. They have	18:11:58
16	always hated that.	18:11:58
17	Q So just for clarity, I think just for the	18:11:59
18	record, and for everyone's benefit, you use the term	18:12:02
19	"they" a lot. And the "term" they obscures more	18:12:05
20	than it enlightens.	18:12:10
21	So when you say they, if you could --	18:12:13
22	otherwise I'm just going to have to keep asking you	18:12:14
23	again and again and again: Who is they?	18:12:15
24	A I really wish I could give you a very clear	18:12:18
25	answer on who is they when it comes to Prop 50, but	18:12:22

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1	I don't know. Because nobody was very clear, and	18:12:27
2	you could see that from the frustration in the	18:12:30
3	Elections Committee. I had no idea who was they.	18:12:33
4	So I referred to as they because there's this	18:12:36
5	large apparatus of a bunch of people playing games	18:12:40
6	and weaponizing this entire process. So maybe I	18:12:45
7	stay a little vague on that because I can't tell you	18:12:50
8	a direct name because nobody told me a direct name.	18:12:53
9	Q Well, you say: There's so much political	18:12:57
10	gains.	18:13:03
11	A I think that should say --	18:13:05
12	Q So I --	
13	A I know it says gains, but I think when they	18:13:08
14	were taking the -- transcript, I say games,	18:13:11
15	typically.	18:13:14
16	Q Well, we'll have to check the video on that.	18:13:17
17	But who was seeking political gains through	18:13:21
18	dismantling the IRC?	18:13:32
19	A Anybody involved in Prop 50.	18:13:33
20	Q And who was involved in Prop 50?	18:13:36
21	A There were a lot of people involved in	18:13:40
22	Prop 50 that I have no idea who was calling the	18:13:42
23	shots officially.	18:13:48
24	Q Members of the legislator -- of the	18:13:48
25	Legislature passed Proposition 50; fair?	18:13:50

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1	A	Members of the Legislature did pass	18:13:53
2		Proposition 50, but there were others that were	18:13:56
3		involved, like Paul Mitchell, that is not a member	18:13:59
4		of the Legislature, and leaked emails from KCRA that	18:14:02
5		also included people who were not part of the	18:14:09
6		Legislature, but were part of Prop 50.	18:14:11
7	Q	Was there one political party in the	18:14:15
8		Legislature that supported passing Proposition 50?	18:14:19
9	A	Yes.	18:14:19
10	Q	Which political party was that?	
11	A	The Democrat supermajority in Sacramento.	18:14:22
12	Q	Was there one political party in the	18:14:23
13		Legislature that was generally opposed to	18:14:28
14		Proposition 50?	18:14:29
15	A	Yes.	18:14:30
16	Q	And which party was that?	18:14:30
17	A	The Republican minority party.	18:14:33
18	Q	So when you say there are political gains	18:14:37
19		involved, is it possible you're saying political	18:14:38
20		gains for Democrats?	18:14:40
21	A	Repeat that?	18:14:44
22	Q	So you when say political gains here, is it	18:14:45
23		possible you're saying political gains for	18:14:49
24		Democrats?	18:14:52
25	A	They were drawing these maps for their gains.	18:14:53

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1	Q And they were the members of the Legislature	18:14:57
2	who supported Proposition 50?	18:15:00
3	A Whoever drew the maps.	18:15:02
4	Q So the backers of Proposition 50 were drawing	18:15:04
5	it for gains?	18:15:10
6	A Yes.	18:15:11
7	Q So to put a finer point on it, the backers of	18:15:11
8	Proposition 50 were pushing it for political gains?	18:15:22
9	A They were weaponizing the entire process for	18:15:26
10	their partisan gains.	18:15:30
11	Q You also used the term in that sentence	18:15:41
12	"political partisanship." Do you see that?	18:15:46
13	A Yes.	18:15:53
14	Q Could you scroll down to Page 206 of this	18:16:18
15	exhibit?	18:16:22
16	A 206? Give me a second.	18:16:24
17	Q Yeah. Hopefully, you might be able to --	18:16:31
18	A Is there a faster way for the Tech to do it?	18:16:32
19	Q Or, do you see at the top where its says --	
20	you know, it say 58 of 335, maybe type in 206?	18:16:32
21	A Yeah, but...	18:16:39
22	ATTORNEY DODGE: Can the Tech take us to 206?	18:16:39
23	THE WITNESS: Thank you.	
24	ATTORNEY DODGE: Is that possible?	18:16:43
25	I don't want Mr. Tangipa's fingers to get	18:16:44

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1	sore.	18:16:48
2	THE AV TECHNICIAN: There you go.	18:16:49
3	ATTORNEY DODGE: Okay. Thank you.	18:16:51
4	Take a minute to review, you know, this page	18:16:57
5	and the next one, just so you can sort of see what	18:17:00
6	part of the debate this is.	18:17:04
7	THE WITNESS: I don't know if I can scroll	18:17:16
8	down again, if I can.	18:17:18
9	ATTORNEY DODGE: Oh. Can we give the control	18:17:20
10	back to Mr. Tangipa?	18:17:25
11	THE AV TECHNICIAN: If you just click on the	18:17:26
12	screen again, you should regain control.	18:17:29
13	THE WITNESS: There we go.	18:17:32
14	BY ATTORNEY DODGE:	18:17:34
15	Q And I'd actually like to focus you on what	18:17:35
16	you're looking at right now, starting at Line 15.	18:17:40
17	And you say: It tells us that the State of	18:17:40
18	California can move at lightening speed to handle	18:17:43
19	something when it's for political gain, but we can't	18:17:48
20	do it to take on the cost of living, to take on	18:17:49
21	utilities, to take on everything else.	18:17:50
22	Did I say that correctly?	18:17:53
23	A Yes.	18:17:55
24	Q And you were, again, talking about	18:17:55
25	Proposition 50 here, right --	18:18:00

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1	A Yes.	18:18:02
2	Q -- and the process of enacting it?	18:18:02
3	(Reporter clarification.)	
4	ATTORNEY DODGE: Could we go down to 241?	18:18:13
5	And again, if the Tech needs to take control,	18:18:16
6	that's fine.	18:18:20
7	THE AV TECHNICIAN: We're on 241. If you	18:18:31
8	want to just click the screen, you can retake	18:18:34
9	control.	18:18:38
10	BY ATTORNEY DODGE:	18:19:03
11	Q Is it fair to say that this portion of the	18:19:03
12	transcript reflects some questions you asked Senator	18:19:06
13	Gonzalez about Proposition 50?	18:19:16
14	A Yes.	18:19:18
15	Q And who is Senator Gonzalez?	18:19:21
16	A I think she's a senator from the LA area, but	18:19:25
17	I'm not sure.	18:19:30
18	Q And she's a Democrat?	18:19:32
19	A She is a Democrat, yes.	18:19:35
20	Q If we could go back up to the bottom of	18:19:38
21	Page 241? Okay. Right there.	18:19:42
22	Do you see here you reference a, quote:	18:19:52
23	Study by Jones regarding partisan gerrymandering and	18:19:55
24	turn out?	18:20:31
25	A Yes.	18:20:01

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1	Q Can you tell me a little bit about that	18:20:02
2	study?	18:20:04
3	A I mean, I believe it had to deal with -- and	18:20:04
4	I don't remember it all the way right now because	18:20:10
5	there were actually quite a few things that I had in	18:20:13
6	my notes at the time -- but I believe that it	18:20:17
7	actually had to deal with detrimental of	18:20:18
8	gerrymandering for -- I don't know if this was	18:20:19
9	the -- the right one, but for minority communities.	18:20:22
10	Q So did you familiarize yourself with the	18:20:37
11	study at all before talking about it in the	18:20:41
12	Legislature?	18:20:44
13	Not, you know, memorizing it, but did you	18:20:45
14	sort of look it over a bit?	18:20:49
15	A Yes. I actually -- I went through quite a	18:20:51
16	few different studies that talked about the	18:20:52
17	detrimental effects of gerrymandering.	18:20:52
18	Q And this Jones study was about partisan	18:20:56
19	gerrymandering; fair?	18:21:00
20	A I believe -- yes. It had to do with	18:21:02
21	gerrymandering.	18:21:05
22	Q And specifically, partisan gerrymandering;	18:21:06
23	fair?	18:21:09
24	A Well, gerrymandering is partisan.	18:21:09
25	Q Well, you said partisan gerrymandering;	18:21:12

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1	right?	18:21:14
2	A Yes. But like I said earlier, it's like	18:21:15
3	saying partisan partisan. Gerrymandering is	18:21:19
4	partisan.	18:21:22
5	Q So there's no other kind of gerrymandering,	18:21:23
6	except for partisan gerrymandering, in your view?	18:21:27
7	A No. I believe there are multiple forms of	18:21:31
8	gerrymandering.	18:21:34
9	Q One of which is partisan; fair?	18:21:34
10	A All forms of gerrymandering is partisan,	18:21:37
11	so --	18:21:42
12	Q Then why did you feel the need to say	18:21:42
13	partisan gerrymandering? Why didn't you just say	18:21:49
14	gerrymandering?	18:21:50
15	A I think it's just a term sometimes people	18:21:50
16	use. But like I said before, it's just like saying	18:21:53
17	partisan partisan. You know, gerrymandering itself	18:21:55
18	is partisan. I mean, you're doing it for a biased	18:21:58
19	reason and we talked about that earlier.	18:22:02
20	Q Well, we'll get to this later, but do you	18:22:05
21	know if the Complaint you filed in this lawsuit uses	18:22:09
22	the term partisan gerrymandering?	18:22:15
23	A It's racial gerrymandering.	18:22:17
24	Q So the Complaint uses racial gerrymandering,	18:22:20
25	in your understanding?	18:22:24

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1	A	It has to do with gerrymandering; yes, and	18:22:24
2		the use of the Voter Rights Act.	18:22:26
3	Q	But you just said racial gerrymandering; yes?	18:22:28
4	A	Racial gerrymandering.	18:22:32
5	Q	Right. So the Complaint says racial	18:22:34
6		gerrymandering in your understanding; fair?	18:22:37
7	A	Yes.	18:22:38
8	Q	And you here said partisan gerrymandering;	18:22:38
9		fair?	18:22:41
10	A	It can be a racial partisan gerrymander, or	18:22:41
11		you can just say racial gerrymander.	18:22:45
12	Q	Did you say racial partisan gerrymander here?	18:22:47
13	A	In this transcript, I did refer to race.	18:22:52
14	Q	Did you say partisan racial gerrymandering	18:22:56
15		here?	18:23:00
16	A	No. I did not. But I was referring to a	18:23:00
17		study that had to deal with race.	18:23:03
18	Q	In discussing this Jones study, did you make	18:23:19
19		any mention of race?	18:23:24
20	A	Specifically in the Jones study, I actually	18:23:25
21		believe that if we go down in the transcript, I	18:23:29
22		think they stop me.	18:23:30
23	Q	Okay. So the only thing you were able to say	18:23:34
24		about the Jones study was that it's regarding	18:23:35
25		partisan gerrymandering and turn out; fair?	18:23:40

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1	A	The detrimental effects, yes. I believe so.	18:23:41
2		And like I said, there were multiple studies that I	
3		wanted to bring up, but they interrupted me fairly	18:23:46
4		often.	18:23:52
5	Q	Let's go down just a couple pages to 243.	18:23:52
6		And do you see you asked her about another	18:24:18
7		study about gerrymandering, right?	18:24:22
8	A	Yes. I believe so, yes. The BMC Starkey I	18:24:27
9		believe.	18:24:32
10	Q	Right.	18:24:33
11	A	Yes. And I think that had to do --	18:24:40
12	Q	And --	
13	A	-- with infant mortality.	18:24:43
14	Q	And you didn't call it racial gerrymandering	18:24:45
15		here either, did you?	18:24:48
16	A	Again, I don't know if I had the chance to.	18:24:50
17		If you can see in the transcript, I get through	18:24:54
18		half a sentence most of the time.	18:24:57
19	Q	Okay. So whether you were given a chance or	18:24:59
20		not, you did say gerrymandering in reference to this	18:25:03
21		study, but not racial gerrymandering; fair?	18:25:06
22	A	The study implies that, yes.	18:25:10
23		Yeah. I believe the studies that I was	18:25:30
24		working on had to deal with how it could be	18:25:32
25		detrimental to communities.	18:25:38

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1	Q	Sorry. Sorry. There's not a question	18:25:40
2		pending.	18:25:43
3		Could you scroll down to 245, the middle of	18:25:43
4		that page? And specifically Line 14 of 245.	18:25:50
5	A	Is this 245? Let's see.	18:26:07
6	Q	I think you may have gone a smidge too far.	18:26:15
7	A	Yeah.	18:26:40
8	Q	There you go.	18:26:42
9	A	Yeah.	
10	Q	Maybe scroll down just a little bit, so you	18:26:42
11		have the full length of the page.	18:26:45
12		Do you see, beginning at Line 14, you ask	18:26:48
13		Senator Gonzalez a question?	18:26:52
14	A	Yes.	18:26:53
15	Q	And you say: You know, there are just so	18:26:54
16		many empirical studies that are done on this. We're	18:27:00
17		looking at maps. How did we take into consideration	18:27:05
18		communities of interest? You know, were they done	18:27:06
19		to protect race, religion, all the ideologies that	18:27:08
20		we have right now to make sure that we're protecting	18:27:13
21		the voters of California. Was that done in that	18:27:13
22		consideration?	18:27:18
23		Did I read that accurately?	18:27:18
24	A	Yes.	18:27:20
25	Q	Can you read aloud Senator Gonzalez's answer	18:27:20

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1	to your question?	18:27:26
2	A It's a partisan gerrymander. That's what	18:27:26
3	we're talking about.	18:27:29
4	Q Why were you asking Senator Gonzalez this	18:27:35
5	question?	18:27:44
6	A Because Assembly Member Marc Berman had	18:27:44
7	talked about the VRA, and the use to make sure that	18:27:45
8	they were utilizing race as their justification for	18:27:47
9	how they drew lines.	18:27:52
10	And Senator Cervantez before that also had	18:27:54
11	talked about what they were doing for communities of	
12	interest, and how they were protecting -- I believe	
13	her numbers were 76 percent of the district lines	18:28:03
14	were staying the same, and only 24 percent was	18:28:07
15	changing -- and actually how they first took into	18:28:10
16	account the Voter Rights Act and minority voices	18:28:14
17	when making these maps.	18:28:18
18	So that's why I was asking Senator Gonzalez	18:28:20
19	if she agreed with the other authors.	
20	Q You used the term protect twice in your	18:28:28
21	question. You say: Protecting race, religion.	18:28:31
22	Was it important to you that California's	18:28:36
23	Congressional maps protect those things?	18:28:44
24	A In the legislation, it says communities of	18:28:47
25	interest. So in communities of interest, the	18:28:51

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1	definition is about race, religion, again,	18:28:56
2	geographical lines, so is it --	18:29:00
3	Q Well, sir, I'm not asking you -- I'm not	18:29:00
4	asking you about any terms in the legislation. I'm	18:29:02
5	asking about your question right here.	18:29:05
6	And you ask: Were they done to protect race,	18:29:07
7	religion, all the ideologies we have right now to	18:29:12
8	make sure that we're protecting the voters of	18:29:17
9	California.	18:29:21
10	So my question to you is: Was it important	18:29:21
11	to you that California's Congressional maps protect	18:29:25
12	voters by protecting things like race and religion?	18:29:29
13	A It was important for me to ask this question	18:29:33
14	because I believe that the way that they were doing	18:29:36
15	it was going to open California up to lawsuits. And	18:29:40
16	so --	18:29:44
17	Q Do you mention lawsuits in your question?	18:29:44
18	A I do mention lawsuits in this transcript.	18:29:46
19	Q Well, the transcript is 335 pages long.	18:29:51
20	Do you -- do you mention lawsuits in this	18:29:55
21	question?	18:29:58
22	A I believe I mention lawsuits before this	18:29:58
23	question, yes.	18:30:01
24	Q So were you -- was it important to you then	18:30:02
25	that the legislation protect race and religion in	18:30:06

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1	order to avoid a lawsuit?	18:30:10
2	A It was important to me that California was	18:30:11
3	following the law so that way we didn't open	18:30:15
4	ourselves up to lawsuits.	18:30:19
5	Q And when you say follow the law so as to not	18:30:20
6	open yourself up to lawsuits, are you referring to	18:30:25
7	the Voting Rights Act?	18:30:27
8	A I am referring to the Voter Rights Act.	18:30:29
9	Q If we can scroll down to Page 246, just the	18:30:49
10	next page, this is Senator Gonzalez's more complete	18:30:54
11	response to your question, right?	18:31:17
12	A Yes. This is her answer.	18:31:18
13	Q Do you see in that first full paragraph, she	18:31:21
14	says -- well, actually, let's strike that.	18:31:24
15	Let's start of the top of this.	18:31:32
16	She goes: This is partisan politics is what	18:31:34
17	we're talking about here.	
18	Do you see that?	18:31:40
19	A Yes.	18:31:40
20	Q And that was in response to your question?	18:31:41
21	A Yes.	18:31:46
22	Q And do you think Senator Gonzalez was being	18:31:46
23	honest when she said that this is about partisan	18:31:50
24	politics?	18:31:52
25	A It was conflicting with some of the comments	18:31:52

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1	from the other authors.	18:31:56
2	Q Well, I'm asking about Senator Gonzalez.	18:31:57
3	Do you think she was telling the truth when	18:32:01
4	she said that this is about partisan politics?	18:32:01
5	A If I'm going to be honest with you, I don't	18:32:01
6	know who was telling the truth that day.	18:32:03
7	Q But that's not my question, sir.	18:32:06
8	My question is about Senator Gonzalez, who	18:32:08
9	you were questioning. You ask her a question. She	18:32:16
10	says, quote: This is partisan politics, right?	18:32:16
11	That's what she says; yes?	18:32:18
12	A That is what she says. Yes.	18:32:20
13	Q Do you think she was lying when she said that	18:32:22
14	it's about partisan politics?	18:32:26
15	A The track record on that day, there was a lot	18:32:28
16	of lying. So that, I could not speak to.	18:32:32
17	Do I think she was lying? I do believe she	18:32:36
18	was lying.	18:32:40
19	Q You think Senator Gonzalez was lying when she	18:32:40
20	said: This is partisan politics?	18:32:46
21	A I believe a lot of the authors were lying.	18:32:47
22	Q Sir, I really -- I want to get you home	18:32:49
23	tonight, and I don't want to go into tomorrow, but	18:32:50
24	to do that, you have to answer my questions	18:32:54
25	directly.	18:32:55

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1	And my question was: Do you think Senator	18:32:55
2	Gonzalez -- not anyone else, Senator Gonzalez -- do	18:32:59
3	you think Senator Gonzalez was lying when she said,	18:33:03
4	in response to your question: This is about	18:33:05
5	partisan politics?	18:33:07

6	A I believe, no. I don't believe that she was	18:33:15
7	lying about that part.	18:33:19

8	Q Thank you.	18:33:21
---	--------------	----------

9	Okay. So turning to the next paragraph of	18:33:23
10	her response, she says: If Texas wants to -- again,	18:33:26
11	if Trump gives them a call and says, literally as he	18:33:30
12	did with Governor Abbott, find me five seats. Well,	18:33:33
13	we're not going to sit back and just say, well, it's	18:33:37
14	okay. Find the five seats. And you know what? Six	18:33:37
15	million people will be taken off Medicare in	18:33:41
16	California.	18:33:45

17	Did I read that correctly?	18:33:45
----	----------------------------	----------

18	A You read that correctly.	18:33:47
----	----------------------------	----------

19	Q See. I can do some things right.	18:33:50
----	------------------------------------	----------

20	She references five seats. Do you know what	18:33:53
21	she's referring to there when she says five seats?	18:33:58

22	A Just five political seats that were drawn.	18:34:02
----	--	----------

23	Or -- yeah. Five seats from the maps. That, I mean	18:34:06
----	--	----------

24	I couldn't tell you at that point what the five	18:34:11
----	---	----------

25	seats were because the lines had changed on the maps	18:34:15
----	--	----------

Transcript of David Tangipa
Conducted on December 5, 2025

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1	when we were voting for them.	18:34:24
2	Q And in the next paragraph, she says: We are	18:34:25
3	not going to stand by for that. So, no. This is	18:34:27
4	completely partisan politics here. Obviously that	18:34:31
5	is happening.	18:34:32
6	Did I read that correctly?	18:34:34
7	A You read that correctly.	18:34:36
8	Q So again, in response to your question,	18:34:40
9	Senator Gonzalez says it's about partisan politics.	18:34:44
10	And did you believe her when she said it that	18:34:48
11	second time?	18:34:51
12	A Again, it was very conflicting with what the	18:34:52
13	other authors were saying.	18:34:56
14	Q Well, again. I'm just asking about Senator	18:34:58
15	Gonzalez.	18:35:02
16	A Senator Gonzalez did say that. Yes.	18:35:02
17	Q And did you take her at her word that she	18:35:05
18	thought this was completely about partisan politics	18:35:09
19	here?	18:35:14
20	A Listening to her, even when she says partisan	18:35:14
21	politics, I'm trying to understand, yes. I guess.	18:35:18
22	Q And she says: Obviously that is happening.	18:35:22
23	Do you see that?	18:35:26
24	A Yes.	18:35:26
25	Q So was it obvious that she was -- strike	18:35:29

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1	that.	18:35:34
2	So she thought it was obvious that	18:35:34
3	Proposition 50 is about partisan politics; fair?	18:35:44
4	A She said that, yes.	18:35:47
5	Q And she voted for Proposition 50; yes?	18:35:49
6	A Yes. She did.	18:35:52
7	Q So it's fair to say she's a member of the	18:35:53
8	Legislature who supported Proposition 50 and thought	18:35:56
9	it was obviously about partisan politics; fair?	18:36:01
10	A She believed -- yes. She believed that.	18:36:02
11	Q What did you think about Senator Gonzalez's	18:36:13
12	comments at the time?	18:36:18
13	A I believe that they were very conflicting all	18:36:19
14	across the board with the other authors that were in	18:36:24
15	front of us, other members of the Elections	18:36:29
16	Committee. I mean, everything was fairly scattered.	18:36:31
17	Again, I couldn't tell you who was telling the	18:36:34
18	truth.	18:36:37
19	Q Could you tell me what Senator Gonzalez's	18:36:38
20	roll was with the Legislature?	18:36:49
21	A I believe she was either a co-author or	18:36:50
22	presenting a bill. I don't remember. Maybe -- I	18:36:54
23	don't remember which one she was specifically	18:36:58
24	presenting.	18:36:58
25	Q But she was heavily involved in it; fair?	18:36:58

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1	A I believe she was a co-author.	18:37:04
2	Q So she was one of the primary sponsors of the	18:37:06
3	legislation?	18:37:11
4	A Yes. I believe so.	18:37:12
5	Q Did you ever quote Senator Gonzalez's answer	18:37:13
6	or broadcast it in any way?	18:37:22
7	A I believe so, yes.	18:37:26
8	Q And how did you do that?	18:37:27
9	A Trying to show people what had been pushed	18:37:31
10	through, through the entire process.	18:37:34
11	Q And when you say show people, you mean, you	18:37:38
12	know, voters and the public, right?	18:37:41
13	A Put it on social media.	18:37:44
14	ATTORNEY DODGE: Could we bring up Tab 3,	18:37:49
15	which I'll ask to be labeled as Tangipa Exhibit 3?	18:37:52
16	(Tangipa Deposition Exhibit 3 marked for	
17	identification and attached to the transcript.)	18:38:40
18	ATTORNEY DODGE: At least for me, there's	18:38:40
19	kind of a black bar at the top.	18:38:43
20	Can we -- yeah. Thank you.	18:38:46
21	BY ATTORNEY DODGE:	18:38:48
22	Q Can you just take a moment to look at this	18:38:49
23	document, Mr. Tangipa?	18:38:51
24	Do you recognize this?	18:38:56
25	A Yes. I do.	18:38:57

Transcript of David Tangipa
Conducted on December 5, 2025

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1	Q And is it fair to say that this was something	18:38:57
2	you posted to your personal -- strike that.	18:39:03
3	Is it fair to say this was something you	18:39:06
4	posted to your Assemblyman X profile on August 19th,	18:39:11
5	2025?	18:39:19
6	A Yes.	18:39:20
7	Q And that would have been the very same day	18:39:21
8	you were questioning Senator Gonzalez, right?	18:39:25
9	A Yes. I believe so.	18:39:30
10	Q And the Legislature was still debating	18:39:31
11	Proposition 50 at that point, right?	18:39:34
12	A Yes. We had just gotten done voting on it in	18:39:36
13	the Elections Committee only. I believe so.	18:39:40
14	Q And this tweet is referring to your back and	18:39:42
15	forth with Senator Gonzalez; yes?	18:39:45
16	A Yes.	18:39:48
17	Q And it's discussing Proposition 50, right?	18:39:48
18	A Yes.	18:39:52
19	Q And you quote her as saying: It's a partisan	18:39:54
20	gerrymander, right?	18:39:57
21	A Yes. I quote her.	18:39:59
22	Q And you mentioned a few times this evening	18:40:01
23	about how a lot of what you did was trying to, you	18:40:04
24	know, broadcast things to the public so they would	18:40:09
25	sort of understand what was going on with this	18:40:12

Transcript of David Tangipa
Conducted on December 5, 2025

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1	process; is that fair?	18:40:14
2	A Yes.	18:40:16
3	Q So is it fair then that this post, you were	18:40:17
4	trying to broadcast to voters and the public that,	18:40:21
5	you know, people like Senator Gonzalez were trying	18:40:25
6	to pass a partisan gerrymander?	18:40:30
7	A I believe people needed to see what was going	18:40:33
8	on.	18:40:36
9	Q And in this post, you say that what was going	18:40:59
10	on was a partisan gerrymander; yes?	18:41:03
11	A Well, in this post I'm talking about, again,	18:41:05
12	communities of interest, and I wanted people to see	18:41:10
13	what, again, Senator Gonzalez said.	18:41:13
14	Q Does -- does this post have the term	18:41:18
15	communities of interest in it?	18:41:21
16	A Well, that's what it's talking about,	18:41:24
17	protections for California voters. That is what I	18:41:26
18	was referring to.	18:41:29
19	Q Well, that's your question. And then what	18:41:30
20	does Senator Gonzalez answer?	18:41:31
21	A She says that it's a partisan gerrymander.	18:41:31
22	ATTORNEY DODGE: I think we can probably take	18:41:39
23	a break. We've been going about a -- close to an	18:41:43
24	hour and a half. Unless you'd like to keep going.	
25	But I just want to be considerate of the time we've	18:41:45

Transcript of David Tangipa
Conducted on December 5, 2025

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1	been going.	18:41:48
2	THE WITNESS: I mean...	18:41:49
3	ATTORNEY DODGE: If Counsel would like to	18:41:51
4	take a break, you know, five minutes, not -- it's up	18:41:54
5	to you guys.	
6	It's customary to sort of take a break around	18:41:57
7	an hour and 15 minutes, but I -- I defer to you.	18:42:04
8	ATTORNEY ROSENBERG: Five -- five minutes	18:42:04
9	would be great.	18:42:06
10	ATTORNEY DODGE: Great. Okay. For the Court	18:42:08
11	Reporter as well.	18:42:12
12	We'll take five minutes. We'll be back at	
13	6:47 Pacific, please.	18:42:13
14	ATTORNEY ROSENBERG: We'll go off the record	18:42:13
15	now, right?	18:42:15
16	ATTORNEY DODGE: Please.	18:42:15
17	THE VIDEOGRAPHER: Stand by.	18:42:17
18	We're going off the record. The time is	18:42:18
19	6:42.	18:42:24
20	(Recess from 6:42 p.m. until 6:52 p.m.)	18:42:25
21	THE VIDEOGRAPHER: We are back on the record.	18:52:31
22	The time is 6:52.	18:52:33
23	ATTORNEY DODGE: Before we get started, I	18:52:37
24	just want to put on the record, just so it's clear	18:52:39
25	on the record, that the witness's Counsel is not	18:52:43

Transcript of David Tangipa
Conducted on December 5, 2025

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1 visible on camera, but is in the room with the 18:52:47
2 witness. It is my understanding that the parties 18:52:51
3 had previously reached an agreement for remote 18:52:53
4 depositions that Counsel would appear separately on 18:52:57
5 camera. And I'm just putting that on the record so 18:53:01
6 it's noted. 18:53:05

7 ATTORNEY MEUSER: And on behalf of the 18:53:05
8 Plaintiffs, I do not believe there was an agreement. 18:53:06
9 I believe that there was a request. And because of 18:53:10
10 how we had to do this in order to get David's 18:53:14
11 deposition done around his schedule, I was not able 18:53:19
12 to do it in a means that I was able to have two 18:53:23
13 computers. So we understood that the request was 18:53:27
14 made. In good faith we tried to take care of it, 18:53:30
15 but you wanted your deposition. I had to, to do it 18:53:34
16 in a way that you can get your deposition. 18:53:38

17 ATTORNEY DODGE: I don't want to belabor it. 18:53:40
18 I'll just finally note for the record that the time 18:53:41
19 meeting of this particular deposition was at 18:53:45
20 Plaintiff's Counsel's insistence. 18:53:47

21 BY ATTORNEY DODGE: 18:53:52

22 Q Turning back to something we discussed at the 18:53:53
23 beginning of the deposition, Mr. Tangipa, you said 18:53:56
24 that you were a political science major in college; 18:53:59
25 is that fair? 18:54:05

Transcript of David Tangipa
Conducted on December 5, 2025

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1	A Yes.	18:54:06
2	Q Did you study gerrymandering at all in	18:54:06
3	college?	18:54:09
4	A A little bit.	18:54:10
5	ATTORNEY DODGE: Could we pull up Tab 4 and	18:54:15
6	label it Tangipa 4?	18:54:20
7	THE AV TECHNICIAN: Please stand by.	18:54:23
8	(Tangipa Deposition Exhibit 4 marked for	
9	identification and attached to the transcript.)	18:55:04
10	BY ATTORNEY DODGE:	18:55:04
11	Q And I'll represent to you, Mr. Tangipa, that	18:55:04
12	this is an August 21, 2025 transcript from the	18:55:07
13	Assembly floor session. Feel free to take a moment	18:55:15
14	just to confirm that fact for yourself, if you would	18:55:19
15	like.	18:55:22
16	Do you recall participating in the August 21	18:55:29
17	floor session?	18:55:33
18	A This -- was this that Thursday, the last day	18:55:34
19	to vote on this?	18:55:39
20	Q August 21 was a Thursday.	18:55:44
21	A It was a Thursday. Okay. That was the last	18:55:46
22	day. Yes. I recall.	18:55:49
23	Q And during that floor session, you continued	18:55:52
24	to speak out against Proposition 50; fair?	18:55:57
25	A Yes.	18:56:00

Transcript of David Tangipa
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1	ATTORNEY DODGE: Could we turn to 97 of the	18:56:03
2	transcript?	18:56:06
3	And again, I'll ask the Trial Tech to take	18:56:06
4	control if that will help.	18:56:10
5	THE AV TECHNICIAN: We are on Page 97. You	18:56:23
6	can click to regain control, sir.	18:56:27
7	BY ATTORNEY DODGE:	18:56:31
8	Q And do you see that these pages reflect your	18:56:32
9	remarks regarding Proposition 50?	18:56:35
10	A Yes.	18:56:39
11	Q And could you scroll down to the top of	18:56:41
12	Page 28 [sic]?	18:56:44
13	A Did you say 28 or 98?	18:56:55
14	Q 98. You're -- you're in a good spot.	18:57:01
15	And these are still your remarks; yes?	18:57:03
16	A Yes.	18:57:07
17	Q And beginning at -- at the top line and going	18:57:07
18	down through Line 8, could you just read aloud your	18:57:10
19	statement on the floor?	18:57:14
20	A You said from Line 1?	18:57:15
21	Q Yes.	18:57:18
22	A Okay.	18:57:18
23	During committee hearings, one of our	18:57:18
24	colleagues brazenly admitted this entire thing was	18:57:21
25	about partisan gerrymandering, admitted partisan	18:57:25

Transcript of David Tangipa
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1	politics. This was a direct response to the	18:57:27
2	question about protecting voters in underserved	18:57:30
3	communities. Not a word about fairness, not a word	18:57:31
4	about transparency, and open admission to partisan	18:57:35
5	gain. So how can we stand in this chamber and	18:57:37
6	criticize Texas, Florida or other states for	18:57:40
7	gerrymandering, when we've joined them in the same	18:57:43
8	practice? How can we demand fairness --	18:57:48
9	Q That's good, sir. I appreciate that. I	18:57:48
10	don't want to make you read the whole transcript,	18:57:49
11	sir.	18:57:54
12	In these portions of your remarks, you're	18:57:55
13	referring to Senator Gonzalez's comments from the	18:58:00
14	Election Committee hearing; yes?	18:58:02
15	A Yes.	18:58:02
16	Q So I want to shift gears a little bit. As	18:58:34
17	you know, the Legislature ultimately ratified	18:58:39
18	Proposition 50, correct?	18:58:44
19	A Yes.	18:58:45
20	Q And at that point, it was submitted to the	18:58:56
21	voters for approval; yes?	18:58:58
22	A Yes.	18:59:01
23	Q And you took part in the public debate in	18:59:04
24	campaigning about the vote on Proposition 50; yes?	18:59:09
25	A Yes.	18:59:13

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1	Q And is it fair to say that one of your	18:59:16
2	purposes in speaking out against it was to try and	18:59:18
3	convince voters to reject Proposition 50?	18:59:23
4	A Yes.	18:59:25
5	Q How did you go about engaging with voters	18:59:27
6	about defeating Proposition 50?	18:59:31
7	A I was talking about how people's voices were	18:59:34
8	being silenced; how the process was being	18:59:38
9	weaponized; what the Legislature had done through	18:59:43
10	that process, essentially weaponizing their --	18:59:48
11	weaponizing this entire, again, process, and	18:59:56
12	weaponizing the emotion.	19:00:00
13	Actually, I talked about that fairly often,	19:00:06
14	how people were weaponizing emotion, grandstanding	19:00:07
15	on, you know, what they were doing for minorities	19:00:08
16	of -- minorities, communities of interest. I was	19:00:14
17	telling people how they were -- they were being lied	19:00:16
18	to.	19:00:20
19	Q So my question was a little different, sir.	19:00:22
20	And maybe I -- maybe I didn't put it clearly enough.	19:00:25
21	I was asking about the method by which you	19:00:28
22	engaged with voters. So for example, do you use	19:00:31
23	social media to engage with voters about	19:00:36
24	Proposition 50?	19:00:36
25	A Yes. I did social media. I did door-to-door	19:00:36

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1	campaign. I was speaking to other members	19:00:39
2	throughout the community and just talking to them	19:00:42
3	about what was being done.	19:00:45
4	Q Did you make any kind of a website for	19:00:48
5	purposes of opposing Proposition 50?	19:00:51
6	A Yes. Reject50.com was my website.	19:00:54
7	Q And what was your role in creating that?	19:01:00
8	A I mean, I had worked with a couple others to,	19:01:02
9	again, put information out so I was working with a	19:01:07
10	team to -- for that website.	19:01:09
11	Q Did you create any kind of a committee to	19:01:12
12	build that website?	19:01:16
13	A Yes.	19:01:18
14	Q Can you tell me about that a little bit?	19:01:21
15	A I believe the committee was Tangipa for	19:01:23
16	California -- if I remember the name correctly --	19:01:27
17	was my ballot committee measure.	19:01:31
18	Q So you created a --	
19	(Reporter clarification.)	19:01:43
20	A I think that's the proper term.	19:01:43
21	Q Did you coordinate with the California	19:01:45
22	Republican Party at all in the campaign against	19:01:49
23	Proposition 50?	19:01:49
24	A Yes.	19:01:50
25	Q How did you coordinate with them?	19:01:50

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1	A I -- just on walk events, I guess. I	19:01:53
2	would -- and some social media. So general	19:02:00
3	political stuff, political campaigning.	19:02:04
4	Q And you mentioned a bit ago about	19:02:09
5	communicating with voters over Proposition 50. Is	19:02:12
6	it fair to say that when you speak with voters, you	19:02:16
7	do your best to the truthful?	19:02:18
8	A Yes.	19:02:21
9	ATTORNEY DODGE: Could we pull up Tab 5 and	19:02:26
10	label it Tangipa Exhibit 5?	19:02:30
11	(Tangipa Deposition Exhibit 5 marked for	
12	identification and attached to the transcript.)	19:03:21
13	BY ATTORNEY DODGE:	19:03:21
14	Q Do you recognize this document?	19:03:22
15	A Yes.	19:03:22
16	Q Can you tell me what it is?	19:03:23
17	A I believe it's my website.	19:03:24
18	Q The -- specifically the website opposing	19:03:27
19	Proposition 50?	19:03:32
20	A Yes.	19:03:34
21	Q And you mentioned that you established a	19:03:38
22	ballot committee to oppose Proposition 50; yes?	19:03:51
23	A Yes.	
24	(Reporter clarification.)	19:04:01
25	Q Did you solicit funds for that ballot	19:04:01

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1	committee?	19:04:08
2	A Yes.	19:04:08
3	Q And where did those funds come from?	19:04:09
4	A The general public.	19:04:11
5	Q Can we go to Page 2 of this document?	19:04:18
6	And on Page 2, you say, quote: Governor	19:04:45
7	Gavin Newsom and Sacramento Democrats prioritized	19:04:52
8	political power over the will of the people.	
9	Do you see that?	19:04:59
10	A Did I miss...	19:04:59
11	Q It's right in the middle of the screen right	19:05:01
12	now.	19:05:04
13	A Yes.	
14	Q And I'll just say it again just so it's	19:05:04
15	clear, here on this page of this exhibit of your	19:05:07
16	website, it says: Sacramento Democrats, lead by	19:05:09
17	Governor Gavin Newsom, have prioritized political	19:05:18
18	power over the will of the people.	19:05:24
19	Did I get that right?	19:05:26
20	A Yes.	19:05:27
21	Q And then in the next paragraph, you say: In	19:05:27
22	August, they rammed through the biggest power grab	19:05:31
23	yet, Prop 50, a unilateral decision to redraw	19:05:36
24	Congressional maps, eliminate five Republican	19:05:43
25	districts, and strengthen Democrat held seats.	19:05:44

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1	Did I say that right?	19:05:46
2	A Yes.	19:05:47
3	Q Did you believe that statement when you made	19:05:48
4	it?	19:05:50
5	A Yes.	19:05:50
6	Q So you understood that one of the effects	19:05:50
7	that Proposition 50 would have would be eliminating	19:06:03
8	five Republican districts?	19:06:09
9	A Yes.	19:06:10
10	Q You also understood that one of the	19:06:13
11	consequences of Proposition 50 would be to help	19:06:17
12	protect Democratic congress members; yes?	19:06:22
13	A Well, I understood that, and that's why I	19:06:27
14	made sure in the following line I talked about how	19:06:30
15	they bypassed public input, and they ignored the	19:06:34
16	independent redistricting process that Californians	
17	fought to establish.	19:06:42
18	Q So I'm focusing on the second paragraph, and	19:06:43
19	you say: Proposition 50 strengthened Democrat held	19:06:46
20	seats.	19:06:52
21	Did I get that right?	19:06:53
22	A Yes.	19:06:53
23	Q And did you believe that statement when you	19:06:53
24	made it?	19:06:55
25	A Yes. I believe that statement.	19:06:56

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1	Q And you believe that statement to this day?	19:06:58
2	A I believe this entire page that I had talked	19:07:02
3	about. Yes.	19:07:06
4	Q Why did you think it was important to	19:07:15
5	highlight on this page for the public that	19:07:18
6	Proposition 50 would eliminate five Republican	19:07:21
7	districts?	19:07:26
8	A Well, I believe that it was important that	19:07:26
9	the people needed to know that, again, it's actually	19:07:30
10	my justification is the next line, where it says:	19:07:31
11	That they rammed through this mid-decade	19:07:35
12	redistricting scheme --	19:07:37
13	Q Sir, sir.	19:07:37
14	A -- in a matter of days --	
15	Q I do want to -- sir, I do want to let you	19:07:39
16	finish your answer, but you also do have to answer	19:07:42
17	my questions if we're going to get through this	19:07:45
18	deposition.	
19	I am not asking you -- you've said you	19:07:46
20	believe everything on this page. Noted.	19:07:48
21	My question is: You wrote on your website	19:07:51
22	opposing Proposition 50, that Proposition 50 would	19:07:56
23	eliminate five Republican districts. And I want to	19:08:00
24	focus on that specific language.	19:08:05
25	Why did you think it was important on your	19:08:08

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1	website opposing Proposition 50 to say that the law	19:08:10
2	would eliminate five Republican districts?	19:08:14
3	A I believe that was part of the end goal.	19:08:18
4	Q Can we go to the next page, Page 3 to be	19:08:28
5	specific?	19:08:39
6	And on this page -- sorry. Is this the full	19:08:56
7	page? I'm not sure that it is.	19:09:09
8	A Yeah. I think the -- if I go down a little	19:09:11
9	bit, it should show both. But I don't know if they	19:09:14
10	can have both on there.	19:09:18
11	Q Let me see. Give me just a minute. I'm	19:09:20
12	focusing on Page 3 right now.	19:09:23
13	Okay. This is good.	19:09:29
14	Do you see the text in the middle of this	19:09:32
15	page?	19:09:35
16	A Yes.	19:09:36
17	Q And it says, quote: Power [sic] 50 is a	19:09:36
18	power grab. Put simply, if this initiative passes	19:09:43
19	on November 4th, we risk losing Congressman Valadao	19:09:47
20	and not being able to retake CD13 or CD21, two of	19:09:49
21	the best pick-up options for Republicans in the	19:09:56
22	country.	19:09:59
23	Did I read that correctly?	19:10:00
24	A Yes.	19:10:02
25	Q Did I mispronounce the Congressman's name?	19:10:02

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1	A Yes.	19:10:06
2	Q How do I say that Congressman's name?	19:10:06
3	A Valadao.	19:10:08
4	Q I appreciate that. Thank you.	19:10:10
5	You mention CD13 in that part of your	19:10:12
6	website; yes?	19:10:17
7	A Yes.	19:10:18
8	Q And you indicate that Proposition 50 will	19:10:18
9	make it harder for Republicans to retake CD13; yes?	19:10:21
10	A Yeah. CD13 is a VRA district, and Prop 50	19:10:26
11	changed that VRA district.	19:10:36
12	Q Do you use the term VRA anywhere on this	19:10:37
13	website?	19:10:40
14	A I often talked about it.	19:10:40
15	Q Do you use the term VRA anywhere on this	19:10:42
16	website?	19:10:45
17	A I'm not sure.	19:10:47
18	Q Take as much time as you need to review this	19:10:48
19	page and all the other pages in the exhibit, and	19:10:53
20	tell me if you use the term VRA or Voting Rights	19:10:56
21	Act.	19:11:00
22	A I don't believe so on this exhibit, but I do	19:11:00
23	know when we show these districts, those are VRA	19:11:06
24	districts.	19:11:10
25	Q So going back to Page 3, you say: We risk	19:11:11

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1	losing Congressman Valadao; yes?	19:11:18
2	A Yes.	19:11:21
3	Q Congressman Valadao is a Republican; yes?	19:11:21
4	A Yes. He's a representative of the Central	19:11:24
5	Valley.	19:11:28
6	Q Who is the "we" in that part of that text?	19:11:29
7	A The Central Valley.	19:11:32
8	Q And you say: Retake CD13 or CD21; yes?	19:11:34
9	A Yes.	19:11:41
10	Q And you're referring to Republicans retaking	19:11:42
11	it; yes?	19:11:44
12	A For those, yes.	19:11:44
13	Q And you say that those districts are two of	19:11:46
14	the best pick-up options for Republicans in the	19:11:50
15	country; yes?	19:11:53
16	A Yes.	19:11:53
17	Q And is it fair to say that before	19:11:54
18	Proposition 13 [sic], CD13 was a swing seat?	19:11:57
19	A CD13 was a swing seat. Yes.	19:12:02
20	Q Proposition 50 would make it easier for	19:12:05
21	Democrats to win that seat; yes?	19:12:13
22	A Yes.	19:12:17
23	Q Let's go to the next page.	19:12:18
24	This page on your website shows the before	19:12:27
25	and after maps of certain districts under	19:12:30

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1	Proposition 50; yes?	19:12:35
2	A Yes.	19:12:36
3	Q Why did you include them on your website?	19:12:36
4	A So people could see how their districts were	19:12:42
5	changing.	19:12:46
6	Q And specifically, each of these maps shows	19:12:47
7	how they change in terms of partisanship; yes?	19:12:51
8	A Yes. They show the election results.	19:12:57
9	Q Well, they show a little more than that,	19:13:01
10	right?	19:13:04
11	A They show how the election played out, yes.	19:13:07
12	Q Well, so let's look at CD13.	19:13:12
13	Do you see the CD13 map?	19:13:16
14	A Yes.	19:13:19
15	Q Okay. What color is the CD13 map in the	19:13:19
16	before picture?	19:13:23
17	A Purple.	19:13:24
18	Q And what color is the CD13 map in the after	19:13:26
19	picture?	19:13:31
20	A Blue.	19:13:31
21	Q And you see a table next to the CD13 maps;	19:13:32
22	yes?	19:13:37
23	A Yes.	19:13:37
24	Q Okay. What does the first line of the CD13	19:13:38
25	table show?	19:13:42

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1	A	The registration.	19:13:42
2	Q	Specifically party registration; yes?	19:13:46
3	A	Yes.	19:13:51
4	Q	Okay. And for the old map, it says: D+10.	19:13:51
5		Do you see that?	19:13:55
6	A	Yes.	19:13:55
7	Q	What does that mean?	19:13:56
8	A	That means that Democrats have a 10 percent	19:13:57
9		registration majority.	19:14:00
10	Q	Okay. And then you go to the next column,	19:14:02
11		and do you see where it says: D+16?	19:14:04
12	A	Yes.	19:14:05
13	Q	Okay. What does that mean?	19:14:05
14	A	That means they -- it's a 16-point advantage.	19:14:06
15	Q	So Proposition 15 [sic] gave Democrats a	19:14:11
16		6-point registration advantage improvement -- strike	19:14:19
17		that.	19:14:19
18		Proposition 15 gave Democrats a 6-point	19:14:19
19		improvement in registration advantage; yes?	19:14:26
20	A	Yes. Prop 50 gave that. Yes.	19:14:26
21	Q	It's cut off a little bit, but the first set	19:15:07
22		of maps here is District 22; yes?	19:14:39
23	A	Yes. I believe so.	19:14:42
24	Q	And in the before picture, what color is that	19:14:43
25		district?	19:14:49

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1	A Red.	19:14:49
2	Q And red is associated in this context with	19:14:50
3	the Republican party; yes?	19:14:54
4	A It's Valadao's seat.	19:14:55
5	Q I'll ask my question again.	19:14:57
6	Red, in this context, is referring to the	19:14:59
7	Republican party; yes?	19:15:02
8	A Yes.	19:15:05
9	Q Okay. And the after picture, what color is	19:15:09
10	District 22?	19:15:13
11	A It's blue.	19:15:14
12	Q And in this context, blue is referring to the	19:15:14
13	Democratic party; yes?	19:15:19
14	A I would say that was not a decision that I	19:15:22
15	had made, so when it comes to the people who made	19:15:25
16	the website, I mean it's -- they're all blue.	19:15:29
17	Q So I'll ask my question again. Is it your	19:15:38
18	understanding -- well, that wasn't my question, sir.	19:15:40
19	A My understanding -- yes. To my	19:15:40
20	understanding, I did not choose the colors of this,	19:15:43
21	and so I could -- maybe the accurate phrase is I	19:15:47
22	could assume that CD20, they put that there as red,	19:15:51
23	probably representing the Republican district, and	19:15:55
24	then they probably changed it to blue, showing the	19:16:00
25	new maps. But I could not tell you, because it was	19:16:03

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1	not my choice, the colors of those maps.	19:16:04
2	Q Yeah. And you majored in political science;	19:16:08
3	yes, sir?	19:16:11
4	A Yes.	19:16:12
5	Q Now, in American politics today, do the major	19:16:12
6	political parties have colors associated with them?	19:16:15
7	A They do.	19:16:18
8	Q Have you ever heard the term red state?	19:16:19
9	A I have.	19:16:22
10	Q Have you ever heard the term blue state?	19:16:23
11	A Yes.	19:16:26
12	Q Okay. What's a blue state?	19:16:26
13	A A blue state is a Democrat-controlled state.	19:16:28
14	Q And what's a red state?	19:16:33
15	A A red state is a Republican-controlled state.	19:16:35
16	Q And what's a purple state?	19:16:42
17	A I'm assuming that that is a toss-up state.	19:16:44
18	Q So is it fair to say that each of these maps	19:16:47
19	is showing that Districts 22, 21, and 13, were	19:16:51
20	moving from red or purple to blue?	19:16:55
21	A Repeat the question?	19:17:00
22	Q Is it fair to say that the maps on this part	19:17:01
23	of your website are showing Districts 22, 21, and 13	19:17:04
24	moving from either red or purple to blue?	19:17:09
25	A I believe so. That is fair to say.	19:17:13

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1	Q You said earlier that the tables next to	19:17:16
2	these maps show election results and party	19:17:19
3	registration results; yes?	19:17:22
4	A Yes.	19:17:24
5	Q Do those tables say anything about race?	19:17:26
6	A No.	19:17:30
7	Q Does the term Latino appear in any of those	19:17:30
8	tables?	19:17:37
9	A No.	19:17:38
10	Q Does the term Hispanic appear anywhere in	19:17:39
11	those tables?	19:17:43
12	A No.	19:17:44
13	Q Does the term white appear anywhere in those	19:17:44
14	tables?	19:17:48
15	A No.	19:17:48
16	Q Does the term black appear anywhere in those	19:17:49
17	tables?	19:17:52
18	A No.	19:17:52
19	Q Does the term minority appear anywhere in	19:17:53
20	those tables?	19:17:58
21	A No.	19:17:58
22	Q Does the term Trump appear anywhere in those	19:17:59
23	tables?	19:18:04
24	A Yes.	19:18:05
25	Q Does the term Harris appear anywhere in those	19:18:05

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1	tables?	19:18:10
2	A Yes.	19:18:10
3	Q Does the term Newsom appear anywhere in those	19:18:10
4	tables?	19:18:15
5	A Yes.	19:18:16
6	Q Does the term Biden appear anywhere in those	19:18:16
7	tables?	19:18:21
8	A Yes.	19:18:22
9	Q Is it accurate to say that each one of these	19:18:31
10	tables shows an improvement to Democratic party	19:18:34
11	registration in Districts 22, 21 and 13?	19:18:40
12	A Yes.	19:18:44
13	Q Can we go to the next page?	19:18:46
14	And here you say: Mark my words, if Prop 50	19:18:57
15	passes, and control of redistricting is held by the	19:19:02
16	Legislature, Democrats will come back for the	19:19:03
17	remaining Republicans in Congress.	19:19:07
18	Did I read that part right?	19:19:13
19	A Yes.	19:19:13
20	Q Did you believe that statement when you made	19:19:14
21	it?	19:19:15
22	A Yes. I believe that statement, and	19:19:15
23	especially where it talks about eliminating the	19:19:18
24	Commission's authority over legislative maps.	19:19:25
25	Q Did you believe the part of that statement	19:19:26

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1	that says: Come back for the remaining Republicans	19:19:28
2	in Congress?	19:19:32
3	A Yes.	19:19:32
4	Q Do you still believe that?	19:19:34
5	A Yes.	19:19:36
6	Q And you use the term Democrats there; yes?	19:19:38
7	A Yes.	19:19:41
8	Q So is it fair to say here you're saying the	19:19:43
9	Democrats will try to eliminate more Republican	19:19:46
10	seats if given the opportunity?	19:19:53
11	A I believe the entire end goal was to	19:19:53
12	eliminate the Commission's -- to eliminate the	19:19:55
13	Commission for that.	19:19:57
14	Q Sir, I didn't say anything about the	19:19:57
15	Commission in my question. I'm asking you about the	19:20:01
16	portion of this page, your website, that says:	19:20:03
17	Democrats will come back for the remaining	19:20:06
18	Republicans in Congress.	19:20:09
19	And you said you believed that statement when	19:20:10
20	you made it, and I'm asking you: Do you believe	19:20:13
21	that statement now?	19:20:17
22	A I do believe that.	19:20:17
23	Q Does anything on this page say anything about	19:20:23
24	race?	19:20:26
25	A Specifically, no.	19:20:32

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1	Q Does anything on this website say anything	19:20:40
2	specifically about race?	19:20:44
3	A No. But that's what I talk about in balanced	19:20:46
4	representation.	19:20:52
5	Q Does the term Latino appear anywhere on this	19:21:30
6	page?	19:21:36
7	ATTORNEY MEUSER: Asked and answered.	19:21:36
8	You may answer.	19:21:38
9	A No.	19:21:39
10	Q Does the term Hispanic appear anywhere on	19:21:39
11	this page?	19:21:43
12	ATTORNEY MEUSER: Asked and answered.	19:21:45
13	You may answer.	19:21:47
14	A No.	19:21:49
15	ATTORNEY DODGE: Can we pull up Tab 7, which	19:22:03
16	I'll ask to be labeled Tangipa 7?	19:22:06
17	THE AV TECHNICIAN: I believe we're on	19:22:16
18	Exhibit 6.	19:22:18
19	ATTORNEY DODGE: You are so correct.	19:22:20
20	Could we pull up Tab 6, and label it Tangipa	19:22:23
21	Exhibit 6? I'm getting ahead of myself.	19:22:28
22	ATTORNEY MEUSER: What, you want to go to	19:22:33
23	bed?	19:22:36
24	ATTORNEY DODGE: I'm on East Coast hours.	19:22:37
25	(Tangipa Deposition Exhibit 6 marked for	

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1	identification and attached to the transcript.)	19:22:59
2	BY ATTORNEY DODGE:	19:22:59
3	Q Do you recognize this?	19:23:00
4	A Yes. I do.	19:23:01
5	Q Is this a post to your personal X profile on	19:23:02
6	October 13th, 2025?	19:23:08
7	A Yes. It is.	19:23:09
8	Q And this post is about Proposition 50?	19:23:10
9	A Yes. It is.	19:23:13
10	Q And on October 13th, this would have still	19:23:15
11	been in the middle of the campaign over	19:23:19
12	Proposition 50, right?	19:23:23
13	A Yes.	19:23:23
14	Q And as we've established, you were very	19:23:23
15	actively engaged in that campaign?	19:23:29
16	A Yes.	19:23:30
17	Q And you were very committed to try to	19:23:31
18	persuade voters to reject Proposition 50?	19:23:32
19	A Yes.	19:23:32
20	Q And as we also established earlier, you	19:23:33
21	always try to be honest and sincere with voters;	19:23:37
22	yes?	19:23:42
23	A Yes.	19:23:42
24	Q In this post, you say: We will not be	19:23:43
25	silenced for partisan gain.	19:23:47

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1	Did I get that right?	19:23:49
2	A Yes.	19:23:51
3	Q And you say gain here, not game, right?	19:23:51
4	A Gain there. Yes.	19:23:56
5	Q Did you believe this statement when you made	19:23:57
6	it?	19:23:59
7	A I did believe this -- I do believe this	19:24:00
8	statement.	19:24:02
9	ATTORNEY DODGE: Can we pull up Tab 7 for	19:24:10
10	real this time?	19:24:15
11	(Tangipa Deposition Exhibit 7 marked for	
12	identification and attached to the transcript.)	
13	BY ATTORNEY DODGE:	19:24:53
14	Q And do you recognize this?	19:24:53
15	A Yes.	19:24:54
16	Q And is this something posted to your	19:24:56
17	Instagram profile on November 2, 2025?	19:25:01
18	A Yes.	19:25:05
19	Q And that would have been just two days before	19:25:05
20	Election Day, right?	19:25:09
21	A Did you say --	19:25:11
22	Q That would have been just two -- that would	19:25:13
23	have been just two days before Election Day, right?	19:25:16
24	A Yeah. On November 2nd.	19:25:19
25	Q And I just have to ask, but who is	19:25:22

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1	defnoodles?	19:25:25
2	A He is a podcaster, I think is the easiest way	19:25:27
3	to describe him. And I think he's also -- yeah.	19:25:34
4	Q He's also what?	19:25:36
5	A He's just a studio podcaster.	19:25:37
6	Q And what's, sort of the gist of his podcast?	19:25:46
7	What's the theme?	19:25:51
8	A I think he talks about politics, and comedy	19:25:52
9	sometimes, I believe.	19:25:59
10	Q And does he generally have a right-wing bend?	19:25:59
11	A If I'm going to be honest with you, I	19:26:01
12	don't -- I haven't really watched a lot of his	19:26:04
13	stuff, so...	19:26:07
14	Q Well, I hope -- I hope defnoodles doesn't see	19:26:07
15	this deposition then. He might -- he might take	19:26:13
16	offense.	
17	A That's all right.	
18	Q And this is -- this is like a video post,	19:26:26
19	right, or a reel?	19:26:29
20	A Yes.	19:26:29
21	ATTORNEY DODGE: Okay. So can we play Tab 8,	19:26:30
22	which I'll represent is the video file associated	19:26:33
23	with this post?	19:26:36
24	(Tab 8 video played.)	19:27:39
25	BY ATTORNEY DODGE:	19:27:39

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1	Q The podcast host there referred to a party.	19:27:40
2	Did you understand him to be referring to the	19:27:43
3	Democratic party?	19:27:46
4	A I believe so, yes.	19:27:47
5	Q And you were speaking sincerely when you were	19:27:48
6	on this podcast?	19:27:56
7	A Yes.	19:27:57
8	Q And I think I have the transcription right.	19:27:58
9	I think you said, quote: When asked in order to	19:28:01
10	combat Donald Trump and Texas redistricting, would	19:28:04
11	you pause the Independent Redistricting Commission	19:28:06
12	to put partisan and gerrymander in the State of	19:28:09
13	California.	19:28:11
14	Does that generally sound accurate?	19:28:12
15	A Yeah. I was speaking about a conversation	19:28:14
16	with -- that Paul Mitchell had had.	19:28:18
17	Q And you -- you mentioned partisan	19:28:22
18	gerrymandering here; yes?	19:28:27
19	A That was -- that was a question that -- that	19:28:28
20	Paul Mitchell had done on a poll. So that was their	19:28:30
21	question.	19:28:34
22	Q That may well be the case.	19:28:34
23	But my question to you is: You mentioned,	19:28:36
24	you brought up the topic of partisan gerrymandering	19:28:39
25	here; yes?	19:28:44

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1	A Yeah. I was referring to a poll that they	19:28:44
2	had talked about.	19:28:49
3	Q Which mentioned partisan gerrymandering?	19:28:50
4	A Yes.	19:28:52
5	Q Did you bring up race on this podcast?	19:28:53
6	A On the podcast, I believe I did. I believe	19:29:03
7	we talked about it.	19:29:06
8	Q In what context?	19:29:06
9	A That is something -- it's been a little bit	19:29:08
10	since that one, but I do believe we talked about	19:29:11
11	however the whole process went on.	19:29:14
12	ATTORNEY DODGE: Can we bring up Tab 9?	19:29:23
13	(Reporter clarification.)	19:29:46
14	THE AV TECHNICIAN: And just to be clear,	19:29:46
15	before we bring up Tab 9, would you like the video	19:29:48
16	marked as Tab 8, marked as Exhibit 8?	19:29:53
17	ATTORNEY DODGE: I think that would be best.	19:29:56
18	THE AV TECHNICIAN: Okay.	19:29:59
19	ATTORNEY DODGE: Thank you for asking.	19:30:00
20	(Tangipa Deposition Exhibit 8 marked for	
21	identification and attached to the transcript.)	19:30:16
22	ATTORNEY DODGE: And when -- when you're done	19:30:16
23	with that, if you could bring up Tab 9 and label it	19:30:18
24	Exhibit 9? Thank you.	19:30:24
25	(Tangipa Deposition Exhibit 9 marked for	

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1	identification and attached to the transcript.)	
2	BY ATTORNEY DODGE:	19:30:51
3	Q Do you recognize this?	19:30:51
4	A Yes. I believe so.	19:31:03
5	Q Well, let me -- let me ask it a slightly	19:31:07
6	different way: Do you recall doing an interview	19:31:11
7	with AgNet West Radio Network in September of this	19:31:15
8	year?	19:31:18
9	A I -- I might have done a couple in September,	19:31:18
10	but I -- I do believe, I might have done maybe a	19:31:21
11	couple with them.	19:31:24
12	Q It looks like this one is September 1st.	19:31:25
13	Does that generally sound like when you might	19:31:30
14	have done an interview with them?	19:31:33
15	A Yes.	19:31:36
16	Q And do you remember being asked during the	19:31:36
17	interview to describe Proposition 50?	19:31:39
18	A Slightly, yes.	19:31:42
19	ATTORNEY DODGE: All right. Can we play	19:31:45
20	Tab 10, and label that Exhibit 10, starting at the	19:31:47
21	8:28 mark, and ending around the 9:20 mark?	19:31:57
22	(Tangipa Deposition Exhibit 10 marked for	
23	identification and attached to the transcript.)	19:32:55
24	ATTORNEY DODGE: I, at least, am not hearing	19:32:55
25	the audio. Oh, it looks to be off.	19:32:59

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1	Can we pause, and go back to the 8:20 mark or	19:33:02
2	so, and then play it through the 9:20 mark?	19:33:07
3	(Exhibit 10 audio played.)	19:33:10
4	ATTORNEY DODGE: That's -- that's good right	19:34:18
5	there.	19:34:22
6	BY ATTORNEY DODGE:	19:34:22
7	Q So this part of this interview starts with	19:34:23
8	the host asking you to explain to everybody what	19:34:28
9	Proposition 50 is; yes?	19:34:30
10	A Yes.	19:34:31
11	Q And you respond first by saying	19:34:31
12	Proposition 50 is Governor Newsom's gerrymandered	19:34:36
13	maps that are going to be on the ballot, that they	19:34:42
14	are asking people to approve so they can strip away	19:34:48
15	the Central Valley votes and some of the other	
16	votes, and that way we can get areas like Redding,	
17	now in with Northern San Francisco, so they can get	19:34:52
18	rid of the congressmen in the area that's	19:34:54
19	conservative.	19:34:56
20	Did I more or less get that right?	19:34:58
21	A Yes.	19:35:01
22	Q And in that portion, you say: Get rid of the	19:35:01
23	congressmen in that area that's conservative; yes?	19:35:06
24	A Yes.	19:35:11
25	Q And who are you referring to there?	19:35:11

Transcript of David Tangipa
Conducted on December 5, 2025

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1	A I believe I'm referring to Congressman Doug	19:35:13
2	LaMalfa.	19:35:18
3	Q And he's a Republican; yes?	19:35:19
4	A Yes.	19:35:21
5	Q And so your answer to explain to everybody	19:35:22
6	what Proposition 50 is, in part involved telling	19:35:25
7	them that it would get rid of Congressman LaMalfa;	19:35:27
8	yes?	19:35:33
9	A Yes. It had to deal with about stripping the	19:35:33
10	voices away of rural California, and it utilized	19:35:35
11	their -- they utilized their means --	19:35:38
12	Q You've -- you've answered my -- you've	19:35:44
13	answered my question.	19:35:46
14	And you also said that Proposition 50 would	19:35:48
15	get rid of Congressman Kevin Kiley; yes?	19:35:51
16	A Yes.	19:35:55
17	Q And Congressman Kiley is a Republican too;	19:35:55
18	yes?	19:36:01
19	A Yes.	19:36:01
20	Q And you brought back up Senator Gonzalez's	19:36:01
21	statement that Proposition 50 was a partisan	19:36:07
22	gerrymander; yes?	19:36:10
23	A Yes.	19:36:10
24	Q Why did you bring up her statement again?	19:36:11
25	A So that way people could see how their voices	19:36:14

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1	were being stripped through the games that were	19:36:19
2	being played.	19:36:22
3	Q And then later on you say they want to send	19:36:27
4	more of their representatives back to Washington.	19:36:31
5	Did I get that right?	19:36:36
6	A I believe so. I don't know if we listened to	19:36:37
7	that part, but probably.	19:36:40
8	Q Well, I'll represent to you that it's in the	19:36:42
9	audio file in that exhibit, and it sounds like you	19:36:45
10	agree with me that you would have said that; yes?	19:36:52
11	A Yeah.	19:36:55
12	Q And they want to send more of their	19:36:56
13	representatives back to Washington. The "they"	19:37:00
14	there is California Democrats, right?	19:37:03
15	A Yes.	19:37:06
16	Q So moving on from that interview, I want to	19:37:07
17	ask: During the campaign season for Proposition 50,	19:37:13
18	did you ever make any social media posts that said	19:37:18
19	Proposition 50 benefitted Latinos?	19:37:23
20	A Did I make any social media post that	19:37:30
21	specifically said that?	19:37:34
22	Q Yes.	19:37:35
23	A I don't believe I made any social media posts	19:37:36
24	that specifically said that.	19:37:41
25	Q Did you make any social media posts during	19:37:43

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1	the campaign about Proposition 50 that used the term	19:37:46
2	Voting Rights Act or VRA?	19:37:50
3	A I'm not sure. I don't -- I don't think I	19:37:54
4	did. But I actually have quite a few posts out	19:37:56
5	there about the Voter Rights Act.	19:38:02
6	Q During the campaign?	19:38:04
7	A I'm not sure. I just know that there were	19:38:05
8	some that I had referred to.	19:38:09
9	Q Well, let me ask you this: Did you make	19:38:11
10	social media posts after the filing of this lawsuit	19:38:14
11	that said Proposition 50 was about race?	19:38:19
12	A I had made some, yes.	19:38:21
13	Q Did you make social media posts before this	19:38:23
14	lawsuit that said Proposition 50 was about race?	19:38:26
15	A Well, I was -- the questions that I had asked	19:38:29
16	about protecting communities of interest, that was a	19:38:32
17	social media post about race. Yes.	19:38:36
18	Q What's your understanding of the term	19:38:39
19	community of interest?	19:38:42
20	A As defined under the -- it's in the	19:38:44
21	legislation, communities of interest having to deal	19:38:48
22	with race, sex, geographical lines.	19:38:52
23	And not only that, I often talk about how --	19:38:56
24	in a lot of those posts, how I'm the first	19:38:57
25	Polynesian ever elected to the Legislature, and	19:38:58

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103

1 how -- why my District, which is a very white 19:39:03
2 district, voted the most minority in the State of 19:39:07
3 California. I had talked about that often, in both 19:39:11
4 the radio, on the dais. 19:39:16

5 Actually, while questioning one of the 19:39:18
6 Independent Redistricting Commissioners, I even told 19:39:18
7 her that it is an honor to be the first Polynesian 19:39:21
8 ever elected in a district that is: One, very 19:39:25
9 white, but also, to be a part of the process when it 19:39:29
10 came to the Redistricting Committee -- or, 19:39:32
11 Commission, when they were drawing the lines prior. 19:39:36

12 Q You mentioned earlier that you would go to 19:39:37
13 the Independent Redistricting Commission hearings, 19:39:40
14 right? 19:39:41

15 A I would call in. 19:39:41

16 Q You would listen to their proceedings? 19:39:43

17 A Yes. 19:39:45

18 Q Did you gain familiarity with redistricting 19:39:46
19 terms and principles while doing that? 19:39:51

20 A Yes, somewhat. 19:39:55

21 Q Would there be -- sorry. Finish your answer. 19:39:57

22 A Well, I was going to say, as we talked about 19:39:59
23 in the beginning, acronyms like, LULAC. They had 19:40:05
24 CVAPs, all that stuff. So, yes. I'm familiar. 19:40:06

25 Q But you know the term CVAP, for example? 19:40:09

Transcript of David Tangipa
Conducted on December 5, 2025

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1	A Yes. But I couldn't tell you what CVAP	19:40:14
2	stands for. But I understand what it means.	19:40:19
3	Q Would they ever talk about gerrymandering	19:40:21
4	during those hearings?	19:40:23
5	A On the Independent Redistricting Commission?	19:40:24
6	Q Yes.	19:40:27
7	A I think maybe people who called in, sometimes	19:40:28
8	the terms, but I'm not -- I'm not too familiar.	19:40:34
9	Q So going back to your social media posts, you	19:40:37
10	agreed with me that since the filing of this lawsuit	19:40:40
11	you've made social media posts that use the word	19:40:44
12	race or racial; yes?	19:40:48
13	A During the entire process, I had talked about	19:40:53
14	race.	19:40:57
15	Q Well, let me -- let me step back, and I'm	19:40:58
16	going to ask very specific questions.	19:41:02
17	Since the filing of this lawsuit, you have	19:41:04
18	made social media posts that use the words race or	19:41:07
19	racial; yes?	19:41:12
20	A I believe so. I do -- actually, I post a	19:41:13
21	lot, so I believe so. I do believe I've used that	19:41:16
22	term, VRA. A couple others.	19:41:20
23	Q Do you recall tweeting yesterday the	19:41:48
24	following, in response to a tweet from Governor	19:41:54
25	Newsom Press Office, quote: You used race to	19:41:59

Transcript of David Tangipa
Conducted on December 5, 2025

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1	justify the Prop 50 maps, end quote.	19:42:03
2	Do you recall that?	19:42:08
3	A Yes.	19:42:10
4	Q That was after the filing of this lawsuit;	19:42:13
5	yes?	19:42:15
6	A Yes.	19:42:15
7	Q Did you ever use the phrase "race to justify	19:42:16
8	the Prop 50 maps" before the filing of this lawsuit?	19:42:19
9	A I believe on the -- on the dais when I was	19:42:25
10	asking the Elections Committee talking about race.	19:42:30
11	Q Well, I'm asking about social media posts	19:42:34
12	during the campaign, or at least prior to Election	19:42:38
13	Day: Did you ever make any post about	19:42:39
14	Proposition 50, social media post, of any kind that	19:42:42
15	used the term race or racial, prior to the filing of	19:42:46
16	this lawsuit?	19:42:49
17	A Well, the one where I questioned Lorena	19:42:50
18	Gonzalez is about race.	19:42:58
19	Q Did you use the term race or racial?	19:42:59
20	A I -- I mean, in that transcript I'm talking	19:43:01
21	about protecting communities of interest, which is	19:43:04
22	defined in California having to deal with race.	19:43:04
23	Q Okay. I'm going to ask my question one last	19:43:10
24	time: Did you make any social media post prior to	19:43:13
25	Election Day that used the term expressly, race or	19:43:16

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1	racial?	19:43:22
2	A To the best of my knowledge, I don't know if	19:43:23
3	I put specifically out there the term just race.	19:43:26
4	Q Prior to election -- strike that.	19:43:42
5	Prior to Election Day, did you ever put out a	19:43:45
6	social media post about Proposition 50 that used the	19:43:49
7	word Latino?	19:43:54
8	A I don't believe so. I'm not sure.	19:43:56
9	ATTORNEY DODGE: I'm about to move on to a	19:44:08
10	slightly different topic. So I just want to offer a	19:44:11
11	break again to either the deponent or the Court	19:44:19
12	Reporter. It's been a little less than an hour	19:44:22
13	so -- but I just, because it's a change in topic, I	19:44:22
14	just want to make that offer.	19:44:24
15	ATTORNEY ROSENBERG: I could use a	19:44:24
16	five-minute break.	19:44:27
17	ATTORNEY DODGE: Great. We'll be back at	19:44:28
18	7:49 Pacific, and if we could go off the record.	19:44:32
19	THE VIDEOGRAPHER: Stand by.	19:44:39
20	We're going off the record. The time is	19:44:41
21	7:44.	19:44:44
22	(Recess from 7:44 p.m. until 7:51 p.m.)	19:44:45
23	THE VIDEOGRAPHER: We're back on the record.	19:51:47
24	The time is 7:51.	19:51:50
25	ATTORNEY DODGE: Welcome back, Mr. Tangipa.	19:51:53

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1	Can we please pull up Tab 11, and label that	19:52:04
2	Tangipa Exhibit 11?	19:52:15
3	ATTORNEY MEUSER: I don't believe you marked	19:52:15
4	the video 10 as Exhibit 10. Do you want to do that?	19:52:26
5	ATTORNEY DODGE: That's -- yeah. That's my	19:52:27
6	oversight.	
7	If we could mark the prior audio/visual file	
8	as Exhibit 10?	
9	Thank you for flagging that, Counsel.	
10	ATTORNEY MEUSER: I wouldn't swear on a stack	
11	of bibles that you didn't forget. I just didn't	
12	remember you doing it, so...	
13	ATTORNEY DODGE: Why don't we ask Jeremy:	19:52:30
14	Do we have an Tangipa Exhibit 10 yet?	19:52:32
15	THE AV TECHNICIAN: Well, we do now. You	19:52:35
16	just said it, so...	19:52:44
17	ATTORNEY DODGE: Works for me. Great.	19:52:44
18	Well, in that case, can we pull up Tab 11 and	19:52:48
19	label it Tangipa 11.	19:52:54
20	(Tangipa Deposition Exhibit 11 marked for	
21	identification and attached to the transcript.)	19:52:56
22	BY ATTORNEY DODGE:	19:52:56
23	Q Do you recognize this document at all,	19:52:57
24	Mr. Tangipa?	19:52:59
25	Feel free to scroll through it if you need	19:53:03

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1	to.	19:53:06
2	A Yes. I do.	19:53:07
3	Q Can you tell me what this exhibit is?	19:53:08
4	A This is the lawsuit, but I think this is the	19:53:12
5	original one before the DOJ signed on.	19:53:17
6	Q And I'll represent to you that in the legal	19:53:20
7	world, this is what's called a complaint. And it's	19:53:23
8	the document that initiates a lawsuit.	19:53:28
9	Does that make sense?	19:53:31
10	A Got it. Yes. So thank you for --	19:53:31
11	Q And I -- oh. I didn't mean to speak over	19:53:33
12	there, sir. What were you saying?	19:53:34
13	A No. I was just saying: Thank you for that	19:53:34
14	clarity.	19:53:41
15	Q Yeah. So when I say the Complaint, I'm	19:53:41
16	referring specifically to this document that starts	19:53:46
17	the lawsuit; fair?	19:53:47
18	A Yes.	19:53:47
19	Q And do you recall if you reviewed this before	19:53:47
20	it was filed with the Court?	19:53:50
21	A Yes.	19:53:51
22	Q And in your review, you presumably wanted to	19:53:55
23	make sure, to the best of your knowledge, it was	19:54:03
24	accurate and correct, right?	19:54:04
25	A Yes.	19:54:06

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1	Q I'd like to draw your attention to the first	19:54:07
2	numbered paragraph, which is just a little bit below	19:54:13
3	where you are right now.	19:54:17
4	Do you see Paragraph 1?	19:54:20
5	A Yes.	19:54:25
6	Q I'm going to actually move on from this and	19:54:54
7	go on to Page 4 of this document. I think it's PDF	19:54:57
8	Page 5, but it's numbered 4. And if you could keep	19:55:02
9	scrolling up just a little bit.	19:55:12
10	Actually, I apologize. If you could go to	19:55:24
11	the prior page and go to Paragraph 6? It's a little	19:55:27
12	further up. Great.	19:55:32
13	And do you see this paragraph's talking about	19:55:33
14	you?	19:55:36
15	A Yes.	19:55:36
16	Q And it states that you're a registered voter	19:55:37
17	in District 21; yes?	19:55:47
18	(Reporter clarification.)	19:55:51
19	A Yes.	19:55:51
20	Q And I should be specific: That's	19:55:52
21	Congressional District 21?	19:55:57
22	A Yes. Congressional District 21 under the	19:56:00
23	Prop 50 map.	19:56:06
24	Q Perfect. That was my next question.	19:56:08
25	Are you familiar with the racial makeup of	19:56:09

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1	Congressional District 21 under the Proposition 50	19:56:13
2	map?	19:56:17
3	A A little bit. I believe it's a	19:56:17
4	Hispanic-majority district.	19:56:21
5	Q And it was a Hispanic-majority district	19:56:22
6	before enactment of Proposition 50; yes?	19:56:27
7	A Yes. It was a VRA district prior to as well.	19:56:32
8	Q Do you know whether the share of Hispanic	19:56:38
9	voters in Congressional District 21 changed	19:56:40
10	substantially as a result of Proposition 50?	19:56:44
11	A Can you repeat that again?	19:56:50
12	Q Do you know if the Hispanic voting share of	19:56:52
13	Congressional District 21 was altered substantially	19:56:57
14	as a result of Proposition 50?	19:57:03
15	A That I -- I'm not too sure. They did not	19:57:05
16	give us the information when it came to making up	19:57:11
17	all of those lines and how they were using the VRA	19:57:14
18	to redistrict.	19:57:19
19	Q And you haven't looked up that information in	19:57:20
20	the three months or so since the Legislature	19:57:24
21	considered Proposition 50?	19:57:28
22	A There was an election that went on, and I	19:57:29
23	really -- you know, we saw what had happened, and	19:57:33
24	from the website that you had seen, you know, it	19:57:36
25	showed kind of the changes to the maps. But, you	19:57:40

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1	know, realistically I was going off of what the	19:57:45
2	authors were saying when it comes to their use in	19:57:51
3	race-based redistricting.	19:57:53
4	Q So as your website showed, you knew how the	19:57:53
5	party registration metrics of CDs 22, 21 and 13	19:57:56
6	changed, right?	19:58:04
7	A Yes.	19:58:04
8	Q But sitting here today, you can't say how the	19:58:05
9	racial makeup of CD21 changed, right?	19:58:09
10	A Yeah. I don't remember.	19:58:13
11	Q You do know it was a Latino-majority district	19:58:16
12	before Proposition 50; yes?	19:58:20
13	A Yes. I do.	19:58:21
14	Q And it's still a Latino-majority district	19:58:22
15	after Proposition 50; yes?	19:58:27
16	A Yes. I believe so. Yes.	19:58:29
17	Q Turning back to Paragraph 6 here, the last	19:58:31
18	sentence says: The challenged plan assigns him --	19:58:44
19	meaning David Tangipa -- to a district drawn with	19:58:50
20	race as the predominate factor causing stigmatic and	19:58:54
21	representational injury.	19:59:04
22	Did I get that right?	19:59:06
23	A Yes.	19:59:08
24	Q What do you understand the term stigmatic and	19:59:08
25	representational injury to mean?	19:59:13

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1	A That it creates a barrier because they used	19:59:15
2	race in mind for the district.	19:59:19
3	Q So would you tell your constituents in your	19:59:32
4	Assembly district that you are harmed because of	19:59:38
5	race?	19:59:39
6	A What I tell my constituents, pretty much	19:59:39
7	verbatim, is that it is very confusing that I	19:59:44
8	represent a predominantly white district as an	19:59:47
9	Assemblyman, but I now live in a VRA district with	19:59:50
10	no justification on why they drew the maps and the	19:59:57
11	lines the way that they did, using race as the	19:59:59
12	predominant factor.	20:00:03
13	Q We both agree what you live in what you term	20:00:07
14	a VRA district prior to Proposition 50; yes?	20:00:10
15	A No. I did not. I live in a Congressional	20:00:10
16	non-VRA district prior to Proposition 50. I now	20:00:15
17	live in a VRA district with CD21, and that was	20:00:19
18	because the lines had changed.	20:00:24
19	So I used to be in Vince Fong's District, and	20:00:26
20	now I am in Jim Costa's district, but my Assembly	20:00:33
21	District remained the same, which is a predominantly	20:00:37
22	white district.	20:00:41
23	So they are the ones who made these lines.	20:00:42
24	And again, the authors had stated that they were	20:00:45
25	taking in Voter Rights Act. And even the person who	20:00:47

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1	made the map stated that they made more	20:00:51
2	Latino-majority districts, and I'm just taking them	20:00:51
3	for their word.	20:00:54
4	Q What Congressional District did you live in	20:00:55
5	prior to Proposition 50?	20:00:59
6	A CD21 -- 22.	20:01:04
7	Q I see. And you're saying here that CD22 was	20:01:06
8	not a VRA district when you lived in it?	20:01:10
9	A CD22 was not a VRA district. All of Clovis	20:01:12
10	used to be kept together.	20:01:22
11	Maybe 22 is wrong. It might be CD20.	20:01:34
12	Whichever district was Vince Fong's district.	20:01:39
13	Q Focusing on CD21 -- I appreciate that	20:02:09
14	clarification, that you were in Vince Fong's	20:02:15
15	district. And it's your best understanding that was	20:02:18
16	District 20; yes?	20:02:20
17	A Yes. I believe it's -- I believe it's 20	20:02:21
18	because Congressman Valadao is 22, as we spoke about	20:02:24
19	earlier. Sorry. Just getting all the numbers mixed	
20	up.	20:02:29
21	Q No. That's fair. California's got a lot of	20:02:29
22	Congressional Districts.	20:02:33
23	A Yeah.	
24	Q But focusing on CD21, you did testify earlier	20:02:37
25	that that was previously Latino-majority; yes?	20:02:41

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1	A Yes. CD21 was a VRA Latino-majority	20:02:44
2	district.	20:02:50
3	ATTORNEY DODGE: Can we pull up Tab 12, and	20:03:44
4	label it Tangipa 12?	20:03:49
5	(Tangipa Deposition Exhibit 12 marked for	
6	identification and attached to the transcript.)	20:04:18
7	BY ATTORNEY DODGE:	20:04:18
8	Q Do you recognize this document?	20:04:19
9	A Yes. I do.	20:04:20
10	Q And this is a post to your personal X account	20:04:21
11	on November 13, 2025; yes?	20:04:27
12	A Yes.	20:04:30
13	Q And that would have been about a week or so	20:04:30
14	after you filed the lawsuit, right?	20:04:35
15	A Yes.	20:04:37
16	Q And this tweet is about Proposition 50; yes?	20:04:38
17	A It's about the DOJ signing onto our lawsuit.	20:04:42
18	Q About Proposition 50?	20:04:47
19	A Yes.	20:04:48
20	Q And you believed the post to be true when you	20:04:51
21	made it --	20:04:59
22	A Wait. You cut out for a second there.	20:05:00
23	Q I apologize.	20:05:03
24	A What was that?	20:05:04
25	Q I asked: You believe this post -- strike	20:05:06

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1	that.	20:05:09
2	You believed in this post when you made it;	20:05:09
3	yes?	20:05:24
4	A Yes. I believe in this post.	20:05:26
5	ATTORNEY DODGE: Could we go to Tab 13, and	20:05:43
6	label that Tangipa 13?	20:05:47
7	(Tangipa Deposition Exhibit 13 marked for	
8	identification and attached to the transcript.)	20:06:21
9	BY ATTORNEY DODGE:	20:06:21
10	Q Do you recognize this document?	20:06:21
11	A Yes.	20:06:22
12	Q And this is a post to your personal X account	20:06:24
13	on November 19, 2025; yes?	20:06:27
14	A Yes.	20:06:31
15	Q And this is also after the filing of the	20:06:33
16	lawsuit; yes?	20:06:38
17	A Yes.	20:06:39
18	Q And you used the term "partisan gain" in the	20:06:41
19	text of this post; yet -- yes?	20:06:45
20	A Yes.	20:06:51
21	Q And you believed in the truth of this post	20:06:55
22	when you made it; yes?	20:06:58
23	A Yes.	20:07:02
24	ATTORNEY DODGE: Could we pull up Tab 14, and	20:07:32
25	label it Tangipa 14?	20:07:36

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1	(Tangipa Deposition Exhibit 14 marked for	
2	identification and attached to the transcript.)	20:08:08
3	BY ATTORNEY DODGE:	20:08:08
4	Q Do you recognize this document?	20:08:09
5	A Yes.	20:08:10
6	Q And this is a press release you issued on	20:08:10
7	November 5, 2025; right?	20:08:14
8	A Yes.	20:08:18
9	Q That would be the day after California voters	20:08:20
10	approved Proposition 50; right?	20:08:24
11	A Yes.	20:08:27
12	Q And do you understand your lawyers produced	20:08:30
13	this document to the parties in this litigation,	20:08:33
14	right?	20:08:36
15	A Yes. I sent it to them.	20:08:37
16	Q Did you send any of the other exhibits we've	20:08:43
17	discussed to your lawyers?	20:08:47
18	A I sent any -- the requests that were made for	20:08:52
19	me for emails that had to deal with Prop 50, and I	20:08:58
20	sent that all to them.	20:09:05
21	Q Can we go to the next page of this?	20:09:10
22	Sorry. I think you might have to scroll	20:09:14
23	down, sir.	20:09:19
24	A Oh, sorry. I thought we were looking at	20:09:21
25	another exhibit. My bad.	20:09:24

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1	Q No, no, no. Don't worry about it. If you	20:09:25
2	could just go to the next page of this guy.	20:09:28
3	Okay. You say here: The people of	20:09:31
4	California deserve fair maps drawn by law, not by	20:09:53
5	politics.	20:09:59
6	Do you see that?	20:10:00
7	A Yes.	20:10:01
8	Q Okay. You use the term politics there;	20:10:02
9	right?	20:10:05
10	A Yes.	20:10:05
11	Q And then you say, quote: Prop 50 is an	20:10:06
12	unconstitutional power grab that manipulates	20:10:10
13	Congressional boundaries for partisan gain under the	20:10:18
14	false pretense of protecting voter rights.	20:10:18
15	Did I get that part right?	20:10:27
16	A Yes.	20:10:27
17	Q And you use the term partisan gain there	20:10:28
18	again, right?	20:10:31
19	A Yes.	20:10:32
20	Q Is it fair to say you use the term partisan	20:10:38
21	gain a few times in reference to Proposition 50?	20:10:41
22	A Yes. I use partisan gain quite a bit,	20:10:45
23	because partisan can be racial. Partisan can be	20:10:50
24	political. Partisan can be all of that. That's --	20:10:59
25	it's a bias.	20:11:02

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1	Q Maybe one final question on this point, just	20:11:46
2	so it's clear.	20:11:51
3	Just so it's clear for the Court, it's your	20:11:52
4	testimony here today that when a person says	20:11:56
5	partisan gain, they may be referring to racial gain;	20:12:02
6	is that your testimony today?	20:12:09
7	ATTORNEY MEUSER: I'm going to object to the	20:12:10
8	point that that calls for speculation.	20:12:13
9	Q Okay. Is it your testimony to the Court that	20:12:14
10	when you use the term partisan gain repeatedly over	20:12:20
11	the course of an election campaign, you, in fact,	20:12:24
12	mean racial gain?	20:12:26
13	A I believe that it could mean multiple	20:12:27
14	reasons, is what partisan stands for. And I think	20:12:34
15	when we -- when we saw other exhibits, I actually	20:12:35
16	separate sometimes between partisan gain and	20:12:37
17	political gain. And I -- I actually share that in	20:12:42
18	some of the exhibits that you show.	20:12:46
19	And when I'm just talking generally what this	20:12:48
20	is, and when I say the terms partisan, it means this	20:12:49
21	entire biased, weaponized, stolen process, that was	20:12:52
22	lied to, to the California people, done by the	20:12:59
23	people in charge.	20:13:02
24	Q So your testimony to the Court, as an	20:13:03
25	Assemblyman who majored in political science, who	20:13:09

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1	listened in to IRC hearings, is that the term	20:13:14
2	partisan doesn't mean partisan party politics	20:13:16
3	necessarily --	20:13:19
4	A It does not only --	
5	Q Is that right?	20:13:20
6	A It does not only mean party politics. That	20:13:20
7	is not what partisan -- you can have a racial	20:13:26
8	partisan. You can have a political partisan. You	20:13:28
9	can have geographical partisanship to favor one city	20:13:32
10	over the other. That is found very easily.	20:13:35
11	And again, in some of the exhibits that you	20:13:39
12	pulled up, there are times where I separate, and I	20:13:42
13	say the terms partisan gain and political	20:13:45
14	gerrymandering. I share that multiple times.	20:13:48
15	Q Well, I appreciate -- I appreciate you -- I	20:13:53
16	appreciate you saying that. Because then you would	20:13:57
17	agree with me that throughout the campaign and	20:13:59
18	discussion and public debate over Proposition 50,	20:14:02
19	you told voters that it was about political gain;	20:14:08
20	yes?	20:14:14
21	A The partisan, just like in this email shows,	20:14:15
22	partisan gain --	20:14:19
23	Q Well, sir, was it --	20:14:21
24	A -- all of it.	20:14:22
25	Q Fair enough.	20:14:24

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1	It was your testimony I think twice within	20:14:25
2	the last five minutes that you also frequently use	20:14:27
3	the term political gain in reference to	20:14:31
4	Proposition 50; yes?	20:14:34
5	A I have -- I have used that term as well.	20:14:34
6	Q Shifting gears a little bit, during the	20:14:40
7	debate on Proposition 50, you would make reference	20:14:44
8	to the prior map that was drawn by the Redistricting	20:14:48
9	Commission; right?	20:14:53
10	A Yes. The original maps?	20:14:58
11	Q Sure.	20:15:02
12	And you express support for that map, and for	20:15:05
13	the Redistricting Commission; right?	20:15:09
14	A Yes.	20:15:12
15	Q And one of the things you would like out of	20:15:14
16	this lawsuit is to return to that map; fair?	20:15:16
17	A Yes.	20:15:21
18	Q Why do you support the 2021 map?	20:15:23
19	A Well, there was a ballot initiative that put	20:15:28
20	the hands in mapmaking under an Independent	20:15:33
21	Redistricting Commission, here in the State of	20:15:39
22	California from 2010. In the earlier transcript in	20:15:40
23	one of our exhibits, I talked about how that was the	20:15:43
24	gold standard. And instead of, in my opinion, doing	20:15:47
25	the thing that everybody hates, which is just	20:15:52

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1	gerrymandering in general, we should put it under a	20:15:57
2	Citizens Redistricting Commission, protect the gold	20:16:01
3	standard, and actually lead by example for the rest	20:16:05
4	of the nation.	20:16:07
5	Q So you thought the 2021 map was a lawful map;	20:16:09
6	fair to say?	20:16:15
7	ATTORNEY MEUSER: I'm going to object to the	20:16:16
8	extent that it calls for a legal conclusion.	20:16:18
9	Q You can answer, sir.	20:16:24
10	A I believe that there was a process in place	20:16:25
11	that was done that followed the California	20:16:29
12	Constitution that voters put on back in 2010.	20:16:31
13	Q During the legislative debate on	20:16:57
14	Proposition 50, did you ever ask a witness whether	20:17:03
15	the prior map complied with the VRA, as you	20:17:05
16	understand it?	20:17:09
17	A I might have. I just don't remember.	20:17:11
18	ATTORNEY DODGE: Why don't we take about a	20:17:23
19	10-minute break, so I can go through my questions.	20:17:30
20	But otherwise, I might be ready to pass the	20:17:35
21	witness to State Counsel.	20:17:38
22	Can we take 10 minutes at this time? Is that	20:17:43
23	good with everyone?	20:17:46
24	Great. So --	20:17:50
25	ATTORNEY MEUSER: We can do that, but I would	20:17:50

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1	just ask the question: If we think that we could be	20:17:52
2	done by 9:00, so we don't have to all get back up	20:17:55
3	and do this tomorrow, would it make sense to have	20:17:59
4	the State start theirs while you review your	20:18:01
5	questions, and then you would come in and finish	20:18:05
6	off?	
7	But I just don't -- I don't want to rush it	20:18:06
8	if the State thinks that they have more than 40	
9	minutes, and we're going to go into tomorrow	
10	anyways, then we might as well take the 10-minute	
11	break.	20:18:14
12	ATTORNEY ROSENBERG: We should take the	20:18:14
13	10-minute break so that we have an opportunity to	20:18:18
14	confer.	20:18:24
15	ATTORNEY MEUSER: Okay. Take the 10-minute	20:18:24
16	break then.	20:18:27
17	ATTORNEY DODGE: I think that will be most	20:18:27
18	efficient for everyone.	20:18:29
19	THE VIDEOGRAPHER: Stand by.	20:18:30
20	We're going off the record. The time is	20:18:32
21	8:18.	20:18:34
22	(Recess from 8:18 p.m. until 8:36 p.m.)	20:18:35
23	THE VIDEOGRAPHER: We're back on the record.	20:36:29
24	The time is 8:36.	20:36:31
25	ATTORNEY DODGE: Mr. Tangipa, are there any	20:36:39

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1	questions I should have asked you today?	20:36:41
2	THE WITNESS: No.	20:36:43
3	ATTORNEY DODGE: You'll get by your second	20:36:48
4	deposition that that's mostly a joke.	20:36:51
5	So I'm going to pass the witness to States'	20:36:55
6	Attorneys.	20:36:58
7	I'm going to -- given that we are in the	20:36:58
8	somewhat unique circumstance of, you know, likely	20:37:01
9	splitting this deposition over two days, I'm going	20:37:02
10	to, you know, advise the witness -- I'm sure he	20:37:05
11	already appreciates this -- that during breaks in a	20:37:10
12	deposition, it is not proper to speak with Counsel	20:37:12
13	about the contents of the deposition. And that	20:37:17
14	obviously applies with particular force given the	20:37:18
15	prolonged break we'll be taking going into tomorrow.	20:37:20
16	So I just want that to be very clear to the	
17	witness and on the record, and I have every	20:37:26
18	confidence he will adhere to that Court rule.	
19	With that, I will pass the witness to	20:37:29
20	Ms. Rosenberg.	20:37:32
21	ATTORNEY ROSENBERG: Thank you very much.	20:37:35
22	And hello, David. Nice speaking with you.	20:37:37
23	So as Chris alluded to there, we think given	20:37:43
24	that we have 23 minutes left for the evening, and	20:37:43
25	that's not enough time for the State to get through	20:37:47

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1	our questioning, we'd like to take a break here, let	20:37:50
2	everybody, you know, get some rest, and we'll come	20:37:52
3	back at 8:00 tomorrow morning as planned.	20:37:55
4	THE WITNESS: Is there -- is there a chance	20:38:00
5	that we can go, even if we need to add an extra	20:38:03
6	hour, or...	20:38:07
7	ATTORNEY ROSENBERG: No. No. That -- that	20:38:07
8	won't work. And so we'll need to reconvene tomorrow	20:38:08
9	as planned at 8:00.	20:38:13
10	THE WITNESS: Okay.	20:38:14
11	ATTORNEY ROSENBERG: Okay. Well, thank you	20:38:19
12	very much for your time so far, and we will look	20:38:20
13	forward to seeing you in the morning.	20:38:26
14	And I think, unless there are any objections,	20:38:28
15	we can go off the record now.	20:38:30
16	THE VIDEOGRAPHER: This marks the end of the	20:38:33
17	of deposition of David Tangipa. We're going off the	20:38:36
18	record. The time is 8:38.	20:38:40
19	ATTORNEY ROSENBERG: Just a clarification	20:38:42
20	there. We are not ending the deposition of Assembly	20:38:45
21	Member Tangipa. We are pausing it until tomorrow's	20:38:46
22	session.	20:38:48
23	THE VIDEOGRAPHER: We are pausing the	20:38:50
24	deposition at 8:38.	20:38:52
25	ATTORNEY ROSENBERG: Thank you.	20:38:54

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1 (The videotaped deposition of DAVID TANGIPA
2 recessed at 8:38 p.m.)
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CERTIFICATE OF SHORTHAND REPORTER

I, Kadi A. Harmon, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was not discussed; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 10th day of December, 2025.

My commission expires:
December 18, 2026



NOTARY PUBLIC IN AND FOR THE
STATE OF NEW YORK

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Date: December 5, 2021

Case: Tangipa, et al. v. Newsum, et al.

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WORLDWIDE COURT REPORTING & LIAISON TECHNOLOGY

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - - - -x

DAVID TANGIPA, et al., :

Plaintiffs, :

and :

UNITED STATES OF AMERICA, :

Plaintiff-Intervenor, :

v. : 2:25-cv-10616-
JLS-WLH-KKL

GAVIN NEWSOM, in his Official :
Capacity as the Governor of :
California, et al., :

Defendants, :

and :

DEMOCRATIC CONGRESSIONAL :
CAMPAIGN COMMITTEE, et al., :

Defendant-Intervenors. :

- - - - -x

Videotaped Deposition of

DAVID TANGIPA

Volume II

Conducted Virtually

Saturday, December 6, 2025

8:11 a.m. PST

Job No.: 612156
Pages: 127 - 157
Reported By: Kadi A. Harmon

Transcript of David Tangipa, Volume 2
Conducted on December 6, 2025

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1 Deposition of DAVID TANGIPA, conducted
2 virtually by videoconference. All parties attended
3 remotely.
4
5
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7
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9

10 Pursuant to notice, before Kadi A. Harmon,
11 Court Reporter and Notary Public in and for the
12 State of New York.
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Transcript of David Tangipa, Volume 2
Conducted on December 6, 2025

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Transcript of David Tangipa, Volume 2
Conducted on December 6, 2025

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Jeremy Dineen, Technician

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C O N T E N T S

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By Attorney Rosenberg	132

E X H I B I T S

(Attached to the Transcript.)

TANGIPA DEPOSITION EXHIBIT	PAGE
Exhibit 15 Defendants First Set of	136
Requests For Production of	
Documents to Plaintiffs and	
Plaintiff-Intervenor	

P R E V I O U S L Y M A R K E D E X H I B I T S

(Copy of Original Attached to the Transcript.)

TANGIPA DEPOSITION EXHIBIT	PAGE
Exhibit 5 Reject50.com	151

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1	P R O C E E D I N G S	
2	THE VIDEOGRAPHER: Here begins Media Number 1	08:11:34
3	in the videotaped deposition of David Tangipa,	08:11:37
4	Day 2, in the matter of Tangipa, et al. versus	08:11:43
5	Newsom, et al.	08:11:47
6	Today's date is December 6th, 2025. The time	08:11:50
7	on the video monitor is 8:11.	08:11:56
8	All oaths and stipulations still remain in	08:12:00
9	place.	08:12:08
10	ATTORNEY ROSENBERG: Great.	08:12:12
11	May Counsel proceed?	08:12:12
12	THE VIDEOGRAPHER: Yes. Thank you.	08:12:15
13	ATTORNEY ROSENBERG: Thank you so much.	08:12:18
14	Well, welcome back everybody to our second	08:12:20
15	session today. Thank you for joining us.	08:12:23
16	E X A M I N A T I O N	08:12:47
17	BY ATTORNEY ROSENBERG:	
18	Q I just wanted to start off at the top here	08:12:26
19	with just a couple of reminders about the procedure	08:12:27
20	today. And also a question, I just wanted to make	08:12:27
21	sure: David, you are prepared to proceed today?	08:12:30
22	A Yes.	08:12:34
23	Q And there's no reason that you wouldn't be	08:12:35
24	prepared to give full and honest testimony today?	08:12:39
25	A No reason I wouldn't give full and honest	08:12:45

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1 testimony.

2 Q Okay. Great.

3 And to clarify on that, it's just a question
4 that we always ask in depositions: You haven't had
5 anything to drink or ingested any substances that
6 would affect your ability to give testimony today;
7 right?

08:12:49

08:12:50

08:12:55

08:12:58

8 A None.

08:12:58

9 Q Great.

08:12:59

10 Okay. So just a reminder that you are under
11 oath to tell the truth under the penalty of perjury.

08:12:59

08:13:00

12 My name is Jenni Rosenberg. I'm a Deputy

08:13:06

13 Attorney General with the California Attorney

14 General's Office, and I represent the State

08:13:09

15 Defendants here, so California Governor Newsom and

08:13:11

16 the Secretary of State Shirley Weber.

08:13:17

17 In order for us to proceed today, just like

08:13:22

18 yesterday, some ground rules. Please when you're

08:13:22

19 answering questions, no hmm-mmms, shrugs, nodding

08:13:23

20 yes. We would like a yes or no answer, or at least

08:13:26

21 a full sentence, instead of any -- any nods or

08:13:30

22 gestures.

08:13:35

23 Of course, we want to make sure that we don't

08:13:35

24 talk over each other, and also that we give the

08:13:39

25 Court Reporter time to check in if she didn't hear

08:13:39

Transcript of David Tangipa, Volume 2
Conducted on December 6, 2025

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1	something, or if -- which will probably be the case,	08:13:42
2	if I speak too quickly, she may jump in and tell me	08:13:45
3	to slow down.	08:13:50
4	So please make sure to give a little bit of	08:13:52
5	time in your responses, or give time for your	08:13:54
6	attorney to object, if he needs to object.	08:13:54
7	Let's see. Again, just as in yesterday, if	08:13:57
8	there's a point where you need a glass of water, or	08:14:03
9	if you get hungry, if you need to take a five-minute	08:14:07
10	break, that's no problem. We would just ask that we	08:14:09
11	take any breaks after you have completed answering a	08:14:11
12	question rather than in the middle of a question.	08:14:15
13	Any questions about the procedure today?	08:14:16
14	A Not at all.	08:14:18
15	ATTORNEY ROSENBERG: Okay. Great.	08:14:34
16	So I'm just checking with my co-counsel. I	08:14:21
17	think we had -- we had a mix up on an exhibit that	08:14:26
18	we were going to use first today.	08:14:31
19	Harry, are you able to send the exhibit over	08:14:34
20	to the Tech, that would be new Exhibit 15?	08:14:38
21	ATTORNEY KIM: Yeah. It will be there in	08:14:46
22	about five seconds.	08:14:50
23	ATTORNEY ROSENBERG: Great.	08:14:53
24	And Jeremy, are you able to pull up that new	08:14:58
25	Exhibit 15?	08:15:03

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Conducted on December 6, 2025

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1	THE AV TECHNICIAN: I am waiting for -- is it	08:15:06
2	going to have the same -- oh. Never mind. I've got	08:15:09
3	it now. It's just going to take me a minute to	08:15:18
4	rework everything, so please stand by.	08:15:23
5	ATTORNEY ROSENBERG: Okay. Great. Sorry	08:15:26
6	about that.	
7	BY ATTORNEY ROSENBERG:	
8	Q All right. In the interim, I'll just say, I	08:15:26
9	know yesterday we touched very briefly on discovery	08:15:29
10	responses, so my next set of questions are going to	08:15:29
11	be about those.	08:15:34
12	And I know we talked about the fact that you	08:15:35
13	were asked to provide your social media handles, and	08:15:39
14	also that you searched for and disclosed emails that	08:15:42
15	you sent out. I wanted to ask if you had the	08:15:45
16	opportunity to check for any emails that you	08:15:48
17	received that would have been responsive to	08:15:55
18	discovery, and we'll talk a little bit more about	08:15:58
19	them in a moment.	
20	But did you have a chance to search for	08:15:59
21	emails that you received, in addition to emails you	
22	sent out?	08:16:01
23	A Emails that I received from who?	08:16:01
24	Q From anyone.	08:16:05
25	A So in general, responses to those emails?	08:16:07

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1	Q	Responsive to our discovery requests.	08:16:10
2	A	So those were, like, emails through a, like a	08:16:15
3		third-party vendor. Are you asking for those as	08:16:20
4		well? Because I don't -- that would be something --	08:16:23
5		that'd be additional requests from the mass public.	08:16:25
6	ATTORNEY ROSENBERG:	No.	08:16:59
7		Okay. So we'll wait until the Tech has had	08:16:31
8		an opportunity to upload those requests, and we'll	08:16:37
9		walk through them then.	08:16:40
10		Jeremy, how are we doing?	08:17:00
11	THE AV TECHNICIAN:	Just a few seconds.	08:17:06
12	ATTORNEY ROSENBERG:	Great. Thank you.	08:17:09
13		It's Saturday morning. Everything's moving a	08:17:11
14		little slowly.	08:17:14
15	THE WITNESS:	I know this is exactly what we	08:17:39
16		all wanted to do on Saturday morning.	08:17:42
17		(Tangipa Deposition Exhibit 15 marked for	
18		identification and attached to the transcript.)	08:18:13
19	BY ATTORNEY ROSENBERG:		08:18:17
20	Q	Okay. So we are showing you what has been	08:18:17
21		marked as Exhibit 15 here.	08:18:20
22		David, if you would take a moment to take a	08:18:23
23		look through this document and let me know, first of	08:18:26
24		all, whether you have ever seen it before?	08:18:30
25	A	Yes. I've seen this before.	08:18:38

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1	Q Great.	08:18:39
2	And what is it?	08:18:41
3	A I believe this was referred to as the	08:18:42
4	Complaint for the lawsuit.	08:18:46
5	Q No. Let's scroll to the first page.	08:18:49
6	A Okay.	08:18:52
7	Q Could you read the title of the document for	08:18:53
8	me, please?	08:18:56
9	And I could take you to where the title is.	08:18:58
10	A It's Defendants First Set of Requests For	08:18:58
11	Production of Documents to Plaintiffs and	
12	Plaintiff-Intervenor.	08:19:04
13	Q Okay.	08:19:04
14	A Yeah.	
15	Q So is this a document that you recall seeing,	08:19:04
16	or is this something new to you?	08:19:08
17	A No. I believe I've seen this. There's just	08:19:10
18	a lot of documents that were sent to me.	08:19:14
19	Q That is how litigation goes. I know --	08:19:16
20	A Yeah.	
21	Q -- in your job too, you see lots of documents	08:19:19
22	too.	
23	A I see a lot --	
24	Q So these --	
25	(Reporter clarification.)	08:19:30

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1	Q So these are, as you said, Defendant's first	08:19:30
2	set of requests for production of documents. These	08:19:34
3	are discovery requests.	08:19:35
4	If you can scroll down to the second page,	08:19:37
5	and I'd like you to take a look at Paragraph	08:19:41
6	Number 2 there that starts with: These requests.	08:19:47
7	Could you read that paragraph for us, please,	08:19:51
8	out loud?	08:19:54
9	A Starting from 2?	08:19:54
10	Q Starting from 2.	08:19:56
11	A Yeah. These requests seek all responsive	08:19:57
12	documents in the Challenger's possession, custody or	08:19:59
13	control, or the possession, custody, or control of	08:19:59
14	the Challenger's agents, employees, representatives,	08:20:02
15	accountants, attorneys, unless privileged, and all	08:20:06
16	other persons acting for the Challenger, or on the	08:20:10
17	Challenger's behalf.	08:20:12
18	Q Great. Thank you.	08:20:14
19	And then let's also go down to the fifth	08:20:16
20	page, where there are a set of definitions.	08:20:20
21	Great.	08:20:37
22	And if you could read Paragraph Number 2	08:20:37
23	starting with Challengers there?	08:20:40
24	A Challengers refers to all Plaintiffs and	08:20:41
25	Plaintiff-Intervenor, collectively and individually,	08:20:44

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1	as well as all current and former employees, agents,	08:20:47
2	representatives, and any other persons acting or	08:20:51
3	purporting on act -- to act on their behalf.	08:20:53
4	Q Great.	08:20:57
5	A Okay.	
6	Q We can stop there. Thank you.	08:20:58
7	You are a Plaintiff in this action; is that	08:20:59
8	correct?	08:21:02
9	A Yes.	08:21:02
10	Q Great. So given this definition, do you	08:21:03
11	understand yourself to be one of the Challengers?	08:21:06
12	A Yes.	08:21:08
13	Q Great.	08:21:09
14	Let's also take a look at Paragraph Number 3.	08:21:10
15	Could you read that for me, please?	08:21:13
16	A Communication means the transmittal in any	08:21:14
17	form: Electronic, written, typed --	
18	(Reporter clarification.)	08:21:28
19	A Communication means the transmittal in any	08:21:28
20	form: Electronic, written, typed, spoken, or	08:21:31
21	otherwise, of information, including but not limited	08:21:36
22	to, any email, text message, electronic message,	08:21:40
23	note, fax, memorandum, encrypted messages, or social	08:21:45
24	media post.	08:21:50
25	Q Great. Thank you.	08:21:50

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1	And then could you also read Paragraph	08:21:52
2	Number 4, starting with document please?	08:21:55
3	A Document means the original and all	08:21:57
4	non-identical copies and drafts of any handwritten,	08:22:00
5	printed, typed, recorded, digital, graphic or	08:22:04
6	photogenic material of any kind and nature,	08:22:09
7	including all drafts thereof, and all mechanical or	08:22:12
8	electronic sound recordings or transcripts thereof,	08:22:15
9	however produced or reproduced, and shall have	08:22:20
10	permitted the broadest possible meaning permitted	08:22:24
11	under Fed R. Civ. P34A.	08:22:25
12	Q Great.	08:22:31
13	And then the last definition to read here,	08:22:32
14	could you please read Paragraph 5, starting with	
15	non-privileged?	08:22:35
16	A Yeah.	08:22:35
17	Non-privileged means not protected by a legal	08:22:38
18	privilege, such as the attorney-client privilege.	08:22:40
19	Q Great. Thank you.	08:22:43
20	Let's scroll down to Page Number 6, and could	08:22:44
21	you please read for me the entirety of Request for	08:22:55
22	Production Number 1, starting with: All	08:22:58
23	non-privileged?	08:23:02
24	A All non-privileged documents and	08:23:03
25	communications in any Challenger's possession,	08:23:06

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1	custody, or control relating to both the 2025	08:23:10
2	California Congressional Redistricting and either	08:23:15
3	race or partisanship, including but not limited to,	08:23:19
4	documents and communications relating to the 2025	08:23:21
5	California Congressional redistricting that	08:23:25
6	reference race, politics, racial gerrymandering,	08:23:28
7	partisan gerrymandering, one party role, political	08:23:35
8	gain, political advantage, partisan gain, partisan	08:23:37
9	advantage, a power grab, Democrat, Democrats,	08:23:40
10	Republicans, Republican, Latinos, Latino, Voter	08:23:45
11	Rights Act, VRA, Hispanic or Hispanics, retaliation	08:23:51
12	or a response to districting elsewhere.	08:23:58
13	Q Great. Thank you so much.	08:24:01
14	So let me ask again: Have you read Request	08:24:01
15	for Production Number 1 before today?	08:24:05
16	A I did not read that. No.	08:24:08
17	Q Okay. Was it conveyed to you by anyone on	08:24:10
18	your team?	08:24:13
19	A Yes. I have talked to them about the	08:24:14
20	documents that they have requested from me.	08:24:17
21	Q But this -- the entirety of this request was	08:24:20
22	not conveyed to you; is that correct?	08:24:24
23	A No. They talked to me about the documents	08:24:27
24	that I was needing, and about the amount of anything	08:24:30
25	that had to do with politics, racial gerrymandering,	08:24:34

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1	all of that. And I conveyed to them that I --	08:24:39
2	ATTORNEY MEUSER: I'm going to stop you right	08:24:41
3	now because you're getting into attorney-client	08:24:43
4	communications, so --	08:24:43
5	ATTORNEY ROSENBERG: Sure.	08:24:45
6	ATTORNEY MEUSER: -- DOJ, tread lightly.	08:24:46
7	ATTORNEY ROSENBERG: Sure. Absolutely.	08:24:50
8	BY ATTORNEY ROSENBERG:	08:25:05
9	Q And I -- I'm not asking you to disclose any	08:24:51
10	counsel that your attorney has given you. So please	08:24:56
11	feel free not to give me any of that. I simply	08:24:57
12	wanted to know if you had received the full universe	08:24:59
13	of the request that we conveyed to you.	08:25:02
14	Is that yes?	08:25:05
15	A Yes.	08:25:06
16	Q Yes. Okay.	08:25:07
17	So did you understand that this request	08:25:08
18	required you to search your emails, personal and	08:25:12
19	public, for any communications, including those you	08:25:17
20	received and those you sent?	08:25:21
21	ATTORNEY MEUSER: And I'm going to object to	08:25:23
22	the extent that his answer requires to divulge	08:25:26
23	attorney-client communications.	08:25:29
24	ATTORNEY ROSENBERG: Right. So I'm not	08:25:31
25	asking for anything that would require disclosure of	08:25:32

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1	attorney-client communications. I'm asking for	08:25:41
2	David's understanding of the request.	08:25:41
3	THE WITNESS: To the best of my ability, I	08:25:43
4	have provided everything I could.	08:25:46
5	BY ATTORNEY ROSENBERG:	08:25:46
6	Q That's not an answer to my question.	08:25:48
7	Did you understand that you were required to	08:25:48
8	produce emails, whether those were personal emails	08:25:49
9	or public emails, that you both received or sent in	08:25:52
10	response --	08:25:55
11	ATTORNEY MEUSER: Again --	
12	Q -- to this request?	08:25:56
13	ATTORNEY MEUSER: I'm going to state for the	08:25:56
14	record that there was an objection made, and that	08:25:58
15	there was a very limited request that we told him to	08:26:03
16	do. There was a meet and confer over this issue	08:26:07
17	yesterday, and subsequent communications have been	08:26:10
18	given to the client about what he's to do now,	08:26:13
19	versus what he was to do in -- when he originally	08:26:17
20	saw this.	08:26:23
21	I do not believe my client can answer these	08:26:25
22	questions the way how you are wording them without	08:26:26
23	divulging attorney-client communications, and I'm	08:26:28
24	going to instruct him not to answer.	08:26:32
25	BY ATTORNEY ROSENBERG:	08:26:35

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1	Q Okay. Have you produced yet any emails that	08:26:36
2	you received, whether public or private, that would	08:26:38
3	cover any of these topics in Request for Production	08:26:43
4	Number 1?	08:26:44
5	A I believe I've produced everything that was	08:26:44
6	asked of me.	08:26:49
7	Q Asked of you by whom?	08:26:50
8	A That was -- that I spoke to -- that was	08:26:52
9	requested for me by my attorneys.	08:26:56
10	Q Okay. Thank you.	08:26:58
11	And am I correct that the only emails that	08:26:59
12	you produced so far were emails that were sent by a	08:27:09
13	third-party vendor to the public?	08:27:13
14	A I believe so.	08:27:20
15	Q Okay. Thank you.	08:27:21
16	You have not produced any communications yet	08:27:22
17	between you and any friends; is that right?	08:27:27
18	A Me and any friends?	08:27:32
19	Q Yes.	08:27:35
20	A I don't believe so.	08:27:37
21	Q And you haven't produced any communications	08:27:39
22	between you and any family members; is that correct?	08:27:42
23	A I don't believe so.	08:27:46
24	Q And you haven't produced any communications	08:27:48
25	that would have been informal between you and any	08:27:51

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1	acquaintances?	08:27:54
2	A I don't believe so.	08:27:57
3	Q Okay. Thank you.	08:27:59
4	I want to shift gears and talk a little bit	08:28:01
5	about the discussion about the ERRA, the bills that	08:28:09
6	placed Prop 50 on the map, outside of the context of	08:28:19
7	legislative hearings.	08:28:24
8	Did you receive any communications from	08:28:26
9	fellow legislators about the AB 604 map or about	08:28:31
10	ACA 8 during the courses of the legislative	08:28:33
11	hearings?	08:28:37
12	A I had spoken -- well, yes.	08:28:39
13	Q Okay. What form were those communications?	08:28:43
14	A We're talking to, like, the other members?	08:28:48
15	Q Sure. So let me clarify.	08:28:52
16	Did you receive any emails from fellow	08:28:55
17	legislators in which you discussed AB 604?	08:29:02
18	A Not necessarily. Mainly just communication	08:29:05
19	between each other, either talking on the phone or	08:29:10
20	text messages, maybe a few.	08:29:13
21	Q Okay. So you believe that you had text	08:29:15
22	messages with other legislators about AB 604?	08:29:18
23	A I don't know if it actually includes the term	08:29:23
24	AB 604 at all.	08:29:28
25	Q Sure. So let me clarify.	08:29:30

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1	When I'm saying about AB 604, I mean any	08:29:31
2	topic relating to the drawing of the maps, that were	08:29:37
3	included in AB 604.	08:29:43
4	Did you -- you did not understand the	08:29:50
5	question; is that correct?	08:29:52
6	A I'm trying to -- please ask again.	08:29:53
7	Q Sure. No problem.	08:29:56
8	Did you have any communications with fellow	08:29:58
9	legislators about the drawing of the new maps that	08:30:07
10	were proposed in Prop 50?	08:30:10
11	A Yes.	08:30:13
12	Q And were those during the course of the	08:30:14
13	legislative hearings?	08:30:17
14	A Yes.	08:30:19
15	Q Were those outside of the context of the	08:30:21
16	legislative hearings?	08:30:24
17	And when I say that, I mean outside of the	08:30:25
18	formal proceedings.	08:30:27
19	A I would believe so, yes.	08:30:30
20	Q Okay. So those -- did those include text	08:30:33
21	messages exchanged between you and other	08:30:38
22	legislators, between August 18th and August 21st?	08:30:41
23	A Yes. I believe so.	08:30:46
24	Q Were those Democratic legislators?	08:30:47
25	A There could be some, yes.	08:30:53

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1	Q And did you receive or send any text messages	08:30:56
2	with Republican legislators?	08:30:59
3	A To the best of my knowledge, I talked about	08:31:04
4	it a lot to -- a lot.	08:31:07
5	Q Okay.	08:31:10
6	A So it --	08:31:10
7	Q Did you also have one-on-one or personal	08:31:11
8	conversations in person with any fellow legislators	08:31:15
9	about the drawing of the maps that would become	08:31:22
10	Prop -- Proposition 50?	08:31:27
11	A I often said: Why are you doing this?	08:31:27
12	Q Okay. And did you receive any responses as	08:31:30
13	to why -- why any of those legislators were persuing	08:31:33
14	the ERRRA?	08:31:41
15	A A plethora.	08:31:42
16	Q Some examples -- would you provide some	08:31:46
17	examples of that plethora of responses?	08:31:49
18	A I was, I couldn't tell you. There was so	08:31:51
19	many out there that most of them simply said: Well,	08:31:52
20	okay. What about Texas? That was their general	08:31:58
21	response across the board.	08:32:01
22	You know, to others, talking about why -- why	08:32:06
23	are we focusing on this when we can take on so many	08:32:09
24	more important issues for Californians.	08:32:16
25	Q Understood.	08:32:19

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1	Did any of those legislators tell you that	08:32:20
2	their main purpose in voting for ACA 8 was racially	08:32:23
3	motivated?	08:32:28
4	A Yes.	08:32:29
5	Q Who told you that?	08:32:31
6	A Isaac Bryan.	08:32:33
7	Q Did any other legislators tell you that their	08:32:36
8	main purpose in voting for Prop 50, or rather for	08:32:41
9	the ERRRA was racially motivated?	08:32:48
10	A They often talked about race.	08:32:49
11	Q That's not quite the answer to my question.	08:32:51
12	My question was whether there were any other	08:32:56
13	legislators who told you that their main purpose in	08:32:56
14	voting for the ERRRA was racially motivated?	08:32:58
15	A There were quite a few that had talked about	08:33:02
16	how race was a major factor into the way that they	08:33:06
17	created these maps.	08:33:10
18	Q And who were those legislators, if you --	08:33:11
19	A Marc Berman said that in the Elections	08:33:14
20	Committee.	08:33:19
21	Q So I'm talking about communications outside	08:33:19
22	the context of the legislative hearings.	08:33:22
23	A Yes.	08:33:22
24	Q Did you have communications with Marc Berman	08:33:23
25	outside the context of the legislative hearings?	08:33:25

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1	A When you say that, you mean like if I'm in	08:33:28
2	the building, does that count as legislative	08:33:33
3	hearings?	08:33:35
4	Q I mean not on the record during legislative	08:33:35
5	session. But, sure. It could be in the hallway; it	08:33:38
6	could be over the phone; it could be text message;	08:33:40
7	it could be an Instagram message.	08:33:43
8	Any form of communication outside of the	08:33:47
9	legislative hearing.	08:33:48
10	A My Democrat colleagues can't stop talking	08:33:48
11	about race, so...	08:33:53
12	Q So I'm asking about your particular -- thank	08:33:55
13	you.	08:33:58
14	What I'm asking is whether you had -- I'm	08:33:58
15	asking about the communications you had with	08:34:02
16	legislators directly about the ERRA.	08:34:04
17	So let me ask again: Who were the	08:34:09
18	legislators that you communicated with who told you	08:34:12
19	that race was a motivating factor, or rather the	08:34:17
20	predominate motivating factor in voting for the	08:34:18
21	ERRA?	08:34:22
22	A See, these conversations were quite a while	08:34:24
23	ago, and I spoke to everybody. So the --	08:34:27
24	Q Okay.	08:34:31
25	A So the race was -- was a major factor for a	08:34:32

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1	lot of them, because they had stated that race was a	08:34:37
2	major factor for a lot of them.	08:34:41
3	And I -- whether it's not on the record or	08:34:43
4	not, I mean, I was one of the main people who talked	08:34:45
5	about this to everybody.	08:34:49
6	Q Did those same legislators you spoke with	08:34:54
7	also state that a main purpose of voting for the	08:34:57
8	ERRA was to gain more Democratic seats?	08:35:02
9	A Yes.	08:35:07
10	Q Were there any other -- strike that.	08:35:14
11	I want to turn to something that we were	08:35:18
12	talking about yesterday, and that was the concept of	08:35:32
13	partisan gerrymandering.	08:35:36
14	Yesterday, if I'm remembering correctly --	08:35:39
15	and please do correct me if I'm wrong -- but you	08:35:41
16	said that the term partisan refers to anything done	08:35:43
17	for any strong bias. Is that a fair	08:35:48
18	characterization of what you said yesterday?	08:35:52
19	A Yes.	08:35:54
20	Q Okay. So would that include, for example,	08:35:55
21	any religious bias?	08:35:58
22	A Yes.	08:36:01
23	Q And would that include cultural bias?	08:36:01
24	A Yes.	08:36:06
25	Q Would that include racial bias?	08:36:06

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1	A Yes.	08:36:09
2	Q Would that include political bias?	08:36:09
3	A Yes.	08:36:12
4	Q And I'm a Dodgers fan. Would that include	08:36:12
5	any sports team fanatic bias?	08:36:16
6	Yes. So anything in your view?	08:36:22
7	A Yes.	08:36:25
8	Q Okay. Good to know.	08:36:25
9	Would it be fair to say that it's your	08:36:27
10	position that Californians are better off when there	08:36:34
11	are more Republicans in office?	08:36:37
12	A Would it -- would it be my position that	08:36:40
13	Californians would be better off?	08:36:43
14	Q Yes.	08:36:47
15	A To be honest with you, I actually don't	08:36:49
16	really care.	08:36:52
17	ATTORNEY ROSENBERG: Okay. Good to know.	08:36:54
18	Why don't we take a look at -- I believe it	08:36:56
19	was Exhibit 5 from yesterday.	08:37:02
20	Could we pull that up, please?	08:37:05
21	THE AV TECHNICIAN: Would you like that in	08:37:19
22	the chat as well, or just on the screen?	08:37:22
23	ATTORNEY ROSENBERG: Sure. We can have it in	08:37:26
24	the chat as well, but on the screen would be best.	08:37:28
25	(Previously marked Tangipa Deposition	

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1	Exhibit 5 introduced and attached to the	
2	transcript.)	08:38:03
3	BY ATTORNEY ROSENBERG:	08:38:03
4	Q So we have on the screen what was marked as	08:38:04
5	Exhibit 5 yesterday. Do you recall seeing this	08:38:08
6	document yesterday?	08:38:11
7	A Yes.	08:38:11
8	Q And what is this document?	08:38:12
9	A This is the website for Prop 50.	08:38:14
10	Q This is your website for no on Prop 50; is	08:38:16
11	that right?	08:38:22
12	A For no on Prop 50. Yes.	08:38:22
13	Q Okay. So let's -- as part of your no on 50	08:38:26
14	campaign, you told voters to say no to rigged	08:38:34
15	elections; right?	08:38:39
16	A Yes.	08:38:41
17	Q Okay. And it's fair to say that what you	08:38:42
18	meant by rigged election was a power grab; is that	08:38:44
19	right?	08:38:44
20	A Yes. It was throwing out the proposition	08:38:44
21	from 2010.	08:38:49
22	Q Okay. And that rigged election would also	08:38:50
23	encompass prioritizing political power over the will	08:38:56
24	of the people; is that right?	08:39:00
25	A It's stripping voices from rural areas to	08:39:02

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1	benefit areas that don't represent the people.	08:39:07
2	That's what a rigged election is.	08:39:13
3	Q Okay. Great.	08:39:16
4	Let's scroll down to Page 2.	08:39:17
5	Would it be fair to say that it was your view	08:39:24
6	that Prop 50 was aimed at eliminating five	08:39:27
7	Republican districts and strengthening Democratic	08:39:35
8	seats?	08:39:38
9	A Yes.	08:39:38
10	Q Yeah. So when you describe Prop 50 as a	08:39:39
11	partisan gerrymander, you meant in part that its	08:39:42
12	goal was to eliminate Republican seats; right?	08:39:46
13	A Part of it, yes.	08:39:51
14	Q And you also meant that when you describe	08:39:52
15	Prop 50 as a partisan gerrymander, that it was	08:39:55
16	meant, in part, to gain a Democratic supermajority;	08:39:59
17	is that right?	08:40:04
18	A Part of it, yes.	08:40:04
19	Q Would you say that you understood the main	08:40:26
20	purpose behind Prop 50 to be eliminating those five	08:40:30
21	Republican seats?	08:40:37
22	A I believe that the main goal of Prop 50 was	08:40:38
23	for absolute power.	08:40:43
24	Q And when you say absolute power, what do you	08:40:44
25	mean?	08:40:47

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1	A That absolute power corrupts absolutely, and	08:40:47
2	concentrated power is the worst thing that could	08:40:55
3	happen.	08:41:00
4	Q So your understanding of the goal of Prop 50	08:41:01
5	was that it was to concentrate Democratic power; is	
6	that right?	08:41:05
7	A That's what a rigged election is, is to	08:41:05
8	concentrate power under authoritarian rule.	08:41:08
9	Q So that's not exactly what I asked.	08:41:12
10	I asked if it was your view that the goal of	08:41:15
11	Prop 50 was to concentrate Democratic power?	08:41:19
12	A I believe that was part of it, yes.	08:41:19
13	Q Okay. And the other part, in your view,	08:41:21
14	was --	08:41:23
15	ATTORNEY MEUSER: Asked and answered.	08:41:25
16	You may answer.	08:41:26
17	A Stripping voices from rural areas and	08:41:27
18	diminishing the votes of portions of California that	08:41:32
19	they don't like.	08:41:36
20	Q Okay. And so that's what you meant when you	08:41:37
21	described Prop 50 as a partisan gerrymander?	08:41:40
22	A What I described as a partisan gerrymander,	08:41:46
23	it's all-encompassing for what was done when it	08:41:49
24	comes to stripping voices, rural California, the way	08:41:54
25	that they redistricted, and how they justified their	08:41:58

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1	ways that they did it, to -- to concentrate power	08:42:03
2	under authoritarian rule.	08:42:08
3	ATTORNEY ROSENBERG: I'd like to take a	08:42:22
4	five-minute break here, just to consult with my	08:42:25
5	co-counsel. If everybody's okay with that, we can	08:42:29
6	take a break, get some water, and come back in about	08:42:35
7	five minutes.	08:42:39
8	Maybe go off the record.	08:42:41
9	THE VIDEOGRAPHER: We're going off the	08:42:42
10	record. The time is 8:42.	08:42:44
11	(Recess from 8:42 a.m. until 8:48 a.m.)	08:42:47
12	THE VIDEOGRAPHER: We are back on the record.	08:48:34
13	The time is 8:48.	08:48:41
14	ATTORNEY ROSENBERG: Great. Well, thank you	08:48:44
15	for coming back after that quick break.	08:48:45
16	That's actually all of my questions for	08:48:48
17	today, before -- and for this deposition, at least	08:48:51
18	in my mind.	08:48:54
19	So before I pass it off to my colleague at	08:48:55
20	LULAC, I just wanted to note for the record that	08:49:00
21	Attorney Mark Meuser, who is the Assembly Member's	08:49:02
22	Counsel, is again, off screen today, despite our	08:49:05
23	request that he be on screen. So just noting that	08:49:08
24	for the record.	08:49:12
25	ATTORNEY MEUSER: Noted.	08:49:13

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1 But there was technology issues, as I said 08:49:13
2 yesterday. So you got your deposition. I'm right 08:49:17
3 here besides him. 08:49:21

4 ATTORNEY FREEDMAN: For LULAC, we have no 08:49:26
5 questions for this witness at this time. 08:49:29

6 ATTORNEY ROSENBERG: That's all today, if we 08:49:39
7 are ready to conclude. 08:49:42

8 ATTORNEY MEUSER: DCCC, no follow-ups? 08:49:46

9 ATTORNEY ACCARDI: This is Max Accardi. No 08:49:53
10 follow-ups on behalf of DCCC. 08:49:56

11 THE VIDEOGRAPHER: Stand by. 08:50:02

12 This marks the end of the deposition of David 08:50:03
13 Tangipa. We are going off the record. The time 08:50:07
14 is 8:50. 08:50:11

15 (The videotaped deposition of DAVID TANGIPA
16 was adjourned at 8:50 a.m.)
17
18
19
20
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23
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25

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CERTIFICATE OF SHORTHAND REPORTER

I, Kadi A. Harmon, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was not discussed; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 10th day of December, 2025.

My commission expires:
December 18, 2026



NOTARY PUBLIC IN AND FOR THE
STATE OF NEW YORK

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A			
ab	155:16	always	154:17
145:9, 145:17,	addition	133:4	asked
145:22, 145:24,	135:21	america	135:13, 144:6,
146:1, 146:3	additional	127:8	144:7, 154:9,
ability	136:5	american	154:10, 154:15
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Transcript of Eric Ching

Date: December 13, 2025

Case: Tangipa, et al. -v- Newsom, et al.

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

-----x
DAVID TANGIPA, et al., :
Plaintiffs, :
and : 2:25-cv-10616-
UNITED STATES OF AMERICA, : JLS-WLH-KKL
Plaintiff-Intervenor, :
v. :
GAVIN NEWSOM, in his official :
capacity as the Governor of :
California, et al., :
Defendants. :
DEMOCRATIC CONGRESSIONAL :
CAMPAIGN COMMITTEE, et al., :
Defendant-Intervenors. :
-----x

Deposition of ERIC CHING

Conducted Virtually

Saturday, December 13, 2025

12:04 p.m. EST

Job No.: 612459

Pages: 1 - 120

Stenographically reported by: Judith E. Bellinger,

RPR, CRR, CSR-TX, CCR-WA, CCR-NM

Transcript of Eric Ching
Conducted on December 13, 2025

2

1 Deposition of ERIC CHING, conducted
2 virtually,
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8 Pursuant to notice, before Judith E.
9 Bellinger, Registered Professional Reporter,
10 Certified Realtime Reporter, and E-Notary Public
11 in and for the State of Maryland.
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Transcript of Eric Ching
Conducted on December 13, 2025

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Transcript of Eric Ching
Conducted on December 13, 2025

4

1 A P P E A R A N C E S C O N T I N U E D

2

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19

20

21 ALSO PRESENT:

22 Jasmine Pearson, Planet Depos Technician

23

24

25

Transcript of Eric Ching
Conducted on December 13, 2025

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1 P R O C E E D I N G S

2

3 ERIC CHING,

4 being first duly sworn, was examined

5 and testified as follows:

6 EXAMINATION BY COUNSEL FOR THE DEMOCRATIC

7 CONGRESSIONAL CAMPAIGN COMMITTEE

8 BY MS. KHANNA:

9 Q Good morning, Mr. Ching.

10 A Good morning.

11 Q My name is Abha Khanna and I represent
12 the intervenor defendant, the DCCC in this action.

13 I'm just going to ask you a few questions this
14 morning before I pass it off to my colleagues at
15 the California State Department, or Attorney
16 General's Office.

17 Have you ever been deposed before?

18 A I have -- I don't -- based on my
19 memory, I have not.

20 Q So I'm just going to go over a few
21 quick deposition ground rules. Some of which
22 Jasmine already touched upon. Most important is
23 that you have to be -- we have to both be very
24 clear not to talk over each other so that the
25 court reporter can get all of our statements down.

Transcript of Eric Ching
Conducted on December 13, 2025

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1 Does that make sense?

2 A Yes, understand.

3 Q And if I ask a question, it's important
4 to get a verbal answer. A head nod or shake of
5 the head, obviously, wouldn't get recorded.

6 So, please, keep that in mind as well.

7 A Understand. Thank you.

8 Q I don't expect this deposition to
9 necessarily go very long, but if at any point you
10 need a break, please, just let me know. If you
11 need a sip of water, or anything like that, just
12 let us know. And I'll just ask that you answer
13 the -- if there's a question pending, that you
14 answer that one.

15 A Thank you.

16 Q You took an oath today, just now, and
17 agreed to provide truthful and accurate testimony;
18 is that right?

19 A Yes.

20 Q Is there any reason that -- why you
21 won't -- why you can't provide accurate and
22 truthful testimony today?

23 A No.

24 Q What did you do to prepare for today's
25 deposition?

Transcript of Eric Ching
Conducted on December 13, 2025

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1 A Well, I looked through the case files
2 one more time and -- just to make sure that I
3 understand what is asking -- what could possibly
4 be asking.

5 Q What was in the case files?

6 A The case files has to do with the case
7 against the California -- State of California,
8 Governor Newsom, on gerrymandering.

9 Q So is that the Complaint that has been
10 filed in this case; does that sound right?

11 A Yes, that's the Complaint.

12 Q Did you review any other documents in
13 preparation for your deposition today?

14 A Yes. I believe some files that my
15 lawyer had sent to me.

16 Q What were those?

17 A Also has to do with the case.

18 Q And what specific documents did you
19 review?

20 A I reviewed -- I don't recall,
21 specifically, the document names, but it had to do
22 with the court filings.

23 Q Can you be more specific?

24 A I believe they had to do with the
25 answers back to the Court, or back and forth

Transcript of Eric Ching
Conducted on December 13, 2025

9

1 between the two parties -- between the parties.

2 Q Did you review any legal briefs, as far
3 as you recall, in preparation for your deposition?

4 A I may have, but I don't recall,
5 specifically, the title of the -- of the
6 documents.

7 Q Did you review any expert reports in
8 preparing for the deposition?

9 A I may have glanced through it, but I
10 don't -- like I said, I didn't look at the title
11 of the document, so I may have.

12 Q Did you look at any maps in preparation
13 for today's deposition?

14 A I looked at some maps, but the map
15 wasn't clear to me.

16 Q What does that mean? Why was it not
17 clear?

18 A I contacted the County of Los Angeles
19 last week to ask for an appointment to make sure
20 that I know the exact boundaries of the new
21 congressional map, and I was told that they could
22 not provide one because they did not have the
23 official one. So whatever I was able to search
24 from Internet, according to them, it's not
25 official.

Transcript of Eric Ching
Conducted on December 13, 2025

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1 So I made an appointment to go to their
2 office on the 19th of December to make sure -- I
3 was told that they, even on the 19th, that they're
4 not for sure if they have the correct map.

5 Q Did your attorney provide you with any
6 maps in preparation for today's deposition?

7 A I looked -- well, at the map with him.
8 But I don't recall that he has provided me a
9 specific map.

10 Q Did you review any deposition
11 transcripts from other depositions that have taken
12 place in this case?

13 A I have not reviewed other depositions.

14 Q Did you meet with anybody other than
15 your attorney in preparation for today's
16 deposition?

17 A I have not.

18 Q Are you familiar with any of the other
19 plaintiffs in this litigation?

20 A I know some of them, but they're, you
21 know, social or contacts that I have.

22 Q Have you communicated with any of the
23 plaintiffs in preparation for today's deposition?

24 A I have not communicated with any of
25 them to prepare for this deposition.

Transcript of Eric Ching
Conducted on December 13, 2025

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1 Q Mr. Ching, how did you first become
2 involved in this case?

3 A I believe -- I recall in, maybe around
4 on -- or about August 20th, Attorney Mark Meuser
5 contacted me --

6 MR. MEUSER: I'm going to stop you
7 right here. You're not allowed to talk about any
8 communication between the two of us, that's
9 protected. So I think you've gone enough.

10 THE WITNESS: Sure.

11 MR. MEUSER: I'll instruct you not to
12 answer any further.

13 Q So you testified that your counsel
14 contacted you on or about August 20th?

15 A Yes.

16 Q And I'm not going to ask you about the
17 contents of those communications, to be clear.

18 And was that your first contact with
19 counsel in this case?

20 A Regarding this case? I just want to
21 make sure I understand the question.

22 Q Was that your first contact ever with
23 your counsel, your attorney in this case?

24 A No.

25 Q Okay. So why did you choose to become

Transcript of Eric Ching
Conducted on December 13, 2025

12

1 involved in this litigation?

2 A When I became the citizen of the United
3 States, I took an oath to promote and defend the
4 Constitution. I believe it's important for me to
5 get involved in this case.

6 Q And why is that?

7 A Because I believe the State of
8 California, Governor Newsom, has violated the
9 Constitution of the state and, also, the
10 Constitution of the United States.

11 Q How so?

12 MR. MEUSER: I'm going to object to the
13 extent that it calls for a legal conclusion.

14 But you may answer.

15 A I've looked at the process through news
16 and I see how fast it went through the legislative
17 process and -- for the Prop 50. And I -- based on
18 my understanding is that this process was not in
19 accordance with the California Constitution. And
20 it's my belief that the gerrymandering, based on
21 the reports I was able to see or the pieces on the
22 news, that they used race as the main -- the main
23 point to draw the map.

24 Q What is your goal in the course of this
25 litigation?

Transcript of Eric Ching
Conducted on December 13, 2025

13

1 A My goal with the litigation is that I
2 want the process to be fair and in accordance to
3 the Constitution of California. Also to the
4 Constitution of the United States.

5 Q What map would you like to see
6 California use for future congressional elections?

7 A I would say, for future congressional
8 maps, I would prefer independent redistricting
9 committee, like what we had before Prop 50, to
10 draw a fair map.

11 Q Mr. Ching, what is your current
12 occupation?

13 A I'm self-employed.

14 Q And what do you do in that capacity?

15 A I own several properties and, also, I
16 invest in stocks.

17 Q And what was your previous employment
18 prior to your current occupation?

19 A I owned a small IT company for many,
20 many years.

21 Q Are you registered to vote?

22 A Yes.

23 Q Do you know what congressional district
24 you reside under the previous map that was in
25 effect from the redistricting commission?

Transcript of Eric Ching
Conducted on December 13, 2025

14

1 A It was Congressional District 38.

2 Q And do you know what congressional
3 district you reside under the Prop 50 map, the
4 current map?

5 A Based on what I can research, it should
6 be 31. But, again, when I spoke to the County,
7 they couldn't even give me a definitive answer as
8 to which one I will be under.

9 Q So you are not sure which district you
10 currently reside in?

11 A Based on my research, it should be 31.
12 But again, you know, it has to be officially
13 approved by the County, and then, I guess, when
14 this whole process is completed.

15 Q Okay. Have you ever held elected
16 office before?

17 A Yes, I have.

18 Q What was that office?

19 A As a city council member for City of
20 Walnut, since 2012.

21 Q And you currently hold that position as
22 well?

23 A No. My term ended last November.

24 Q So you were --

25 A Last year, 2024.

Transcript of Eric Ching
Conducted on December 13, 2025

15

1 Q So you were a city council member for
2 the City of Walnut from 2012 to 2024; is that
3 correct?

4 A Yes. That's correct.

5 Q Have you ever run for any other elected
6 office?

7 A Yes. I have ran twice in Congressional
8 District 38.

9 Q For congressional representative?

10 A Correct.

11 Q And when was the first time that you
12 ran?

13 A It was 2022, and then I ran again in
14 2024.

15 Q Did you run on behalf of a particular
16 political party?

17 A Yes. I ran as a Republican.

18 Q And how did the -- how did your
19 election in 2022, how did that work out?

20 A I was able to advance in my primary and
21 I lost in general election.

22 Q And what about in 2024?

23 A I also won in primary and lost in
24 general election.

25 Q Do you plan to run for elected office

Transcript of Eric Ching
Conducted on December 13, 2025

16

1 again?

2 A Yes. I plan on running in 2026.

3 Q Is that also for congressional
4 representative?

5 A Yes.

6 Q And is it right to say that that would
7 be in whatever district you are assigned under
8 whatever map is in effect at the time?

9 A I have not made final decision yet
10 because my old district was cut in three. So I'm
11 still considering.

12 Q Is it your understanding that you have
13 to reside in a given district in order to run for
14 office in that district?

15 A That's not my understanding.

16 Q And which political party do you intend
17 to affiliate with in the course of any future
18 elections?

19 A As a Republican.

20 Q Mr. Ching, when did you first become
21 aware that California Democrats wanted to redraw
22 the State's congressional map?

23 A I first heard of it was maybe on the
24 news, with Governor Newsom saying that he's
25 intending to redraw the map.

Transcript of Eric Ching
Conducted on December 13, 2025

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1 Before you go, may I take a sneeze real
2 quick?

3 Q Oh, please.

4 A All right. Thank you. Okay. I'm
5 back.

6 Q All right. And what was your
7 understanding as to why the Democrats wanted to
8 redraw the map?

9 A My understanding is that he wants to
10 have more congressional seats for Democrats.

11 Q After the legislature ratified the
12 Proposition 50 map, it was, then, submitted to the
13 California voters on -- as a ballot measure; is
14 that correct?

15 A I don't understand the question that
16 you're asking. Can you make clear on what you're
17 asking?

18 Q Sure. And I'll break it -- I'll break
19 it down a little bit. Do you understand -- is it
20 your understanding, then, that the California
21 Legislature agreed to the Proposition 50 map?

22 A I think the Democratic Party in the
23 state agreed with the map.

24 Q Did you understand that the legislature
25 took a vote and approved the map at the end of

Transcript of Eric Ching
Conducted on December 13, 2025

18

1 that vote?

2 A That is my understanding.

3 Q And is it your understanding that
4 that's when the map went into effect?

5 A My understanding is that the map went
6 into effect after the special election.

7 Q So you understand that the map was,
8 then, submitted to the voters on the ballot,
9 correct?

10 A That is my understanding.

11 Q Did you participate in the campaign as
12 to Proposition 50 at all?

13 A Can you define -- define that, your
14 phrase?

15 Can you rephrase, just to make sure I
16 understand?

17 Q Absolutely. So Proposition 50 appeared
18 on the ballot in November of this year; is that
19 correct?

20 A That's correct.

21 Q And do you understand that for some
22 weeks and months prior to that election, there
23 were statements in the public for and against that
24 proposition; is that right?

25 A That's correct.

Transcript of Eric Ching
Conducted on December 13, 2025

19

1 Q And so, I'll define that kind of period
2 of public debate as the campaign about the Prop 50
3 map.

4 Does that make sense?

5 A Yes.

6 Q And did you participate in that public
7 debate or campaign at any point?

8 A When you say "participate," do you mean
9 speaking out? What do you mean? Can you clarify
10 "participate"?

11 Q Sure. Did you, at any point, speak out
12 against the Proposition 50 map?

13 A My recollection is I participate in
14 conversations against Prop 50.

15 Q And were those conversations with just
16 friends and family or more broad than that?

17 A I believe it was more broad than that.

18 Q So what kinds of conversations did you
19 participate in regarding the Prop 50 map?

20 A I have attend meetings, I have attend
21 gatherings, and I believe I was asked, perhaps, by
22 a few media outlets about how I feel on the
23 Prop 50.

24 Q Did you do any interviews with media
25 outlets?

Transcript of Eric Ching
Conducted on December 13, 2025

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1 A I believe I was interviewed.

2 Q Do you know by who?

3 A I don't know, specifically, what media
4 outlets they are because I think when I went to
5 gatherings, if there are medias, sometimes they
6 will come and ask. I didn't look, specifically,
7 as to what media.

8 Q Did you ever see any comments from your
9 interviews in the print media?

10 A I do not recall seeing, specifically,
11 me -- my view on that being mentioned. I cannot
12 recall. But I think they covered this widely. So
13 perhaps they just edited my name out or they just
14 didn't include. But I do not recall seeing it.

15 Q Do you recall ever seeing any video
16 interviews in the news media with you?

17 A I do not recall seeing any video of me
18 speaking on Prop 50.

19 Q So when you say you attended meetings,
20 what kind of meetings were these?

21 A I believe there was meetings,
22 Republican -- a LAGOP meeting.

23 Q Were there other meetings?

24 A Can you -- meetings, you're talking
25 about -- can you clarify the word "meeting"?

Transcript of Eric Ching
Conducted on December 13, 2025

21

1 Because I think sometimes -- when you gather, is
2 that considered a meeting, where there are few
3 people?

4 Q Yes. If you could just list for me, as
5 much as you can recall, any gathering that you
6 attended to discuss the Prop 50 map?

7 A I don't recall, specifically, what
8 meetings they talk about Prop 50. But I do recall
9 when there's a gathering, I will be hearing people
10 talking about Prop 50.

11 Q Why did you feel the need to speak up
12 about the Prop 50 map in the course of this public
13 debate?

14 A Because I believe Prop 50 is against
15 California Constitution, as well as the U.S.
16 Constitution. It's based on -- the main purpose
17 of that is to use race as a main point to redraw
18 the map.

19 Q Is that the argument that you presented
20 to others in the course of the debate prior to the
21 election?

22 A I believe I also -- I believe, you
23 know, I also speak about the process itself, how
24 it became a Prop 50. The speed that it took in
25 the California Legislature to make this happen and

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1 the way -- the way it happened.

2 Q Mr. Ching, at any point prior to the
3 election, did you speak on the public debate about
4 the Prop 50 map to say that it was drawn with the
5 main purpose of using race?

6 A My recollection is that I did not speak
7 specifically about that. I want to clarify
8 myself. When I go to meetings, I am not the one
9 who usually hosts the meeting, and I don't -- I
10 will say I'm not a host of the meeting. I
11 participated in discussions. I don't recall
12 saying it or as a main speaker on the subject.

13 Q Do you recall any statements that you
14 made, prior to the election, about the racial
15 motivations of the Prop 50 map?

16 MR. MEUSER: And I'm going to object to
17 the extent it calls for attorney-client
18 communications.

19 You can answer.

20 Q So let me clarify the question. Other
21 than communications with your attorney, do you
22 recall any statements that you made about the
23 racial motivations behind the Prop 50 map prior to
24 the election?

25 A I may have discussed amongst friends or

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1 close allies. I don't recall making -- make that
2 statement in large public gatherings because I
3 don't think the opportunity presented.

4 Q Did you make other statements about the
5 Prop 50 map in those large public gatherings?

6 A Other than what I said, I don't believe
7 I made other statements.

8 Q Did you make statements about the
9 process of the Prop 50 map in those public
10 gatherings?

11 A I believe I made statements about the
12 process.

13 Q Did you make statements about the
14 partisan effects of the Prop 50 map in those
15 public gatherings?

16 A I don't recall specifically about the
17 partisan, but I may have speak about the
18 Democratic Party wants to grab power, something
19 along those lines.

20 Q Did you coordinate, at all, with the
21 California Republican Party during the public
22 debate on the Prop 50 map?

23 A Can you clarify the word "coordinate"?

24 Q Did you discuss the issue with them?

25 A I have not specifically discussed this

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1 issue with members of -- with the party.

2 Q Did you attend -- sorry, you had
3 something else?

4 A No, I was saying that if you're talking
5 about the party organization, itself, I have not.
6 But if you're talking about, you know, gatherings
7 where there were other Republicans, California
8 Republican members, I'm sure I have discussed with
9 them.

10 Q And in the course of those discussions,
11 at any point, did you state that you believed that
12 the Prop 50 map was based on race?

13 A I do not recall, specifically, who I
14 talk about, you know, specifically what you're
15 asking.

16 Q And in the course of those discussions,
17 did you specifically mention the Democratic power
18 grab in the Prop 50 map?

19 A I recall, for the most part, in the
20 gatherings, people were talking about the same
21 thing. So I do not recall, myself, specifically
22 repeating what they're already asked -- saying or
23 reading -- reporting on the news or social medias.

24 Q So in those public gatherings that you
25 attended, regarding a debate on the Prop 50 map,

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1 do you recall anyone, at any time, talking about
2 the racial motivations of the Prop 50 map?

3 A I do not recall, specifically, who said
4 it, but I think, in the gatherings, people saw
5 that there's understanding that that is the case
6 because there will be all kinds of points flowing
7 around the gatherings. So I don't recall,
8 specifically, who said what and when. But I think
9 at the gatherings, people are -- the one that I
10 attended, I believe that they understand that's
11 the case.

12 Q And how did you come to that
13 understanding, that there was a certain
14 understanding about the racial motivations about
15 the Prop 50 map?

16 A When I was in the gatherings, you can
17 hear people talking about it. So that's my
18 understanding, that that's the understanding of
19 the gathering of the groups.

20 Q And what did they talk about, when you
21 said that people were talking about it?

22 A What they talk about, mostly, is they
23 complain that this is unconstitutional, and then
24 the gathering has stated there's something must be
25 done on this -- on the constitutionality as to how

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1 we can deal with things of that nature.

2 Q Unconstitutional in what way?

3 A Unconstitutional --

4 MR. MEUSER: I'm going to object to the
5 extent that it calls for a legal conclusion.

6 You may answer.

7 A Unconstitutional, meaning that if
8 Prop 50 uses race as the main purpose -- main base
9 to draw the maps. That's our -- my understanding.
10 I think that's my understanding, what I hear -- my
11 suspicion of the understanding of how
12 Proposition 50 was done.

13 Q Mr. Ching, in the course of the meeting
14 that you -- the meetings that you attended about
15 the Prop 50 map, was there any person who
16 specifically said that the Prop 50 map is
17 unconstitutional because it was drawn on the basis
18 of race?

19 A I do not recall any specific person
20 speak about this -- on that. But I believe I
21 heard, or understand that I've heard in the
22 gatherings, that's been talked about.

23 Q And in the course of those gatherings,
24 it's fair to say that you never said that the
25 Prop 50 map was unconstitutional because it was

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1 drawn on the basis of race; is that correct?

2 MR. MEUSER: I'm going to object to the
3 extent that it misstates his prior testimony.

4 Q You may answer.

5 A I don't recall specific incidence, who
6 I talked to, but I think I may have mentioned it
7 in the gatherings, how I feel about it.

8 Q When you say you may have mentioned how
9 you feel about it, what do you recall you said?

10 A I think I was being pretty consistent
11 about the unconstitutionality of the process and
12 how the map was drawn.

13 Q And consistent -- consistent in what
14 way?

15 A Consistent in saying or believing that
16 this is unfair and this is unconstitutional
17 because it's drawn based on race.

18 Q So, Mr. Ching, is it your testimony
19 today that in the weeks and months leading up to
20 the election, you were consistent about your
21 statements about the Prop 50 mapping based on
22 race?

23 A I was consistent -- that's part of what
24 I said.

25 Q In what forum did you say that?

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1 A Can you clarify your question?

2 Q When did you say that?

3 A I think I said that in many places,
4 either to friends, volunteers, or gatherings,
5 whatever, talking about this subject. If I had
6 the chance to speak about it, I would say along
7 the lines I've been saying.

8 Q In the course of those discussions,
9 where you say you were speaking about the racial
10 motivations of the map, what was your basis for
11 why you believed it to be racially motivated?

12 A Because I've seen news clips and then,
13 also, saw people's -- other people's postings on
14 social media, that legislation, some members of
15 legislation in California, or even they had a
16 press conference -- press conferences or news
17 releases, they stated as such.

18 Q Do you recall when you saw those press
19 statements or news clips?

20 A I don't recall specific dates or
21 specific time. But I recall seeing a piece of it,
22 part of it, or people repost on the subject.

23 Q And these are statements that you saw
24 on your own, or that you saw because they were
25 provided to you by your counsel?

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1 A I saw it on my own, as well as people
2 posting in different medias.

3 Q Do you recall what people?

4 A There are too many to count. I think,
5 when I open my emails, or just open my social
6 media, you will see posting or people talking
7 about all over the place. I cannot tell
8 specifically, but I think the number of reposts
9 could be pretty large.

10 Q You said when you open your emails.
11 What emails -- from whom did you receive emails
12 regarding the racial motivations of the Prop 50
13 map?

14 A I don't recall specific person, but I
15 think it is on the subject line, to the subject,
16 about Prop 50.

17 Q And specifically about race?

18 A For the most part. I don't read
19 through all the emails because when you can see
20 the title, I typically don't open too many emails.
21 They are just way too many for me to check each
22 and every one. If they're talking about same
23 subject, once I saw the headline, then I won't
24 necessarily open it. So I don't know the specific
25 details in the emails.

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1 Q Can you recall, sitting here, any of
2 the people or entities who send you these types of
3 emails?

4 A I do not recall, but I think there are
5 a few people who are more active on the subject,
6 but I don't recall, specifically, if they sent it
7 or not.

8 Q Do you recall --

9 A I don't know who sent it, but I just --
10 I can recall -- I believe I had seen it from the
11 headlines. But when I see many of them, I treat
12 those as spam or junk mail, so I would delete them
13 as, you know, when I accumulate certain numbers of
14 them.

15 Q Have you produced any of those emails
16 in the course of this litigation?

17 A I have not produced those emails
18 because they were sent to me as a mass email. So
19 I did not reply, repost, or make comment back on
20 those emails.

21 So I don't believe the request was --
22 asked me what I received.

23 Q So it's your understanding that you
24 have emails in your inbox regarding the Prop 50
25 map but that you were not required to turn those

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1 over?

2 A I don't recall that I have
3 specifically, about the new map, but I recall
4 people talking about the subject through, like,
5 mass emails or news posts. I don't recall,
6 specifically, if there's any maps.

7 Q It's fair to say that you have not
8 produced any of those emails in this litigation,
9 correct?

10 A That is correct. Because I don't
11 believe that you -- your request ask -- my
12 understanding is if I have sent or repost or
13 commented on those, and I have not.

14 Q Sitting here today, can you state the
15 names or handles of any of the people you follow
16 on social media who would have been actively
17 posting about the Prop 50 map?

18 A I follow President Donald Trump, so I'm
19 sure that he talked about that. But, you know, he
20 probably sends quite a few a day. So I don't even
21 know how to search on what he posts.

22 So, but, also, there are a few people,
23 I think -- I don't recall the specific names, but
24 I think they're more active on the social medias.
25 When I receive, I just look at the headline. If

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1 they're of interest to me, I may have opened it,
2 but I don't recall specific.

3 Q Do you recall any specific individuals
4 or entities who posted on social media who spoke
5 about the racial implications of the Prop 50 map?

6 A I cannot tell you, specifically, if
7 they mentioned that or not. I recall that they're
8 against Prop 50. But when I saw the headline, my
9 understanding is they follow the same thoughts
10 that I -- that I believe -- you know, that I talk
11 about in the meetings.

12 So I would not, you know, open the
13 emails or the posts to look at things that I
14 already -- that I understand to be the case, to be
15 the issues.

16 Q You filed this lawsuit right after
17 Election Day; is that correct?

18 A Correct.

19 Q And it's fair to say that you believe
20 that the Prop 50 map is unlawful?

21 A That's my understanding.

22 Q Do you believe that you were personally
23 harmed by the Prop 50 map?

24 A I believe I'm personally harmed.

25 Q How so?

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1 A First thing is, based on what I --
2 based on the County of Los Angeles. Even last
3 week, they cannot give me, definitely, how the
4 line is drawn. So the day of start collecting
5 signature is December the 19th. And then, when I
6 asked them about a specific date, if they will
7 have the map for me, they couldn't even answer me.
8 They said, hopefully, I will have. So based on
9 that issue, I don't even know where I can get --
10 gather the signatures to make sure that I'm in the
11 right congressional district.

12 Q So you believe you are harmed in your
13 capacity as a candidate; is that correct?

14 A I believe I'm harmed as a candidate
15 and, also, as a voter.

16 Q And that is because you are unclear
17 about the -- where the lines are drawn?

18 A That's correct. That's one, yes.
19 Sorry.

20 Q Are there any other ways that you
21 believe yourself to be harmed by the Prop 50 map?

22 A I believe I was harmed because the
23 original map, there were originally large Asian
24 population in the original map. But in my
25 understanding of the new map, my district will be

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1 cut into three pieces.

2 Q And how does that harm you?

3 A It will harm me because I'm Asian and
4 there's a large number of Asian population in the
5 original district. By splitting to three, you
6 just, basically, cut the Asian population into a
7 third.

8 Q How else do you believe you've been
9 harmed by the Prop 50 map?

10 A I believe, besides stated earlier, I
11 took an oath to promote and defend our
12 Constitution. I believe, you know, the whole
13 country will be harmed if I don't stand up and
14 defend our Constitution.

15 Q How would that whole country -- the
16 whole country be harmed?

17 A Because congressional districts will
18 affect how many members to present in Congress,
19 and the policies Congress are making will affect
20 everybody, including myself, in the United States.

21 Q So do you believe you are harmed based
22 on the partisan composition of the map?

23 A Not necessarily partisan composition,
24 but, more specifically, about race, divisive race
25 issues in our country. And I believe that's

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1 against the U.S. Constitution, as well as
2 California Constitution.

3 Q Are there any other ways that you
4 believe you, personally, have been harmed by the
5 Prop 50 map?

6 A I believe that's the main harm.
7 May I take a sneeze one more time?
8 Sorry about that.

9 Q Yes. And let me know if you need a
10 break.

11 A No. Thank you. I'm back.

12 Q Not at all.

13 Do you believe that the California
14 Legislature gave greater weight to race than to
15 partisanship when drawing the Prop 50 map?

16 MR. MEUSER: And I'm going to object to
17 the extent that that calls for a legal conclusion.

18 But you may answer.

19 A I believe they weighed heavily on the
20 race, used race as a main consideration. But I
21 also believe they used partisan as a
22 consideration.

23 Q So you believe that it was primarily
24 based on race and only secondarily based on party?

25 MR. MEUSER: I'm going to object to the

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1 extent that it calls for a legal conclusion.

2 You may answer.

3 A I don't know what's in their mind, but
4 they have publicly speak about using race. So I
5 don't know how to weight it, how many percent, as
6 to how they draw the map.

7 Q What is your -- what is the basis for
8 your understanding about the fact that the map was
9 drawn on the basis of race?

10 A Based on what I was able to see and
11 then their own news or press releases.

12 Q And you say "they," who are you
13 referring to specifically?

14 A I'm talking about the California
15 Legislature.

16 Q Is there anything else that forms your
17 basis of the belief that the map was drawn
18 primarily on the basis of race?

19 A I believe I recall seeing the map or
20 saw some reports that the legislature has
21 mentioned that the use -- because they wanted to
22 increase Latinos presentation.

23 Q So you're talking about news clippings
24 and press statements from members of the
25 California Legislature; is that correct?

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1 A Yes. That's correct.

2 Q Are there any other bases on which your
3 beliefs about the racial origins of the map, what
4 is that based on?

5 A I think based on the news -- like I
6 said, social media, so that I was able to see.

7 Q But you can't, sitting here today, tell
8 us what that social media was or who it came from?

9 A The social medias and what I saw was
10 from clips or short pieces that they gather from
11 the press releases or statements made by the
12 California Legislature. So I have reason to
13 believe that those re-clips or posts are true.

14 Q Do you believe that the Prop 50 map
15 unlawfully favors Hispanic voters?

16 A I believe that's the case, at least in
17 my district.

18 Q And how so?

19 A Because the incumbent is a Latino. And
20 the new map, you know, more than -- will probably,
21 most likely, be a Latino. And the incumbent has
22 won twice. But I was able to gain grounds since
23 2022 and 2024, I was able to gain substantial
24 number of voters on my part. So I believe that's
25 also part of the strategy for the legislature to

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1 draw this map, is give my opponent, who is a
2 Latino, more advantage, whoever I will be facing,
3 to win the congressional seat.

4 Q So you believe the map was drawn to
5 favor your Latino opponent?

6 A I believe that to be the case.

7 Q What party does your Latino opponent
8 belong to?

9 A Democrat.

10 Q Is it your understanding that the
11 Prop 50 map was drawn to favor Latino candidates?

12 A Based on my understanding, that is the
13 case.

14 Q And so, is it your understanding that
15 the map was drawn to favor Latino voters?

16 A Let me think about that. I don't
17 believe that necessarily benefits Latino voters.
18 But I think it favors Latino candidates,
19 especially in my district.

20 Q And how does it favor the Latino
21 candidates in your district?

22 A I believe because that would give my
23 opponent, whoever that is, more -- better chance
24 of retaining or winning the seat.

25 Q Do you believe your opponent would have

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1 a better chance of winning the seat under the
2 Prop 50 map if he or she were not Latino?

3 A I have not looked at the new map
4 carefully, and I have not studied the boundary
5 because I don't know what they are. But I believe
6 whoever draw the map, or the California
7 Legislature, believed that to be the case or else
8 they would not be redrawing my own district.

9 Q You believe that your district was
10 drawn to favor the Democratic candidate in your
11 district?

12 A I believe that's -- that's part of it,
13 yes.

14 Q And what do you believe is the other
15 part of it?

16 A The other part is they want to use race
17 to still maintain power; that's what I believe.

18 Q Who's "they"?

19 A They, I believe, is the Democratic
20 Party in California --

21 Q The Democratic --

22 A -- as a whole.

23 Q So it is your understanding that the
24 Democratic Party wants to favor Latino -- Latino
25 candidates?

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1 A I believe the Democratic Party wants to
2 maintain power, whether they use Latinos or
3 whether you use different race to their benefit.
4 But I think they draw the map or -- in order to
5 retain power, they will use any means necessary,
6 including race as a means to retain their power.

7 MS. KHANNA: Can we, please, pull up
8 tab 1 to the deposition, which we'll mark as
9 Ching Exhibit 1.

10 PLANET DEPOS TECHNICIAN: Stand by.

11 (Ching Exhibit 1 marked for
12 identification and attached to the transcript.)

13 MS. KHANNA: Thank you.

14 Q Mr. Ching, do you recognize the
15 document that you see right now?

16 A All these legal documents look very
17 similar to me, since I'm not a lawyer. So I
18 recall seeing something very similar. I don't
19 recall specific documents, unless I have more time
20 to look through it.

21 Q I understand. I'm going to represent
22 to you, Mr. Ching, that this is the Complaint or
23 the document that initiated the case for this
24 particular case.

25 Does that look correct?

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1 A It looks -- based on this, it looks
2 very similar. I don't know, hundred percent, if
3 it's correct because it's legal documents. One
4 comma or one missed name could be different. So I
5 cannot tell you definitely because I'm not a
6 lawyer, and I didn't have a chance to look at this
7 and compare it side by side.

8 So I will just trust what you represent
9 to me.

10 Q Understood. And you see your name in
11 the top of that caption there, right after
12 David Tangipa?

13 A Yes, I do see my name there.

14 Q Do you know David Tangipa?

15 A I have seen him on TV, on news reports.
16 I have not met him personally. So I don't know
17 him personally.

18 Q Do you know any other of the individual
19 plaintiffs listed on this caption?

20 A Yes.

21 Q Who in particular?

22 A I know Roxanne Hoge. She's the
23 chairwoman of LAGOP. And, let me see. I know
24 Mike Netter, I see him in gatherings.

25 I think I recognize the name Peter

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1 Hernandez, but I don't know if that's the same
2 Peter Hernandez that I know.

3 Q Who is the Peter Hernandez that you
4 know?

5 A Peter Hernandez that I know, who is a
6 former supervisor in the Central Valley or central
7 California.

8 Q Did you talk to Ms. Hoge, at any time,
9 about this lawsuit?

10 A When I see her in gatherings, I do not
11 recall we talk about this case specifically, just
12 saying, hey, we're in this case. Something along
13 those lines. I did not talk to her specifically
14 about anything about this case. I cannot recall.

15 Q Do you follow Ms. Hoge on social media?

16 A I do not.

17 Q Do you receive any emails from Ms. Hoge
18 about -- did you receive any emails from Ms. Hoge
19 regarding the Prop 50 map?

20 A I recall seeing emails about Prop 50.
21 I don't recall seeing details about Prop 50 map.

22 Q Do you follow Mr. Netter on social
23 media?

24 A I do not.

25 Q Do you recall seeing any emails from

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1 Mr. Netter regarding the Prop 50 map?

2 A I cannot recall specific emails from
3 him. I may have received mass emails, but I do
4 not recall specific emails from him.

5 Q Do you follow Mr. Hernandez on social
6 media?

7 A I do not.

8 Q Do you recall receiving any specific
9 emails from him about the Prop 50 map?

10 A I do not recall.

11 Q Do you follow the
12 California Republican Party on social media?

13 A I do not.

14 Q Do you recall receiving any emails
15 about the Prop 50 map from the
16 California Republican Party?

17 A I don't recall specifically, but I
18 think I may have received emails from
19 California Republican Party about that issue.

20 Q Do you follow any of the individuals
21 listed as the plaintiffs in this Complaint on
22 social media?

23 A I do not.

24 Q You mentioned that you know you follow
25 Donald Trump on social media; is that correct?

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1 A When you say follow -- when I say
2 "follow," I believe that the word follow, to me,
3 is kind of you click and follow them. It's just
4 sent to my box automatically. So I don't know if
5 that's a follow or if he's just sending it to the
6 masses and I'm just on the receiving end.

7 Q What social media platforms do you
8 view?

9 A I view Facebook. I view, sometimes,
10 Instagram. Sometimes on YouTube as well.

11 Q How about X.

12 A I have X account, but I don't log --
13 participate in it.

14 Q Mr. Ching, I believe you previously
15 testified about seeing statements about race and
16 the Prop 50 map on the social media that you
17 follow.

18 Is that correct?

19 A My recollection, you know, that's based
20 on my recollection. But my recollection could
21 have been wrong. Because there are just so many
22 out there, so I cannot tell specifically when or
23 how I see it.

24 Q And you can't tell me, today, what
25 individuals or groups would have posted statements

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1 about race and the Prop 50 map that you saw?

2 A I don't know if they posted the maps,
3 but when they post about the issues, in my mind, I
4 have already made -- you know, there's
5 understanding, there's a conclusion. So my mind
6 has already connect the dots, so I don't
7 necessarily open or receive the same answer one
8 more time. So for me, for the most part, I look
9 at the headline and I will not open them.

10 Q Mr. Ching, did you testify earlier that
11 you understood, from social media, that the map,
12 the Prop 50 map was drawn on the basis of race?

13 A From social media, as well as pieces of
14 news clips and, also, the press release by the
15 state legislature themselves.

16 Q But you can't recall where, on social
17 media, you would have seen those statements?

18 A I cannot recall specifically. There
19 are just too many of them out there.

20 Q Did you review a copy of the legal
21 Complaint in this case before it was filed?

22 A Yes.

23 MS. KHANNA: If we can scroll down to
24 page 8 of this document. Maybe I'm on the wrong
25 page. I am looking at -- actually, I'm looking

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1 for paragraph 7.

2 Sorry, I think it's page 4 of the
3 document. All right.

4 Q Mr. Ching --

5 MR. MEUSER: Oh, okay. Sorry.

6 Q -- do you see paragraph 7, Mr. Ching?

7 A I do see paragraph 7, but it's kind of
8 small.

9 Q Okay.

10 MS. KHANNA: Can we make that a little
11 bigger?

12 A I don't see 7. Now I see 6.

13 Q Yeah. Let's give it one second.

14 MS. KHANNA: All right. Thank you.

15 Q Can you see that now?

16 A Yes.

17 Q All right. And you see that this
18 paragraph is about you?

19 A Yes.

20 Q This paragraph states that plaintiff
21 Eric Ching is an Asian voter and congressional
22 candidate who resides in Congressional District 31
23 in Los Angeles County, where he has resided for
24 about 42 years.

25 Is that statement accurate, to the best

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1 of your knowledge?

2 A Other than I'm not so sure that
3 Congressional District 31, that's where the final
4 map will be. Because, according to
5 County of Los Angeles, they cannot tell me
6 specifically, when I provided my information.

7 Q And Congressional District 31 was, your
8 understanding, your previous congressional
9 district under the Commission's redistricting map?

10 A Before the Prop 50, it was
11 Congressional District 38. I can be pretty sure
12 about that.

13 Q So it was not District 31 under the
14 previous map?

15 A Under the previous map, it was 38.

16 Q Okay. The next sentence says he was
17 formerly a city councilman and he plans to run for
18 election, too, and vote in the 2026 District 31
19 congressional election.

20 Is that accurate?

21 A Yeah. If Congressional District 31 is
22 the final map, that is accurate.

23 Q Did you believe that to be accurate at
24 the time when you saw this Complaint, before it
25 was filed?

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1 A To the best of my knowledge, I have to
2 make decision as to the -- to what I believe. So
3 I believe, based on what I can gather at that
4 time, I believe that to be correct.

5 Q The final sentence says that the
6 challenged plan assigns him to a district drawn
7 with race as the predominant factor, causing
8 stigmatic and representational injury.

9 Did I read that correctly?

10 A Yes.

11 Q Did you believe that to be accurate at
12 the time?

13 A Yes.

14 Q Can you explain to me what type of
15 stigmatic and representational injury you suffer?

16 A Because the district, the old district
17 will be cut in three pieces. And the population
18 there was a large population, in the old 38th
19 district. And in the new district, if 31 to be
20 the final map, the Asian population will be cut
21 into three pieces. So about each district will
22 have about less than a third, or about a third,
23 maybe not exact map, but the population will be
24 cut into three.

25 Q Is it your understanding that your

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1 district was drawn to divide the Asian population?

2 A I believe that because I was able to
3 advance in primary. I believe the map was drawn
4 to give every -- to give an advantage to my
5 opponent, whoever that may be in the new district,
6 to take away chances for me to win.

7 Sorry, may I take one more sneeze?

8 Q Please, take your time.

9 A Okay. Back. Thank you.

10 Q Do you understand what is meant here by
11 "stigmatic injury"?

12 A I don't know the legal term, but my
13 general understanding is what I stated.

14 Q Do you know what the partisan
15 composition is of your district, under the Prop 50
16 map?

17 A You're talking about the new map, the
18 new Prop 50 map?

19 Q Yes.

20 A I do not. Because as I stated earlier,
21 even the County of Los Angeles cannot give me a
22 definitive map. So I do not know.

23 Q If, as the Complaint states, you are,
24 in fact, located in Congressional District 31.

25 A That's my intention, to run in the

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1 district where I reside, but I may run in a
2 different district to represent the population
3 that's there. So it could be a different
4 district. I have not made the final decision yet.

5 Q And what will that decision ultimately
6 be based on, what district you decide to run in?

7 A Based on if I can represent our country
8 and, then, also the population in that specific
9 district the best.

10 Q And how would you make that
11 determination?

12 A I would consider all factors, including
13 if I can make the most impact to help the
14 residents in that specific district.

15 Q Would that decision be based, in part,
16 on the partisan composition of the districts?

17 A I would say not only the partisan
18 composition, but, also, the -- how I can best
19 represent the district.

20 Q Is it fair to say that you'll want to
21 run in a district where you'll have the highest
22 likelihood of actually winning?

23 A I would not say that's necessarily the
24 case.

25 Q Is it your understanding that the

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1 Prop 50 map, including the districts that
2 implicate you, were drawn primarily to advantage
3 Hispanic voters?

4 A I believe that's a factor. But I
5 don't -- let me say it this way: I'm not so sure
6 if it advanced the Hispanic voters, but I believe
7 it advance -- benefit Latino candidates or
8 candidates that the Democratic Party chooses.

9 Q Do you think that the Hispanic voting
10 age population in any of the new districts that
11 implicate you in the Prop 50 map is too high?

12 A I did not look -- study each of the new
13 district maps, but I believe, based on what I was
14 able to gather from their -- from the California
15 Legislature statement themselves, I believe that
16 they use race as a basis to redraw the maps. That
17 benefits certain candidates or the Latino
18 population to vote -- vote for whoever is running
19 for each district.

20 Q So would you tell potential voters and
21 constituents in the district that you run in that
22 there are too many Hispanic voters in your
23 district?

24 A I would not be making that statement.

25 Q Why not?

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1 A Because in Southern California, Latinos
2 is one of the largest populations. In some
3 communities, they're the largest. So my goal is
4 to serve all residents in whatever district that
5 I'm running in.

6 So, to me, it really doesn't matter the
7 composition of who's in the district. I just
8 wanted to select a district where I could
9 represent the best.

10 Q Would you tell voters and constituents,
11 in your new district, that you believe the map
12 unduly favors Hispanic voters?

13 A I have not considered on that part, but
14 I don't believe I will be making that statement
15 because I believe if the map is drawn based on
16 independent commissions map, which is partisan,
17 and if it's fair, then I don't have any problem
18 with it.

19 My goal is to make sure that the map is
20 drawn following U.S. Constitution, as well as
21 California Constitution, and my decision will be
22 based on if I can represent the district the best.

23 Q If the map that goes into effect for
24 the 2026 elections is, in fact, the Prop 50 map,
25 would you tell voters and constituents that you

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1 believe the map unduly favors Latino?

2 A I don't think I will be making that
3 statement because my decision will be based on if
4 I can represent the -- which district the best.

5 Q Is it your understanding that you are
6 making that statement about the Prop 50 map in
7 this complaint?

8 MR. MEUSER: And I'll object to the
9 extent that it calls for a legal conclusion.

10 But go ahead and answer.

11 A I believe the map is drawn based on --
12 heavily based on race. But if that becomes the
13 fact, that we will be using Prop 50 as the final
14 maps, then I will make a decision as to which
15 districts that I will be running, that I can
16 represent the district the best.

17 MS. KHANNA: Okay. I'm going -- I
18 actually don't have that much more left, but I'm
19 going to move on to a slightly different topic.

20 Would now be a good time for a short,
21 five-minute break?

22 MR. MEUSER: Works for me.

23 MS. KHANNA: Madam Court Reporter, is
24 five minutes enough?

25 Thanks. We'll reconvene at 10:15.

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1 (Recess taken from 1:10 p.m. to
2 1:17 p.m.)

3 MS. KHANNA: Back on the record.

4 BY MS. KHANNA:

5 Q Mr. Ching, this is not the first
6 challenge that you filed against the Prop 50 map;
7 is that correct?

8 A That is correct.

9 Q You also filed a petition with the
10 California Supreme Court to try to block the
11 Prop 50 map?

12 A That is correct.

13 MS. KHANNA: Can we pull up what's
14 been -- we'll mark it as Exhibit 2 to this
15 deposition.

16 PLANET DEPOS TECHNICIAN: Would you
17 like to label it Ching Exhibit 2?

18 MS. KHANNA: Yes, please.

19 PLANET DEPOS TECHNICIAN: Stand by.

20 (Ching Exhibit 2 marked for
21 identification and attached to the transcript.)

22 MS. KHANNA: Maybe we can make it a
23 little -- see the whole page at once. Great.

24 Q Mr. Ching, do you recognize this
25 document?

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1 A I recognize the format of the document.
2 But I cannot tell you, specifically, if this
3 document that I reviewed earlier. Because, like I
4 said, I'm not a lawyer. I cannot, with the short
5 period of time, review all the commas, names, and
6 things on the document. But I believe this is the
7 document that's filing against State of
8 California. Shirley Weber and State of
9 California, California State Legislature.

10 Q Thank you. I'll represent to you, for
11 purposes of this deposition, that this is a copy
12 of the petition that was filed in this case, in
13 the California Supreme Court.

14 Do you see your name among the list of
15 petitioners?

16 A Yes, I do see my name.

17 Q And this is a lawsuit that you chose to
18 bring, correct?

19 A That's correct.

20 Q And Mr. Columbo and Mr. Meuser were
21 your counsel in that lawsuit as well?

22 A Yes.

23 Q What was your understanding about what
24 this case was about --

25 MR. MEUSER: Objection to --

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1 Q -- the one referenced in this lawsuit.

2 MR. MEUSER: -- (indiscernible due to
3 cross-talking).

4 But he may answer.

5 A I believe this case is about
6 unconstitutionality. The way Prop 50 was prop --
7 about Prop 50.

8 Q And what, in particular, do you recall
9 or do you understand that this petition argued
10 the -- sorry, strike that.

11 Do you recall the basis for the
12 argument in this petition, that the Prop 50 map
13 was unconstitutional?

14 MR. MEUSER: Again, I'm going to object
15 to the extent that calls for attorney-client
16 communications.

17 You can answer.

18 A My understanding of this lawsuit has to
19 do with the way the prop -- the process of
20 Prop 50, that violated the California
21 Constitution. The way -- the speed and the manner
22 in which this was done.

23 Q If we can turn to page 425 of the PDF.
24 You might want to, yeah, put that in there.

25 Do you see that this is a page entitled

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1 the "Verification of Eric Ching"?

2 A Yes.

3 Q And do you recall seeing this before?

4 A Yes.

5 Q Is that your signature at the bottom?

6 A Yes.

7 Q Do you need to take a minute to read
8 this?

9 A Yes.

10 Q And you verified that you had personal
11 knowledge of the facts stated in this petition; is
12 that correct?

13 A Yes.

14 Q What was that personal knowledge based
15 on?

16 A The personal knowledge is based on the
17 way and the manner that Proposition 50 went
18 through the legislation of California.

19 Q And you stood by those facts, under
20 penalty of perjury?

21 A Yes.

22 Q And do you understand what the term
23 "under penalty of perjury" means?

24 A Yes.

25 Q Do you still stand by the statements in

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1 this petition?

2 A Yes.

3 Q Under penalty of perjury?

4 A Yes.

5 Q If we can scroll up to page 19 of the
6 PDF. This is back to the petition itself.

7 And let's specifically go to paragraph
8 23.

9 Can you, please, read paragraph 23 into
10 the record.

11 A You want me to read it?

12 Q Yes, please, read it out loud.

13 A 23, "The congressional districts
14 reflected in AB 604 were drawn without public
15 notice, hearings, or input, and for an express
16 partisan purpose."

17 Q Do you stand by that statement?

18 A Yes. For the purpose of this lawsuit.

19 Q Do you stand by this statement today?

20 A Yes. For the purpose of this
21 particular lawsuit.

22 Q When you refer to "this particular
23 lawsuit," you mean the one that we are presently
24 in, for this deposition; is that right?

25 A No. The purpose of the lawsuit against

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1 State of California in the previous lawsuit. You
2 know, so in the -- yes.

3 Q So is it your testimony that you only
4 stand by the statement for the purpose of the
5 previous lawsuit, but not otherwise?

6 A And also for the -- I think this is
7 also -- let me make sure that I -- that I answer
8 it correctly.

9 I believe the -- the way it was formed
10 also applies to the purpose of today's, you know,
11 testimony for the new lawsuit.

12 Q Mr. Ching, regardless of what lawsuit
13 we're talking about, do you stand by your
14 statement that the congressional districts
15 reflected in AB 604 were drawn without public
16 notice, hearings, or input, and for an express
17 partisan purpose?

18 MR. MEUSER: The document speaks for
19 itself. And to -- as of the date that he signed
20 this document, the document speaks for itself.

21 You can answer if you can.

22 A The document --

23 MS. KHANNA: I request, for the record,
24 that Counsel, please, not testify.

25 I'm asking the witness whether he,

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1 today, stands by this statement.

2 A I stand by this statement, as stated in
3 this particular document that you show in front of
4 me.

5 Q If we could go to paragraph 24. Can
6 you read that paragraph? Just in your head.

7 A Do you want me to read it out loud?

8 Q Yeah, actually, go ahead, read it out
9 loud.

10 A AB 604's proposed maps would carve up
11 counties 114 times and cities 141 times, more and
12 differently than current maps; dissect the
13 historically Chinese and Asian-American contiguous
14 communities of Walnut, Diamond Bar,
15 Rowland Heights, and Chino Hills into three
16 different districts; cleave the Hispanic enclaves
17 of Baldwin Park, El Monte, Pico Rivera, and part
18 of Stockton from their existing districts; and
19 shatter San Joaquin County into five separate
20 districts, slicing Stockton's southern Hispanic
21 core from the district containing the rest of
22 Stockton.

23 Q Thank you, Mr. Ching.

24 And I'm just going to ask specifically
25 about that last clause, starting with "cleave the

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1 Hispanic enclaves." And I believe that the --
2 that, from there on in the paragraph, that's where
3 you're talking about the Hispanic community in the
4 map; is that correct?

5 Is that correct, Mr. Ching?

6 A Can you repeat your question one more
7 time?

8 Q Sure. Is it fair to say that at the
9 end of this paragraph, you're talking about the
10 effects on the Hispanic community?

11 A I don't understand your question.

12 Q Do you see the portions where you say
13 "cleave the Hispanic enclaves" of various
14 neighborhoods?

15 A Yes. Hold on, let me see. Where do
16 you see that?

17 Q About five lines down from -- in
18 paragraph 24.

19 A Okay. Before Baldwin Park?

20 Q Yes. Starting with "cleave the
21 Hispanic enclaves."

22 A Yes.

23 Q And if you'd like to just take a moment
24 and re-read, in your head, that portion, starting
25 with "cleave the Hispanic enclaves," through the

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1 rest of the paragraph.

2 A Okay.

3 Q Is it your understanding that this
4 statement suggests the Hispanic community is
5 harmed or helped by the Prop 50 map?

6 MR. MEUSER: I'm going to object to the
7 extent that it calls for attorney-client privilege
8 communications. You can answer it if you can
9 answer it absent any communications that you or I
10 have had on this.

11 A I don't know if this will harm the
12 Hispanic community. But I do believe that this
13 will give an advantage to the Democratic Party,
14 whoever they wanted to put in, in this district,
15 in the districts this city belongs to, ultimately.

16 Q Okay. Let's turn to page 33 of the
17 PDF.

18 This is now part of the memorandum in
19 support of the petition. If we could go to the
20 bottom of the page.

21 Can you, please, read, out loud, the
22 last paragraph on this page, until the open
23 parentheses beginning with "the legislature."

24 A "The legislature thus violated the
25 clear text and purpose of Article XXI Section 1,

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1 2, when it engaged in the redistricting process,
2 and did so without complying with the
3 Constitution's redistricting requirements,
4 including secretly developing new congressional
5 district maps without public input and
6 redistricting solely for" the one -- "for one
7 party's advantage. Indeed, the redistricting
8 proponents have been unequivocal in proclaiming
9 that the express purpose of their redistricting
10 effort has been to redraw congressional boundaries
11 to" -- do you want me to continue to read on?

12 Q Yeah, just those last few words there.

13 A "Benefit Democrats over Republicans."

14 Q Thank you.

15 Do you stand by that statement?

16 A I stand by that statement as presented
17 on this document.

18 MS. KHANNA: If we could scroll down to
19 the bottom of the next page of this page here.

20 Okay. Great.

21 Q Do you see the last complete sentence
22 on this page. It states that "The most egregious
23 violation of those requirements by AB 604 and the
24 maps it creates is their flouting of Article XXI,
25 Section 2, of our State Constitution by

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1 'discriminating against a political party.'"

2 Did I read that sentence correctly?

3 A Let me double-check. The most
4 egregious. So you started from there, correct?

5 Q Yes, just that one sentence.

6 A Yes.

7 Q Do you stand by that statement?

8 A I stand by the statement as presented
9 on the document.

10 Q As far as you recall, Mr. Ching, were
11 there any statements in this petition, or
12 memorandum, stating that the map also
13 discriminates on the basis of race?

14 A I don't recall, specifically, what part
15 in this document mentioned about race because this
16 is a long document. I don't recall any specific
17 areas.

18 Q Do you recall that it mentioned race at
19 all?

20 MR. MEUSER: I'm going to just object
21 to the extent that the document speaks for itself,
22 so...

23 Q You can answer.

24 A I don't know, specifically, if this is
25 mentioned in this because there are many legal

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1 documents.

2 Sorry, let me take a sneeze one more
3 time.

4 Q Take your time.

5 A Thank you.

6 Q Mr. Ching, did something change between
7 the time that you signed your name, under penalty
8 of perjury, in the document that we have on the
9 screen right now and the time that you filed the
10 present lawsuit after Election Day?

11 MR. MEUSER: I'm going to object to the
12 extent that it calls for attorney-client
13 communications that took place.

14 And I'm going to instruct him that he
15 can only answer that question if it comes to
16 anything that he heard outside of conversations
17 with counsel.

18 Q You can answer.

19 A Can you repeat the question so I know
20 how to answer?

21 Q Did anything change between the time
22 that you signed your name to this lawsuit on the
23 screen right now, the Sanchez lawsuit, and the
24 time that you signed your name to the present
25 lawsuit, the Tangipa lawsuit?

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1 MR. MEUSER: Same objection.

2 A When you say "anything change," are you
3 talking about anything in my mind or any facts
4 outside of in my mind, changed?

5 Q Yes. So let me be more specific.

6 Other than communications and
7 understandings that you derived from your lawyer,
8 did your belief change about the Prop 50 map
9 between the Sanchez lawsuit and the current
10 Tangipa lawsuit?

11 A My mind did not change. I believe the
12 previous lawsuit and this current lawsuit,
13 Prop 50, violated the California Constitution, as
14 well the U.S. Constitution.

15 Q And did your mind change as to the
16 basis of the violation that you're asserting?

17 MR. MEUSER: And I'm going to object to
18 the extent that it calls for attorney -- I mean,
19 object to the extent that it calls for a legal
20 conclusion.

21 You can answer.

22 A My mind did not change because I'm not
23 a lawyer, I don't know how -- specifically how
24 they filed it, the lawsuit, as to -- there are
25 obviously privileges.

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1 But in my mind, I did not change.

2 Q Did you see any information, other than
3 communications with your counsel, that would
4 change your mind as to the reason the Prop 50 map
5 was unconstitutional, between the Sanchez lawsuit
6 and the Tangipa lawsuit?

7 A Based on what I was able to see, to
8 gather, and what I heard, as of today, I believe
9 Prop 50 violated California Constitution, as well
10 as the U.S. Constitution.

11 Q And, therefore, nothing changed your
12 position as to that belief between the Sanchez
13 lawsuit and the Tangipa lawsuit?

14 MR. MEUSER: Objection to the extent
15 that it calls for attorney-client communications
16 and documents presented by attorneys to him in
17 reaching any conclusions that he has.

18 You may answer, if you can, absent
19 communications that you had with me and my firm
20 and any attorneys.

21 A I believe that in the beginning, I
22 believe that today, that Prop 50 violated
23 California Constitution, as well as the U.S.
24 Constitution.

25 Q And other than communications with

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1 counsel, there's no -- you have no change in your
2 opinion as to the basis for why the Prop 50 map is
3 unconstitutional; is that correct?

4 MR. MEUSER: Objection to the extent
5 that it calls for a legal conclusion.

6 You can answer if you can.

7 A Can you -- I just want to understand
8 your question clearly. Can you repeat your
9 question, please?

10 Q Sure. Other than information you have
11 obtained from your communications with your own
12 counsel, am I correct that nothing changed, in
13 your mind, or your opinion, as to the reason why
14 the Prop 50 map is unconstitutional?

15 MR. MEUSER: Same objections.

16 You can answer if you can.

17 A I have not changed my mind. When I
18 first learned about it, as of today, I have not
19 changed my mind as to the violation of the
20 California Constitution, as well as the U.S.
21 Constitution.

22 Q And you haven't changed your mind as to
23 the reasons why you believe that it violates these
24 constitutions?

25 A I have not changed my mind as of the

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1 reasons that the Prop 50 violated the California
2 Constitution, as well as the U.S. Constitution.

3 MS. KHANNA: Thank you, Mr. Ching, I
4 have no further questions for you today.

5 I'm going to pass the witness on to, I
6 believe, Ms. McCall, for the State.

7 Thank you so much for your time this
8 morning. I appreciate it.

9 THE WITNESS: Thank you.

10 EXAMINATION BY COUNSEL FOR GOVERNOR NEWSOM AND
11 SECRETARY OF STATE SHIRLEY WEBER

12 BY MS. MCCALL:

13 Q Good morning, Mr. Ching. My name is
14 Christina McCall and I'm a deputy attorney general
15 with the California Department of Justice. My
16 colleague Katrina and I represent Governor Newsom
17 and Secretary of State Shirley Weber.

18 Ms. Khanna was just talking to you
19 about the prior challenge to Prop 50 or what
20 became Prop 50 that you were involved with.

21 Do you remember the date that that case
22 was filed with the California Supreme Court?

23 A I don't remember the exact date, but I
24 think it is probably around August 24th or -- on
25 or about.

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1 Q Okay. And do you remember about how
2 many days later the State Supreme Court denied
3 that petition?

4 A I believe it was shortly after, but I
5 don't know -- I don't recall the specific date.

6 Q Does two days later sound about right?

7 A I don't recall the exact date, but I
8 think it was pretty shortly after.

9 Q Okay. And we were talking about that
10 lawsuit, and you said you don't remember whether
11 or not there was any mention of race in all those
12 dozens of pages in that initial petition, correct?

13 A I don't remember, specifically, on the
14 document.

15 Q And do you remember ever seeing the
16 term "racial," that word racial, in that document?

17 A I don't remember, specifically, on that
18 particular document.

19 Q Would you be surprised that the term
20 "race" or "racial" never appears in that document?

21 A I don't know if I would be surprised.

22 Q Do you remember that lawsuit ever
23 mentioning Voting Rights Act?

24 A Yes. I recall the term, but I don't
25 know where, specifically, I saw the term.

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1 Q You remember seeing the term "Voting
2 Rights Act" in that petition of Sanchez v. Weber?

3 A I cannot say specifically if I saw the
4 term mentioned in that document, as of today,
5 because I reviewed many, many documents. My mind
6 could be clouded with different legal documents.
7 But I recall the term. So I cannot tell you,
8 specifically, if it was on that document or on
9 other documents that I received.

10 Q Okay. So you don't know whether or not
11 the Sanchez v. Weber petition, that you and your
12 colleagues filed, mentions Voting Rights Act?

13 A Can you repeat your question so I can
14 understand? I want to make clear that I
15 understand the question.

16 Q Yes. Do you know whether or not this
17 Sanchez v. Weber petition ever mentions the term
18 Voting Rights Act?

19 MR. MEUSER: And I'm just going to
20 object. The document speaks for itself.

21 You can answer if you know.

22 A I don't understand, specifically, if it
23 mentioned on that document because, as I stated,
24 I've seen many, many documents, I read all the
25 documents. And in my mind there would be -- maybe

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1 the term was misplaced somewhere. So I cannot
2 tell you where, specifically, it's mentioned on
3 the document.

4 Q Okay.

5 A Yeah.

6 Q Do you know whether the Sanchez v.
7 Weber Supreme Court document ever mentioned the
8 term "Latino"?

9 A I don't remember, specifically, whether
10 it's mentioned on the document or not.

11 Q Okay.

12 MS. McCALL: And could we put up that
13 document, please, that we just had up, the Sanchez
14 v. Weber document. I believe that might be
15 Exhibit 2. And go to paragraph 23, please.

16 PLANET DEPOS TECHNICIAN: Stand by.

17 MS. McCALL: Sorry, 23 might be up a
18 page or so.

19 PLANET DEPOS TECHNICIAN: Oh. My
20 apologies.

21 MS. McCALL: No problem.

22 And if we could zoom in a bit, please,
23 Jasmine.

24 BY MS. McCALL:

25 Q Okay. Mr. Ching, would you, please,

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1 read the allegation in paragraph 23 from the
2 Sanchez petition?

3 A "The congressional districts reflected
4 in AB 604 were drawn without public notice,
5 hearings, or input, and for an express partisan
6 purpose."

7 Q Do you remember, approximately, how
8 many times the word "partisan" was mentioned in
9 this writ petition before the Supreme Court?

10 A I don't recall how many times that
11 partisan appeared in this document.

12 Q Would nine surprise you?

13 A It would not.

14 Q Okay. And do you know how many times
15 Latino was mentioned in this writ petition before
16 the California Supreme Court?

17 A I do not.

18 Q Would it surprise you that it's not
19 mentioned at all?

20 A No, it would not.

21 Q And would it surprise you that the only
22 mention of Hispanic, in this writ petition, is in
23 paragraph 24, which Ms. Khanna already covered
24 with you?

25 A I would not.

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1 Q So we talked a lot, with Ms. Khanna,
2 about email messages and social media things. Did
3 you receive the request for production of
4 documents sent by the California defendants,
5 defendants' first set of request for production of
6 document to plaintiffs?

7 A I received document request from
8 attorneys -- our attorneys on this case.

9 Q Okay. And you don't have to talk about
10 any communications you had with your attorneys.

11 After kind of a long definition
12 section, do you remember there's only one request
13 for production in this document?

14 A I don't recall, specifically, how many
15 documents were requested, but at the time --

16 Q Okay.

17 A -- I was preparing, I looked through
18 it, and I complied with it, with what was asked of
19 me.

20 MS. McCALL: Jasmine, would you mind,
21 please, marking the document that begins with 25
22 11 25, and let's mark that as Exhibit 3, please.

23 (Ching Exhibit 3 marked for
24 identification and attached to the transcript.)

25 PLANET DEPOS TECHNICIAN: Stand by.

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1 MS. McCALL: Thank you. And we can
2 kind of scroll a bit.

3 Q Does this document look familiar,
4 Mr. Ching?

5 A This document looks very familiar with
6 many documents that I reviewed. So I don't know,
7 specifically, what documents you're mentioning.

8 Q A lot of legal documents -- so this one
9 says, in the title, "Defendants' First Set of
10 Requests for Production of Documents to Plaintiffs
11 and Plaintiff-Intervenor."

12 Do you see that part?

13 A Yes.

14 MS. McCALL: And, Jasmine, let's scroll
15 down to page 6, please.

16 Q The rest of it is instructions and
17 definitions.

18 MS. McCALL: And can we zoom in a bit?

19 Q Before the signature block, there is
20 only one request for production, correct?

21 MR. MEUSER: The document speaks for
22 itself.

23 MS. McCALL: I'm asking Mr. Ching for
24 his understanding, if there is only one request
25 for production in this document.

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1 A As is stated on this document.

2 Q Right. And do you see there that it
3 calls for all non-privileged documents and
4 communications in any challenger's possession,
5 custody, or control, relating to both the 2025
6 California congressional redistricting and either
7 race or partisanship?

8 Did you provide any documents or
9 communications in response to this request for
10 production?

11 MR. MEUSER: And I'm going to object to
12 the extent that it calls for attorney-client
13 communications. There have been a lot of meet and
14 confers on this particular document. And
15 Mr. Ching has been instructed by attorneys as to
16 what he was supposed to do, and he has produced in
17 accordance with that.

18 And I'm going to instruct him not to
19 answer any question on this that deals with
20 attorney-client communication, and I think your
21 question's getting pretty darn close to there. So
22 if you have to ask a narrow question, I'll let him
23 answer that, but your question is way too broad
24 and it will require him to give attorney-client
25 communications in order to respond to your

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1 question.

2 Q Okay. Not involving any communication
3 with your attorney, did you produce any documents
4 or communications to the defendants in response to
5 this request for documents?

6 A I have not.

7 Q So you haven't produced anything in
8 your possession relating to the 2025
9 congressional -- California congressional
10 redistricting in either race or partisanship?

11 A Based on my understanding, I don't have
12 anything -- any documents that pertains to the
13 request.

14 Q And do you have --

15 MR. MEUSER: I'm going to object to the
16 extent other than what as -- you know, what we
17 have told him, after meet and confer conference,
18 and what he has gone and looked for, he has told
19 us, what he assures, based on the meet and
20 confers, that there are no responsive documents.

21 I want to make sure we have a clear
22 record here. But you can continue.

23 Q Okay. Did you, Mr. Ching, search for
24 documents and communications that meet this
25 request for production?

Transcript of Eric Ching
Conducted on December 13, 2025

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1 MR. MEUSER: I'm going to object.

2 And I'm going to instruct him not to
3 answer.

4 MS. McCALL: You're going to instruct
5 him not to answer the question whether he searched
6 for documents and communications meeting this
7 request?

8 MR. MEUSER: I'm going to instruct him
9 not to answer because there have been attorney
10 communications that have been very narrowly
11 whittled down as to what he was actually asked to
12 go and search for. This document was sent out.
13 There was follow-ups, there have been meet and
14 confer conferences. And as such, your question is
15 not applicable to what he was instructed by
16 attorneys to do.

17 And I'm going to instruct him, at this
18 time, to not answer that question.

19 Q Okay. Let me ask it more specifically.
20 You did not provide any text messages that would
21 be responsive to this request, did you?

22 MR. MEUSER: And I will object to the
23 extent that it calls for attorney-client
24 communications as to what the attorneys asked him
25 to go look for.

Transcript of Eric Ching
Conducted on December 13, 2025

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1 Q And without getting into the substance
2 of any conversations you had with your attorneys,
3 you did not provide any recordings from meetings
4 that would be responsive to this request, did you?

5 A Based on the instruction provided by
6 attorney, I followed what's asked to produce.

7 Q Okay. So notwithstanding -- we're
8 trying not to discuss anything you might have
9 confidentiality communicated with your attorney.
10 But you didn't provide any email messages relating
11 to the Prop 50 issue, did you?

12 A I provided everything on my end to
13 what's asking of me. I say provide -- I will say
14 I followed the instruction as to what's required
15 of me.

16 Q So it's your understanding that nothing
17 was required of you in response to this request
18 for production, notwithstanding any attorney
19 communications that were confidential?

20 A I followed the instruction based on my
21 understanding communicated by my attorney, to -- I
22 followed that.

23 Q So let's move on.

24 You mentioned that you had previously
25 run for congressional representative in -- was it

Transcript of Eric Ching
Conducted on December 13, 2025

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1 District 38?

2 A Yes.

3 Q And who was your opponent both times
4 that you ran?

5 A It was Representative Linda Sanchez.

6 Q And about how long has
7 Representative Sanchez served in the United States
8 Congress?

9 A I believe over ten terms.

10 Q So for over 20 years?

11 A That's my understanding, over ten
12 terms.

13 Q And did I hear you say that your
14 percentage of the vote increased between 2022 and
15 2024, or did I get that wrong?

16 A I didn't say the percentage. I meant
17 to say the number of votes.

18 Q So the number of votes. But did the
19 percentage increase or decrease, that you got of
20 the votes, did it increase or decrease between
21 2022 and 2024?

22 A I didn't look specifically after a
23 certain period of time, so I don't know the final,
24 final count.

25 Q Would it surprise you to learn that the

Transcript of Eric Ching
Conducted on December 13, 2025

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1 percentage of the votes that you got in 2022 was
2 41.9 percent?

3 A No, it would not surprise me.

4 Q And would it surprise you to know the
5 percentage of the votes that you got in 2024 was
6 40.2 percent?

7 A It would not surprise me.

8 MS. McCALL: And, Jasmine, can we,
9 please, put up the Complaint in the instant case,
10 the Tangipa v. Newsom Complaint, and go to
11 paragraph 31.

12 MS. KHANNA: And just to clarify, I
13 believe that is Exhibit 1 to this deposition.

14 MS. McCALL: Thank you, Ms. Khanna.

15 PLANET DEPOS TECHNICIAN: Stand by. Do
16 you know what the document is titled, exactly?

17 MS. McCALL: I believe it was the
18 Complaint filed in the case of Tangipa and a lot
19 of other defendants, including the witness, versus
20 Gavin Newsom.

21 PLANET DEPOS TECHNICIAN: Understood.
22 There are four exhibits.

23 MS. McCALL: I think it's previously
24 marked, through Ms. Khanna's testimony, as
25 Exhibit 1.

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Conducted on December 13, 2025

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1 PLANET DEPOS TECHNICIAN: Exhibit 1.

2 Now I'm following.

3 MS. McCALL: Ah, thank you.

4 BY MS. McCALL:

5 Q And, Mr. Ching, you said that you
6 reside in, is it District 31, according to the new
7 map?

8 A I don't know exactly where the new map
9 boundary is, at least according to
10 County of Los Angeles.

11 Q Okay. How about --

12 A But based on --

13 Q According to the legislature's website,
14 have you checked out the maps on that website?

15 A Yes.

16 Q Okay. And is it your understanding
17 your new district would be 31 or 41?

18 A It would be 31.

19 MS. McCALL: So, Jasmine, could you,
20 please, go to paragraph, I believe it's 31.

21 Q And could you read this paragraph,
22 please, Mr. Ching.

23 A Is it 31?

24 Q Paragraph 31, yes.

25 A "Plaintiff Eric Ching had announced he

Transcript of Eric Ching
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1 was running for Congress in Congressional District
2 38. However, because of the passage of
3 Proposition 50, he now lives in Congressional
4 District 41. Ching has not yet announced if he
5 will still run for Congress or if he does, which
6 district."

7 MR. MEUSER: And I am just going to let
8 the parties know that this is something that we
9 caught when we were doing -- preparing him for
10 deposition, and that we will be filing an errata,
11 that that was a typo.

12 But you can ask him your question.

13 Q Okay. So that was going to be my
14 question, Mr. Ching, is whether or not this
15 paragraph of the Complaint in this case is
16 accurate, with respect to which district you now
17 live in after Prop 50?

18 A Based on -- there's a typo. Based on
19 what I was able to research from the California
20 website, I live in Congressional District 31, if
21 that's the final map.

22 Q Okay. And let's -- we've been talking
23 about elections and things like this. And as a
24 candidate for public office, you strongly believe
25 in democracy, correct?

Transcript of Eric Ching
Conducted on December 13, 2025

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1 A When you talk about the word
2 "democracy," I'm thinking about Constitution. So
3 when you talk about democracy, there are many
4 things that come to my mind, so I don't know how
5 to answer that term. We live in a constitution
6 republic. So when you talk about democracy, I
7 don't know if you're talking about the same thing.

8 Q Well, do you believe that a core tenet
9 of our government is the ability for citizens to
10 vote in elections?

11 A I believe that.

12 Q And do you believe that the will of the
13 voters should be reflected in the laws of our
14 state?

15 MR. MEUSER: I'm going to object to the
16 extent that it calls for a legal conclusion.

17 If you can answer it, go for it.

18 A Can you re -- I want to make sure I
19 understand your question.

20 Could you ask one more time?

21 Q Yes. Do you believe that the will of
22 the voters should be reflected in the laws of our
23 state?

24 MR. MEUSER: Same objection.

25 You can answer.

Transcript of Eric Ching
Conducted on December 13, 2025

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1 A I believe the will of voters should be
2 respected, provided that if the legislature or the
3 writing of the law, or what they're voting, they
4 understand. If they understand how they vote.

5 Q Okay. And California voters
6 overwhelmingly voted in support of Proposition 50
7 just a month ago, correct?

8 A Correct.

9 Q Do you know the percentage of
10 California voters who voted in favor of
11 Proposition 50?

12 A I don't know the exact number, but it
13 was a pretty high number.

14 Q Does 64.4 percent sound about right?

15 A That sounds about right.

16 Q And do you know how many people, how
17 many actual voters, the number of voters who
18 favored -- who voted in favor of Prop 50 a month
19 ago? How many millions of people?

20 A I do not.

21 Q Would it surprise you to know that it
22 was 7.45 million people who voted for it?

23 A I would not be surprised.

24 Q And do you know how many voters voted
25 against Prop 50 a month ago?

Transcript of Eric Ching
Conducted on December 13, 2025

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1 A I do not.

2 Q Would it surprise you to learn that it
3 was 4.11 million?

4 A I do not [sic].

5 Q So if you prevail in this lawsuit,
6 isn't it fair to say it will erase the votes of
7 7.45 million California voters?

8 MR. MEUSER: I'm going to object to the
9 extent that that calls for a legal conclusion.

10 To the extent you can answer it, so be
11 it.

12 A I do not believe that because in the
13 process of -- in the Proposition 50 process, if
14 California Legislature violated the California
15 Constitution and violated the U.S. Constitution, I
16 believe the Constitution is the supreme law of our
17 land, so it does matter -- does not matter how
18 people voted. We must follow the Constitution,
19 unless that's been a changed or modified, the
20 Constitution trump the people, however they voted.

21 Q Isn't it your understanding -- I'm
22 sorry, I cut you off. Go ahead.

23 A I believe Constitution is the supreme
24 law of our land.

25 Q Okay. Is it your understanding that

Transcript of Eric Ching
Conducted on December 13, 2025

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1 Prop 50 changed the California Constitution by
2 vote as the actual citizens who voted?

3 MR. MEUSER: I'm going to object to the
4 extent that it calls for a legal conclusion.

5 If you can answer that, you're welcome
6 to.

7 A I believe the process, in order to pass
8 Prop 50, was in violation of the Constitution.

9 Q Which Constitution?

10 A Constitution of California, as well as
11 Constitution of United States.

12 Q You believe that the voters changing
13 the California Constitution by initiative violated
14 the California Constitution?

15 How? How do you believe that?

16 A I believe the process violated the
17 Constitution of California, as well as the
18 Constitution of the United States.

19 Q The voting process? What process are
20 you talking about?

21 A Process in which to call the Prop 50
22 violated the California Constitution, as well as
23 Constitution of the United States.

24 Q Okay. You understand that the main
25 goal of Prop 50 was to, basically, flip five

Transcript of Eric Ching
Conducted on December 13, 2025

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1 congressional Republican seats to Democratic
2 seats, right?

3 MR. MEUSER: I'm going to object --

4 Q Is that your understanding?

5 MR. MEUSER: -- that mischaracterizes
6 his prior testimony.

7 Q What's your understanding of the goal
8 of Prop 50.

9 A My understanding of the Prop 50 is the
10 California Legislature used race as one of the
11 main means to push out Prop 50. And this --
12 because race is one of the main consideration,
13 therefore, it violated the California
14 Constitution, as well as the U.S. Constitution.

15 Q And which exact statements from
16 California Legislatures can you point to that race
17 was the main point of the drawing of these
18 boundary maps?

19 A I believe the California Legislature
20 number of elected or appointed officers have said
21 it in the press or they have press releases, they
22 stated as such, that they used race to -- I'm just
23 paraphrasing. I don't know the specific of it,
24 but I've seen the -- some of the press releases,
25 seen some of the news clips, that is one of the

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1 main means to form -- push forward Prop 50.

2 Q Who sent it, and when and where?

3 A May I take -- let me answer, and then
4 I'll sneeze. Okay.

5 Q Of course.

6 A I don't know specific person who sent
7 it, when and where, but I have seen a news clip
8 independently, as well as, possibly, headlines
9 that I received from emails or posting on social
10 medias.

11 Q And, again, you didn't provide any of
12 these communications, correct?

13 A Before you -- I said I need to take
14 a --

15 Q Yes, of course.

16 A Sorry, could you repeat your question
17 again, please?

18 Q You did not provide any of these
19 communications in response to the request for
20 production, correct?

21 A I followed what was requested of me,
22 communicated through my attorney.

23 Q Let's see. So you mentioned you might
24 plan to run for Congress in 2026; is that right?

25 A If nothing changes, I will be filing

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1 papers to run for 2026, for congressional seat.

2 Q What do you mean if nothing changes?

3 A As of today, my mind is to run in 2026.

4 I have made appointments to pull papers on
5 December 19th, 2026.

6 Q And which district will you run in,
7 assuming the Prop 50 map remains?

8 A If we're able to overturn Prop 50, I
9 will be running the old district, which was 38.

10 Q Okay. And if Prop 50 stands, which
11 district will you run in?

12 A I lean heavily on 31st, but I may
13 consider other districts, based on if I can
14 provide the best representation to that district.

15 Q And you mentioned December 19th. Which
16 steps have you taken to run for Congress in 2026?

17 A I have maintained my federal status to
18 run for office, the County of Los Angeles, to pull
19 papers on the 19th of December 2026 -- '5.

20 Q And have you hired a campaign manager
21 for 2026?

22 A I have many campaign staff members or
23 volunteers, but I don't know -- well, I shouldn't
24 say that. I don't know, the term "manager,"
25 meaning that there's one person handling

Transcript of Eric Ching
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1 everything, I do not.

2 Q Okay. Have you raised funds for the
3 2026 election?

4 A I have some funds remaining from the
5 last campaign, and I have plans to fund raise in
6 the very near future.

7 Q And have you raised funds in this
8 calendar year for your congressional campaign?

9 A I don't recall specifically, but I
10 believe people has -- have contributed to the
11 campaign, possibly from my website or from my, you
12 know, campaign donations link. I don't know the
13 specifics to answer your question.

14 Q Did you recently file a disclosure that
15 you'd raised more than \$8,000 in 2025 for your
16 campaign?

17 A I followed whatever the FEC asked to
18 do. We filed the quoted papers as required of me.

19 Q And it seems like the number one donor
20 in 2025 is Jennifer Chiang, C-H-I-A-N-G.

21 Does that sound familiar?

22 A I do not follow who donated to me.
23 Maybe somebody that donated via online or check,
24 to my campaign finance person. I do not have
25 independent knowledge as to who has donated.

Transcript of Eric Ching
Conducted on December 13, 2025

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1 Q Even if someone donated over \$6,000 in
2 one year, you're not sure who that is?

3 A I don't handle campaign finance. So
4 everything is handled by my campaign finance
5 person.

6 Q Is your campaign finance person the
7 same person from 2024 election?

8 A That's correct.

9 Q And who is that?

10 A Her name is Sue Ho.

11 Q Okay. Have you filed a Statement of
12 Candidacy, otherwise known as FEC Form 2, for
13 2026?

14 A I don't know if I have to file one. I
15 have maintained my status. So I don't know if my
16 campaign finance person has made contact with them
17 to maintain that status.

18 But I have maintained the status, the
19 campaign registration. So I don't know if she
20 filed independently or if there's other processes
21 that I must do. But I intend -- if I didn't
22 complete a process, I intend to file within due
23 time.

24 Q And what's your understanding of when
25 the FEC Form 2 needs to be filed?

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1 MR. MEUSER: I'm going to object to the
2 extent that it calls for attorney-client
3 communication or to the extent that it calls for a
4 conclusion of law.

5 If he can answer, so be it.

6 A I don't recall specifically. But we
7 will comply with all requirements.

8 Q And so, you don't know whether you have
9 filed the Statement of Candidacy yet for 2026?

10 A Personally, I do not file myself. I
11 don't know if my campaign staff or my treasurer
12 has filed it. I cannot answer that question.

13 Q So you don't know which district you
14 listed on the Statement of Candidacy?

15 A I could not possibly list any district
16 in my campaign filing because it's, per
17 Los Angeles County, they don't even have a
18 definitive map. So there is no way for me to file
19 at this time.

20 Q Do you plan to collect signatures to
21 get onto the primary ballot or pay the filing fee?

22 A I plan to collect as many signatures as
23 possible for 2026.

24 Q And how many signatures do you think
25 you need to qualify for the ballot without paying

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1 the filing fee?

2 MR. MEUSER: I'm going to object to the
3 extent that it calls for a legal conclusion.

4 You can answer if you know.

5 A I believe it's over a thousand. I
6 can't remember exact number.

7 Q Have you already designed your 2026
8 campaign website?

9 A I have my website from 2022 and 2024.
10 I intend to change some things and use the same
11 website.

12 Q Does that website mention a particular
13 congressional district?

14 A The previous one, I believe it did.
15 But it depends -- depending on the outcome of this
16 legal challenge, we may have to modify it.

17 Q All right.

18 MS. McCALL: I think that concludes the
19 questions that I have for Mr. Ching, so I will
20 pass it over, I believe, to counsel for LULAC.
21 Unless we take a break.

22 Does anyone want to take a short break?

23 MR. MEUSER: How long does LULAC have
24 of questions? Think that would be the determining
25 factor.

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1 MR. KOVACS-GOODMAN: Maybe, 20,
2 30 minutes. So maybe a break, short break,
3 five-minute break, would work.

4 MS. McCALL: Great. If it works for
5 everybody, maybe we resume at 11:15 Pacific.

6 (Recess taken from 2:10 p.m. to
7 2:18 p.m.)

8 MR. KOVACS-GOODMAN: Back on the
9 record.

10 EXAMINATION BY COUNSEL FOR THE LEAGUE OF LATIN
11 AMERICAN CITIZENS

12 BY MR. KOVACS-GOODMAN:

13 Q I'm Jacob Kovacs-Goodman for the League
14 of Latin American Citizens, along with my
15 colleague Jon Greenbaum.

16 Good morning, Mr. Ching. Thanks for
17 doing this on a Saturday.

18 MR. KOVACS-GOODMAN: I'd like to start,
19 actually, by returning, briefly, to
20 Ching Exhibit 1.

21 PLANET DEPOS TECHNICIAN: Stand by.

22 MR. KOVACS-GOODMAN: And can we return
23 to paragraph 7 on page 4, please.

24 Q And so, I know we've discussed this a
25 little bit, but just to confirm, this says you

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1 plan to run for election and vote in 2026,
2 congressional District 31; is that --

3 Do you see that?

4 A Yes, I do see that.

5 Q Is that accurate?

6 A If the final map -- if Prop 50 stands,
7 that's -- I plan on running in District 31. But I
8 may have -- I may change my mind, depending on
9 where I can best represent.

10 Q Okay.

11 A At the time of the document, that was
12 my intention.

13 Q Okay. Understood.

14 MR. KOVACS-GOODMAN: And could we bring
15 up Ching Exhibit Number 4, please, which is a
16 screenshot from the California State Assembly
17 website.

18 PLANET DEPOS TECHNICIAN: Counsel, I'll
19 mark it at the end. It is a PNG file and it's not
20 a PDF picture.

21 MR. KOVACS-GOODMAN: Okay. I can
22 export it quickly.

23 PLANET DEPOS TECHNICIAN: Let me know
24 when you're all set.

25 MR. KOVACS-GOODMAN: Okay. How's that?

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1 PLANET DEPOS TECHNICIAN: Stand by.

2 MR. KOVACS-GOODMAN: Thank you.

3 PLANET DEPOS TECHNICIAN: Counsel, it's
4 still a PNG file in the browser.

5 MR. KOVACS-GOODMAN: I think it says
6 png.pdf, but it should have converted.

7 Are you seeing that?

8 PLANET DEPOS TECHNICIAN: I'll do it
9 again. I'll try it one more time.

10 MR. KOVACS-GOODMAN: Thanks.

11 PLANET DEPOS TECHNICIAN: And it is
12 still a PNG file.

13 Would you still like me to show that?

14 MR. KOVACS-GOODMAN: Yeah, I'll try one
15 last thing. Sorry.

16 How's that?

17 PLANET DEPOS TECHNICIAN: Stand by.

18 Counsel, that worked. Stand by.

19 MR. KOVACS-GOODMAN: Great. Thank you.

20 (Ching Exhibit 4 marked for
21 identification and attached to the transcript.)

22 Q Great. So, Mr. Ching, you had
23 mentioned earlier that you had an opportunity to
24 review the maps on the California State Assembly
25 website; is that right?

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Conducted on December 13, 2025

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1 A That's correct.

2 Q Okay. Great. Does this look familiar?

3 A Yes.

4 Q Okay. And is your address 22077 East
5 Snow Creek Drive?

6 A Yes.

7 Q Okay. And do you see where this
8 address is located on this map?

9 A I cannot pinpoint it, but it should be
10 within District 31.

11 Q Okay. Do you see the purple 31 in the
12 middle, sort of just east of Covina here?

13 A I see 31, the number 31.

14 Q Okay. Great. And do you remember, in
15 the Complaint, you mentioned that it says you have
16 not yet announced if you'll run for Congress or,
17 if you do, which district?

18 MR. MEUSER: I'm going to object that
19 it mischaracterizes the Complaint.

20 But he can answer.

21 A We announced -- I have always stated,
22 in public stated that I will continue to run for
23 office until God tells me not to run, and I will
24 stop. That's my message, starting from 2022,
25 2024, and I will continue to say the same message.

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1 Q Sure. Okay.

2 MR. KOVACS-GOODMAN: Can we return to
3 Ching Exhibit 1, please. And to paragraph 31 on
4 page 8, please.

5 Q Could you read the last sentence of
6 that paragraph, please?

7 A Talking about 31?

8 Q Yes, please.

9 A "Ching has not yet announced if he will
10 still run for Congress or if he does, which
11 district."

12 Q Okay. Is that statement accurate?

13 A I have stated earlier, I always use the
14 same phrase, I will continue to run until God
15 tells me not to.

16 So I don't know when God will tell me,
17 but that's the message between he and I.

18 Q Okay. So which district might you run
19 in, in 2026?

20 A If we prevail in this lawsuit, I will
21 run in District 38. If not, I will be running,
22 likely, in 31 or 38. There are other
23 possibilities.

24 Q Okay. What are the other
25 possibilities?

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1 A I have not looked at all the districts,
2 but I would say it would be district close to my
3 residence, where I can represent the best.

4 Q And how will you decide where you can
5 represent the best?

6 A Based if I can make the most impact.

7 Q And what sort of things do you look for
8 in how to make the most impact?

9 A When I look, the communities throughout
10 Southern California, or California in general, I
11 see raising crime, I see homelessness, I see
12 businesses suffering, I see many things in the
13 streets need fixing. I want to run in a district
14 where I can represent the best, to fix whatever
15 district.

16 Q Okay. And so, if several districts
17 have some of those problems you've just described,
18 how will you determine which one you can best
19 represent?

20 A Although they have similar issues, but
21 one will stand out to me. And, also, I will be
22 praying to God to see which district I will be
23 running. So depending on the outcome of this
24 lawsuit, you know, so if that comes, hopefully
25 soon, then I will make the final determination, as

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1 well as praying to God.

2 Q Okay. And if the Prop 50 maps stay in
3 place, and you run in CD31, do you think you'll
4 have a more difficult time than you did when you
5 ran in the old CD38?

6 A I think it will be new challenges
7 because I -- there are some cities that I'm not as
8 familiar.

9 Q Okay. Is that the only challenge?

10 A That wouldn't be the only challenge.

11 Q What are some of the other challenges?

12 A Other challenges meaning that I have
13 not studied the geographic, perhaps the boundary
14 will be bigger. I have not been able to look in
15 each and every CD to determine what needs they
16 need, and also, as a whole, what -- other than
17 issues I mentioned about, if there are other
18 issues this is not familiar to me at this point.

19 Q Okay. What issues -- or what cities
20 seem unfamiliar in the new CD31?

21 A I would say cities -- two cities, you
22 know, above me, perhaps cities like Durate or even
23 Azusa, for example. I don't know all the issues
24 in those particular areas. I want to make sure
25 that I study those to determine if I'm the best

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1 fit to be best to represent the residents in the
2 districts to make final decision.

3 Q Okay. And you had represented to
4 counsel earlier that you were also looking at some
5 of the racial composition of the districts; is
6 that right?

7 A I have not been able to look at in
8 details. I have just kind of, in a general
9 fitting as to what the composition may be.

10 Q Did you know the racial demographics of
11 the old District 38 when you ran?

12 A I'm somewhat familiar.

13 Q Would it help to look at redistricting
14 data?

15 A Yes, it would.

16 Q Okay.

17 MR. KOVACS-GOODMAN: Let's look at
18 Ching Exhibit Number 5, please.

19 PLANET DEPOS TECHNICIAN: Stand by.

20 MR. KOVACS-GOODMAN: Thank you.

21 (Ching Exhibit 5 marked for
22 identification and attached to the transcript.)

23 Q This is 2020 census data from the
24 California Commission.

25 MR. KOVACS-GOODMAN: And can we locate

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1 District 38, please. Thank you. Okay. It's
2 plenty disconnected -- sorry.

3 Can we scroll to the top for the
4 headers, please? Thank you.

5 Q So the categories, do you see the
6 categories on the second half of the top row
7 there?

8 A Yes.

9 Q The citizen voting age population
10 numbers?

11 A Yes.

12 Q Okay. And now, if we look at 38,
13 please. So the Latino -- what is the Latino
14 citizen voting age of your old District 38? Are
15 you able to see that there?

16 A Yes, it appears to be 55.64 percent.

17 Q Okay. And the one next to it is, I
18 believe, the -- right. Does that number look
19 right as well?

20 A I don't know if it's right or not. But
21 I can read, from your exhibit, it's 2.45 percent.

22 Q Sure. And the next column?

23 A Is 20.95 percent.

24 Q Right. And what is that number?

25 A I believe that's the Asian population.

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1 Q Okay. And do you have any reason to
2 doubt the accuracy of these numbers?

3 A I don't know if that's -- how accurate
4 it is. But I will say this: It is reasonably a
5 reflect of the district.

6 Q Okay. And are you familiar with the
7 citizen voting age populations of different
8 demographics of the new Prop 50 District 31?

9 A I do not [sic].

10 MR. KOVACS-GOODMAN: Okay. Can we,
11 please, turn to Ching Exhibit 6.

12 PLANET DEPOS TECHNICIAN: Stand by.

13 (Ching Exhibit 6 marked for
14 identification and attached to the transcript.)

15 PLANET DEPOS TECHNICIAN: Counsel, can
16 you, please, identify the document?

17 MR. KOVACS-GOODMAN: Yeah, this is from
18 the California State Assembly website.

19 PLANET DEPOS TECHNICIAN: Is this the
20 one you're looking for, Counsel?

21 MR. MEUSER: I don't think that's what
22 he's looking for.

23 MR. KOVACS-GOODMAN: Yeah, I don't
24 think so either. It should say Exhibit 6
25 ab604-compressed.

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1 PLANET DEPOS TECHNICIAN: Let me
2 refresh.

3 MR. KOVACS-GOODMAN: Okay.

4 Q While we wait, I can ask. You had
5 mentioned to Counsel, previously, that you
6 suffered harm because Prop 50 cut the Asian
7 population of your prior district into thirds; is
8 that right?

9 A It cut the area into three pieces.

10 Q And, specifically, the Asian
11 population; is that right?

12 A That's correct.

13 Q So if Prop 50 had not cut the Asian
14 citizen voting age population to thirds, is it
15 correct that it would not have caused you the same
16 harm?

17 A I don't understand the question. Could
18 you ask one more time so I can understand in my
19 mind.

20 Q Sure. Yes. So if Proposition 50 did
21 not cut the Asian citizen voting age population
22 into thirds, would it not have caused you harm?

23 MR. MEUSER: I'm going to object to the
24 extent that it calls for a legal conclusion.

25 Q You can answer, Mr. Ching.

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1 A So you're talking about the old prop
2 38 -- I mean, the District 38, if -- should
3 Prop 50 overturn; is that the question you're
4 asking?

5 Q So if Prop 50 had not cut the Asian
6 citizen voting age population into thirds, you
7 would not have suffered harm from Proposition 50;
8 is that right?

9 A I don't know if I can answer right or
10 not.

11 So you're talking about Prop 50 the way
12 it is, if I will be harmed?

13 Q Right.

14 A So you're saying if Prop 50 overturned
15 and it went back to prop 38 [sic], is that what
16 you're asking?

17 Q No. The current -- if Proposition 50
18 had not cut the Asian CVAP into thirds in your
19 area, would you not have suffered harm?

20 MR. MEUSER: I'm going to object that
21 it misstates his testimony. You're focusing in on
22 only one of the many things he said.

23 But you can answer to the extent
24 possible.

25 A I don't necessarily, you know, would

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1 say that, in that statement. I don't know how to
2 answer that statement because there are other
3 factors.

4 Q What are the other factors?

5 MR. MEUSER: Asked and answered.

6 A Other factors could involve party
7 affiliation, obviously, and as well as the
8 candidates, the strength of candidates, you know,
9 things of that nature.

10 Q Okay. So if we can turn to page 38,
11 please, of Exhibit 6. Okay. Great.

12 Now, what is this document, Mr. Ching?

13 A This appears to be the document
14 reflecting District 31 as to citizen voting age
15 population. That's what it appear to me.

16 Q Right. And so, this -- does this
17 reflect the district you now currently reside in,
18 after the passage of Prop 50?

19 A I could not verify the number it
20 reflects.

21 Q Well, do you remember locating, in
22 Exhibit 4, that your current address is located in
23 Proposition 50 District 31?

24 A Yes.

25 Q Okay. And is this also a map of

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1 Proposition 50 District 31?

2 A Yes.

3 Q Okay. And in this new district, what
4 is the Latino citizen voting age population?

5 A I can only base on what it says on this
6 map.

7 Q Okay. And what does this map say?

8 A On the top it says 21 percent other,
9 50 percent -- 56 percent Latino. It's too small
10 now, I cannot see.

11 Q Okay. It's actually -- sorry.

12 PLANET DEPOS TECHNICIAN: I was going
13 to make it bigger, but it's hard to.

14 MR. KOVACS-GOODMAN: It's hard to --

15 Q Okay. It's actually the row below
16 that, that has the citizen voting age population.
17 Are you able to see that row?

18 MR. MEUSER: Are you talking about the
19 graph or are you talking about the data below the
20 map, Counsel?

21 MR. KOVACS-GOODMAN: I was speaking
22 about the data below the map. But the graphs seem
23 to round down in the same -- they round down to a
24 whole percentage point.

25 So if the graphs are easier to see,

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1 then that's easier.

2 A The graph is easier to see.

3 Q Okay. Great. And so, what is the
4 citizens voting age population breakdown in CD31?

5 A Do you want me to read the top or the
6 bottom?

7 Q You can read it for yourself, and
8 that's okay.

9 Is the -- are these -- okay. I'll take
10 them one at a time. Is the Latino citizen voting
11 age population in your new district, your new
12 Prop 50 District 31, lower than when you ran in
13 '24, in District 38?

14 A Are you talking about the top graph or
15 the bottom?

16 Q The bottom graph, the citizen voting
17 age population.

18 A Based on the map, it's 4 percent lower.

19 Q Okay. And the Asian citizen voting age
20 population in this new Prop 50 District 31, is it
21 lower or higher than when you ran in District 38,
22 in 2024?

23 A It seems to be the same.

24 Q Okay. We can -- I know it's a lot of
25 columns and numbers.

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1 MR. KOVACS-GOODMAN: We can go back to
2 Exhibit 5. It'll have --

3 Q So District 38, it's that second column
4 from the right, it's 20.95 percent.

5 MR. KOVACS-GOODMAN: So, and then, if
6 we could go back to Exhibit 6, please.

7 Q Is the Asian citizen voting age
8 population higher or lower in the new district?

9 A This map is lower.

10 Q Right. By about how much?

11 A By about, maybe, 4 percent.

12 Q Yeah. 2, 3 percent, right. Or is --
13 how is 20.95 percent compared to 18.5 percent?

14 A Right. About 3 percent.

15 Q Okay. And you said you were
16 considering running in District 31. Are there
17 other districts you're considering in the new map?

18 A The one below this, I believe, is 38.

19 Q Okay.

20 MR. KOVACS-GOODMAN: Could can we turn
21 to page 45, please.

22 Q And what is this?

23 A It's too small. I can't see.

24 Q What is -- okay.

25 A It's thirty --

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1 Q And how does the Latino citizen voting
2 age population here compare to your previous
3 District 38?

4 A I would say similar.

5 Q And how does the Asian citizen voting
6 age population compare to your previous District
7 38 in 2024?

8 A This number seems to be higher.

9 Q Okay. So in the Complaint do you
10 recall it says that Prop 50 assigns you to a
11 district drawn with race as the predominant
12 factor, causing stigmatic and reputational injury?

13 A Yes.

14 Q So which district is your injury based
15 on?

16 MR. MEUSER: Object to the extent that
17 it calls for a legal conclusion.

18 You can answer if you can.

19 A Here, I think the issue is if you lump
20 Asian as a whole, it's a misrepresentation.
21 Because Asians from Vietnam, from Laos, from
22 Singapore, from China, from Taiwan, from Hong Kong
23 are all different.

24 So if you lump -- you know, in each
25 geographic area, you tend to have Asians or even

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1 Korea tend to congregate in certain areas.

2 The needs and the wants or the service
3 for an area may be different. You can just point
4 to Little Saigon, you can point to Little Japan or
5 Koreatown, all different.

6 So, just, if you base on population
7 alone, percentage alone, that would be a mis -- a
8 gross misrepresentation.

9 Just like, I believe in Latinos, you
10 have people from many different countries. So if
11 you lump Latinos as a whole, it's a
12 misrepresentation of the true representation for
13 whatever their specific congressional district.

14 Q So lumping Latinos in together as a
15 whole, in aggregate, and measuring their increase
16 or decrease as a voting block is a similar
17 distortion?

18 A I believe it's a distortion until I
19 have a chance to do a more detailed analysis.

20 Q And so, what is your stigmatic and
21 representational injury?

22 MR. MEUSER: Asked and answered.

23 THE WITNESS: I can answer?

24 A Okay. The answer will be this:

25 Because as I stated, the needs and the -- for the

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1 community for each race, you can separate into
2 many different parts. So maybe issues with one
3 community may be different -- a population of race
4 would be different than the other.

5 For example, I think certain race,
6 depending on where they live, maybe crime is their
7 number one issue. And for different, even though
8 they're Asian or Latino, maybe economy is their
9 number one issue.

10 So unless this I have a detail -- I did
11 a detail -- or do a detail analysis, I don't know
12 how to answer. But I can tell you, based on my
13 knowledge, at least, you know, in my city where
14 people gathered, I think crime is number one
15 issue. Maybe a city right next to mine,
16 homelessness may be the biggest issue.

17 Q Which city is that?

18 A I would say that you will see more
19 population of homelessness in Hacienda Heights,
20 Rowland Heights area, but not as much in the city
21 where I reside, that is Walnut, or my next city,
22 Diamond Bar.

23 So even just, you know, a few minutes'
24 drive, the needs for that particular community may
25 be very different.

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1 Q Sure. And you mentioned you haven't
2 done the thorough analysis you would need yet.

3 A The reason why is, again, I stated even
4 the County of Los Angeles cannot tell me
5 definitively what district, if this will be the
6 final map.

7 Q So you don't know what your particular
8 stigmatic injury is at this point; is that right?

9 A I generally can tell if I'm going to be
10 serving in District 31, that will be very
11 different than District 38 because it also
12 includes -- new District 31 include many cities
13 that's not in the previous 38.

14 Q Okay. I have just a few more
15 questions.

16 MR. KOVACS-GOODMAN: If we can turn to
17 Exhibit 7, please. This is from Nonprofit
18 Nonpartisan News Organization Cal Matters.

19 (Ching Exhibit 7 marked for
20 identification and attached to the transcript.)

21 Q And what does this appear to be?

22 A This appear to be the registration for
23 two major parties, the Democrat and Republican.

24 Q And what is the purple -- the purple
25 section on the map?

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1 A The purple one appear to be -- I
2 couldn't tell, but it could be 38.

3 Q The old District 38?

4 A It appear to be. I cannot tell for
5 sure.

6 Q And then the yellow dotted lines?

7 A They appear to be new District 31.

8 Q Okay. And then assuming this document
9 is correct, the percentage of voters registered
10 Republican has increased in Prop 50 District 31 as
11 compared to your old District 38; is that correct?

12 MR. MEUSER: The document speaks for
13 itself.

14 A I could not tell the validity of this
15 map it true or not because you just presented this
16 to me. So I can't tell you precisely if that's
17 the case.

18 Q So have you -- do you have reason to
19 doubt the accuracy of these numbers?

20 A I have no information to doubt one way
21 or the other.

22 Q Okay. Assuming the accuracy of the
23 map, would the three-percentage-point gain in
24 registered Republicans be beneficial to you or
25 your campaign?

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1 A It may. It may not.

2 Q Why would it not?

3 A For example, I believe strongly that
4 the mean is not -- the end does not justify the
5 means. If by gaining 3 percent Republican will
6 benefit me, but in the process it violated the
7 California Constitution, as well as the U.S.
8 Constitution, I'd rather it go back to the old map
9 38. I will take that 3 percent margin down
10 because I believe strongly the ultimate law,
11 supreme law in our land is the Constitution. And
12 I will follow that to the T because I took oath to
13 promote and defend our Constitution.

14 So with that 3 percent margin more or
15 less, that is not my consideration.

16 Q So your main consideration is the
17 Constitution; is that right?

18 A I believe that should be our, all our
19 goals is to follow, defend, and protect our
20 Constitution. And then the day I step on this
21 foot in this country and became a citizen, I took
22 an oath and I stand by my oath.

23 Q And so -- and so how is -- how is
24 the -- what you're describing as the
25 constitutional harm, how is that causing your

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1 stigmatic injury here?

2 A I do not consider my party or
3 registration or whatever the racial compass in
4 whatever the district.

5 I look at, you know, first, based on
6 the Constitution. Based on if this is fair and
7 provided it follow the Constitution.

8 Then I go down the list a number of
9 points and priority. It goes down to see if we
10 follow the Constitution of this -- of the
11 residents in the districts, if it will harm, you
12 know, the community of people, then I will go down
13 to list.

14 So I believe -- because the process,
15 you know, I believe violated the Constitution, the
16 risk will follow. But not as an important factor,
17 but as a part of it.

18 May I take a sneeze real quick again?

19 Q Yes, of course.

20 A Thank you. Thank you.

21 Q Sure. Yeah.

22 MR. KOVACS-GOODMAN: Can we take,
23 maybe, a 60-second break while I'll just review
24 and see if I have any last questions?

25 MR. MEUSER: Look over your notes. We

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1 won't leave.

2 MR. KOVACS-GOODMAN: Thank you. Okay.

3 Yeah, I think that's it. No further questions.

4 Thank you so much.

5 PLANET DEPOS TECHNICIAN: Any more

6 questions, anyone? All right. May I have

7 transcript orders on record, please.

8 MR. MEUSER: On behalf on the

9 plaintiff, we'll take a 24-hour certified.

10 PLANET DEPOS TECHNICIAN: Please state

11 your name. I have the witness pinned only.

12 MR. MEUSER: Mark Meuser on behalf of

13 the Dhillon Law Group.

14 MS. KHANNA: And the same request

15 for -- I believe I'll just say for everyone on the

16 defendant side. We're all operating under the

17 same timeline here.

18 MS. McCALL: Confirming that on behalf

19 of Cal DLJ. This is Christina McCall.

20 PLANET DEPOS TECHNICIAN: Thank you.

21 MR. KOVACS-GOODMAN: And LULAC will do

22 the same.

23 PLANET DEPOS TECHNICIAN: Mr. Goodman.

24 All right.

25 And did I get an answer from

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1 Mr. Greenbaum?

2 MR. KOVACS-GOODMAN: He's also LULAC.

3 PLANET DEPOS TECHNICIAN: Understood.

4 MR. KOVACS-GOODMAN: Thank you so much.

5 (Off the record at 2:57 p.m.)

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CERTIFICATE OF REPORTER - NOTARY PUBLIC

I, JUDITH E. BELLINGER, RPR, CRR, CSR,
the officer before whom the foregoing deposition
was taken, do hereby certify that the foregoing
transcript is a true and correct record of the
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me and thereafter reduced to typewriting under my
direction; that reading and signing was not
requested; and that I am neither counsel for,
related to, nor employed by any of the parties to
this case and have no interest, financial or
otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my notarial seal this 14th day
of December, 2025.

My Commission Expires: November 3, 2028

Judith E. Bellinger

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Exhibit 515 - 121

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Transcript of Eric Ching
Conducted on December 13, 2025

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In the Matter Of:

DAVID TANGIPA

vs

GAVIN NEWSOM

BERNARD GROFMAN

December 04, 2025

CERTIFIED COPY

DAVID TANGIPA vs GAVIN NEWSOM
Bernard Grofman on 12/04/2025

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID TANGIPA; et al,

Plaintiffs,

vs.

No. 2:25-cv-10616 JLS (KESx)

GAVIN NEWSOM, in his official
capacity as the Governor of California;
et al,

Defendants.

CERTIFIED COPY

DEPOSITION OF BERNARD GROFMAN

Irvine, California

Thursday, December 4, 2025
Volume I

Reported by:
ANGELA METZ
CSR No. 12454, CLR

JOB No. 103369

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DAVID TANGIPA vs GAVIN NEWSOM
Bernard Grofman on 12/04/2025

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UNITED STATES DISTRICT COURT
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Defendants.

Deposition of BERNARD GROFMAN,
Volume I, taken on behalf of Plaintiffs,
at 4675 MacArthur Court, Suite 1410,
Irvine, California, beginning at 10:02
a.m. and ending at 4:31 p.m. on Thursday,
December 4th, 2025, before ANGELA METZ,
Certified Shorthand Reporter No. 12454.

DAVID TANGIPA vs GAVIN NEWSOM
Bernard Grofman on 12/04/2025

3

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DAVID TANGIPA vs GAVIN NEWSOM
Bernard Grofman on 12/04/2025

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DAVID TANGIPA vs GAVIN NEWSOM
Bernard Grofman on 12/04/2025

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DAVID TANGIPA vs GAVIN NEWSOM
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6

Irvine, California, Thursday, December 4th, 2025

10:02 a.m.

THE REPORTER: Good morning. My name is Angela Metz and I am a Certified Shorthand Reporter for the State of California and my CSR number is 12454. Thank you.

BERNARD GROFMAN,
having been first duly sworn, was examined and testified as follows:

MR. MEUSER: Before we get going with the deposition, would you like all of the attorneys to introduce themselves?

THE REPORTER: Yes, thank you.

MR. MEUSER: Mark Meuser here on behalf of the plaintiff of the matter, and I have my associate on the line, Domenic. He is also on behalf of the plaintiff.

MS. HAMILL: Julie Hamill, appearing on behalf of the United States, Plaintiff Intervener.

MR. EASON: Attorney Ryan Eason, appearing on behalf of the State Defendants, Gavin Newsom and Shirley

DAVID TANGIPA vs GAVIN NEWSOM
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1 Weber.

2 MS. HASAN: Iram Hasan appearing on behalf of
3 Defendants Governor Newsom and Secretary Weber.

4 MR. GROFMAN: Bernard Grofman, an expert witness.

5 MR. MEUSER: And then those who are appearing
6 remotely, can you make your appearances.

7 MS. MADDURI: Lali Madduri for DCCC, Defendant
8 Intervenor.

9 MR. WOODS: Clinton Woods for the California
10 Department of Justice for Defendants.

11 MR. FREEDMAN: John Freedman from (Inaudible)
12 Porter for Defendant Intervenor LULAC, and I'm joined by
13 my colleagues Sofia Fernandez Gold, Jacob Kovacs Goodman
14 and Sana Sinha.

15 MR. MEUSER: Anybody from yours?

16 MS. HASAN: I see David Green from our office.

17 MR. MEUSER: That looks like everybody.

18

19 EXAMINATION

20

21 BY MR. MEUSER:

22 Q. Dr. Grofman, before we get into the admonitions,
23 have you had your deposition taken before?

24 A. Yes.

25 Q. Approximately how many times?

1 A. At least six.

2 Q. And when was the last time you had your
3 deposition taken?

4 A. Give me a moment to think about that. Probably
5 sometime before 2015.

6 Q. Okay. Do you need me to go over the standard
7 admonitions, or are you comfortable with your deposition?
8 You know what this is all about?

9 A. I've been deposed before, so I feel comfortable.
10 If you wish to repeat, I'd be happy to repeat it.

11 Q. As a general rule, as you know, the court
12 reporter can only get one of us at a time, and I'm going
13 to do my best not to interrupt you, and I would appreciate
14 the same courtesy to allow me to finish my question even
15 though you know where I'm going. You agree?

16 A. Yes, certainly.

17 Q. And the court reporter cannot get inaudibles, so
18 we do need a verbal response to the questions --

19 A. Uh-huh.

20 Q. -- even though I can see you.

21 A. Yes.

22 Q. At any time you want a break, we are flexible to
23 do that. My only request is that I prefer you to finish
24 the question before we take the break, if at all possible.

25 A. Yes.

1 Q. Okay. You have been retained in this matter that
2 is before us here. Do you know when you were first made
3 aware of this case?

4 A. It would have been in early November, but I do
5 not remember the exact date.

6 Q. And how did you become aware of this case?

7 A. I was called by a member of the California
8 Department of Justice and asked whether I was familiar
9 with the case and whether I might be interested in serving
10 as an expert in it.

11 Q. And what did you tell them?

12 A. I told them that almost certainly, I would be
13 uninterested in serving as an expert because I had been
14 very -- well, that's the answer.

15 Q. Okay. Let's -- had you heard about this case?

16 A. Yes.

17 Q. How did you hear about this case?

18 A. I'm a California citizen, and I'm familiar with
19 Prop 50 from the publicity and media reports on Prop 50,
20 and I do generally follow litigation in areas of voting
21 rights, so I was aware that there was a court case.

22 Q. And why were you initially hesitant to be
23 involved in this case as an expert?

24 A. Because it's much more fun to work for federal or
25 state courts as a special master, and it had been a long,

1 long while since I had served as an expert witness for a
2 party.

3 Q. Okay. Approximately how much time have you spent
4 in preparing your report that was submitted to the court
5 yesterday?

6 A. I would guess a little bit over 100 hours.

7 Q. Okay. And I'm asking for your best estimate from
8 when you first heard that this case was filed to when you
9 were called by the California DOJ. Approximately how much
10 time do you believe that was?

11 A. I believe it would have been a few days.

12 Q. Okay. You prepared a report; correct?

13 A. Yes.

14 Q. What is -- what are the conclusions that you have
15 reached in this case?

16 A. Do you mind if I refresh my memory?

17 Q. You go right ahead.

18 A. As shown on Page 008 of my expert report, my
19 conclusions are that there is overwhelming evidence that
20 the map has the effects of being a partisan gerrymander.

21 And on the other side of the coin, in terms of
22 the relative balance of evidence for the map being a
23 partisan gerrymander in its effects and the map being a
24 racial gerrymander in its effects, the data supporting the
25 argument for the map being a racial gerrymander is either

1 minimal or nonexistent.

2 Q. Is that all of the conclusions you have come up
3 with?

4 A. No. There are a variety of other more specific
5 conclusions.

6 Please pardon me for a moment.

7 There are a number of other more specific
8 conclusions that has to do with the methods that are the
9 standard tools of partisan gerrymander, of which I
10 identified four, those to be found on Pages 007 through
11 008 of my report.

12 And with respect to those methods of partisan
13 gerrymandering, my report has conclusions as to exactly
14 how each of those four methods was employed to create the
15 partisan gerrymander that is the Prop 50 map.

16 In addition, in my report, I not only identify
17 the tools that are used in partisan gerrymandering. I
18 also provide a definition of what a partisan gerrymander
19 is, the definition which, in three parts, is identified on
20 Page 007 of Exhibit A, with a fourth element being the
21 durability of the gerrymander.

22 And with respect to each of those bulleted
23 points, I provide opinion based on my expert witness
24 knowledge and experience of exactly how the partisan
25 gerrymander was effectuated in the Prop 50 map in order to

1 achieve each of the three goals identified. Namely,
2 reducing the number of seats held by the other party -- in
3 this case, held by the Republicans -- the protection of
4 safe seats of the Democratic party, and the concern for
5 adding Democrats and/or subtracting Republicans from those
6 Democratic incumbents who would be regarded as most
7 vulnerable.

8 And those would be at least additional
9 conclusions. If you give me a moment, then I will review
10 quickly my report to see if I can find other things that
11 are there.

12 Yes. So in addition to those particular elements
13 of the tools for gerrymandering and the goals of
14 gerrymandering, I also look at very briefly the expert
15 witness report of Dr. Trende and the evidence he presents,
16 and I also have reviewed and have an opinion about the
17 expert witness testimony of Dr. Thomas Brunell.

18 In addition, I have reviewed some publicly
19 available information about the way in which particular
20 individuals -- or actually, not particular individuals --
21 the way in which the public sentiment and legislative
22 description of the map was reported to the voters. And
23 those are the conclusions -- oh, sorry.

24 And then, in addition --

25 **Q. I'm going to stop you for a second.**

1 You said that you have opinions about the report
2 of Brunell, but I am not seeing in your report any --
3 other than saying that you reviewed his report, I am not
4 seeing that you have in your report any -- any
5 conclusions, opinions, or statements about Brunell.

6 Am I missing something?

7 A. Yes, you are. Sorry. You are not really missing
8 something, but yes, you are missing something.

9 Yes, it is true that there is no mention of
10 Dr. Brunell's report, and that's quite simply because
11 there is nothing in Dr. Brunell's report that I felt any
12 need to respond to. It is not -- it does not make
13 statements with respect to racial or partisan
14 preponderance in the Prop 50 map.

15 Q. Okay. I interrupted you. I'll let you go back
16 to the other conclusions that you had.

17 A. Other conclusions had to do with, again, publicly
18 available information about Hispanic demography and
19 Hispanic voting patterns. And those would be contained on
20 Page 15 of my exhibit, and they are conclusions based on
21 my knowledge and experience, but also my review of sources
22 that I regard as reliable about the degree to which
23 Hispanics are a very large -- indeed, the largest single
24 racial or ethnic group in the state -- their proportion of
25 partisan -- proportion of registration, the extent to

1 which they are more likely to be registered as Democrats
2 than as Republicans, and also some information about the
3 degree to which Hispanic population, while partly
4 geographically concentrated, is also commingled with other
5 Democratic populations, including white populations that
6 also have a high propensity to vote Democratic.

7 The -- those are the conclusions that have to do
8 with the Prop 50 map and the relative balance of evidence
9 for partisan -- partisan as the key critical motivation --
10 effect, I should say. I don't deal with motivation. The
11 critical effect versus race, and racial motivation being
12 the critical effect in the plan.

13 And then there is one last comment with respect
14 not to the case being brought by Plaintiffs but being
15 brought by Plaintiff Intervenor. And that is a
16 conclusion that the Plaintiff Intervenor brief contains no
17 analysis on a possible Section 2 claim.

18 **Q. Okay. We're going to go into this a lot more,**
19 **but does that summarize all of the conclusions that you**
20 **have made in this case?**

21 A. It summarizes all of the conclusions that are
22 contained in my report.

23 I would like, if I might, to simply note for the
24 record that I did look at two additional sources that were
25 not mentioned in the list of items that I had reviewed.

1 One of these is a report of the Public Policy Institute of
2 California, dealing with voter survey data and voter exit
3 poll data by party on preferences for a yes vote or a no
4 vote on the Prop 50 ballot.

5 And that URL which identifies the particular
6 report that I examined has been shared with Ms. Hasan, and
7 therefore would be available to you to review. But I do
8 want to note for the record that that is something which I
9 also examined.

10 In addition, not in the list of items that I
11 examined, I did go back and reread portions -- or I should
12 say skimmed portions of the Citizens Redistricting
13 Commission report on the map that was used in the 2022 and
14 2024 elections.

15 Q. Okay. Those two documents that you just talked
16 about, were these documents that you found on your own, or
17 were they documents given to you by counsel?

18 A. These were document I found on my own.

19 Q. And you have shared both of those documents with
20 counsel -- your counsel?

21 A. I know that I have shared the California
22 Institute for Public Policy work or document that I
23 referenced.

24 The California Independent -- Citizens
25 Redistricting Commission report, again, is a matter of

1 public record, so I saw no need to share it. It is, of
2 course, readily available.

3 Q. Okay. Attached to your report is your CV;
4 correct?

5 A. Yes.

6 Q. And I don't want to belabor it very much, but
7 really quickly, let's talk about your educational
8 background here.

9 A. Yes. I have a master -- sorry. I have a
10 bachelor's of science degree in mathematics from the
11 University of Chicago in -- let's see if I get my years
12 right -- 1962.

13 I have a 1972 Ph.D. from the University of
14 Chicago -- actually, 1960. Let me get the years right.
15 Let me just verify with my own CV. I have trouble
16 remembering exactly what was what.

17 So the 1966 is the bachelor of science degree in
18 mathematics, and I have a master's degree in 1968, also
19 from the University of Chicago. But that is a -- on the
20 way to a Ph.D. degree, meaning you get it as you are
21 moving toward a Ph.D.

22 And then, of course, I have a Ph.D. in political
23 science from the University of Chicago in 1972.

24 And it's not clear exactly how to count an
25 honorary degree, but I have a Ph.D., a second Ph.D., if

1 you will. It's an honorary doctorate from the University
2 of Copenhagen. That was in 2010.

3 Q. So let's talk about once you've earned your
4 Ph.D., from the date you earned your Ph.D. to the present,
5 have you predominantly been in academia?

6 A. Yes.

7 Q. Can you please briefly walk through the various
8 institutions that you have taught at and what your
9 subjects that you were teaching from when you got your
10 Ph.D. forward.

11 A. So the beginning of my career is as first an
12 instructor and then an assistant professor at the State
13 University of New York at Stony Brook, a university that
14 now refers to itself as Stony Brook University.

15 In 1976, I was given a tenured position as an
16 associate professor of political science and social
17 psychology at the University of California Irvine, and
18 then I became a full professor of political science and
19 social psychology in 1980. Those would be the formal
20 positions that I held that were professorial.

21 In addition to those professorial positions, I
22 served as the Director of the Center for the Study of
23 Democracy, which is an organized research unit at the
24 University of California Irvine. That center is now
25 referred to as the Jack Peltason Center for the Study of

1 Democracy, and I was director of it for -- actually,
2 that's not quite right -- for -- that actually has to be a
3 typo on my CV because I was director of it for 12 years.

4 Q. Okay.

5 A. Those would be -- those would be the major
6 professorial positions that I held or research director
7 positions that I held over the last multiple, multiple
8 decades. And eventually, I became a distinguished
9 professor of political science at the University of
10 California Irvine. That happened in, I believe, 2015.

11 And I noticed, by the way, that the CV is correct
12 with respect to the years in which I served as director of
13 the Center for the Study of Democracy. Namely, I was the
14 Jack Peltason chair from 2008 to 2022.

15 And then I also received what is called a
16 courtesy appointment in economics from the Economics
17 Department of the University of California Irvine, and
18 that happened in 2001.

19 In 2022, I officially retired from the University
20 of California, and at that point, the title that I had was
21 Distinguished Research Professor Emeritus of the
22 University of California Irvine.

23 In addition to those positions and research
24 directorships in the United States, I've also had a fairly
25 extensive history of being invited to be a -- in some

1 cases, a visiting professor, and in other cases, a
2 visiting scholar at a variety of institutions of higher
3 learning around the world in -- I don't remember exactly.
4 I'd have to consult the CV to get it specific -- roughly
5 10 different countries, including physician's visits at
6 Oxford University and Pompeii University in Barcelona, at
7 the University of Paris II, which is the University of
8 Paris Pantheon. Pantheon, P-a-n-t-h-e-o-n.

9 I've been a scholar in residence at Osaka, at
10 Kansai Daigaku University. I've been a visiting
11 professor, also, at universities here in the United
12 States, most notably the University of Michigan and the
13 University of Washington.

14 I've been a guest scholar at the Brookings
15 Institution. I've been a visiting lecturer in Germany at
16 the University of Mannheim. I've been a scholar at New
17 York University Law School for several different years.

18 I've been -- I think I may have mentioned -- if I
19 haven't, I'll repeat. I've been an official politics
20 visitor and then a visitor and then a conference
21 participant for something like five different years at
22 Nuffield College, Oxford University.

23 And let me see if I've missed something.

24 Oh, yes. Sure. In addition, I have been a
25 visiting scholar in Germany at the University of

1 Constance, and then I've been a visiting scholar at
2 Complutense University in Madrid, and then I've been a
3 visiting professor in economics at the University of Caen,
4 C-a-e-n, France.

5 And then I've been a visiting scholar at the
6 Central European University, then located in Budapest, now
7 relocated to Vienna. And then I've been a visiting
8 scholar at the Juan March Institute at the University of
9 Carlos III, University of Carlos III, in Madrid.

10 These have generally been relatively short
11 visits, usually one week. Sometimes they have been
12 longer. In some instances, they've been as long as one
13 month. Or in one case, I think they were three months.

14 Oh, sorry. And then more recently, I've been a
15 visiting scholar in Australia and New Zealand. So I've
16 been a scholar in residence at the University of Auckland.
17 That's 2024. Then I've been a scholar in residence at the
18 Australian University in Cambria. That also was 2024.
19 And then also in 2024, I've been a scholar in residence at
20 Victoria University of Wellington.

21 So I think that's it. I haven't counted, but
22 that's at least 10 countries.

23 **Q. So all of these visiting professorships, were**
24 **they all in political science?**

25 **A. No. Some of them are in economics.**

1 Q. Any of them in law schools?

2 A. Yes.

3 Q. Which ones?

4 A. There are several. There are repeat visits to
5 New York University Law School.

6 Q. But you're not a lawyer?

7 A. That is correct.

8 Q. Okay. And you've never taken any law school
9 classes or anything like that?

10 A. Yes, that is correct.

11 Q. I'm not going to ask you to go through the list
12 of all of the publications that are in this list. It's
13 quite extensive, your writings. But I am going to ask
14 you, before you submitted your list of publications in
15 your CV, did you review it?

16 A. Yes, briefly.

17 Q. To the best of your ability, is that a complete
18 list of all of your publications?

19 A. Yes.

20 Q. And when did you -- when was the last time you
21 reviewed this list of publications?

22 A. Sometime earlier this year. I believe I could
23 probably tell you, because it lists as Item P-7, as the
24 seventh item under my books and -- published books that
25 are either singly authored or jointly authored, there's a

1 2025 book. And that book has only been recently actually
2 published.

3 So it must be the case that it would be -- sorry.
4 It would be a sufficiently short time ago that that book
5 would have been indeed a published book because that was
6 published in 2025.

7 Q. So I am seeing in your list Number 226, which is
8 2024, Effective District Magnitude that you wrote with --
9 I'll probably butcher these names -- Daniel Bochsler?

10 A. It's Daniel Bochsler, as he pronounces it, as
11 best I can pronounce it.

12 Q. Is that the last publication that you have
13 written?

14 A. It's the last --

15 Q. It's the last one on this list. I'm just making
16 sure that since you've --

17 A. Right. Give me a moment to check.

18 It's not the last publication because there is a
19 2025 publication, which I previously identified for you.
20 So it is not the last publication.

21 Q. But that is a book, and these are, I think,
22 articles in this list?

23 A. Yes, that's right.

24 And the last article that I list is actually
25 forthcoming, and that would be 2026 forthcoming. That is

1 Item R-129.

2 Q. Okay. The R list?

3 A. Yes. Those would be research notes that are
4 shorter than the usual academic article.

5 Q. So the last -- but what I'm asking is about your
6 longer articles.

7 226, which is right above your R list, has
8 Affective District Magnitude. Is that the last --

9 A. Yes, that is the last item on the CV under the
10 category Professional Articles in Print.

11 Q. Okay. And you're not aware of any other articles
12 that you've written that should be on there since that
13 day?

14 A. No, there are no additional published articles.

15 Q. And you used the word "published." Does that
16 mean that you are working on some other articles that are
17 in peer review right now?

18 A. At the moment, I'm not working on anything which
19 is in peer review, but I have a -- largely because my time
20 in 2025 was taken up with finishing the book that came out
21 in 2025. So 2024, '25, I really focused on the 2025 book.

22 There are a number of articles which are in a
23 form that I anticipate that I will complete them and
24 submit them. There are probably at least two or three of
25 those, perhaps -- perhaps more.

1 There are a large number of articles over a bunch
2 of -- over many years that are in the form of, hmm, I
3 really should go back and finish this.

4 **Q. That is what you get to do when you're a**
5 **professor emeritus; right?**

6 A. Yes. It is one of the things that one is able to
7 do as a professor emeritus who remains highly active
8 professionally.

9 **Q. I want to shift our focus onto this specialized**
10 **field of redistricting that you have been a part of for**
11 **many years; correct?**

12 A. Yes.

13 **Q. Can you briefly share with us how you ended up**
14 **getting involved in the field of redistricting?**

15 A. Yes. Again, just give me a moment to consult my
16 CV so I get the right years.

17 In roughly 1980 -- yes, in about 1980, I had been
18 working as a mathematically-oriented political scientist
19 on issues having to do broadly with the topic of
20 representation.

21 In 1972, there was an edited book published by a
22 very -- at the time, very well-known scientist at the
23 University of California Berkley whose name is Nelson
24 Polsby -- whose name was Nelson Polsby. And this was an
25 edited book on redistricting in the 1970's.

1 And I read this book or the articles in this
2 book, and I realized, given my interest in representation,
3 that looking at issues of redistricting was a natural area
4 given my combination of interests and talent.

5 And so I moved at that point somewhat away from
6 the previous area that I had been working on, to a large
7 extent. Namely, to study the process of jury-making
8 decisions and to focus -- for a while, at least, then
9 continuing now for decades -- on redistricting.

10 And that led me to, in 1981, organize a
11 conference at the University of California Irvine on
12 redistricting. That conference actually resulted in an
13 edited book with three co-authors.

14 Aaron Lippert (phonetic), who is the past
15 president of the American Political Science Association
16 and one of -- perhaps one of the two or three best-known
17 scholars in the comparative study of election rules and
18 processes.

19 Howard Scarrow, who was a colleague of mine at
20 the University of California -- sorry -- State University
21 of New York, though at that time I had already left the
22 State University of New York. But Scarrow was also
23 interested and had written about redistricting also in the
24 context of Canada, because he was a Canada specialist.

25 And then Robert McCay, who was -- I think he

1 had --well, I should say had been. I don't believe he was
2 then, but he had been the dean at New York University Law
3 School.

4 So I was able to suggest to these other scholars
5 that the timing would be good to put together a set of
6 scholars, mostly political scientists, but at least some
7 others, as well. I believe at least one mathematician,
8 and I believe -- though I don't really remember -- at
9 least one law professor who were interested in
10 redistricting. And I organized that conference in
11 California, in Laguna Beach, California, in 1981, and as I
12 say, published the edited collection of papers from that
13 conference in 1982.

14 Do you wish me to continue? Because that takes
15 me up through the publications.

16 **Q. Okay.**

17 A. Then we move on, because I continue to have a
18 very, very strong interest in methods of representation
19 and, in particular, electoral rules. The rules of all
20 sorts that are used to elect candidates to legislative and
21 other offices.

22 And in the study of electoral rules, while the
23 particular voting rule that is used for, say, the state
24 legislative elections or Congressional elections in the
25 United States and other countries would be the central

1 focus, there are also related questions about election
2 processes, things like, for example, term limits, which I
3 later wrote about.

4 And also redistricting. Because redistricting
5 clearly has an impact on which candidates choose to run
6 and which candidates are elected under different voting
7 rules and different maps.

8 I continued my interest in the study of
9 representation, continuing also with my friend and past
10 president of the American Political Science Association,
11 then at the University of California San Diego, Aaron
12 Lippert, and we co-edited two books, one called Choosing
13 an Electoral System, which is exactly what its name
14 suggests.

15 Namely, we look at different ways in which
16 different countries choose members of a legislature and
17 then electoral laws and their political consequences,
18 which, again, is exactly what its title would suggest. It
19 looks at different electoral rules and what consequences
20 they have for party representation, for voter turnout, and
21 for voter interest, et cetera.

22 Now, I continue my work on representation broadly
23 because representation is -- if you will, if you think of
24 a Venn diagram, representation is bordered by
25 Constitutional design. And so I have been interested in

1 issues of Constitutional design.

2 Q. Can I stop you there for a second?

3 A. Of course.

4 Q. Have you taken any Constitutional law classes?

5 A. No.

6 Q. Okay. So when you're talking about
7 Constitutional design, how did you get the -- how do you
8 frame that?

9 A. With respect to the particular book that we are
10 now talking about, it's the Federalist Papers. So it is
11 Constitutional design not from a current legal perspective
12 with respect to Constitutional questions and/or
13 interpretation by the U.S. Supreme Court, but it is going
14 back to the founding and asking how the founding fathers
15 and, in particular, James Madison, viewed representation,
16 viewed the role of the president and viewed the role of
17 the courts, viewed the role of the legislature, et cetera.

18 Q. Okay. And I'm generally wanting to go to where
19 you first became an expert witness. How did you first
20 become an expert witness on this topic?

21 A. I first became an expert witness -- here I'm
22 going to have to go back again and consult the CV to
23 remind myself of the sequence.

24 Ah, thank you. Having now refreshed my memory
25 with my CV.

1 The first case in which I was involved was a case
2 called Carstens v. Lamm. And in that one, I was a
3 consultant to the Republican Party. And the issue there
4 was the legislature had failed to create a map, and so
5 there were, as I recall -- as best I can recall,
6 alternative maps that were being presented to the court.
7 And I testified about these alternative maps. That would
8 have been the very first court case that I was involved
9 in.

10 **Q. And what year was that?**

11 A. That would have been 1982. So this is roughly
12 coterminous with my work as in the redistricting area that
13 led to the publication of the 1982 book. And it is the
14 conference that I co-organized on redistricting and
15 representation issues more broadly which brought me to the
16 attention of various individuals who were involved or
17 potentially involved in litigation.

18 Then to continue the story, I go in 1982, again,
19 as a consultant, now to the special master. So this is --
20 this is my earliest experience not as a special master but
21 as a consultant to a special master.

22 And again, the involvement comes because the
23 legislature failed to enact a plan in a timely fashion, at
24 which point a court became involved in crafting an
25 alternative map -- actually, maps, because it was Congress

1 and both branches of the legislature -- in the event that
2 the legislature itself failed to enact a map in a timely
3 fashion.

4 As I recall, the legislature ultimately did enact
5 a map, and that map was the map that was actually used in
6 the subsequent election.

7 Q. Okay. I'm going to jump ahead here just a little
8 bit.

9 A. Uh-huh.

10 Q. Jingles. How did you first get involved in that
11 particular case?

12 A. In Jingles, I was approached by the NAACP Legal
13 Defense Fund, which was the principal plaintiff in that
14 case, and asked whether I could provide expert witness
15 testimony on issues having to do with the effects on
16 minority representation of multi-member districts.

17 And multi-member district is a district which
18 elects not just a single individual, as we are used to
19 thinking of for Congressional elections, say, but rather,
20 elects multiple individuals at once, often, not always,
21 under a rule something like those individuals who receive
22 the highest vote tally in a vote for K situation.

23 Where there are K seats to be filled, the K
24 individuals who receive the highest vote tally will, in
25 fact, be elected. That would be one of the standard

1 methods of multi-member district elections. There are
2 other methods that I've testified to in other instances,
3 but that would be one of the -- perhaps the central thing
4 which I was initially asked to review.

5 Because I had -- I either had or was about to
6 write something about the rule of multi-member districts
7 in representation.

8 But there were also other issues in the Jingles
9 versus Edmondson case, which is the precursor to Thornberg
10 versus Jingles. This is a case where new language had
11 been added to Section 2 of the Voting Rights Act, and
12 there was an issue -- and there was a suit brought by the
13 Legal Defense Fund alleging that particular districts in
14 North Carolina, both single-seat districts and multi-seat
15 districts, violated the language of the Voting Rights Act
16 as it had been amended in, as I recall, 1980, 1982.

17 And so I was asked by the Legal Defense Fund to
18 provide testimony bearing on the Section 2 claim that was
19 being brought.

20 Q. And I'm assuming you weren't asked to be giving
21 legal opinions of what the VRA meant as a result of that
22 amendment in 1982; is that correct?

23 A. That is correct. I was being asked to provide
24 factual evidence about particular aspects of elections in
25 the State of North Carolina where the Legal Defense Fund

1 was challenging those districts as violations of Section 2
2 of the Voting Rights Act.

3 Q. Now, in the case that eventually went to the
4 Supreme Court -- and I believe I saw in your report a
5 couple mentions to footnotes of the Supreme Court
6 decision, where it directly mentions you.

7 A. Yes.

8 Q. Why don't you -- you know, I've seen that, but
9 why don't you, to the best of your recollection right now,
10 tell us what your conclusions were at the district court
11 level on this particular case.

12 A. My conclusions affected most of the multi-member
13 districts and were that those particular multi-member
14 districts violated Section 2 of the Voting Rights Act
15 because effectively, they were stacked -- stacked being
16 another technical term in the redistricting literature --
17 in such a fashion as to submerge minority voting strength
18 in the voting strength of non-minority white voters whose
19 interests were not the same with respect to electing
20 minority officials to office.

21 And then I also -- at least -- there was at least
22 one, maybe more than one, single-seat district that was
23 also being challenged in the Thornberg versus Jingles
24 case. Actually, in Jingles versus Edmondson and
25 ultimately in Thornberg versus Jingles.

1 Q. Okay. I think we're going to start going through
2 your report from top to bottom, so if you want to kind of
3 move to the first page of your report, and we'll just kind
4 of start moving through.

5 And again, the first thing I want to do is cover
6 the topic that you said is not in your report but that you
7 have opinions of, and that was your opinions of Tom
8 Brunell's report. So what are your opinions about Tom
9 Brunell's report?

10 A. The most -- single-most important opinion is that
11 there is no statement in Dr. Brunell's report that is
12 directly relevant to the question of whether or not race
13 or partisanship is the preponderant motive or has the
14 preponderant effect. There simply is nothing in the
15 report that deals with this question.

16 Q. Okay. Now, in preparing this report, you never
17 talked to Paul Mitchell; correct?

18 A. That is correct.

19 Q. And you did not talk to any state legislator; is
20 that correct?

21 A. Yes.

22 MS. HASAN: Objection; leading.

23 MR. MEUSER: Okay.

24 THE WITNESS: No, I did not speak to any member
25 of the state legislature.

1 BY MR. MEUSER:

2 Q. Okay. Did -- do you know what software Paul
3 Mitchell used when putting the maps together?

4 A. No, I do not.

5 Q. Okay. Do you know what data he was looking at
6 when he put the map together?

7 A. Yes. It's the data -- to the best of my
8 understanding, it's the data that is posted on the
9 legislative website.

10 Q. Okay. And do you know which -- what -- whether
11 he was looking at politics or race when he was drawing the
12 lines? You don't know, when he was actually drawing the
13 lines, what was on the screen?

14 MS. HASAN: Objection; compound.

15 THE WITNESS: I don't no -- sorry. I have no
16 knowledge of what Paul Mitchell did. Period.

17 BY MR. MEUSER:

18 Q. Okay. Have you ever talked to Paul Mitchell?

19 A. No.

20 Q. Okay.

21 A. But let me clarify that. When I said I have no
22 knowledge of what Paul Mitchell did, I meant with respect
23 to the software and the question that you previously
24 asked. I obviously have knowledge of what Paul Mitchell
25 did because there is a Prop 50 map.

1 Q. Fair enough.

2 Do you have any other opinions about Tom
3 Brunell's report?

4 A. Other than its irrelevance to racial
5 gerrymandering, there is a question about a conclusion
6 that he reached with respect to racially polarized voting
7 patterns. He finds that there are no -- that in the state
8 as a whole, voting is not racially polarized.

9 Whether or not that conclusion is correct --
10 because I have not done -- redone his analysis -- it is
11 not correct to say that there is no racially polarized
12 voting in the state at the level of Congressional
13 districts or state legislative districts.

14 Q. Why do you say that, and what do you base your
15 opinion on?

16 A. I base my opinion on the fact that in
17 Dr. Brunell's report, he indicates that elections in
18 California are almost perfectly correlated with party.

19 And I would add to that fact the fact which is in
20 my report that Hispanics are very heavily Democratic
21 voters.

22 Combining those two facts, one reaches the
23 conclusion that in an election where a Republican is
24 elected, Hispanics in that district are extremely unlikely
25 to be voting for the Republican rather than the Democrat.

1 And thus, in an effects-based test for racially
2 polarized voting at the general election level, voting
3 indeed would be polarized along racial lines, where
4 most -- where most of the voters who are white are
5 Republican, and many of the voters who are Democratic or
6 some of -- even some of the voters who are Democratic are
7 Hispanic.

8 **Q. Now, in preparing your report, did you only look**
9 **at Congressional elections?**

10 A. In -- no. That is -- no, that's not true,
11 because there is mention of a variety of elections in
12 Dr. Brunell's report. And in reviewing that report, I
13 reviewed the things that he said about state legislative
14 elections, gubernatorial elections, et cetera.

15 And it also is the case that I reviewed
16 Dr. Trende's report. And Dr. Trende reports information
17 about, among other things, the U.S. presidential election
18 and also a 2022 gubernatorial election and also, if I'm
19 remembering correctly, a 2024 senatorial -- U.S. Senate
20 election.

21 And further, as I testified -- or sorry. As I
22 stated in my report, I reviewed the electoral and
23 demographic data that is available in the website of the
24 legislature, and that includes a variety of data.

25 And I also, as I indicated in my report, reviewed

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1 the 2000 and -- the Prop 50 map and the CRC map using
2 Dave's Redistricting App. And that app contained
3 information about a number of different elections in
4 California over the time period from roughly this century.
5 I don't remember exactly what elections are in there, but
6 it does include the elections referenced by Dr. Trende.

7 Q. Okay. Do you know how many Republican Hispanic
8 assemblymen there are?

9 A. No.

10 Q. Do you -- so you do not know how many Republican
11 Hispanics have been elected in districts that have a
12 Hispanic majority?

13 A. No, I do not.

14 Q. And do you know how many Republican Hispanic
15 senators, state senators, there are?

16 A. How many? No, I do not.

17 Q. Okay. So when you made the statement that
18 Hispanics predominantly vote for Democrats and that they
19 don't vote for Republicans, you have no -- you have not
20 looked at any of the state legislature races in reaching
21 that conclusion that you made?

22 MS. HASAN: Objection; leading.

23 THE WITNESS: It is -- I have not looked at the
24 state legislative races, but it is also the case that
25 candidates who are Republican may be elected even in

1 heavily Hispanic seats if Hispanic turnout levels are low.
2 So without detailed analysis, I cannot respond beyond
3 saying I don't know.

4 BY MR. MEUSER:

5 Q. Have we completely gone through all of your
6 opinions regarding Tom Brunell's report?

7 A. Yes.

8 Q. Why don't we go ahead -- you have a lot more
9 opinions about Sean Trendy's report, so why don't we go
10 ahead and cover those now.

11 A. Yes.

12 Q. And that starts on Page 0012 of your --

13 A. Yes. Sorry for interrupting. Yes, it starts on
14 Page 0012 of my report.

15 Q. Okay. Let's go through it in detail.

16 What is your overall conclusion of Dr. Trende's
17 report?

18 A. That Dr. Trende's report does not support the
19 conclusion that race was a preponderant motive in the map
20 as a whole even, and it does not support the conclusion
21 that race was a preponderant motive in CD-13.

22 Q. Okay. And would you like to break that down?

23 A. That -- I gave you a two-part answer. The first
24 part was that race was not a preponderant motive in the
25 map as a whole for the very simple reason that Dr. Trende

1 only talks about District 13, which is not the map as a
2 whole.

3 The next part of my answer was that Dr. Trende's
4 evidence about racial preponderance involves -- and I use
5 the words "nitpicking" or "cherry picking" the data.

6 And I also would add, though I don't say it in
7 this report, that essentially what he's saying is
8 irrelevant to a conclusion as to whether or not race was
9 the preponderant motive in even CD-13.

10 **Q. Anything else?**

11 A. Other than the specific facts that I cite to in
12 supporting the conclusion.

13 **Q. So you claim that Dr. Trende nitpicks the data.**
14 **Isn't that -- wouldn't somebody else say that that's**
15 **paying attention to details?**

16 MS. HASAN: Objection; leading. Calls for a
17 hypothetical.

18 THE WITNESS: I am quite specific as to why I
19 believe Dr. Trende nitpicked the data. He makes
20 comparisons about compactness scores between hypothetical
21 maps that he drew and the map that -- the Prop 50 map.

22 When you actually examine the specific numbers
23 that he used, it turns out that the compactness scores
24 differences to which he calls attention are essentially
25 trivial.

1 And moreover, they do not point uniformly in the
2 direction that Dr. Trende apparently is claiming that they
3 point. Namely, in his view, as I read it, compactness
4 scores are improved in his hypothetical maps as compared
5 to the Prop 50 map.

6 But when you actually look at the numbers
7 reported in his report, what I found is that of the two
8 standard measures for compactness, the Polsby Popper
9 Measure and the Riat Measure (phonetic) -- Polsby Popper,
10 P-o-l-s-b-y. And Popper is P-o-p-p-e-r. The definitions
11 of these measures are given in Footnote 36 of the report,
12 on Page 13.

13 That of these two standard measures of
14 compactness, one of them has some minor -- very minor
15 improvements in Dr. Trende's maps as compared to the
16 actual Prop 50 map.

17 And the other goes the exact opposite direction.
18 But again, the differences are, in my view, minor,
19 effectively trivial. So that's why I refer to it as both
20 cherry picking and nitpicking, because -- cherry picking
21 because Dr. Trende is basically only calling attention to
22 one of the two standards of compactness. Nitpicking
23 because the differences to which he calls attention are so
24 minor that effectively -- I'm not sure how large a nit is,
25 but effectively, they are very minor.

1 BY MR. MEUSER:

2 Q. And over the course of the last -- you know,
3 since you got your Ph.D. and you went into redistricting,
4 you have had the opportunity to draw maps many times;
5 correct?

6 A. Yes.

7 Q. And when you are drawing maps, you pay a lot of
8 attention to the lines that you draw; is that correct?

9 A. Yes.

10 Q. And you have -- have you ever drawn a map based
11 upon race, with race as a factor of why you were drawing
12 the lines?

13 A. Yes, in Section 2.

14 Q. Okay. So tell me about that. How had you
15 made the -- strike that.

16 When you were drawing a Voter's Rights Act
17 district, how did -- what was the process that you went
18 through that told you you had to draw a Voting Rights Act
19 district?

20 A. I would -- in the map drawing that I have done
21 for courts, I do not begin with voting rights districts.
22 I began -- I begin with the racial and population
23 demography. And I look to see whether it is -- whether
24 drawing a map according to neutral principles, one arrives
25 at a situation in which there are districts with

1 substantial Hispanic population.

2 If there are demonstration maps available, then I
3 would examine the question of whether or not a
4 demonstration map presents an additional citizen voting
5 age majority minority district, and in which case, I would
6 consider whether or not that district, hypothetically
7 drawn as an illustrative map, would be appropriate for a
8 court to adopt in my view as a political scientist seeking
9 to provide compliance with the political science
10 definition of opportunity to elect or whether or not there
11 might be other alternative configurations of districts
12 which could also continue to provide minorities with an
13 equal opportunity to participate in the political process
14 and to elect candidates of choice that would not require
15 the minority population to be as large as 50 percent
16 citizen voting age.

17 Q. Okay. Let's break that down.

18 You said opportunity to elect, and you gave a
19 political science definition to that. Where do you get
20 that definition?

21 A. That one, I think it would be fair to say I get
22 from myself.

23 Q. Okay. So that is -- when you say political
24 science definition, that is your definition of an
25 opportunity district?

1 A. No, it's a definition which I have offered and
2 which I think it is fair to say would be used by most
3 other experts. That is to say, it is by almost -- as a
4 verbatim translation of the term, it is a district in
5 which minorities have an equal opportunity to elect. That
6 is to say, in both the primary election and the general
7 election, they have a realistic opportunity to elect a
8 candidate of choice.

9 **Q. And when you say candidate of choice, what do you**
10 **mean by that?**

11 A. A candidate of choice is a candidate of
12 preference of the minority community. That is to say, in
13 a particular election contest, candidate of choice is the
14 candidate whom a majority of the minority -- of the
15 minority community would support.

16 **Q. And how do you determine what the minority**
17 **community supports? Because I'm assuming that a Hispanic**
18 **in Central Valley is going to have a different opinion**
19 **than a Cuban in Florida and different than maybe a black**
20 **American in Atlanta, Georgia.**

21 So as a -- as you are an expert witness trying to
22 determine what the choice of this minority community is,
23 what steps do you go through to figure that out?

24 MS. HASAN: Objection; compound. Calls for
25 speculation. Incomplete hypothetical.

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1 THE WITNESS: Any analysis that I would perform
2 is --involves an intense local appraisal of circumstances.
3 It is inappropriate to seek to generalize across all
4 Hispanics. Rather, one looks specifically at particular
5 areas.

6 BY MR. MEUSER:

7 Q. If you were looking at the State of California
8 and Hispanics in California, how would you break out those
9 areas?

10 MS. HASAN: Objection; calls for speculation.

11 THE WITNESS: Here I don't understand what you
12 mean by the question.

13 BY MR. MEUSER:

14 Q. Well, I believe you just said it takes --

15 A. Sorry. If you're asking me what -- to clarify,
16 what I just said, then I'll be happy to do so.

17 What I just said was it requires an intense local
18 appraisal, which involves looking at the specific election
19 which is at issue. So one would look at a particular
20 Congressional district or a redrawn Congressional district
21 to see how Hispanics in that area were voting.

22 Q. So when you say local, in this particular case
23 you're talking about a Congressional district?

24 A. Yes, that is correct.

25 Q. So you wouldn't look at L.A. County as a whole

1 **because that's multiple Congressional districts?**

2 MS. HASAN: Objection; calls for speculation.

3 Incomplete hypothetical. Leading.

4 THE WITNESS: I would look at L.A. County as a
5 whole or the state as a whole, only using one of the
6 standard tools of racial block voting analysis, which I've
7 used in many cases, which involves the projection of
8 results from statewide races into particular local areas
9 where we are effectively looking only at what is the case
10 in the particular Congressional district or other
11 legislative district or other local area.

12 But we are inputting information about that
13 district which comes from races -- contests, sorry --
14 which are not solely limited to that district.

15 BY MR. MEUSER:

16 **Q. So we used for the first time racial polarized**
17 **voting, and so I'm going to -- you know, what is your**
18 **understanding of the definition of racial polarized**
19 **voting?**

20 A. My understanding is the testimony that I provided
21 as a political scientist in Thornberg versus Jingles that
22 racially polarized voting occurs in a two-racial
23 situation. Life gets complicated when we have multiracial
24 categories. But when there are two racial groups, white
25 or nonwhite or Hispanic and nonHispanic, racial block

1 voting occurs when a majority of the members of one group
2 vote against or for candidates of their own group and not
3 for candidates of the other group candidates.

4 And candidates of the other group means
5 candidates supported by the other group, not candidates of
6 a given ethnicity.

7 Q. So if I heard you right, racial polarized voting,
8 as you just defined it, was when there was a black and
9 white, when there is two choices; correct?

10 A. Black/white. Hispanic/nonHispanic. Yes.

11 Q. Okay. How does that formula change when you have
12 multiple racial categories? Black, white, Asian?

13 A. That now becomes a legal question.

14 Q. Okay. And you're not prepared to give that --

15 A. That is correct.

16 Q. And I'm going to go ahead and finish my question
17 so we just have it clear.

18 So you're not prepared to give a legal answer
19 what racial polarized voting means when you have three or
20 four racial categories?

21 MS. HASAN: Objection; compound.

22 THE WITNESS: Let me clarify.

23 In a situation where we can present the
24 information about racially polarized voting as a two-group
25 situation, Hispanic/nonHispanic, then the standard methods

1 of racially polarized voting apply.

2 In a situation where one might be trying to
3 establish racially polarized voting patterns for specific
4 multiethnic categories across different other candidates
5 of other ethnic categories, that -- the question of how to
6 do racially polarized voting in that complicated situation
7 is at this stage a legal question.

8 BY MR. MEUSER:

9 Q. Okay. And you would agree with me that
10 California has more than two races?

11 MS. HASAN: Objection; leading.

12 THE WITNESS: This becomes a tricky question.

13 Is -- are Hispanics a race? My own personal view
14 and my view as an expert is -- the answer to that is no,
15 based on census data. Hispanics identify as often --
16 sometimes identify as being Hispanic. Sometimes identify
17 as other. Sometimes identify even as white.

18 But more importantly, on the census there is a
19 separate question that addresses the issue of Spanish
20 heritage. So I personally -- as an expert, I do not
21 regard Hispanic as a racial category.

22 MR. MEUSER: Can you read back my last question.

23 (Record read.)

24 THE WITNESS: Yes, I believe that I responded to
25 that question by indicating there are races. I apologize

1 if I only mentioned Hispanic. There are other racial
2 categories, Asian-American, Pacific Islanders, for
3 example, who are found in California. So --

4 MR. MEUSER: Okay. And I didn't ask my court
5 reporter. Is there a set time when you like to take short
6 breaks?

7 THE REPORTER: Every hour, usually. But I'm okay
8 right now.

9 MR. MEUSER: Okay. And the witness?

10 THE WITNESS: Yeah, shortly. But I'm fine right
11 now.

12 MR. MEUSER: Okay. Usually around the hour mark,
13 I like to check with everybody.

14 BY MR. MEUSER:

15 Q. Are you prepared to testify in court the week of
16 December 15th?

17 A. Yes.

18 Q. Between today, after your deposition, and that
19 hearing, what are you planning on doing?

20 MS. HASAN: Objection; calls for privileged
21 information, potentially.

22 THE WITNESS: I think my -- I believe the best
23 answer that I can give is enjoy my wife's company.

24 BY MR. MEUSER:

25 Q. There are no materials that you are anticipating

1 reviewing between now and then?

2 MS. HASAN: Objection; calls for speculation.

3 THE WITNESS: At this time, I have no -- I have
4 not been provided any materials for me to review. It
5 would -- again, it would be speculation as to whether or
6 not something might be given to me which would require me
7 to review it prior to December 15th.

8 BY MR. MEUSER:

9 Q. When you decided to take this case, were any
10 assumptions given to you by counsel as to -- in preparing
11 your report?

12 A. No.

13 Q. In preparing your report, I see that there is a
14 list of documents that were given to you by opposing
15 counsel.

16 A. Yes.

17 Q. Is that complete?

18 A. It is complete subject to the corrections that I
19 made earlier in this deposition by identifying two
20 additional documents. But they were not given to me by
21 counsel. They were ones that I independently sought out.

22 Q. Okay. I see in your report you talk about
23 looking at CVAP data from California Statewide Database.

24 A. Yes.

25 Q. Approximately how much time did you spend in that

1 database?

2 A. I personally spent relatively little because I
3 had a research assistant do the conversion of that data to
4 the DRA map. I did indeed review it to establish what was
5 there.

6 Q. When you say that you spent 100 hours on this
7 project, is that 100 hours that you spent on it, or does
8 that include the time that your research assistant spent?

9 A. No, that would be my time. That's my time.

10 Q. Do you know how much time your research assistant
11 spent on helping you gather materials or whatever they did
12 associated with this report?

13 A. Something like 30 -- 30 hours, some number like
14 that. Possibly 40.

15 Q. And you only have one research assistant?

16 A. Yes.

17 Q. And is the only thing they did was dealing with
18 the CVAP data from the California Statewide Database?

19 A. No, they dealt with all of the data from the
20 California database. They converted that data. And
21 there's actually two different data sets that are on that
22 website. Actually, three different data sets. Maybe it's
23 four different data sets.

24 Because you also need to have the block
25 equivalency files and the shape files, so they have -- my

1 research assistant has the technical skills that I do not
2 have to do these conversions of data to input that data
3 into Dave's Redistricting App.

4 And at my direct instructions and only with
5 respect to the things that I specifically asked him to do,
6 my research assistant would provide data charts, charts
7 that are now reflected in Tables 1 through 3 in my report.

8 And because my research assistant is bright
9 enough, I would also have my research assistant proof not
10 for substance, but for typos and for things like that and
11 verify that I did not inadvertently, when I was doing my
12 own analyses, made typographical errors in summing or
13 correcting -- or sorry -- or entering the data.

14 **Q. So what instructions did you give your research**
15 **assistant?**

16 A. I believe I just answered that question.

17 **Q. So there's no other instructions that you have**
18 **given your research assistant other than what you have**
19 **just told us?**

20 A. As far as I can remember, to the best of my
21 recollection, I instructed him to take data, enter it,
22 take data, prepare charts, take data, prepare tables,
23 review my own expert witness report to make sure that the
24 numbers that I entered matched the numbers that he had --
25 that he had generated at my direct instructions. Those

1 are the things that I asked him to do.

2 Q. Prior to instructing your research assistant to
3 do this work, had you researched any conclusions regarding
4 this case?

5 A. Let me think about that one for a moment. I'm
6 honestly not sure because I brought the research assistant
7 in who has been my research assistant in other cases where
8 I've served as special master fairly early on.

9 I believe that I had reached some preliminary
10 conclusions simply by reviewing the -- Dr. Trende's report
11 and Dr. Brunell's report and the documents that were
12 provided me by counsel. So that anything after that would
13 have been confirmatory to my initial beliefs about the
14 relative balance of evidence for partial -- for racial as
15 opposed to parts and preponderance.

16 But much of -- most of -- perhaps close to all of
17 the evidence that I relied on is the evidence that is
18 reflected in Tables 1 through 3 and elsewhere in the
19 report. And that comes after I got the materials -- data
20 materials to facilitate my own analysis of the data.

21 Q. So what was your preliminary -- after reading the
22 pleadings and reading the stuff that the plaintiff or that
23 your counsel gave you, but before you sent your research
24 assistant off, what were your preliminary opinions that
25 you had regarding Trende's report and Brunell's report?

1 A. My preliminary opinion was that Trende's report
2 did not sustain the claim that he was making for racial as
3 a preponderant motive either in the CD-13 specifically or
4 in the state as a whole. My preliminary conclusion was
5 that Dr. Brunell's report contained no assertion that race
6 was a preponderant motive.

7 MR. MEUSER: Let's go ahead and take a five,
8 ten-minute break.

9 (Recess.)

10 MR. MEUSER: Back on the record.

11 BY MR. MEUSER:

12 Q. Dr. Grofman, you do understand you're still under
13 oath?

14 A. Yes.

15 Q. Okay. So let's go back to when you have drawn
16 maps for the VRA, where you had to use race as a factor in
17 drawing the maps because VRA analysis required it.

18 You remember us talking about that before the
19 break?

20 A. Yes.

21 Q. Okay. When -- what is the criteria that you use
22 that tells you you are permitted to use race in drawing
23 lines?

24 A. Now you're asking me a legal question.

25 I take -- when I work for courts, I take

1 instructions from courts.

2 Q. So when a court tells you you can use race to
3 draw this VRA district, that is when you do it; correct?

4 A. Essentially, when the court gives me instructions
5 to remedy a VRA violation, then I will try and draw a VRA
6 compliant district. So it's -- it all depends on what
7 the -- what the legal status of the case is. Is it one
8 where there has been a court finding that there was a
9 violation of Section 2, and is the court asking me to
10 remedy that violation of Section 2 by drawing a VRA
11 compliant district.

12 Q. Other than a court, have you ever been asked to
13 draw a VRA compliant district?

14 A. Yes.

15 Q. What were those circumstances?

16 A. Those would be circumstances where a litigant was
17 arguing that there had been a Voting Rights Act violation,
18 and as part of the materials submitted by the litigant, a
19 demonstration map would have been part of that -- of those
20 materials.

21 Q. And when was the last time you drew a
22 demonstration map for a litigant?

23 A. Give me a minute. I have to think.

24 Twenty-five years ago, 30 years ago.

25 Q. When was the last time you drew a VRA -- VRA

1 district at the behest of a judge?

2 A. Let's see. That would be -- give me a moment.
3 Probably 2022, where I would be actually drawing a map.

4 Q. Would that have been Virginia?

5 A. That would have been North Carolina and also
6 Virginia.

7 Q. Okay. And Virginia, you worked with Sean Trende?

8 A. Yes, that's correct.

9 Q. And who did you work with in North Carolina?

10 A. In North Carolina, I did not have anyone with
11 whom I worked, though I had my research assistant.

12 Q. Now, you have never been retained by a
13 legislature to draw a set of maps from scratch; is that
14 correct?

15 A. To the best of my recollection, yes, that is
16 correct.

17 Q. Okay. But you would be capable of doing that if
18 somebody asked you?

19 A. I would be capable of doing it, but it is highly
20 unlikely that I would choose to do it. I have avoided
21 over the course of my entire career of working in
22 situations that would require me to do anything other than
23 neutral districting or districting in compliance with
24 federal law.

25 Q. Okay.

1 MS. HASAN: Counsel, these questions are getting
2 pretty afield of the report. I think the question was
3 supposed to be related to the report, as you said earlier.

4 MR. MEUSER: Well, you can make your objections.

5 BY MR. MEUSER:

6 Q. Did you create any -- or did you use any mapping
7 software as a part of your report?

8 A. A part of this report?

9 Q. Yes.

10 A. Yes.

11 Q. What software did you use?

12 A. Dave's Redistricting App.

13 Q. Is that the only thing you used?

14 A. Yes.

15 Q. Now, I personally have never -- I have heard of
16 Dave's Redistricting App, but I have not used it. What --
17 are there features in it that allow you to look at
18 different demographic data?

19 A. Yes.

20 Q. What are the various demographic data that you
21 are allowed to turn on or turn off?

22 A. There is demographic data as to race and
23 ethnicity, Hispanicity or Latino status. There is
24 demographic data on voting age population. There is data
25 on citizen voting age population. There's data on

1 population, again, broken down by various types of
2 categories, and there would be available election data of
3 various sorts.

4 Q. Now, part of your -- strike that.

5 In preparing for your report, did you create any
6 maps for the State of California?

7 A. No.

8 Q. Okay. In preparing your report, when you were
9 looking at Dave's App, did you have the opportunity to,
10 you know, turn off the racial data?

11 A. I'm sorry. That is a question only that makes
12 sense in the context of actually doing maps.

13 Q. Okay.

14 A. The data is there.

15 Q. Yes. But are you able to filter it? So let's --
16 sorry?

17 A. Sorry. My fault. I interrupted you.

18 In principle, if I were doing maps, it is
19 possible to eliminate the flag that is a racial or ethnic
20 data, yes.

21 Q. Okay. So when you were looking at Congressional
22 District 13, Sean Trende's report, did you look at that
23 district through Dave's Redistricting App?

24 A. Yes.

25 Q. And did you filter through and look at it in

1 different ways by turning certain filters on and turning
2 certain ones off?

3 A. Yes.

4 Q. What were the various filters that you
5 experimented with as you were viewing the district before
6 submitting your report?

7 A. Citizen -- I used Citizen Age Voting Population
8 data from a legislative website. There are two kinds of
9 Citizen Voting Age Population data on that website. That
10 data is what is called Adjusted Citizen Voting Age
11 Population data, meaning that the prison population has
12 been reallocated, and therefore, it is different than the
13 ACS data from the ACS website.

14 I used that data both for the 2019 through 2023
15 CVAP five-year time period and for the 2015 through 2019
16 CVAP five-year time period. And also, with respect to
17 political data, I used initially a report in various other
18 tables in my report data on the 2024 presidential
19 election, but I also did look at data from some other
20 elections. Namely, the elections that Sean Trende looked
21 at, which would have been the 2022 California
22 gubernatorial contest and the 2024 U.S. Senate contest.

23 And I -- apologies, because I also realized that
24 I do need to correct an answer that I gave earlier. You
25 asked me what conclusions had I reached based on my review

1 of Tom Brunell's expert witness report, and I would add to
2 that list of conclusions that I reached the conclusion
3 that voting in California at the statewide level is very
4 close to perfect party-line voting.

5 Q. So you're agreeing with Brunell on that point?

6 A. Yes.

7 Q. Okay. When you are drawing a map for a court
8 where the court has told you that there is a VRA district
9 or a VRA -- there is a Voting Rights Act problem, and you
10 need to draw a Voting Rights Act district, what are the
11 steps that you go through in drawing a district with race
12 to solve a Voting Rights Act problem?

13 MS. HASAN: Objection; incomplete hypothetical.
14 Calls for speculation.

15 THE WITNESS: I do not begin with race. I begin
16 with the geography, and I look to see, using neutral
17 districting principles, how one would comprise maps that
18 would be respecting city/county boundaries, when I am
19 working for courts, and maps that -- having done that,
20 having created hypothetical maps, I would then check to
21 see whether I had inadvertently created a problem for
22 Section 2.

23 BY MR. MEUSER:

24 Q. So I'm going to make sure I understand this
25 correctly.

1 So the first thing you do is you draw maps
2 without race, and then you check to make sure that you
3 don't have a VRA problem; is that correct?

4 A. That's essentially correct, yes.

5 I do know -- I should make it clear, however,
6 that I am not operating fully race blind. I do in fact
7 know whether there are geographic concentrations of racial
8 groups, but I do not use those geographic concentrations
9 of racial groups. Rather, I use neutral redistricting
10 principles.

11 Q. So you start with neutral principles. Then you
12 do a check to see if it violates the VRA?

13 A. Yes, that is correct.

14 Q. Now, I haven't read every single case that you've
15 been involved in where a judge told you to do something.
16 Let's say following that principle -- for a hypothetical,
17 let's say you're drawing a seat in the South, and you have
18 48 percent black CVAP, and you're told it needs to be to
19 50 percent. How would you address that problem?

20 MS. HASAN: Objection; calls for speculation.
21 Incomplete hypothetical.

22 THE WITNESS: Yeah. I have no idea who would be
23 telling me that.

24 BY MR. MEUSER:

25 Q. Okay. So have you ever had a situation where you

1 draw a map starting with neutral principles, and you were
2 told that you needed to increase the minority population
3 in that district?

4 A. I think the best answer that I can give, to the
5 best of my recollection, is that, no -- that no court has
6 ever given me that instruction.

7 Q. Has any attorney ever given you that instruction?

8 A. I'm sorry. There are no relevant cases that I
9 can discuss. I mean, the last time I did any of this
10 stuff was decades ago.

11 Q. I understand.

12 So as you sit here today, you do not believe
13 you've ever been asked by an attorney to draw X amount of
14 districts with making sure that the district had a certain
15 percentage of a minority population?

16 A. Yes.

17 MS. HASAN: Objection; relevance.

18 THE WITNESS: The answer is, no, I have not. No,
19 I have not been asked to do this.

20 BY MR. MEUSER:

21 Q. Okay. In your report, you talk about the ACS.

22 A. Yes.

23 Q. 2019 and 2023.

24 A. Yes.

25 Q. And how, using the 2019 data, it shows that there

1 are only 13 Hispanic majority districts; correct?

2 A. Yes.

3 Q. But using the 2023 ASC data, it shows that there
4 are 16 -- the Prop 50 maps have 16 Hispanic majority
5 districts.

6 Am I understanding that correctly?

7 A. Yes.

8 Q. And I've stated it correctly?

9 A. Yes.

10 Q. Okay. You have no knowledge if Paul Mitchell
11 used the 2019 ACS or the 2023 ACS; is that correct?

12 A. Yes, that is correct.

13 Q. And you don't even know if Mitchell used ACS data
14 at all; is that correct?

15 A. I have no knowledge of exactly what Mitchell did.
16 I only have knowledge of what is posted on the legislative
17 website, and that is both sets of data.

18 Q. And the legislative data does have the ACS data
19 on there; correct?

20 A. That is correct. It has the adjusted ACS data on
21 it.

22 Q. Okay. And I know you said it before, but please
23 explain to me one more time, because I am not as
24 well-versed as you. What do you mean by adjusted ACS
25 data?

1 A. Yes. There is an issue about how to handle
2 prison populations. So in some areas where there are
3 prisons, it had been past practice in many states to count
4 the population of that prison as population in the
5 district.

6 Because prisoners are often not able to vote,
7 that changed the actual electoral dynamics in the district
8 because a district which appeared to have a substantial
9 minority population, even voting age population,
10 nonetheless -- or even Citizen Voting Age Population,
11 nonetheless did not have an actual number of Hispanic or
12 black or Asian-American minorities who were eligible to
13 vote. And the consequence of that was that districts were
14 more white, to put it simply, than they would otherwise
15 appear.

16 As a corrective to this problem, some states --
17 and I do not -- I cannot of my own knowledge tell you
18 which states -- adopted the rule that they would use
19 adjusted population -- CVAP population in particular --
20 data, which is to say they would find the addresses of
21 prisoners at the location from which they were arrested --
22 sorry -- from which they were imprisoned, the best last
23 home address, basically, and assign the prisoners to that
24 district rather than to the prison location.

25 And it is my understanding that California does

1 this and adjusts prison population accordingly.

2 Q. Okay. The adjusted ACS number that you're
3 talking about is not done by the census; correct?

4 A. No, the adjustment is done by the State, as I
5 understand it. And here it's possible that I am wrong,
6 but I believe, to the best of my knowledge, that the
7 adjustment is done by the State.

8 Q. Okay. And that's that one database that we
9 talked about a little earlier that -- where you went to
10 that data -- the statewide database and pulled the data.
11 That is where you got the adjusted ACS numbers?

12 A. Yes, that is correct.

13 Q. And so you know that the legislature published
14 the adjusted ACS data numbers; correct?

15 A. Yes. That is what I know, yes.

16 Q. Okay. And were they -- were you able to check if
17 they were publishing the adjusted 2019 numbers or the 2023
18 numbers?

19 A. They were publishing both.

20 Q. Okay. So the legislature published the 2019
21 adjusted numbers and the 2023 numbers?

22 A. Yes.

23 Q. Okay. What other numbers did the legislature
24 publish? Database sets. Sorry. It would take us a long
25 time to do every single number they published.

1 A. They also -- on the -- I believe -- and here I
2 would have to really go back to the website to verify. I
3 believe that they included other data, such as population
4 data, voting age population data.

5 **Q. But no political data?**

6 A. I did not see political data on the California
7 website. That doesn't mean that it's not there. I can
8 simply say I did not see it. I wasn't looking for it, and
9 I didn't see it.

10 **Q. Okay. Is it your experience that politicians**
11 **sometimes use race to draw political lines?**

12 MS. HASAN: Objection; calls for speculation.
13 Incomplete hypothetical.

14 THE WITNESS: As I previously indicated, I
15 actually do not personally know any legislators in
16 California, and I actually don't -- I'm not sure that I
17 presently know any legislators anywhere else either.

18 BY MR. MEUSER:

19 **Q. But you're well-versed on the cases of**
20 **redistricting; correct, over the last several decades?**

21 A. Yes. As a political scientist, yes.

22 **Q. Are you aware of any cases where the case came**
23 **down to legislatures using race to draw political lines?**

24 A. Yes.

25 **Q. So legislatures have done that before?**

1 A. Under circumstances where the Department of
2 Justice, either under Section 5 of the Voting Rights Act,
3 when that Section 5 was still applicable, or under
4 Section 2 of the Voting Rights Act, have essentially
5 instructed legislatures that they must use race. There
6 are cases like that over the past several decades.

7 Q. You would agree with me that in the South, where
8 there's a -- much more of a black and white -- just, you
9 know, two main population groups -- strike that.

10 I'm going to ask you a different question.
11 Sorry.

12 Would you agree with me that the -- the amount of
13 race in redistricting has decreased over the last 20 years
14 since the Voting Rights Act amendment occurred in 1982?

15 MS. HASAN: Objection; compound. Vague. Calls
16 for speculation.

17 THE WITNESS: No. And I don't know the answer.
18 BY MR. MEUSER:

19 Q. Okay. In the 1980's and '90s, when a district
20 was being drawn as a Voting Rights Act district, is it a
21 fair statement to say that generally, the target was
22 around 60 percent CVAP for the minority community?

23 MS. HASAN: Objection; vague. Compound. Calls
24 for speculation. Incomplete hypothetical.

25 Counsel, could you please describe what you mean

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1 by a VRA district?

2 MR. MEUSER: I'm going to let the witness. If he
3 doesn't know, he can ask.

4 THE WITNESS: I will take the VRA district to be
5 a district which was under challenge as violating either
6 Section 2 or Section 5 of the Voting Rights Act. That's
7 my working -- that's my working definition.

8 Could you repeat the question, please? Because I
9 did not fully understand the question that you asked.

10 (Record read.)

11 MS. HASAN: Same objections.

12 THE WITNESS: No. It's impossible for --
13 actually, I'll simply say no, but that is a question that
14 can't be answered with a "Yes" or "No" because it's a
15 question of who was proposing to the district.

16 It was the case that some individuals, some
17 litigants, believed that in order to draw a realistic
18 opportunity to elect district for minorities, it was
19 necessary to draw a district in the 60 percent or 65
20 percent range.

21 That position, however, was not generally a
22 position held by expert witnesses and, in particular, was
23 not a position held by me.

24 BY MR. MEUSER:

25 Q. And you've recently actually written, if I

1 remember right, that you think in some -- depends upon the
2 circumstances. It could be as low as 35, 40 percent;
3 correct?

4 A. Thirty-five or 40 -- 40-something percent in
5 particular cases, all dependent on case facts.

6 Q. Okay. And what are those case facts where you
7 believe you can have -- where you could -- where there
8 would be an opportunity for a minority community to get to
9 elect a candidate of their choice in a district that's not
10 50 percent or greater?

11 A. Here I would emphasize the two-step nature of
12 elections in the United States. Namely, that there is a
13 primary and a general. And in order for a minority
14 candidate of choice -- candidate of choice in the minority
15 community, not necessarily a candidate who is himself or
16 herself of a particular race or ethnicity -- in order for
17 a candidate of choice of the community to be elected, that
18 candidate would have to both win the primary election of
19 whichever party was nominating them and the general
20 election. And they would need to be a candidate of choice
21 in both the primary election and the general election, if
22 there was a relevant primary election.

23 Therefore, one would look to see the levels of
24 racial polarization in the primary and the levels of
25 racial polarization in the general to determine whether or

1 not there was sufficient crossover voting. That is to
2 say, voting for a minority candidate who is not coming
3 from voters who are not themselves members of that
4 minority, where there was sufficient crossover of voting
5 to allow for the creation of a realistic opportunity,
6 equal opportunity, to elect district which was not a
7 50 percent or greater majority minority district.

8 Q. A lot to unpack there.

9 Let's talk about California, who does not have
10 the traditional primary or -- and general, like many
11 states do. We have this top two. How does the fact that
12 California has a top two -- how does that affect your
13 analysis?

14 A. That's a very difficult question for me to answer
15 because the top two primary will involve in some instances
16 contests between candidates who are both of the same
17 political party. Normally, even with the top two, there
18 are candidates of opposite political parties, but not
19 always.

20 I would have to go very carefully to analyze
21 situations in which the top two primary resulted in
22 candidates from the same party. Here, to the extent I
23 have anything that I can say, having thought -- having
24 thought about this, is that the top two primary has some
25 resemblance to a combination of a primary and a general in

1 those situations where there are candidates of the same
2 party competing in the general election.

3 Q. And you did not do any crossover analysis of
4 California's top two primary system as a part of your
5 report here today?

6 A. That is correct.

7 Q. And you didn't do any crossover analysis of
8 California's general election under the top two primary
9 system in your report?

10 A. That is correct.

11 Q. Have you ever done an analysis of California,
12 since we've gone to the top two, of crossover voting in
13 the State of California?

14 MS. HASAN: Objection; relevance.

15 THE WITNESS: Here I am not sure what my answer
16 is. At one point, I did look at top two elections. I
17 don't honestly remember whether I ever wrote a report
18 about my conclusions.

19 BY MR. MEUSER:

20 Q. So there's nothing in your experience where you
21 have analyzed crossover voting in the State of California?

22 A. No, I've said that I've never written a report,
23 to the best of my recollection. There are a variety of
24 issues with crossover voting which I have thought about
25 and -- but not written about.

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1 Q. And what are those?

2 A. Those are --

3 MS. HASAN: Objection; relevance. Privileged.
4 These are unformed conclusions.

5 MR. MEUSER: Go ahead.

6 THE WITNESS: One of -- there is a privilege
7 motion, yeah.

8 MS. HASAN: I would instruct him not to answer to
9 the extent it's privileged.

10 BY MR. MEUSER:

11 Q. Is it privileged?

12 A. I'm sorry. That is a legal question.

13 Q. Is any of the stuff that -- you've thought about
14 stuff that you've only talked with attorneys about?

15 A. No.

16 Q. Okay. Then go ahead and tell me, generally
17 speaking, the areas that you have thought about that you
18 may not have fully researched and written, but when it
19 comes to crossover voting in California, at least where
20 you've put a little bit of thought into the topic.

21 A. Yes.

22 MS. HASAN: Objection; relevance.

23 THE WITNESS: One issue with respect to crossover
24 voting has to do with the likelihood that there will be
25 rating, okay, using rating as a technical term to apply to

1 situations in which voters of one party cross over and
2 choose effectively to vote for or against candidates of
3 the other party.

4 Another issue with respect to crossover voting is
5 whether or not the crossover voting opportunity changes
6 the likelihood of ideological extremists being chosen in
7 the election. And these are questions that I have thought
8 about in general, even if I have not necessarily
9 specifically written about them.

10 BY MR. MEUSER:

11 Q. And none of those thoughts that you just
12 mentioned have any bearing in your report?

13 A. On the question of racial preponderance versus
14 partisan preponderance, no.

15 Q. Have you ever tried to do a racial polarized
16 analysis on the State of California?

17 MS. HASAN: Objection; relevance.

18 THE WITNESS: Give me a moment to think.

19 Here I am not -- here I am honestly not sure of
20 my answer because I have been involved as a consultant to
21 the U.S. Department of Justice on cases that involve
22 California, and one of those cases was the Los Angeles
23 County Board of Supervisors. And so I have done racial
24 polarized voting analyses for the Los Angeles County
25 elections, to the Los Angeles County Board of Supervisors.

1 I also was brought in -- again, many years ago --
2 as a consultant to the U.S. Department of Justice on
3 issues relating to voting rights compliance in the
4 Los Angeles City Council districts. There I honestly
5 simply don't remember whether I did racially polarized
6 voting analyses for the DOJ.

7 BY MR. MEUSER:

8 Q. In either of those cases?

9 A. No, in the L.A. County case, I did do issues of
10 polarized voting analyses, though I am not sure that those
11 were actually presented in court because there was another
12 expert witness also testifying in the case who also
13 presented testimony on racial block voting.

14 Q. What year was that?

15 A. 1990.

16 Q. And do you know if this analysis that you were
17 doing -- was it black and white? Was it black, brown and
18 white? Was it brown and white?

19 Do you recall what you were looking for?

20 A. That one was Hispanic/nonHispanic, as I remember.
21 But that's to the best of my recollection.

22 Q. And how did you deal with the fact that
23 Los Angeles really has more than just brown and white?
24 There's multiple racial capacities. Do you recall how you
25 handled that or did your racial polarized analysis?

1 A. There were two different ways in which this
2 problem can be dealt with. The first and the most
3 straightforward and the one that I usually use is you
4 simply dichotomize. There are Hispanics, and there are
5 nonHispanics. And nonHispanics incorporate various types
6 of individuals and various racial groups, but they are
7 nonetheless not Hispanic. So one can look at the
8 polarized voting in a dichotomous fashion in this way.

9 The second approach, which is very technically
10 difficult to do, is to attempt to use multivariable
11 techniques to separately assess the voting behavior of
12 distinct racial and ethnic groups.

13 My memory, which may be in error, is that I used
14 the dichotomous approach, but I may well have also
15 attempted to use a multivariable approach that would use
16 separate racial and ethnic groups. As I -- it is very
17 technically difficult to do, and there are real problems
18 with interpreting the results you get.

19 **Q. What are some of the real problems?**

20 A. The problems are separated because what we have
21 in California and many other places, but particularly here
22 in California, are commingling of racial and ethnic
23 groups. So you have areas where there are blacks and
24 Hispanics, areas where there are Hispanics and whites.

25 And that makes it difficult to separately

1 estimate using the standard techniques that statisticians
2 use in these instances, Goodman ecological regression, et
3 cetera, to separate out the groups. Because there is this
4 cross-correlation, what in the jargon of statistics is
5 called colinearity.

6 Q. What does that mean?

7 A. That means that they're commingled.

8 Q. Okay. I don't know the proper way to ask this,
9 but I'm going to stumble through this. And we're going to
10 use this 1990 example with Los Angeles County, where, if
11 you're doing the dichotomy, it could mean on one side, you
12 have whites, blacks, Asians, and you're comparing those
13 three groups against the Hispanics.

14 Am I understanding it correctly when you say the
15 dichotomy approach?

16 MS. HASAN: Objection; compound.

17 THE WITNESS: Yes. I take your question to be --
18 and I will assist you, if you don't mind --

19 BY MR. MEUSER:

20 Q. Please do.

21 A. -- that you have correctly stated that with the
22 dichotomous approach, you would classify individuals as
23 either Hispanic or nonHispanic, which is a classification
24 scheme that is available, and then apply whatever analysis
25 you are going to do to this dichotomous classification.

1 Q. But isn't it true that some of the minority
2 groups that you're putting opposed to the Hispanic groups
3 may actually prefer the same candidates as the Hispanic
4 groups do?

5 MS. HASAN: Objection; calls for speculation.
6 Incomplete hypothetical.

7 THE WITNESS: It is, in principle, possible for
8 different groups to have different attitudes toward
9 members of other ethnicities or races. But in dichotomous
10 analysis, one is looking to see whether or not, regardless
11 of the patterns of nonHispanics, those patterns are
12 such -- or in regards to which groups there are included
13 among the nonHispanics, the patterns demonstrate racially
14 polarized voting.

15 BY MR. MEUSER:

16 Q. Thank you.

17 Now, part of your report -- I believe it's the
18 very last sentence of your report, and I'm going to go
19 down there to make sure I properly state this.

20 The Paragraph 28, my report does not include any
21 analysis on this topic -- and you're talking about Voter
22 Rights Act Section 2 claims -- because
23 plaintiff-intervenor filings indicate no relevant facts;
24 correct?

25 A. Yes.

1 Q. Okay. What do you mean by that?

2 A. I mean that there are no relevant facts in their
3 report. Sorry. In their brief.

4 Q. Okay. What kind of facts would you have expected
5 to see?

6 MS. HASAN: Objection; calls for speculation.

7 THE WITNESS: A specification of districts where
8 it would be possible to add an additional 17th -- a
9 district with an equal -- where minorities would possess
10 an equal opportunity to elect candidates of choice.

11 I'm sorry. I have to correct that. Because the
12 16 number refers to Hispanic majority districts. So I
13 would have to say with respect to Hispanic voting rights,
14 it would be a claim that there is possible to create a
15 17th Hispanic majority district. Sorry. Hispanic
16 district which has a realistic opportunity to elect the
17 candidate of choice.

18 BY MR. MEUSER:

19 Q. Did you run a -- strike that.

20 When you hear the term that somebody has run a
21 VRA analysis -- and I've heard you use that a couple of
22 times before -- what is your understanding of what that
23 term means?

24 A. My understanding is that, at minimum, it would
25 involve an analysis of racially polarized voting and

1 possibly also involve the compilation of fact-based
2 evidence on the other elements involved in a voting rights
3 claim, such as whether or not minorities regularly lost in
4 the contest and also possibly other totality of
5 circumstances elements.

6 Q. And again, I think I know the answer to this, but
7 you have never done a VRA analysis; is that correct?

8 A. Well, I've done many VRA analyses. I've never
9 done a VRA analysis in California with respect to this
10 case.

11 Q. Okay. So you -- so you have actually sat down
12 and done VRA analysis on somebody else's map; is that
13 correct?

14 A. Yes.

15 Q. But you did not do a VRA analysis on this map;
16 correct?

17 A. Yes.

18 Q. When I use the term "Senate factors" in
19 relationship to a VRA analysis, what does that mean?

20 A. I take that to mean the equivalent of what I was
21 previously referring to as totality of circumstances.

22 Q. Okay. And that -- and why are they called the
23 Senate factors?

24 A. Because they were in a Senate report on the --
25 after the passage or during the passage of the VRA.

1 Q. Okay. And so when you -- when you hear people
2 talk about the Senate factors, is that something separate
3 and apart from a VRA analysis, or is it an additional step
4 to a VRA analysis?

5 A. Now, that's a legal conclusion.

6 Q. Okay. And you're not going to answer that?

7 A. Correct.

8 Q. In your report, you talk about that you looked at
9 some of the legislative material, and you looked at the
10 legislative vote; is that correct?

11 A. Yes.

12 Q. Did you read any of the debate?

13 A. No.

14 Q. Other than the materials contained in the motion
15 for preliminary injunction that you have reviewed, is
16 there any other material out there that you have reviewed
17 regarding statements made by Paul Mitchell?

18 A. No.

19 Sorry. I must correct that slightly. There is a
20 reference to Paul Mitchell, I believe, in Dr. Trende's
21 report.

22 Q. Okay. Which is technically attached to the
23 motion for preliminary injunction.

24 A. Okay.

25 Q. As you said at the very beginning, you're aware

1 of California politicians, and so you're aware generally
2 of the process of Prop 50. Do you have any specific
3 recollection to statements made by legislatures or
4 political figures that's not contained in the record that
5 has in any way shaped your opinions about whether this is
6 a racial or political gerrymander?

7 A. No. There are no particular statements made by
8 individuals, whether legislators or otherwise, that have
9 shaped my views. Again, I repeat: Statements by
10 individuals.

11 Q. Okay. And why do you narrow it to that phrase?

12 A. Because as a California voter, there is a
13 statement in the ballot about what Prop 50 was going to
14 do.

15 Q. And you believe that that statement in the ballot
16 has an impact on your opinions here today?

17 A. That one, I believe I have to answer that no and
18 yes. It certainly is the case that it is irrelevant to
19 the fact-based conclusions that I drew in the report that
20 have to -- that are summarized in table -- or captured in
21 Tables 1 through 3.

22 But in terms of what I would add to this report,
23 were I rewriting it, I would indeed add a statement -- or
24 maybe there is already in there. I can't remember. I was
25 going to put it in, and I don't know that I actually got

1 it in. There was a statement of the record -- on the
2 record -- did I put this in?

3 I was -- I had a note to myself to do this, so I
4 just have to check to make sure that I actually did this.
5 Let's just double-check here. On Page 17, there is a
6 paragraph, numbered Paragraph 27, on public messaging to
7 voters.

8 Q. Okay. So you believe the lack of any statement
9 saying that this was a racial gerrymander has an impact on
10 your ultimate conclusions?

11 A. No. I could delete that sentence, and it would
12 not change my conclusions.

13 Q. Okay.

14 A. It reinforces conclusions.

15 Q. It reinforces. But without that sentence, it
16 doesn't change anything in your report?

17 A. That is correct.

18 MR. MEUSER: It is 12:30. I am conscientious
19 that everybody else may not be like me.

20 Do you want to take a break at 12:30 or 1:00?

21 THE WITNESS: I actually would prefer a break at
22 12:30.

23 (Lunch recess.)

24 MR. MEUSER: Back on the record.

25 BY MR. MEUSER:

1 Q. Dr. Grofman, you understand you're still under
2 oath?

3 A. Yes.

4 Q. Ready to continue?

5 A. Yes.

6 Q. Okay. Right before lunch, we were talking about
7 your statements that you weren't relying by individuals,
8 but you specified individuals, and then we talked about
9 real quickly the voter pamphlet statement.

10 You remember that testimony?

11 A. Yes.

12 Q. Can we turn real quickly to Page 16 of your
13 report. And on that page, you have a point number 4, a
14 brief discussion regarding evidence of intent.

15 A. Yes.

16 Q. So in that, you have multiple points of outside
17 people that were not necessarily the mapmaker or not
18 necessarily state officials who actually drew the map and
19 their view of the mapmaking process; correct?

20 A. Yes.

21 Q. Are you aware of any of these people or
22 organizations that you have listed, if any of them had
23 communications or inside knowledge of how Paul Mitchell
24 drew the maps?

25 A. I have no knowledge on that front.

1 Q. Okay. So like your very last sentence in
2 Paragraph 26 refers, you know, to Footnote 61, on the
3 other side, the leader of the No on Prop 50 movement was
4 directly identified with the Republican Party.

5 You see that?

6 A. Yes.

7 Q. That particular footnote, you're talking about
8 Jessica Patterson; is that correct?

9 A. Yes.

10 Q. And you have no knowledge here of Jessica
11 Patterson having any conversations with Paul Mitchell
12 about how he drew the lines?

13 A. I have no knowledge whatsoever of whom
14 Mr. Mitchell communicated.

15 Q. And in this section, you talk about the -- it was
16 the political groups that were donating, not necessarily
17 the minority groups that were donating money for the
18 expenditure; correct?

19 A. Yes.

20 Q. And you have no knowledge of any of the
21 nonpolitical groups -- them having any conversations with
22 Paul Mitchell; correct?

23 A. That is correct.

24 Q. And I think this goes without saying, but if I
25 were to review maps that you drew without talking to you,

1 and if I were to say, "This map does X, Y, and Z," I
2 wouldn't know unless you told me what factors you had in
3 drawing that map; is that correct?

4 MR. EASON: Objection; calls for speculation.

5 MR. MEUSER: Only one of you is objecting here
6 today, so unless you're passing it off, I've heard two
7 objections from you. Only one of you is objecting, so who
8 is it?

9 MS. HASAN: I don't think we agreed to that
10 limit, but --

11 MR. MEUSER: Only one attorney at a time, so --

12 MS. HASAN: We can go one at a time.

13 I'll just object; compound, calls for
14 speculation, incomplete hypothetical.

15 MR. MEUSER: Okay.

16 THE WITNESS: And here I would like you to repeat
17 the question because it was a complex question.

18 (Record read.)

19 BY MR. MEUSER:

20 Q. Okay. So I'll rephrase.

21 If you drew a map, and let's say you did not look
22 at race at all, and I then started spouting off that your
23 map was racial, what I say your map does doesn't really
24 matter to what you actually did to the map; is that
25 correct?

1 MS. HASAN: Objection; compound, calls for
2 speculation, incomplete hypothetical.

3 THE WITNESS: What I did with the map is a
4 question of the effects, not a question of intent.
5 Therefore, it is the type of information which can be
6 generated by individuals who are not mapmakers.

7 BY MR. MEUSER:

8 Q. So you're saying that somebody could tell what
9 the effect is, but they would not know what the intent
10 was?

11 A. They would not know what the intent of the
12 particular mapmaker was, in general, yes.

13 Q. Okay. And because of the strong correlation
14 between race and certain parties, not every time, but
15 there can be occasions where race and political and
16 politics can be very closely correlated, is it true that
17 the mapmaker may look at race, and people would say this
18 affects politics or vice versa?

19 A. It's possible to separate out the relative
20 importance of party and race, and that is exactly what I
21 have attempted to do in my report.

22 Q. On Page 5 of your report, in the Introduction,
23 second paragraph, second sentence, "I conclude that
24 partisanship was a predominant motive for drawing the
25 Prop 50 map, and the map was" --

1 A. I'm sorry. I apologize. I'm not sure where you
2 are.

3 Q. Page 5, Introduction.

4 A. Page 5.

5 Q. 005.

6 A. Okay. First paragraph?

7 Q. Second paragraph.

8 "I conclude that partisanship was a dominant
9 motive in drawing Prop 50 map, and the map was fully
10 efficient partisan gerrymandering."

11 A. Yes. And that would be as -- in terms of
12 effects, relying on an effects-based analysis, then I
13 would conclude that this was intended as a partisan
14 gerrymander.

15 Q. And you are strictly doing that based upon the
16 effects?

17 A. That is correct.

18 Q. On Page 6, Section Roman numeral 3, you refer to
19 the report of -- or the report of Dr. Centeno. And how do
20 you say that, Cuellar?

21 A. Cuellar.

22 Q. I butchered that.

23 A. I believe it is Cuellar. Again, I don't speak
24 Spanish.

25 Q. Okay. How much time did you spend reviewing that

1 particular report?

2 A. Several hours. I really couldn't be more precise
3 than that.

4 Q. Other than the comments that you have later on in
5 your report about this, is there anything else that you
6 found significant about that report that you did not put
7 in your report?

8 A. Not that I can recall.

9 Q. Okay. The very next -- after that report, the
10 very next thing says, "Press releases and media reports to
11 which I cite in the Texas report."

12 Do you recall looking at any of the press
13 releases that were attached to the motion for preliminary
14 injunction?

15 A. I must have. I must have looked at them, but I
16 don't remember.

17 Q. But they didn't have a bearing on your report
18 because the only press releases you cite to are -- is in
19 this section?

20 A. Yes, that is correct.

21 Q. When we're talking about press releases, we're
22 only talking about the potential press release that is in
23 Footnote No. 3?

24 A. I think that what I'm referring to -- and here,
25 the term "press release" may be misleading. I believe

1 what I'd be referring to would be the report prepared by
2 the Legislative Reference Bureau for the legislature.
3 Whether that counts as a press release, I don't know.

4 MS. HASAN: I just want to note for the record
5 that Footnote 3 is not a press release. It's a report.

6 MR. MEUSER: Yeah, but I'm trying to figure it
7 out. Because if you read it, that is where the
8 punctuation mark is, so I'm trying to figure out if he's
9 talking about two different things. One thing -- and
10 that's why I'm here, is because it's a little confusing,
11 so --

12 THE WITNESS: If I can attempt to clarify. I'm
13 sorry.

14 The question of what is a press release and
15 what's a report is difficult. Usually these reports are
16 accompanied by press releases.

17 BY MR. MEUSER:

18 Q. Okay. So Footnote No. 3 here.

19 A. Uh-huh.

20 Q. Is what is on that page, that web page, if I open
21 up that PDF, that is what you are referring to as a press
22 release and media report?

23 A. No, that one I'm referring to as a report because
24 that is my memory of where that URL will lead you to.

25 Q. Then what do you mean by the word "press

1 releases" in this instance?

2 A. In this instance, probably I mean that I ought
3 not to have included it because I did not rely on anything
4 that I would call a press release. I did rely on reports,
5 some of which have press releases attached to them.

6 And it is quite possible, in the case of NALEO,
7 that I saw the press release before I saw the report.
8 Because usually the way this works -- I shouldn't say
9 usually. One way in which things like this work is that
10 you go, and you go, and you call up NALEO. And what
11 you'll get is a press release. And inside the press
12 release, there will be an URL link to an actual report.

13 And so to the extent that I remember what I did,
14 what I believe I did was I went to the NALEO website. I
15 found what would be called a press release, and then
16 inside the press release, there was a link to a report.

17 Q. And you -- in this case --

18 A. This should be the report. Yes, this should be
19 the report.

20 Q. Okay. But you're not talking about some other
21 press release out there that's not a part of this
22 particular report?

23 A. That is correct.

24 Q. Okay. Footnote No. 4, you are talking about
25 accessing publicly accessible election data on the

1 California Secretary of State's website.

2 A. Yes.

3 Q. Looking at the footnote, it appears that you
4 looked at 2024 general election, the PDF that's associated
5 with that election; correct?

6 A. Yes, I did look at that, among other things. It
7 says, "Therefore, example."

8 Q. Can you tell me which other election data you
9 looked at from the California Secretary of State's
10 website?

11 A. From the California Secretary of State's website,
12 I am not sure whether I looked at anything -- oh, no, no.
13 Sorry.

14 What did I look at? I looked at data -- just
15 give me a moment to reflect on what I did look at.

16 I probably -- so again, I'm not a hundred percent
17 certain -- I did not look at anything on that particular
18 website that was not the presidential election. But the
19 DRA website, the DRA mapping software, changed --

20 Q. Dave's redistricting app; right?

21 A. Yeah, redistricting app, a-p-p, does contain
22 information which is publicly accessible information on
23 election returns. My belief is it is pulled off of the
24 same website, but I do not know that for certainty.

25 Q. Okay.

1 A. Uh-huh.

2 Q. And then you also say that you relied upon 2020
3 U.S. Census data --

4 A. Yes.

5 Q. -- from -- publicly available?

6 A. Yes, exactly.

7 Q. What census data did you look at or did your
8 research assistant look at?

9 A. Just population data.

10 Q. That was it?

11 A. I believe so, yes.

12 Q. Any breakdowns?

13 A. It might have had breakdowns from -- it might
14 have been population data and voting age population data.
15 I really don't remember.

16 Q. Okay. This is a clean-up question from earlier:
17 How much does the defendant pay you for the time spent by
18 your research assistant?

19 A. \$200 per hour. Or actually, I pay my research
20 assistant \$200 per hour.

21 Q. And what do you bill him out at?

22 A. No, I pay him out of my bills.

23 Q. Okay. So it's not a separate line item?

24 A. No.

25 Q. Okay. So when you billed the State, did you bill

1 them approximately 100 hours for your time, or did you
2 bill them for 100 hours --

3 A. No, I billed them for my time.

4 Q. Okay. So you do not bill the State for the time
5 that your research assistant --

6 A. No, I expect to pay him out of whatever funds the
7 State pays me because he acts as my research assistant.

8 Q. Okay. And again, I'm just going to make sure --
9 I think we are -- we're in agreement, but I just want to
10 make 100 percent sure.

11 So the time you spent, you're billing the State?

12 A. Yes.

13 Q. The time that your research assistant spends, you
14 do not bill the State for?

15 A. That is right.

16 MS. HASAN: Objection; asked and answered.

17 THE WITNESS: Yes, that is correct. He bills me.

18 BY MR. MEUSER:

19 Q. Thank you.

20 I want to spend a little bit of time talking
21 about the Hispanic majority districts.

22 A. Yes.

23 Q. Now, just because something is a minority
24 majority district, that does not mean that it is a Voting
25 Rights Act district; is that correct?

1 A. No, it -- there would -- first of all, I cannot
2 answer that question in the abstract. There would have to
3 be some type of lawsuit alleging that a district which was
4 citizen voting age majority and some particular minority
5 did not satisfy Section 2 of the Voting Rights Act.

6 Q. Earlier today, you told me that you had reviewed
7 the final report by the 2021 commission regarding the
8 congressional districts; correct?

9 A. Yes.

10 Q. Okay. And would you agree with me that that
11 report designates 14 districts as Voting Rights Act
12 districts?

13 A. I do not remember.

14 Q. Okay. And you don't have that report with you
15 here today?

16 A. No, I do not.

17 Q. We're going to take a quick break, and I'm going
18 to print that out so he can see it.

19 MS. HASAN: Okay.

20 MR. MEUSER: Thank you.

21 (Recess.)

22 MR. MEUSER: For the record, this morning all
23 counsel received from counsel for the State an e-mail that
24 contained the complete file of Dr. Grofman. And what I
25 did is I removed the responsive response to the request

1 for production of documents and just started with
2 Dr. Grofman's report, and we're going to call that
3 Exhibit 1. I have e-mailed that to the court reporter of
4 which counsel for Plaintiff has received a copy of it in
5 the e-mail.

6 (Exhibit 1 was marked for
7 identification.)

8 MR. MEUSER: So that is Exhibit 1.

9 Exhibit 2 to the declaration (sic) is what's
10 already been marked as Exhibit 34 to our trial exhibit
11 list. I only made one copy because everyone should
12 already have Exhibit 34. And I do note that on the record
13 at this point in time, nobody has objected to this
14 document being admitted into evidence.

15 MS. HASAN: No objections.

16 MR. MEUSER: Okay. We're going to go ahead and
17 hand that to Dr. Grofman.

18 MS. HASAN: When we say the complete file of
19 Dr. Grofman, we mean his report -- his Appendix A with the
20 tables and his Appendix B with the CV?

21 MR. MEUSER: Yes, and all of the e-mails.

22 MS. HASAN: Okay.

23 MR. MEUSER: Exhibit 2 is Exhibit 34 of our trial
24 exhibits.

25 (Exhibit 2 was marked for

1 identification.)

2 BY MR. MEUSER:

3 Q. Dr. Grofman, you have in front of you a report on
4 final maps, 2020 California Citizens Redistricting
5 Commission, dated December 26th, 2021; is that correct?

6 A. Yes.

7 Q. We are marking this as Exhibit 2 to your
8 deposition.

9 And the question I have for you first, is this
10 the report that you were referring to earlier today as
11 something that you had reviewed that was not given to you
12 by counsel, but that you said was a matter of public
13 record that you had reviewed?

14 A. Yes.

15 Q. Okay. I would like to ask you to turn to Page 45
16 of the report.

17 A. Yes, I am now on Page 45 of the report.

18 Q. Okay. I would like you to just read real quickly
19 the third paragraph, and then when you've done reading,
20 let me know, and I'll ask you questions about it.

21 A. Yes.

22 Q. Would you agree with me that this report says
23 that the commission drew 14 congressional districts to
24 address Voting Rights Act obligations?

25 A. Yes. That is the exact language in the report.

1 Q. What does that mean to you?

2 A. It means that there were exactly 14 districts
3 which were compelled by the Voting Rights Act.

4 Q. Which means lines were drawn to satisfy the
5 Voting Rights Act?

6 A. That is correct.

7 Q. Now, those 14 districts, I saw you taking notes.
8 I'm assuming that you wrote down the districts?

9 A. Yes.

10 Q. Those 14 districts are 14 of the 16 districts
11 where, according to the commission maps, Hispanics were
12 the majority; correct?

13 A. They are 14 of the 16 maps in the 2000 -- I'm
14 sorry -- in the Prop 50, and they are also 14 of the 16 in
15 the -- let me double-check -- yes, they're also 14 of the
16 16 in the CRC districts, 14 of the 16 in both.

17 I'm sorry. Let me just double-check.

18 Q. I think you're going to see an issue with 41
19 versus 42.

20 A. Yes, that's correct.

21 Q. So the commission drew 14 VRA districts, but
22 there's two other districts that happen to be Hispanic
23 majority that were not designated as a voting rights
24 district?

25 A. That is correct. That is what this commission

1 report says.

2 Q. And with Hispanics being a large proportion of
3 the state's population, you could see where there could be
4 a circumstance where a district following normal
5 districting procedures could be drawn that it would not be
6 a Voting Rights Act district, but it would be a minority
7 majority district?

8 A. Yes.

9 MS. HASAN: Objection; compound. Calls for
10 speculation.

11 THE WITNESS: Yes.

12 BY MR. MEUSER:

13 Q. Have you been presented with any evidence that
14 the Prop 50 maps of the 16 Hispanic majority minority
15 districts -- have any of them been designated as a Voting
16 Rights Act district?

17 A. I have no knowledge on that point.

18 Q. Okay. Who would be responsible for that
19 designation?

20 A. That's not a question which I can answer.

21 Q. Okay. Let's move back to your report. I think
22 we're going to be done with that exhibit, Exhibit 2.

23 So as you sit here today, you have no knowledge
24 of any of the 52 California Congressional districts, if
25 any of them has been designated as a Voting Rights Act

1 district?

2 A. Well, 14 of them were designated as Voting Rights
3 Act districts in the CRC map -- CRC report in 2021. I
4 have no -- yes, I do not know whether they have been
5 designated as Voting Rights Act districts; that is,
6 districts where there is a realistic opportunity to elect
7 equal opportunity in 2025 but I also have absolutely no
8 reason to believe otherwise.

9 Q. Let me ask you this question: If a state was
10 doing its traditional redistricting every 10 years after
11 the census, and they -- let's say in 2010, they had
12 designated a district as a Voting Rights Act district, and
13 at the next census, just because an area has the same
14 number, if they don't designate it as a Voting Rights Act
15 district, does that mean it still remains a Voting Rights
16 district?

17 A. The question is a legal question of who is
18 entitled to, quote, designate a district as a Voting
19 Rights district. You could designate a district as a
20 Voting Rights district. The legislature can choose to
21 believe that a district is a Voting Rights Act district,
22 and it is a Voting Rights Act district unless and until
23 there is a section to challenge to it that suggest
24 otherwise that demonstrates otherwise, such that a court
25 will overturn it.

1 MS. HASAN: Just for the record, we object to
2 that question as compound, incomplete hypothetical, and
3 calls for speculation.

4 BY MR. MEUSER:

5 Q. And you're not aware of any statement by Paul
6 Mitchell that he drew any of the lines of these 16
7 Hispanic majority districts to comply with the Voting
8 Rights Act?

9 A. I have paid zero attention to statements by
10 Mr. Mitchell.

11 Q. And you're not aware of any of the legislative
12 material that has designated any of these 16 Hispanic
13 majority districts that they were drawn in compliance with
14 the VRA; is that correct?

15 A. I'm not aware of there being any such materials,
16 and therefore, I'm not aware of the materials.

17 Q. Earlier -- or not earlier. In your report, I'm
18 looking at Page 0012, and I'm in Paragraph 11.

19 A. Yes.

20 Q. The second sentence says that "I find that 10
21 districts went down in Hispanic CVAP. Five went up, and
22 one remained the same."

23 A. Yes.

24 Q. Did you look at all 16 of the commission's
25 Hispanic majority districts and see how the lines changed

1 in those 16 districts between what the commission did and
2 what Prop 50 did?

3 A. No, I did not look at lines. I looked only at
4 the CVAP numbers.

5 Q. How they changed?

6 A. Yes.

7 Q. And based upon just the CVAP numbers, you
8 concluded that 10 districts went down, five went up, and
9 one remained the same?

10 A. Yes, that's correct.

11 Q. Okay. And that is reflected -- what is that --
12 in your appendixes. Is that Table 3? Am I remembering
13 right?

14 A. No, it should be Table 2.

15 Q. Okay. Sorry. 2-A; right?

16 A. Yes.

17 Q. Are you looking at Table 2-A right this second?

18 A. Yes, I am.

19 Q. Okay. So I see here you're using the 2023 CVAP
20 numbers from the CRC; correct?

21 A. Yes.

22 Q. You're comparing what those numbers show for the
23 commission maps versus Prop 50 maps?

24 A. Yes.

25 Q. Okay. And for -- just for example, paying

1 attention to those first three columns, Commercial 13,
2 that is one that you see goes down, but Congressional
3 District 18 is one that goes up.

4 Am I reading your chart right?

5 A. Yes.

6 Q. Just focusing in on the third column of the 2023
7 Hispanic CVAP and the Prop 15 districts --

8 A. Yes.

9 Q. -- it appears to me that 13 of these districts,
10 the percentage of CVAP is coming in between that 52
11 percent and the 55 percent.

12 Am I correct?

13 A. That appears to be correct, yes.

14 Q. Okay. Is there any significance in that
15 particular instance that the Hispanic CVAP numbers coming
16 in, you know, a little over 50 percent, but is not -- you
17 know, does that show -- strike that.

18 Does the fact that 13 of these 16 districts come
19 in at the 52 to 55 percent show that race was a factor in
20 how those lines were drawn?

21 A. Not exactly. This is not one which I can answer
22 yes or no. Basically, the answer is no because the racial
23 composition of the district is a function of the racial
24 demography in the area.

25 Yes, insofar as the CRC made a voting rights

1 analysis of 14 of these districts, and in doing so, they
2 almost certainly ascertained whether or not the district
3 was a 50 percent CVAP Hispanic majority district because
4 that is a threshold for a claim that a Voting Rights
5 Act -- appears to be a threshold for a claim in litigation
6 that a district is a Voting Rights Act district satisfying
7 Section 2.

8 So if you wish to ward off a Section 2 challenge,
9 you're going to draw districts that are 50 percent citizen
10 majority Hispanic CVAP. And if there is some -- how can I
11 say -- realm of error around that 50 percent figure, it
12 would not at all be surprising that many of these
13 districts turn out to -- many of these districts labeled
14 by the CRC as districts required by the Voting Rights Act
15 are close to 50 percent.

16 Q. Now, if you were to start with a blank map of
17 California and you were to just draw districts, what do
18 you think the odds are that you would end up with 13
19 districts that had this 52 to 55 percent range of
20 Hispanic?

21 A. That's a speculation --

22 MS. HASAN: Objection.

23 THE WITNESS: -- that I cannot answer.

24 MS. HASAN: Compound. Calls for speculation.

25 Incomplete hypothetical.

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1 BY MR. MEUSER:

2 Q. Okay. But based upon your review of the
3 commission's maps compared to Prop 50 maps -- and I'm
4 going to pull out of this question the Congressional
5 District 41 and 42, which I believe you highlighted
6 earlier that -- let's look at the other 15 districts that
7 stayed -- I don't want to say they stayed relatively the
8 same, but they were -- they're predominantly the same.

9 Or would you have a different term?

10 A. They are in fact predominantly the same. They
11 are heavily the same, in fact. And in both Hispanic CVAP
12 and in geography.

13 Q. So for the -- again, not talking about 41 and 42.
14 The other 15 districts, your position is that the mapmaker
15 of Prop 50 held closely to the VRA districts that were
16 already drawn by the commission?

17 A. Yes, that is correct.

18 Q. And based upon the fact that 15 out of the 16
19 districts, the percentage of Hispanic CVAP changed, would
20 it be fair to assume that at least one line changed in 15
21 of the 16 districts?

22 MS. HASAN: Objection; calls for speculation.

23 THE WITNESS: I'm sorry. I don't understand the
24 question.

25 BY MR. MEUSER:

1 Q. Okay. You said that one of the 16 districts, the
2 CVAP number stayed the same; correct? The Hispanic CVAP
3 number stayed the same?

4 A. Yes.

5 Q. So that means 15 of the districts, that number
6 changed?

7 A. Yes.

8 Q. Whether up or down?

9 A. Yes, that is correct, as I said in my reports.

10 Q. And the only way for that number to shift means
11 a -- some line in the district shifted; is that correct?

12 A. Yes.

13 Q. Okay. So at least 15 of the 16 Hispanic minority
14 majority districts, the mapmaker of Prop 50 shifted some
15 line. It may have been one block. It could have been 50
16 miles. You're not here to testify as to that; correct?

17 A. They shifted in these districts, and they shifted
18 dramatically in the Republican incumbency districts, and
19 they shifted to a lesser extent but still shifted in all
20 of the Democratic safe seats, which is to say that I
21 believe that they shifted in 45 out of 52 districts. I
22 believe that is correct.

23 Q. And correct me if I'm wrong. Did you in your
24 report state which districts did not shift at all?

25 A. No, I did not.

1 Q. I might be getting confused in all the reports
2 I'm reading right now.

3 Okay. Again, this probably goes without saying,
4 but the commission did not rely upon the 2023 CVAP data
5 because that data did not exist at the time they were
6 drawing the commissions; correct?

7 A. That is correct.

8 Q. But the mapmaker, Paul Mitchell, could use both
9 the 2019 and the 2023 data; correct?

10 A. I don't know what he did, but in principle, he
11 could have, yes.

12 Q. So at the top of Page 12 --

13 A. Yes.

14 Q. -- the first sentence of that page starts right
15 after the word -- second word of the page.

16 A. Yes.

17 Q. Can you read that real quick?

18 A. "By projecting"?

19 Q. Yeah, just read that to yourself.

20 A. "By projecting 2019 CVAP data forward into the
21 Prop 50 map, the results showed 16 majority CVAP districts
22 in the CRC Map using the CRC's CVAP numbers, but only 13
23 Hispanic majority CVAP districts in the Prop 50 map."

24 Do you wish me to continue?

25 Q. No. That is what I wanted to ask you a question

1 about.

2 So if I'm understanding that correct, if you used
3 the 2019 numbers, there's only 13 Hispanic majority
4 districts drawn by Paul Mitchell in the Prop 50 maps; is
5 that correct?

6 MS. HASAN: Objection to Paul Mitchell drawing
7 the map. That is not established.

8 THE WITNESS: I don't know who drew the map, and
9 I don't know when the legislature adopted it. I'm simply
10 in ignorance of those process details.

11 BY MR. MEUSER:

12 Q. Okay. Let me rephrase the question.

13 The 2019 CVAP data --

14 A. Uh-huh.

15 Q. -- if you look at the new Prop 50 maps --

16 A. Yes.

17 Q. -- it would only show 13 Hispanic districts;
18 correct?

19 A. No. Hispanic -- please be precise.

20 Q. Withdrawn. Sorry. Let me rephrase again.

21 What you are saying in that sentence is that if
22 you use the 2019 CVAP data, there would -- the Prop 50 map
23 would only be 13 Hispanic majority CVAP districts?

24 A. Yes, that is a direct statement of what I said.

25 Q. Okay. But if you use the 2023 data, you come up

1 with the fact that there are 16?

2 A. Yes.

3 Q. Okay. Do you have any significance -- do you see
4 any significance in that?

5 A. I'm sorry. That's a question that I have no
6 way -- it's too imprecise for me to answer it.

7 Q. Do you put any weight in your report on the fact
8 that there is only 13 Hispanic majority CVAP districts in
9 the Prop 50 maps by using the 2019 CVAP data?

10 A. Only to the extent that it appeared at one time,
11 and may yet appear again, that there is a claim that there
12 are 16 Hispanic CVAP districts in the 2016 -- sorry -- in
13 the Prop 50 map, but only 14 in the prop -- in the CRC
14 map.

15 And that claim is wrong because it confounds
16 whether or not you have a citizen voting majority district
17 and whether or not you have a district which was
18 classified by the CRC as a Voting Rights Act district.

19 If you're doing apples and apples, then you do
20 CVAP and CVAP. But that also requires that you use the
21 same CVAP metric for both the 2000 -- for both the CRC map
22 and the Prop 50 map.

23 Q. Is that the only significance that the 2019 CVAP
24 data has to you for your report?

25 A. I believe so, yes, though let me think about that

1 one for a moment.

2 Only to point out that either -- if you use the
3 2023 CVAP numbers, then the number of Hispanic CVAP
4 majority districts remains unchanged. Whereas if you use
5 the 2019 CVAP data, then the number of Hispanic CVAP
6 districts has declined, which I would believe makes it
7 harder to argue that increasing CVAP was used as a method
8 of promoting the Democratic gerrymander.

9 Q. In the materials that you got regarding the
10 motion for summary judgement filed by the plaintiff, did
11 you look at all at the press releases that were attached
12 in the exhibits?

13 A. I must have looked at those, but I paid
14 essentially no attention to them since, as I indicated
15 earlier and made clear in the report, I am focusing on the
16 facts.

17 Q. I'm going to read a sentence out of one of the
18 press releases. I will -- for the record, I'll let
19 everybody know which document I'm looking at, but I don't
20 think I'm going to need him to look at it. If we do, I'll
21 go have it printed out, but I'll let you make that call.

22 But this is a part of Document 16, which was
23 attached to my declaration, so ECF-16. I am looking at
24 the Mike McGuire press release of August 19th, and I am on
25 Page 2 of that document in the press release by Senator

1 Mike McGuire.

2 This is what he says on August 19th in the press
3 release: "Protecting communities of color and
4 historically marginalized voters, the new map makes no
5 changes to historic black districts in Oakland and the
6 Los Angeles area and retains and expands Voting Rights Act
7 districts that empower Latino voters to elect their
8 candidates of choice."

9 Do I need to repeat that?

10 MS. HASAN: Would you like to read it on paper?

11 THE WITNESS: It would be better if I read it on
12 paper.

13 MR. MEUSER: Okay. If you want to give me a
14 second, I will -- is it okay if I just print out this
15 press release? Just the press release?

16 MS. HASAN: Is it -- I don't recall --

17 MR. MEUSER: It's a 57-page document, but it has
18 all of my exhibits in this.

19 MS. HASAN: And how long is the press release
20 itself?

21 MR. MEUSER: It's like three pages.

22 MS. HASAN: Maybe the whole press release.

23 MR. MEUSER: I'll pull it from the trial
24 exhibits --

25 MS. HASAN: Okay.

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1 MR. MEUSER: -- which will be a cleaner copy.

2 MS. HASAN: Thank you.

3 MR. MEUSER: For everybody on the record, I'm
4 going to have Exhibit 21 to our trial exhibit, which so
5 far nobody has been objecting to, and we're going to be
6 marking that as Exhibit 3.

7 (Exhibit 3 was marked for
8 identification.)

9 BY MR. MEUSER:

10 Q. I've handed that to the witness.

11 A. Yes.

12 Q. I want to focus on the phrase "and retains and
13 expands Voting Rights Act districts that empower Latino
14 voters."

15 You see that line?

16 A. Yes.

17 Q. Okay. Now, you've just walked me through your
18 chart, and we see that 10 of the 16 Hispanic minority
19 majority districts, the Hispanic CVAP number went down;
20 correct?

21 A. Yes, that is correct.

22 Q. Okay. So that would definitely mean that they're
23 not retaining the -- or it wouldn't be retaining or
24 expanding because the CVAP number goes down?

25 A. No.

1 Q. Okay. Explain.

2 A. As I indicated in previous responses to your
3 questions, what constitutes a realistic opportunity to
4 elect district requires an analysis of the voting patterns
5 in those districts. That is an analysis that I have not
6 done, so I have no way of knowing whether or not there is
7 an increase or a decrease in the ability of Hispanics to
8 elect candidates of choice in those districts because it
9 is not simply a question of the changes in the Hispanic
10 Citizen Voting Age Population. It is also reflected in
11 the changes in the Democratic share of those districts.

12 And, of course, this -- this particular quote is
13 only one of the several quotes on this page. If I may
14 read these other quotes into the record, that may be
15 useful.

16 This is more about -- more than drawing lines on
17 a map. It's about drawing a line in the sand to stop
18 Texas and Trump from rigging the election. That's what
19 Mike McGuire says, and then he continues to talk about a
20 variety of other issues, protecting the Golden State
21 access to healthcare, reproductive rights, et cetera.
22 Which is to say, A, I don't know the answer to what the
23 effects are, and I'm not at all clear that Mr. McGuire has
24 the requisite skills, however skilled a politician he may
25 be, to correctly answer that question.

1 And even so, Mr. McGuire indicates multiple
2 reasons for adopting the Prop 50 map, and at least some of
3 these are very clearly political reasons.

4 Q. So we're going to be in agreement that according
5 to this press release, President Pro Tem Mike McGuire had
6 political reasons for the map; correct?

7 A. He says he has. I have no -- again, I have no --
8 I am not -- to go back many, many more years, I am not
9 someone who can see into the hearts and minds of
10 individuals, and therefore, I don't know what Mr. McGuire
11 intended. I know what Mr. McGuire said, and we both just
12 read it.

13 Q. Okay. Do you believe it's possible that the map
14 could have some racial aspect and political aspect to it?

15 A. The map almost certainly has both racial and
16 political aspects. The question that I address in my
17 report is whether the evidence is such that politics,
18 political considerations, predominated, and that racial
19 considerations were relatively minor in contrast to the
20 predominance of the political considerations.

21 Q. And when you're saying relatively minor, are you
22 putting like a percentage point to it?

23 A. No. I'm saying that if you put them on a scale,
24 the scales would clearly be such that partisanship is what
25 dominates, as I demonstrate throughout my report and as

1 indicated by the amount of time that I take to elaborating
2 the various reasons why this is a partisan map as compared
3 to the only expert witness testimony that there is in the
4 record from Mr. Trende on exactly one district, testimony
5 which I do not find very credible.

6 Q. In your review of the Prop 50 map, have you seen
7 any evidence that would corroborate what Mr. McGuire says
8 here, where this Prop 50 map expands Voting Rights Act
9 districts that empower Latino voters?

10 A. I have done no Voting Rights Act analysis of this
11 map, and I have stated in my report that there is a growth
12 in the Hispanic population which perhaps -- though, again,
13 I do not know -- is enough to explain some elements of
14 changes in the map.

15 Plus the fact -- which is the single-most
16 important explanatory factor in the map -- is that the
17 democrats, in drawing a partisan gerrymander, were
18 chopping to bits the Republican districts in the map,
19 which fragmentation of those Republican districts had
20 spill-over effects throughout the entire state or at least
21 a large portion of the state.

22 Q. So in order to confirm whether Mike McGuire is
23 telling the truth or not telling the truth, you would need
24 to do a voting rights analysis of the Prop 50 map; is that
25 correct?

1 A. I would -- in order to see whether there has been
2 a gain in Hispanic representation, I would look to see
3 what has happened in the map. To the extent that I have
4 evidence of the map of -- the evidence suggests that in
5 some districts, the Democratic percentage goes up, in some
6 districts, the Democratic percentage goes down.

7 And so it -- but a full analysis would be
8 required to determine whether, on balance, there is a gain
9 in the ability of Hispanics to elect candidates of choice
10 above and beyond, at minimum, the 14 districts which they
11 had voting rights opportunity to elect constructed in the
12 CRC map and probably continued in the Prop 50 map.

13 Without doing the exact analysis, I have no way
14 of knowing whether Mr. McGuire's claim is correct.

15 **Q. Okay. In your review of Sean Trende's analysis,**
16 **you talked about how districts are constrained based upon**
17 **the other shapes of the districts around it; is that**
18 **correct?**

19 A. Yes.

20 **Q. So if someone were to draw a district in the**
21 **middle of the map, all of the districts around it are**
22 **going to be affected by that first line drawn; is that**
23 **correct?**

24 MS. HASAN: Objection; calls for speculation.
25 Incomplete hypothetical.

1 THE WITNESS: Again, may possibly, yes, possibly,
2 no. Some districts around it will be affected, but it is
3 also possible to freeze other districts and limit the
4 scope of what is called a ripple effect.

5 BY MR. MEUSER:

6 Q. And if somebody were to -- I'm not saying this is
7 a testimony, but we see that there is like 16 VRA
8 districts, and there is, again, 16 VRA districts.

9 As a hypothetical, if the mapmaker said, "We had
10 16 districts; we need to have 16 districts; now I'm going
11 to politically deal with everything else," would the fact
12 that those 16 VRA districts -- or the 16 Hispanic majority
13 districts, would that have -- if you're starting with
14 those 16 districts, would that have an effect on how all
15 the other districts around it were shaped?

16 MS. HASAN: Objection; compound. Vague. Calls
17 for speculation. Incomplete hypothetical.

18 THE WITNESS: Now, that one you'll have to
19 rephrase to make it more clear.

20 BY MR. MEUSER:

21 Q. You would agree with me that there are multiple
22 types of gerrymander; correct?

23 A. Yes.

24 Q. There are political gerrymanders; correct?

25 A. Partisan gerrymanders. There are several types

1 of political gerrymanders, partisan gerrymanders being the
2 most common.

3 Q. And of course, there is racial gerrymandering?

4 A. Yes.

5 Q. And my favorite that you say from one of your
6 publications is a dummymander.

7 A. Also correct.

8 Q. What is a dummymander?

9 A. It is a map drawn by one political party which,
10 when political circumstances change, acts to actually
11 benefit substantially the other party.

12 Q. Did you do any dummymander analysis on this?

13 A. Yes.

14 Q. And what did your analysis show?

15 A. This is about as far away from a dummymander as
16 it is humanly possible to get.

17 Q. How is that?

18 A. It is -- as I indicated in my report, if I can
19 call your attention to -- let's see. Let me find the
20 right page.

21 It is as far away from a dummymander as we can
22 get. Because if we turn to Page 007 in my report -- and I
23 will give you and fellow counsel an opportunity to find
24 that page -- and I call your attention to the section
25 numbered 4, What is a Partisan Gerrymander, "A partisan

1 gerrymander" -- I'm reading now from my report -- "A
2 partisan gerrymander is one that seeks to achieve three
3 goals. It can be expected to reduce the number of seats
4 held by the other party. It can be expected to preserve
5 and protect the safe seats of its own party. It can be
6 expected to shore up the seats of its" -- of -- again,
7 there is a typo here. The word "its" is wrong. I'll read
8 it the correct way.

9 "It can be expected to shore up the seats of
10 most, if not all, of its vulnerable incumbents."

11 And I refer to that as an efficient gerrymander,
12 and then I indicate that we will treat it as fully
13 efficient if, in addition, it satisfies those three goals,
14 it also creates a durable partisan gerrymander.

15 Now, a durable efficient partisan gerrymander,
16 which is what, in my view, as demonstrated by the evidence
17 that I adduce in the pages of my report, is exactly what
18 the Democrats or, in this case, actually, the voters of
19 California, have succeeded in creating, and therefore, it
20 is as far away from a dummymander as you can get.

21 **Q. How is it durable?**

22 A. How is it durable? Because the probability that
23 a majority of seats will shift to the Republican Party in
24 any conceivable real-world process is so close to zero
25 that we need not worry about it.

1 If we -- looking -- again, let me call your
2 attention so I'm not simply talking in the abstract. Let
3 me call your attention in the report to pages -- let's see
4 here -- to the appendix. There are in this case 35 on
5 Table 1-B. This is on Page 20 in Exhibit A.

6 **Q. Okay. I'm there.**

7 A. So if you'll see the last row, you'll see there
8 are 35 districts which have an average vote share in the
9 2024 elections in the Prop 50 districts of 63.1 percent.
10 That is, by anyone's definition, a safe district.

11 Furthermore, if I can call your attention to
12 Table 3-B, which is located on Page 0024 of my report,
13 if -- calling your attention to the last row in Table 3-B,
14 these are the characterizations of the 2022 and 2025 maps.
15 And what we see in the last row is, if we look at all
16 other Democratic-held districts -- and that's going to
17 be -- of the Democratic-held districts, there are 45 --
18 sorry -- 44 -- 43 and 9? Yes, 52. 43 and 9 of the
19 Democratic districts. Basically, 43 minus the -- one,
20 two, three, four, five, six, seven, eight above -- are
21 going to be solid Democrat as they were solid Democrat.

22 Basically, that is as far away from a dummymander
23 as you can get, and that's not counting the other three --
24 six -- one, two, three districts, which now previously
25 Republican, have moved into the solid Democratic category,

1 according to Cook's report, and which show an increase in
2 Democratic voting strength, if you go back to my
3 Tables 1-A and 1-B.

4 Q. So --

5 A. So basically, this is not a dummymander. It is,
6 as I say it is, for the reasons that I have just given, a
7 highly efficiently done durable partisan gerrymander.

8 Q. Am I correct in summarizing that in order for
9 something to be a dummymander, you are taking solid
10 Democrat seats, and now they are maybe a lean Democrat
11 seat? The seats need to go that direction? Is that what
12 you're saying?

13 A. A majority of seats or a substantial number of
14 seats would need to go that direction. That is the
15 characterization of the Georgia map that led to the
16 coining of the term dummymander.

17 Q. So it's taking safe seats and making them unsafe
18 seats? That is what creates a dummymander?

19 A. No, it's taking seats that might be marginal and
20 making them even more marginal so that the expected number
21 of seats is no longer such that a majority for the party
22 doing the redistricting is essentially guaranteed.

23 Q. Okay. Other than political, racial, and
24 dummymanders, what are the other manders in your world?

25 A. Okay. The other most common kind of mander that

1 we have not seen it in present-day recent politics is the
2 bipartisan gerrymander known as a sweetheart deal, in
3 which incumbents of both parties collude with each other
4 to guarantee that they will each, regardless of party,
5 have safe seats.

6 Q. That was pretty prevalent in the '60s and '70s;
7 correct?

8 A. It was prevalent in earlier decades, yes.

9 Q. Out of curiosity --

10 A. I'm sorry. In fairness to a complete --
11 absolutely complete answer to your question, there is one
12 other kind of gerrymander which I would -- it doesn't
13 actually have a name in the literature, but I will, for
14 today, coin it "get Joe gerrymander." In this case, Joe
15 not being Biden but just a generic. That is a gerrymander
16 which is operating by members of probably both parties to
17 make basically ensure that some particular member of the
18 legislature will not return.

19 Q. And that does happen?

20 A. Yes, there's at least one -- at least one classic
21 instance.

22 Q. And what was his name, Joe?

23 A. No. I won't insult him by sharing his name with
24 you.

25 Q. Politics.

1 What is the threshold of a percentage of a vote
2 that Cook assigns to where it puts it in as a solid
3 Democrat category? Do you know where that line is?

4 A. No, I do not know the exact calculations that the
5 Cook report uses.

6 Q. Do you have a percentage point that you look at
7 when you call something a safe seat versus a toss-up seat?

8 A. Usually in the political science literature, the
9 category of competitive is in the 45 to 55 percent range,
10 and anything that is clearly above 55, different scholars
11 might differ.

12 And it really does depend on the politics of the
13 state, the extent to which there is inter-election
14 variability in election outcomes. And that's not a
15 question that I actually have examined for California.

16 Q. So whether it's 55 percent or 60 percent, you're
17 not relying upon that in your report?

18 A. No, I'm not relying. I am simply indicating that
19 the values that are given in the Cook report and the
20 values that I've indicated for the actual Democratic
21 percentage shares in the 2024 presidential election.

22 Q. When the redistricting commission was meeting,
23 did you participate at all during the redistricting
24 commission's public input?

25 A. I once -- I was asked by someone who was a staff

1 person to -- to consult, and I believe that I did so.

2 Q. You believe you provided consulting to the
3 commission itself?

4 A. No. No. Only to some staff person.

5 Q. Okay. Do you recall what you were asked to
6 consult on?

7 A. I believe it had to do with voting rights, but I
8 couldn't be more specific than that.

9 Q. Do you know if that was the 2021 commission or
10 the 2011 commission?

11 A. I believe it was the 2021 commission.

12 Q. And do you recall who that staff member was?

13 A. No, I don't.

14 Q. Okay. Do you recall how much time you spent on
15 that?

16 A. Not very much.

17 Q. Did you participate as a citizen during the
18 redistricting commission?

19 A. No.

20 Q. Did you read any of the transcripts or watch any
21 of the videos of the commission?

22 A. No.

23 Q. Did you have any conversations with the any of
24 the commissioners after they finished with the maps?

25 A. That, honestly, I am not sure about because I

1 attended a couple of the conferences at which
2 commissioners on independent redistricting commissions
3 were present, but I really don't remember with whom I
4 spoke.

5 I remember having at least one conversation with
6 a commissioner, but I don't believe -- I would be almost
7 certain that it was not a California commissioner.

8 Q. And have you had any conversations with any of
9 the lawyers associated with the California Redistricting
10 Commission about the California maps, the commission maps?

11 A. I don't know who the lawyers are.

12 Q. Okay. That makes it easy, doesn't it?

13 Have you run any kind of analysis on the
14 commission maps other than what's in your report here
15 today?

16 A. Yes.

17 Q. What did you do?

18 A. I looked at the mayoral geographic changes in
19 composition of districts between the numerical CRC map and
20 the Prop 50 map. That is to say, I looked to see what
21 portion of the old district -- using numbers to keep
22 district names constant, what portion of the old district
23 was found in the new district and what other pieces of CRC
24 districts were found in the Prop 50 districts.

25 Q. And is that in your report?

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1 A. No.

2 Q. Okay. Do you recall what your study found?

3 A. Yes.

4 Q. What did you find?

5 A. It found that there was -- that the geographic
6 evidence provided further compelling evidence that the map
7 was a partisan gerrymander because the expectation for a
8 partisan gerrymander is that the districts held by the
9 other parties' incumbents will have one of two things
10 happen to them.

11 Normally, they'll be dramatically changed.
12 They'll be literally cut to bits in order to reduce -- to
13 crack the likelihood of the incumbent continuing to be
14 able to represent the district, though there may be some
15 districts which are packed.

16 In either case, whether it's cracking or packing,
17 which is the gerrymandering tool that is being used
18 vis-à-vis incumbents of the other party, we would expect
19 rather considerable change in the borders of those
20 districts compared to what they were in the previous map.

21 And that is one of the things which I found.
22 Namely, for example, if we look at the districts which
23 were five, which were the districts targeted by the
24 Democrats in the Democratic gerrymander, we see that those
25 districts are really, really eviscerated.

1 And not just proposition -- not just 41, which,
2 of course, is rendered nonexistent by removing its
3 district number, but all five of those districts are now,
4 on average, something like 40 percent of the district as
5 it was in the CRC map.

6 And even the districts which have been reinforced
7 with Republicans packing, rather than cracking, the four
8 of those, they, too, exhibit a fairly high level of
9 redrawing. I believe they're about --

10 **Q. Is there a reason why you did not include this in**
11 **your report?**

12 A. No. Basically it was because it was done too
13 fast. I've done that very, very recently, and I've been
14 finishing up the report.

15 But if I may also complete my answer to your
16 question.

17 You indicated what I concluded. So I first
18 concluded that one expectation of a hallmark of a partisan
19 gerrymander is that the districts of the other side which
20 have been targeted would basically be eviscerated to a
21 large -- or if not eviscerated, at least dramatically
22 reconfigured and chopped into pieces. And I did indeed
23 find that to a remarkable extent.

24 Secondly, I would expect that the districts that
25 were Democratic districts, which were vulnerable, would

1 also be changed to a larger degree but not nearly as large
2 as the degree to which the Republican incumbent districts
3 were being changed. And that, again, is what I found.

4 And finally, I believe that a hallmark of a
5 partisan gerrymander would be that those safe seats for
6 the Democrats would only be very marginally changed, and
7 that, again, is what I found.

8 Q. Okay. Did you -- 15 of the 16 Hispanic
9 majority -- Hispanic majority districts, one of them we
10 know that 41, 42, the number changed. Of the other 15, do
11 you recall what percentage of those districts stayed the
12 same?

13 A. It's about twice -- I'm sorry. I don't remember
14 exact numbers, but it's roughly twice as high a percentage
15 as was the case for the -- for the five districts which
16 were the Republican incumbent districts that were being
17 dismantled.

18 Q. So if I heard you right, you used the number
19 40 percent.

20 A. Somewhere in the high 70s, 80, something like
21 that.

22 Q. So the 15 of the 16 Hispanic majority districts
23 that were drawn by the commission, approximately 70 to 80
24 percent of the districts there remained the same?

25 A. That is my memory. Here I'm operating on memory.

1 Q. Yeah. Okay.

2 Page 15, Paragraph 22. And the sentence right
3 before Footnote 48, which is the middle of that first
4 paragraph.

5 A. Yes. Okay. Yes.

6 Q. Where they're talking about the Cal Tech report,
7 how it continues to have been -- they found that it
8 continues to have an increase in Hispanic population since
9 the CRC map was drawn; correct?

10 A. Yes. I believe -- yes, that is correct.

11 Q. And you are in agreement with that statement that
12 since the CRC map was drawn, there has been increase in
13 Hispanic population?

14 A. As a proportion of total California voters, yes.

15 Q. And how did you reach that understanding?

16 A. By reading reports that it actually had done
17 analyses.

18 Q. So that is not the CVAP numbers; correct?

19 A. No. Well, the exact numbers are reported --
20 let's see. I would call your attention to Footnotes 54 to
21 56 --

22 Q. Okay.

23 A. -- on Page 16.

24 Q. So that is the NALGO report that we talked about
25 earlier?

1 A. Yes. NALEO.

2 Q. Okay. Staying on Page 15, Paragraph 22, second
3 sentence.

4 A. Yes.

5 Q. This seems to be some contention you have with
6 that Cal Tech report because --

7 A. It's not a Cal Tech report.

8 Q. Well, okay. I'm sorry. I thought that was Cal
9 Tech. I'm sorry.

10 But you know which report I'm talking about?

11 A. Yes, I do.

12 Q. Okay. You seem to take a slight issue with them
13 over what influence -- you call it a murky term; correct?

14 A. That is correct.

15 Q. What is your definition of an influence district?

16 A. As I indicate, we need to do actual detailed
17 on-the-ground analysis that is -- that involves careful
18 analysis of local circumstances. Because, for the reasons
19 that I've given here, is the incumbent someone who is in
20 fact sympathetic and receptive to the views of the
21 minority community. What's the -- is the minority
22 community such that they are in a position to be pivotal
23 with respect to the politics within their own party. Is
24 there -- how high is the level of racial and partisan
25 polarization of the district.

1 There are a whole set of facts that affect
2 whether or not it is reasonable to call something an
3 influence district for a given minority community.

4 **Q. Okay. And in that same paragraph, there is a**
5 **sentence that talks about, "The present world is**
6 **hyperpolarized along party lines."**

7 A. Yes, that's correct.

8 **Q. What do you mean by that, and how do you define**
9 **that?**

10 A. Polarization refers to a situation in which
11 voters of one party -- it's parallel to definitions of
12 racially polarized voting. Polarization is a situation
13 where members of one party support/endorse members of
14 their own party at extremely high numbers, high
15 proportions, and generally are unwilling to vote for
16 members of the other party.

17 Hyperpolarization is that process of polarization
18 carried to an extreme, though, again, there are different
19 ways to operationalize the concept. The definition that I
20 just gave you basically is, do you vote for members of the
21 other party? And that's the most straightforward way to
22 operationalize polarization and hyperpolarization.

23 Other political science scholars have offered
24 complementary definitions, such as, "I really don't like
25 the other party," as a measure, or "I hate the other

1 party. The other party is a creature of Satan," as an
2 indication of hyperpolarization. And the political
3 scientists refer to this as affective polarization,
4 a-f-f-e-c-t-i-v-e.

5 Q. Have you done a hyperpolarization study of the
6 State of California?

7 A. No.

8 Q. Has anybody done one that you're aware of?

9 A. No, but the data in -- the data in Dr. Brunell's
10 report demonstrate hyperpolarization. And as I believe
11 you already are aware, Dr. Brunell is a co-author of the
12 book that is being cited here on polarization in Congress.

13 Q. Yeah. Okay.

14 Page 16, the first paragraph before the point 4,
15 the sentence that you have as Footnote 55. It's basically
16 the first full sentence on the top of Page 16.

17 A. Yes.

18 Q. Okay. That sentence reads, "Second, Hispanic
19 voters are solidly Democrat in registration and voting
20 patterns."

21 You see that?

22 A. Yes.

23 Q. What do you mean by "solidly Democrat"? Is that
24 50 percent plus one? Is that 90 percent? How do you
25 define solidly Democrat?

1 A. Well, in this instance, the data is provided in
2 Footnote 55, so you can see that the -- 53.5 percent of
3 Latinos affiliated with the Democrat party and 16.7
4 percent affiliate with the Republican party, which
5 basically means that more than three -- by a ratio of more
6 than three to one, Hispanics are Democrats in
7 registration.

8 **Q. Compared to the Republicans?**

9 A. Well, by racial, yes, exactly, compared to
10 Republicans.

11 **Q. Because some people would say, well, 47 percent**
12 **are not affiliated with the Democrats versus 53 that are**
13 **affiliated; correct?**

14 A. But there are independents.

15 **Q. Yes.**

16 A. And as the data here show, roughly 30 percent of
17 Latinos and roughly 30 percent, actually, of all
18 Californians are independents.

19 **Q. Yes. So there's -- based upon the data you**
20 **showed, 53.5 percent of Latinos are in the Democrat party,**
21 **and -- what is that -- 46-and-a-half percent are not**
22 **affiliated with the Democrat party; correct?**

23 A. Are not? Yes, are -- again, to state it
24 accurately, 53.5 percent are affiliated as Democrats, and
25 the remainder are either Republicans or they are

1 independents, with the number of independents
2 approximately twice the number of Republicans.

3 Q. I'm not disagreeing with your numbers.

4 So the question I go back to is what -- how --
5 you use the term "solidly Democrat," and it sounds to me
6 by your answer you are comparing Republicans against
7 Democrat versus Democrat versus everything else.

8 Am I correct?

9 A. In this one, yes, you are correct. But I would
10 also note that we know with respect to the behavior of
11 independents, that independents tend to have what we might
12 call a weak partisan identification. And generally
13 speaking, what -- and again, I do not know that this --
14 with certainty for California, but in general, the
15 affiliation of independents tends to parallel the ratios
16 for the party registration in the area.

17 Q. Now, you and I are both -- you know, follow
18 politics, and we just know that intuitively. What are you
19 relying upon for that statement?

20 A. Well, I'm relying on analyses of independents.
21 And the general point that is made in the political
22 science literature is that mostly there really are no such
23 things as independents. The people who call themselves
24 independents on the seven-point party affiliation scale
25 tend to actually be either Democrats or Republicans but

1 don't like to admit it.

2 Q. And is there a particular publication that you --
3 or a particular study that you're relying upon for the
4 statement you just made of this seven-point scale?

5 A. There is, but it's -- that particular assertion
6 has been made by many, many different scholars over many
7 decades, and I really off the top of my head can't give
8 you a citation.

9 Q. So this is -- this basically is an answer that is
10 relying upon your years of experience in the industry.
11 Your CV speaks for itself?

12 A. No, it's relying on the fact that I've read
13 lots -- my years have allowed me to read a rather large
14 number of articles in political science, and those
15 articles are consistent in giving the answer to your
16 question that I just gave you.

17 Q. And you notice I'm not arguing with your answer.

18 I know the answer. I was just kind of curious.
19 Is there something in particular that you relied upon, and
20 it's more of the depth of just general knowledge?

21 A. Yes. I'm sure if you gave me time enough and
22 access to my library, I can find you many citations, but
23 no, I don't off the top of my head remember any one
24 specific one.

25 Q. Same paragraph, couple of lines down, it says,

1 "In general, Republican areas have a lower proportion of
2 Hispanics than Democrat areas because Hispanics are less
3 likely to be Republican than whites."

4 The part I want to focus on is Republican areas.
5 What do you mean by the word "Republican areas"?

6 A. A Republican area is an area where the Republican
7 vote share is high, and in particular, it would be areas
8 where there are Republican incumbents. Because in order
9 for there to be a Republican incumbent, there must be a
10 fairly high proportion of Republican sympathizers or
11 Republican affiliates within the district.

12 But more generally, any area where there is a
13 substantial number of Republicans tends to be areas that
14 are disproportionally white; therefore, less likely to be
15 Hispanic. Also, not Democratic.

16 One can work through the mathematics using basis
17 theorem to show that there has to be a relationship in
18 situations where you have one population that is a high
19 proportion of Hispanics and one portion where there is a
20 low proportion of Hispanics. And so you're going to find
21 correlations.

22 Q. Of the nine districts that currently have
23 Republican incumbents --

24 A. Yes.

25 Q. -- are you aware of any of those districts that

1 **had a high percentage of Hispanics in them?**

2 A. Well, just look at the numbers. If I remember
3 correctly, there are two of them. One is 20 -- I'm sorry.
4 That is going to be the seat, and then this is the Prop 50
5 district.

6 There is District 22, which is a Hispanic CVAP
7 district, but is a district where there is a very
8 competitive election with the Republicans, in the
9 presidential contest at least, winning a majority of the
10 votes.

11 There is District 41, which is a very special
12 case because of the movement of District 41 from -- from
13 its previous location. But basically, if we look at the
14 rest of these other districts -- if you look at the rest
15 of these districts, they tend to be lower in Hispanic than
16 is the case for the comparable districts shown in --
17 overall, on average, in Democratic-held Congressional
18 districts.

19 And those are only the competitive Congressional
20 districts. If I looked at the full set of Democratic
21 Congressional districts, you'll see that they're always
22 around at least 30 percent Hispanic.

23 **Q. So you said in general.**

24 A. Yes.

25 **Q. But here is one example that you were able to pop**

1 off that Hispanics were in the majority, but they were
2 voting for a Republican?

3 A. Yes, there is a district which is a Hispanic CVAP
4 district, but where there's a Republican -- let us be
5 clear. There is a district in which a Republican
6 incumbent won.

7 The claim that that district is such that the
8 Republican incumbent won with Hispanic majorities voting
9 for him is not one that I am in a position to evaluate. I
10 have no knowledge about that. I have not done an analysis
11 of the racial ethnic voting patterns in that district. It
12 is possible that Hispanic turnout is low. I don't know.

13 Q. Okay. Congressional District 13 is currently
14 held by a Democrat; correct?

15 A. Yes.

16 Q. Okay. Are you aware that just two years ago, it
17 was held by a Republican?

18 A. Yes.

19 Q. Okay. And you would agree with me that
20 Congressional District 13 has a Hispanic CVAP?

21 A. Yes.

22 Q. So that would have been -- while not currently
23 held by a Republican, it is a Congressional district that
24 was majority Hispanic, but a Republican was able to win;
25 is that correct?

1 A. Yes, that is correct.

2 Q. Did you analyze any of the other 52 districts
3 that are currently held by Democrats to see if, in the
4 2022 election, they were held by a Republican?

5 A. In the 2022 election?

6 Q. That -- let me rephrase it.

7 Did you look at the 2022 elections and compare
8 the Congressional seats won by Republicans in 2022 to the
9 Hispanic CVAP numbers in those districts?

10 A. No, I did not.

11 Q. Case in point, Congressional District 13?

12 A. Yes, in that particular election, yes. And, of
13 course, as you just said, in 2024, won back by a Democrat
14 by a very narrow margin as it had been lost by a Democrat
15 by a very narrow margin, as I recall, in the previous
16 election year.

17 Q. In 2024 -- and right now I am looking at
18 Table 1-B on Page 20.

19 A. Yes.

20 Q. And explain to me real quick what this particular
21 chart shows. What are -- these Congressional districts
22 that you've highlighted, what's so important about them?

23 A. Those are districts where, if you examine major
24 party vote share in the 2024 presidential election in the
25 prop -- in the CRC districts, these are districts which

1 have a Democratic vote share very, very close to
2 50 percent.

3 Q. These are what we call toss-up races?

4 A. These are toss-up races. These are competitive
5 seats. If you want actual characterizations of them, some
6 of these are characterized in Table 3-B, but they are not
7 ever characterized as solidly Democratic seats. They're
8 sometimes characterized as toss-up or likely or lean, but
9 they are not characterized as solid.

10 Q. Okay. And on this chart, we've already talked
11 about 13, but we also see in this chart Congressional
12 District 21 and 25, which both have a CVAP -- Hispanic
13 CVAP number over 50 percent; correct?

14 A. Yes.

15 Q. Now, 21 and 25 were won by Democrats, but they
16 were toss-up. They were close races; correct?

17 A. Actually, I don't know who won those elections.

18 MR. MEUSER: Okay. Do you want to take a
19 10-minute break?

20 MS. HASAN: Sure.

21 THE WITNESS: Yeah, fine. Whatever you like.

22 (Recess.)

23 MR. MEUSER: Okay. Let's ask a few more
24 questions here and see if we can kind of get counsel back
25 on a plane tonight.

1 MS. HASAN: I appreciate it.

2 BY MR. MEUSER:

3 Q. Do you agree that a map can be drawn with
4 political considerations and racial considerations?

5 A. Yes.

6 Q. And is it possible that a -- racial
7 considerations is only done in a single district, and
8 political could be on the rest of the map?

9 MS. HASAN: Objection; compound.

10 THE WITNESS: Let me think about the answer to
11 that one.

12 It would be very difficult to do racial
13 considerations in a single district, at least, because we
14 would be comparing what happened in the previous map to
15 what happened in the new map. And because of that, in
16 order for any claim of racial considerations to be
17 predominant, there would have to be racial populations
18 that have been moved from one district to another
19 district. But that would potentially at least indicate
20 race from which the populations have been moved.

21 Q. Let me rephrase my question.

22 Is it possible that race could be the predominant
23 reason for the drawing of the district lines in a single
24 district?

25 MS. HASAN: Objection; calls for speculation.

1 THE WITNESS: Yes. That would be my answer.

2 BY MR. MEUSER:

3 Q. Can the goal in drawing a map be to achieve a
4 political goal but to use racial considerations to do so?

5 A. Yes. But the issue in this case, at least as I
6 understand it from a political science perspective, is not
7 whether there was any race involved but whether party or
8 race is the preponderant motive.

9 Q. Is it possible that one district, you lower the
10 Hispanic CVAP, and another one, you increase it -- strike
11 that.

12 Is it possible to lower Hispanic CVAP in a
13 district while doing a worse job in adhering to
14 traditional redistricting criteria on a map?

15 MS. HASAN: Objection; compound. Calls for
16 speculation.

17 THE WITNESS: Can you -- it is always possible to
18 do worse with respect to traditional districting criteria,
19 and it's certainly possible that in some of the ways of
20 doing worse, there would be Hispanic populations involved,
21 and in others, there wouldn't be, depending, again, on the
22 specifics. But in the abstract, there are lots of
23 different ways to do badly.

24 BY MR. MEUSER:

25 Q. Let me ask you this: When I use the term

1 "traditional redistricting criteria," does that have a
2 defined term in the political science world?

3 A. Yes and no. There is general agreement on what
4 most of the elements of traditional districting criteria,
5 neutral districting criteria, are.

6 If you would turn to the Citizen Redistricting
7 Commission report, they identify a number of different
8 criteria, most of which would be regarded as traditional
9 or neutral redistricting criteria. Compactness,
10 contiguity, equal population. These days, we would also
11 add nondilution of minority voting strength as a
12 traditional redistricting criteria.

13 There's some others. Let's see if I can remember
14 what the entire list looks like. But basically, the list
15 that is provided in the Citizens Redistricting Commission
16 report would be a good illustration of what most political
17 scientists would regard as traditional.

18 There are some criteria that some political
19 scientists or some lawyers would list as traditional that
20 I would not. For example, preservation of incumbents.
21 These change in district maps. These are criteria that --
22 and some lawyers have argued in some courts are
23 traditional but that I would disagree about.

24 Q. And when you talk about the Citizens
25 Redistricting Commission, the terms they use, that comes

1 straight out of the California Constitution; correct?

2 A. Yes. Yes, that is correct also.

3 Q. Are you aware of any other states that have
4 defined traditional redistricting terms like California
5 has?

6 A. Yes, there are a number of others. Off the top
7 of my head, I'm not sure I could name them. I believe,
8 for example, Michigan is in that category. I believe
9 Florida is in that category. I'd have to go look to
10 actually see.

11 And it's also the case that legislatures, when
12 they pass maps, also sometimes indicate that their map is
13 satisfying traditional redistricting criteria and then
14 provide a list of such criteria.

15 Q. Did they do that in Prop 50? Did the legislature
16 do that in Prop 50?

17 A. I don't know.

18 Q. In the material that you reviewed, you did not
19 see that they stated that they were adhering to
20 traditional redistricting criteria?

21 A. That is correct.

22 Q. In your analysis of the Prop 50 maps, did you
23 have access to the addresses of where the incumbents
24 lived?

25 A. No, I did not.

1 Q. So you did no analysis of how the reshuffling of
2 the maps affect incumbency?

3 A. No, that is not correct, because, as you know, I
4 indicated that one of the incumbents in District 41
5 actually had his district number taken out from under him.
6 And you don't actually move a district. You only move a
7 district number.

8 And so presumably, wherever he lived, he wasn't
9 living in his District 41 anymore. I didn't need to know
10 exactly where in 41 he lived since there was zero overlap.

11 I also looked up -- partly because I was
12 interested in districts that were -- that Dr. Trende
13 highlighted, namely, 13, 5, and 9. I also looked up the
14 existence of an incumbent in District 9, and that's
15 available on his website. I'm sorry if I didn't cite to
16 his website among the list of thing that I had identified,
17 but I did identify him as an incumbent in the City of
18 Tracy, and that's where I got my information from.

19 Q. Any others?

20 A. No, I did not look at any other incumbents.

21 Q. Okay. Would you agree with me that the fact that
22 whether the Hispanic CVAP number goes up or down, that
23 does not mean that a racial gerrymander has occurred?

24 A. I'm sorry. That's a -- that's a strange
25 question, and I'm not sure that, in the present phrasing,

1 I can respond to it.

2 Q. Just examining the single data point of the
3 Hispanic CVAP number, whether it goes up or down, that
4 number alone does not automatically mean that you have a
5 racial gerrymander; is that correct?

6 MS. HASAN: Objection; compound.

7 THE WITNESS: Movement in Hispanic CVAP, whether
8 up or down, does not automatically tell you whether or not
9 you have had a redistricting in which race was the
10 preponderant motive since Hispanic CVAP, especially in
11 California, and especially in a situation involving
12 partisan gerrymandering, as in Prop 50, where there are
13 lots of lines being moved, almost inevitably there will be
14 movement of Hispanics both up and down in the districts
15 even though the map is a partisan gerrymander rather than
16 a racial gerrymander.

17 BY MR. MEUSER:

18 Q. I believe you said in Congressional District 13,
19 we talked about how the Hispanic CVAP number declined;
20 correct?

21 A. The Hispanic CVAP number in District 13
22 essentially stayed the same. It went from 54.0 to 53.8, I
23 mean, which is to say numbers which are trivially
24 different from one another.

25 Q. But the Democrat percentage of that district went

1 up; is that correct?

2 A. Yes, it went up in -- according to the Democratic
3 share of the 2024 presidential contest. And it also went
4 up, I believe, if you analyze some other elections, such
5 as the 2024 U.S. Senate election or the 2022 gubernatorial
6 election.

7 Q. I believe in your report you state that Hispanics
8 are the plurality in the state; is that correct?

9 A. Yes.

10 Q. There is no racial majority in the State of
11 California?

12 A. Not at present. That is correct.

13 And let me be clear. There is no racial or
14 ethnic majority group in the state.

15 Q. Okay. When was the last time there was a racial
16 white majority in the State of California?

17 A. I'm -- exactly when, I am not sure. Certainly
18 for most of the time that I've lived as a Californian.

19 Q. I believe earlier you were talking about --
20 correct me if I'm wrong. You used a number of 90 percent
21 of blacks vote Democratic?

22 A. Yes, that's correct.

23 Q. What was the percentage that you associated with
24 the Hispanics voting Democrat?

25 A. Somewhere between 60 and 70 percent.

1 Q. Where did you pull that number from?

2 A. That one is partly based on Hispanic registration
3 numbers. It's partly based on a report probably -- I've
4 read so many things. So I believe the cite for that
5 particular thing is the Public Policy Institute of
6 California report on the 2024 election, but I may be
7 wrong.

8 I've read a lot of different sources. Many of
9 them, I should indicate, before I was involved in any way
10 in this lawsuit.

11 Q. And have you read or are you aware of any reports
12 that talk about Hispanic males starting to vote less
13 Democrat than they have in the past?

14 A. Yes.

15 Q. When did this trend first begin that you are
16 aware of?

17 A. First -- it is first -- first begin, I do not
18 know the answer to. First publicized, I would say within
19 2024 with suggestions from those who wrote about it that
20 the trend had actually begun even earlier than the 2024
21 election.

22 Q. But academia started publishing it in 2024, or
23 that's when you became aware of the publications?

24 A. Yes. I'm -- again, I'm not really sure. This is
25 one I'm really truly not sure. I seem to remember reading

1 about -- again, I'm not at all clear what exactly this has
2 to do with this case, but in any case, we have -- my
3 memory as a political scientist is that I read about
4 changes in voting patterns in -- among young, male, poor
5 Hispanics, particularly those who are -- came recently to
6 the United States.

7 Q. But could a change in voting patterns of young
8 male Hispanics, could that have an analysis in a racial
9 polarized voting that would need to be done?

10 MS. HASAN: Objection; calls for speculation.

11 THE WITNESS: I've never done or seen an analysis
12 that breaks down things to that level of detail. Normally
13 we do, as I suggested earlier, dichotomous analyses.

14 And those who study -- political scientists who
15 study other things might do other things, but in terms of
16 racially polarized voting, the answer is no.

17 BY MR. MEUSER:

18 Q. I guess -- let me rephrase the question.

19 The fact that there seems to be a group of
20 Hispanics that are diverging from the known historical
21 trend of Hispanics voting for Democrats, does that fact
22 that that -- the historical norm might be becoming a lower
23 percentage, would that require someone to have to do a new
24 racial polarizing analysis and not be able to rely upon
25 past racial polarizing analysis?

1 MS. HASAN: Objection; compound.

2 THE WITNESS: There I simply don't know the
3 answer. I don't believe the answer is yes because the --
4 because we're not talking about dramatic -- dramatic
5 changes. We're talking about changes in a particular
6 subset of the Hispanic population. And then -- and I
7 don't know the magnitude of those changes.

8 BY MR. MEUSER:

9 Q. Are you familiar with the Alexander Standard?

10 A. That's calling for legal question.

11 Q. Just the fact if you're aware of it, that's not a
12 legal question.

13 A. Okay. In that case, as a political scientist, I
14 am aware of the Alexander Standard, yes, though I could
15 not carefully -- I could not accurately characterize it.

16 Q. Okay. Does the Alexander Standard -- let me
17 strike that.

18 Okay. As a political scientist aware of the
19 Alexander Standard, does that shape the way you have to
20 analyze problems?

21 MS. HASAN: Objection; vague.

22 THE WITNESS: And clearly, that requires a legal
23 answer, so I'm not in a position to answer it.

24 BY MR. MEUSER:

25 Q. So you are not qualified to tell us whether these

1 maps meet the Alexander Standard; correct, because you're
2 not a lawyer?

3 A. I can certainly indicate whether or not the map
4 in its effects is one such that there is the -- there
5 exists a more compact district which increases the number
6 of Democrats while reducing the number of Hispanics while
7 not changing anything else about any of the other
8 districts in their partisan consequences.

9 Q. Did you do that with the Prop 50 maps?

10 A. No.

11 Q. Okay. Suppose a state engaged in redistricting
12 with the overall goal of increasing its Democrat
13 Congressional delegation but constrained by a separate
14 goal of maintaining a set number of Hispanic majority
15 districts. In that scenario, would you agree that the
16 partisan goal is subordinate to the racial goal at least
17 on a statewide basis?

18 MS. HASAN: Objection; compound. Incomplete
19 hypothetical. Calls for speculation.

20 THE WITNESS: That one I cannot answer in a clear
21 yes or no fashion. Maintaining Hispanic districts is --
22 has multiple purposes and multiple explanations. Hispanic
23 districts can be maintained simply because the geography
24 essentially compels the creation of such districts in
25 overwhelming Hispanic areas.

1 Hispanic districts could be maintained in order
2 to ward off a possible section to challenge or in the
3 belief that these districts, in fact, were required by
4 Section 2.

5 The partisanship of these districts also would be
6 important insofar as one would be trying to judge whether,
7 on balance, looking at the state as a whole, partisanship
8 rather than race was the preponderant motive. And, of
9 course, that is exactly what I have done in my own report.

10 BY MR. MEUSER:

11 **Q. Does the ACS data have a lot of errors in it?**

12 A. Errors, no. Limitations, yes.

13 **Q. And what do you mean by that?**

14 A. I mean by that that it is a sample and therefore
15 excludes a certain number of -- actually 5/6th, if I
16 remember correctly, of the population in the United States
17 during the years in which the sampling takes place.

18 And so you can apply it statewide or nationwide,
19 but when you move down below that to try to find estimates
20 of particular census blocks or even census tracts, then
21 you simply don't have enough information usually to be
22 able to do reliable estimates.

23 **Q. Is that what you'd call an error margin?**

24 A. Yes. An error margin, an error rate. Those
25 would be appropriate statistical terms.

1 Q. So does ACS have an error margin?

2 A. There is no single error margin for ACS because
3 the error margin is going to depend on the scale at which
4 the ACS data is being applied.

5 Q. Okay. So it might be different for Los Angeles
6 County than it would be for Trende County?

7 A. Exactly.

8 Q. Did you consider that error margin at all in your
9 analysis of your report?

10 A. No.

11 MR. MEUSER: I think I've asked all my questions,
12 but if you don't mind, I'd like to allow Julie to go while
13 I continue to review my notes to make sure I have
14 everything, if you don't mind. Otherwise, I'm going to
15 take a five-minute break to go through my notes. I'm just
16 trying to speed it along so we can get you on the plane.

17 MS. HASAN: I think either way is fine.

18 MR. MEUSER: I'm going to let Julie go, and I'll
19 just review my notes to make sure I have everything I
20 need. So I might have a couple follow-ups to her.

21 MS. HAMILL: Are you doing okay? Do you need to
22 take a break?

23 THE WITNESS: Yes. No. That's fine.

24 MS. HAMILL: All right. Will the people hear me
25 if I'm sitting here?

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1 MR. BATES: Yes.

2
3 EXAMINATION

4
5 BY MS. HAMILL:

6 Q. Thank you for sitting here today.

7 In your experience as a redistricting expert, is
8 it common to ascertain a motive for drawing lines based
9 only on the effects of a map?

10 A. Yes and no. The -- most of the analyses of
11 partisan gerrymandering that I am familiar with are about
12 effects.

13 Q. And in other cases?

14 A. Here we move away from political science
15 expertise to areas that touch on what is legal. But if we
16 look at the history of -- the technical history of the
17 Voting Rights Act, the Congress opted for an effects-based
18 test, at least as I understand it from the things like the
19 Senate report, because of the difficulty of identifying
20 motives.

21 Q. Would it be prudent here in this case to look at
22 the actual motives of the people who drew the maps?

23 A. That is an easy --

24 MS. HASAN: Objection; calls for speculation.

25 THE WITNESS: That for me is a relatively easy

1 question to answer, and the answer is no.

2 BY MS. HAMILL:

3 Q. Why is that?

4 A. For several reasons. First of all, because the
5 motives of a mapmaker are essentially irrelevant, in my
6 view, to the motives that are the relevant ones from a
7 political science standpoint.

8 And here, let me give you an example from my own
9 experiences as a mapmaker to courts. I prepare a map or
10 sometimes alternative maps for courts, and the courts
11 choose a map.

12 Once the courts have chosen a map, it's not my
13 map. And it's not my intent in drawing the map that
14 matters. It is the intent of the court that adopts the
15 map. And that court may or choose not to, maybe, for
16 reasons or choose not to give reasons for why it is
17 adopting the map.

18 Here in California, the situation is further
19 complicated because there is at least one important -- in
20 my view, quite important -- intervening and critical final
21 step, and that is that the referendum put the map proposed
22 by the legislature to the voters.

23 So when I think of the Prop 50 map, I classify it
24 as the voters' map because it is the voters who adopted
25 it.

1 Q. But the voters didn't see what the inputs were to
2 draw that map; correct?

3 A. No.

4 MS. HASAN: Objection; argumentative. Calls for
5 speculation.

6 THE WITNESS: No, the -- what -- the voters saw a
7 campaign. The voters saw a ballot statement which is
8 contained in my report. And as a California voter, I have
9 my own personal beliefs as to what the map was intended to
10 do. And I believe that the evidence is as demonstrated by
11 the partisanship of the voting patterns on Proposition 50.

12 The patterns of voting on Proposition 50 are that
13 Democratic voters overwhelmingly voted for the map. I
14 think certainly the survey data suggests somewhere in the
15 80 percent range or even higher, whereas Republicans
16 overwhelmingly voted against Prop 50.

17 BY MS. HAMILL:

18 Q. So it could have been a complete racial
19 gerrymander, but if the ballot statement said it was
20 partisan, then it's a partisan gerrymander?

21 A. If you're asking about intent, the intent of the
22 voters was the intent of the voters. The effects of the
23 map are the kinds of things that I look at in my reports.

24 Q. So it's not important for us in this case to
25 understand what the mapmaker input into the map when he

1 drew the lines?

2 A. The mapmaker's input is the mapmaker's belief
3 about what the map did. The map did something. What the
4 map actually did were the map's effects.

5 And insofar as intent is relevant, it's not the
6 intent of the mapmaker, but it's the intent of the
7 adopter. And whether -- and it's a legal question as to
8 whether the adopter should best be regarded as the
9 legislature or whether the adopter should best be regarded
10 as the voters of California, who voted 60-plus percent for
11 this map in a referendum.

12 Q. Have you been hired to do the kind of work you're
13 doing in this case now in other cases?

14 A. No. Actually, this is essentially a unique
15 situation for me in my expert witness testimony. This is
16 a situation where we have to look at the relative balance
17 of evidence on behalf of partisan gerrymandering as the
18 prime cause, principal cause, predominant cause, versus
19 race as the principal or prime or predominant cause.

20 I've never actually had a case like this.

21 Q. And throughout the day, I've heard you say
22 "preponderant" and "predominant." Do you use those two
23 terms interchangeably?

24 A. Yes, I'm using those terms interchangeably.

25 Q. Why didn't you speak to Paul Mitchell?

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1 A. Why should I?

2 MS. HASAN: Objection; relevance.

3 THE WITNESS: I'm sorry. I wasn't arguing.

4 BY MS. HAMILL:

5 Q. Did anyone tell you not to speak to Paul
6 Mitchell?

7 A. No.

8 Q. Did you have any curiosity whatsoever as to how
9 he drew the map?

10 MS. HASAN: Objection; relevance.

11 THE WITNESS: Curiosity? If I did have any
12 curiosity, it is absolutely irrelevant to what I did in my
13 report.

14 BY MS. HAMILL:

15 Q. So the mapmaker's inputs are irrelevant to your
16 report?

17 A. To my report, in terms of the effects-based
18 analysis done, yes, that is correct.

19 Q. So it is correct in this case that you did not
20 talk to the map drawer?

21 A. That is correct.

22 Q. And you did not review what inputs were actually
23 used to create the map?

24 MS. HASAN: Objection; asked and answered.

25 THE WITNESS: The inputs actually used? I had

1 available to me the legislative data set, and that I take
2 to be the inputs used to create the map, that plus the
3 shape files plus the block equivalency files.

4 BY MS. HAMILL:

5 Q. Does that tell you whether or not race was used
6 to draw the lines?

7 A. No. The analysis in my report tells me whether
8 or not race was the preponderant motive as opposed to
9 partisanship being the preponderant motive.

10 Q. And you don't know if the map drawer used race to
11 draw the lines?

12 MS. HASAN: Objection; asked and answered.

13 THE WITNESS: Used race is -- let me say "used
14 race" is an imprecise term. Presumably, the issue is
15 whether race was the preponderant motive.

16 As I indicated in my report, for a variety of
17 reasons having to do with the demography and geography of
18 California, it's almost impossible to draw lines which
19 don't change the Hispanic composition of districts.

20 BY MS. HAMILL:

21 Q. I'll ask that one more time.

22 So you don't know if the map drawer used race to
23 draw the lines here?

24 MS. HASAN: Objection; asked and answered.

25 THE WITNESS: I'll take that as a different

1 question than I did just answer, and I will take your
2 language to mean was race the preponderant motive.

3 BY MS. HAMILL:

4 **Q. That's not what I asked.**

5 A. You asked used race? I don't know what it means
6 to use race.

7 **Q. I'm asking did the --**

8 MS. HASAN: And I'd ask that the witness be
9 allowed to finish his answer before you start your next
10 question.

11 MS. HAMILL: Thank you.

12 BY MS. HAMILL:

13 **Q. You don't know if the map drawer clicked a box**
14 **for race to draw the specific lines for a specific**
15 **district because you didn't talk to the map drawer; right?**

16 MS. HASAN: Objection; asked and answered.

17 THE WITNESS: Yes, I did not. I do not have
18 knowledge of exactly what the map maker did, as I have
19 previously stated.

20 BY MS. HAMILL:

21 **Q. And it is possible that the map drawer used race**
22 **to draw these maps?**

23 MS. HASAN: Objection; asked and answered. Calls
24 for speculation. It's been well-established throughout
25 this deposition that Mr. -- Dr. Grofman doesn't know what

1 the map drawer did.

2 MS. HAMILL: I'll ask again.

3 BY MS. HAMILL:

4 Q. It's possible that the map drawer used race to
5 draw these districts?

6 MS. HASAN: Objection.

7 THE WITNESS: I do not know what the map maker
8 did.

9 BY MS. HAMILL:

10 Q. But it is possible?

11 A. Many things are possible. I do not know the
12 answer.

13 Q. And you're using statistical analysis to look at
14 effects only?

15 A. Yes, that is correct.

16 Q. Did you define racial gerrymander in your report?

17 A. I took racial gerrymander to mean that race was
18 the preponderant factor in the way in which particular
19 lines were drawn. That is how -- just as I would take
20 partisan gerrymander to mean that partisanship was the
21 primary factor in how particular lines were drawn.

22 Q. Have you defined racial gerrymandering in any of
23 your publications?

24 A. I'm not quite sure of the answer to that. I
25 certainly have, in situations where I have been brought in

1 by a federal court to draw a map in response to a finding
2 by that federal court that a given district -- sorry.
3 Actually, usually just given map -- was a racial
4 gerrymander.

5 I then have attempted to draw a map for the court
6 which was not a racial gerrymander. I did not need to
7 define a racial gerrymander for purposes of my expert
8 witness testimony because the court had already specified
9 that the map for which I was providing a remedy was, in
10 the court's view, a racial gerrymander.

11 Q. Do you recall which case that was?

12 A. Michigan would be one, I believe. I'd have to go
13 double-check to make sure, but I believe that is right.

14 Q. Michigan versus United States --

15 A. Give me a moment. I'll find it for you.

16 Q. Thank you.

17 A. AGEE versus Benson, A-g-e-e, versus Benson.

18 Q. Thank you.

19 Did you see a request for proposals from the
20 State of California for what became the Prop 50 map?

21 A. Actually, I don't remember ever doing that, no.

22 Q. Did you see an RFP, request for proposals, from
23 the DCCC for what became the Prop 50 map?

24 A. That one, I know I didn't see.

25 Q. Okay. So if you were going to draw --

1 A. No. I'm sorry. I take it back. I may well have
2 seen the request for proposals back in 2021 or so.
3 That -- it occurs to me that I might well have seen it and
4 just simply disregarded it.

5 **Q. Okay. I was referring to this specific**
6 **Proposition 50.**

7 A. This round, no. For this round, I can say with
8 confidence that I did not see.

9 **Q. But in the past, you've seen the DCCC --**

10 A. No, never the DCCC.

11 **Q. The State of California has issued an RFP for**
12 **people to submit maps?**

13 A. In which year are we talking about?

14 **Q. You mentioned you might have seen something in**
15 **2021.**

16 A. Oh, in 2021.

17 **Q. So the State of California then issued an RFP?**

18 A. The special -- the Citizens Redistricting
19 Commission asked for public input into the maps.

20 **Q. So does that allow people to submit maps?**

21 A. Yes.

22 **Q. So different groups would submit different maps?**

23 A. Yes.

24 **Q. And then the commission would decide which one**
25 **was best?**

1 A. Or adopt a map of its own.

2 MS. HASAN: Objection; relevance.

3 BY MS. HAMILL:

4 Q. So if you were going to draw this -- what
5 became this proposition 50 map for Partisan purposes only,
6 without regard to race whatsoever, would it look different
7 from the prop 50 map that we have?

8 MS. HASAN: Objection; calls for speculation.
9 Incomplete hypothetical.

10 THE WITNESS: That one I cannot answer since I
11 have not attempted to draw such a map.

12 BY MS. HAMILL:

13 Q. Were you aware that the attorneys who hired you
14 filed 15 volumes of exhibits last night and early this
15 morning?

16 A. No, actually.

17 Q. So I assume you have not reviewed them?

18 A. That would be correct.

19 Q. Okay. And I think we got this out earlier or
20 discussed this, but to be clear, Latinos are not a
21 minority in California; correct?

22 A. Latinos are a plurality of Californians.

23 Q. Okay.

24 A. Let me try to be very precise because the
25 definition of minority is not necessarily in terms of

1 population. It is rather, at least in terms of the Voting
2 Rights Act, in terms of groups which Congress has
3 identified as having suffered from a previous history of
4 discrimination and/or vote dilution, and those groups are
5 named and enumerated in the Voting Rights Act, and
6 Hispanics or those of Spanish heritage is one such group.

7 Q. Have you seen Rodden's (phonetic) expert report?

8 A. No.

9 Q. Have you seen a Fairfax expert report?

10 A. No.

11 Q. Have you spoken to anyone at the DCCC about this
12 case?

13 A. No.

14 Q. Have you spoken to anyone at LULAC about this
15 case?

16 A. No.

17 Q. And did you analyze the compactness scores for
18 districts adjacent to District 13 in this map?

19 A. Yes, I did, but I don't remember the answer.
20 That's not part of this, and I don't remember the -- I
21 don't remember the numbers specifically other than to --
22 other than to note that almost certainly, one of the
23 things that will happen in a partisan gerrymander is that
24 compactness scores will go down. And I can attest to the
25 fact that compactness scores are somewhat lower in the

1 Prop 50 map than they were in the CRC map.

2 Q. Do you recall seeing whether the compactness
3 scores around District 13, so for the districts touching
4 District 13 -- did those shift dramatically in any
5 direction?

6 A. I'm sorry. I don't remember. I don't believe
7 the answer is yes. I don't believe the answer is anything
8 other than no because most of these shifts were fairly
9 minor, but I don't remember.

10 Q. And it's not in your report?

11 A. It's not in my report.

12 Q. Could a map drawer have drawn a map that was more
13 partisan than this Prop 50 map that we have?

14 MS. HASAN: Objection; calls for speculation.

15 THE WITNESS: A mapmaker could, in principal,
16 have drawn a map which is more partisan -- even more
17 partisan than the Prop 50 map. But in order to do so, the
18 mapmaker would have had to persuade -- sorry -- the
19 legislature which would adopt such a map would have to
20 have persuaded its members to sacrifice themselves on the
21 altar of additional gains for Democrats.

22 And one of the things that is very well known
23 within the political science literature, going back to
24 David Mayu (phonetic) at Yale's classic work on the
25 electoral connection and other scholars, such as Tom

1 Mann's book on Unsafe at Any Margin, is that no incumbent
2 ever believes himself or herself safe enough.

3 BY MS. HAMILL:

4 Q. So what do you mean they would have to sacrifice
5 themselves?

6 A. In order -- there are only so many Democrats to
7 go around. As a consequence, if you're going to draw a
8 successful partisan gerrymander, you have to balance the
9 three goals of effective partisan -- efficient partisan
10 gerrymandering that I've identified in my report.

11 You have to simultaneously maintain the safe
12 seats for your guys because -- or the gals. Because
13 otherwise, they're going to be very upset with you.

14 You have to protect insofar as possible most, if
15 not all, of your most vulnerable incumbents, and then you
16 have to somehow, after having done these two things, find
17 enough Democrats to be able to -- I tend to use -- I'm
18 tempted to use an expletive deletive term here -- to
19 sufficiently reduce the Republican vote share in the
20 districts where there are Republican incumbents that is
21 feasible for a Democrat -- if not certain, for a Democrat
22 to win those districts in the future.

23 All of that requires you find Democrats. And as
24 I say in my report, the key to partisan gerrymandering is
25 efficient distribution of your supporters and your

1 opponents.

2 Q. So it's possible that this could have been drawn
3 to be more partisan?

4 MS. HASAN: Objection; calls for speculation.

5 THE WITNESS: I've -- I mean, I've indicated that
6 in order to do this, you would have to reach agreement.
7 And I actually -- my own personal view as a political
8 scientist is that would not be easy to do because now you
9 would have to find enough Democrats to gain additional
10 seats beyond five.

11 Is it possible? I don't know for sure. I
12 haven't tried doing it. Is it hypothetically possible in
13 some world, if you didn't pay attention to other features,
14 didn't care about what happened in other districts?
15 Probably.

16 BY MS. HAMILL:

17 Q. So I'm going to take that as a yes, it's
18 possible?

19 A. It's possible.

20 MS. HASAN: Objection; misstates prior testimony.

21 THE WITNESS: I will be happy to give you a
22 possible provided you allow me to state the addenda, the
23 caveat, which is to say possible, but highly, highly
24 unlikely and improbable in the real world.

25 BY MS. HAMILL:

1 Q. So you mentioned earlier, when you were speaking
2 to Mr. Meuser, that District 41 was a very special case.
3 Can you tell me more about why District 41 is a very
4 special case?

5 A. Yes. District 41 is in some way the lynchpin to
6 the efficient partisan gerrymandering that the Democrats
7 did. Because what they did by basically taking
8 District 41's number and moving it away from where that
9 district had previously been located and a district in
10 which the incumbent lived and moving it -- in this case, I
11 guess west to a different area of the state. Not that
12 far, but still a different area of the state. That had
13 two important effects. Actually, three important effects.

14 First and foremost, it really, really made it
15 impossible for the then incumbent in District 41, who was
16 a Republican, to win election. So that pretty much gave
17 Democrats one seat.

18 Secondly, it probably made that incumbent shift
19 districts, as that incumbent actually did, to another
20 district, which has the benefit of guaranteeing that
21 there's a reduction by one incumbent in the number of
22 Republican incumbents in place -- though, again, the new
23 seat might be one -- and causing some friction within the
24 Republican Party.

25 Then you have the other effect, which is the

1 ripple effect. So if you're going to create an additional
2 Democratic seat, then -- or strengthen the Democratic
3 seats without -- you have to be able to find enough
4 population to create a District 41 located in a different
5 part of the state.

6 And basically, that's done by rippling the
7 population that was in District 41, as it previously
8 existed, across the state in a series of movements that
9 affects population shifts and boundary shifts in all --
10 not all -- in almost all the districts that are in between
11 old District 41 in the CRC map and new District 41 in the
12 Prop 50 map.

13 So that then has a ripple effect that allows the
14 Democrats to draw on population areas that were in old 41
15 to do various things, most importantly, boost the
16 reelection chances of some Democrats, and create a new
17 seat that will almost certainly elect a Democrat.

18 **Q. And you haven't read any of Paul Mitchell's**
19 **comments regarding why he drew 41 the way he drew it;**
20 **correct?**

21 MS. HASAN: Objection; asked and answered.

22 THE WITNESS: Yes, this one is asked and
23 answered.

24 BY MS. HAMILL:

25 **Q. I haven't asked that question, actually.**

7 MS. HAMILL: I think I've got -- those are my
8 questions.

11	Thank you very much.
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13

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17 Q. As you sit here today, you have no plans to do
18 any more research on the Prop 50 maps to prepare for your
19 trial testimony; is that correct?

21 THE WITNESS: I would have also said asked and
22 answered in the sense that's a hypothetical that I cannot
23 respond to until I am aware -- until I actually receive or
24 don't receive the materials from the California Attorney
25 General's office, I have no idea what it is that I am

1 going to be reviewing or not reviewing.

2 As I indicated earlier, what I plan to do and
3 hope to do is to spend a happy couple weeks with my
4 wife --

5 BY MR. MEUSER:

6 Q. Again --

7 A. -- before December 15th.

8 Q. Again, my question is very specific. As you sit
9 here right now, there is no other research that you need
10 to do to work on your report?

11 A. There is nothing which occurs to me at this point
12 that I would need to do. Insofar as there is anything
13 that would be needed to be done, it is simply what I would
14 call footnotes, meaning I've given you some numbers which
15 were not in the report.

16 And in some version of a future report or in
17 testimony, I might wish to specify those numbers. I was
18 asked, for example, about compactness scores. I was
19 asked -- I was asked about the degree to which particular
20 districts had changed their configurations. And I gave
21 answers, and those answers are not contained in the
22 report.

23 Q. So do you plan to go look at the compactness
24 scores so that you're prepared for that testimony at
25 trial?

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1 A. Yes, I would. In that one I would anticipate,
2 because I was asked a question which I did not know the
3 answer to that I would normally, as an expert -- in
4 anticipation of being asked the same question, I would
5 normally try to prepare to know it.

6 MS. HASAN: I'm going to object to this line of
7 questioning because it's getting at potential work
8 product, and I think he's given a sufficient idea of what
9 he may or may not do going forward.

10 BY MR. MEUSER:

11 Q. As a result of this deposition today, are there
12 any new conclusions that you want to research to add to
13 your conclusions?

14 A. No.

15 Q. Okay. Other than the two things that you've told
16 us about, where we asked you questions that weren't in
17 your report but you had researched it prior, is there any
18 other research that you feel like you need to do to shore
19 up your opinion?

20 A. No. I believe my opinion is clear and concise
21 and does not -- and is not in any real need of shoring up.
22 In fact, any need of shoring up.

23 MR. MEUSER: Nothing further.

24 Anybody online? Our audience has greatly
25 disappeared.

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1 Going once. Going twice.

2 I think this deposition is concluded. Thank you.

3 THE WITNESS: I would simply note the famous
4 definition of professor. A professor is someone who talks
5 in other people's sleep.

6 THE REPORTER: Counsel, do you need a copy?

7 MS. HASAN: Can we do a same-day rough and the
8 next-day final?

9 THE REPORTER: Yes.

10 MS. HASAN: DCCC requested the same. Lali
11 Madduri is here for them. I'm not sure about LULAC, but
12 Sofia is here for LULAC.

13 MR. MEUSER: Sofia, are you here? Are you on
14 mute?

15 MS. MADDURI: This is Lali. For the transcript,
16 we would like to order a same-day rough.

17 MR. MEUSER: Yes, she just said that.

18 MS. MADDURI: We're not ordering a next-day
19 final. Thank you.

20 MR. MEUSER: Okay. Sorry.

21 Off the record.

22

23 [TIME NOTED 4:31 p.m.]

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3 I, BERNARD GROFMAN, do hereby declare under
4 penalty of perjury that I have read the foregoing
5 transcript; that I have made any corrections as appear
6 noted, in ink, initialed by me, or attached hereto; that
7 my testimony as contained herein, as corrected, is true
8 and correct.

9
10 EXECUTED this ____ day of _____,
11 20____, at _____, _____.
12 (City) (State)

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BERNARD GROFMAN

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I, the undersigned, a Certified Shorthand
Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before
me at the time and place herein set forth; that any
witnesses in the foregoing proceedings, prior to
testifying, were duly sworn; that a record of the
proceedings was made by me using machine shorthand which
was thereafter transcribed under my direction; further,
that the foregoing transcript is a true record of the
testimony given.

Further, that if the foregoing pertains to the
original transcript of a deposition in a Federal Case,
before completion of the proceedings, review of the
transcript [] was [] was not requested.

I further certify I am neither financially
interested in the action nor a relative or employee of any
attorney of any of this action.

IN WITNESS WHEREOF, I have this date subscribed
my name.

Dated: 12/5/2025

Angela Metz

ANGELA METZ
CSR No. 12454, CLR

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In the Matter Of:

DAVID TANGIPA

vs

GAVIN NEWSOM

MAXWELL PALMER

December 08, 2025

CERTIFIED COPY

DAVID TANGIPA vs GAVIN NEWSOM
Maxwell Palmer on 12/08/2025

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID TANGIPA; et al,

Plaintiffs,

vs.

No. 2:25-cv-10616 JLS (KESx)

GAVIN NEWSOM, in his official
capacity as the Governor of California;
et al,

Defendants.

CERTIFIED COPY

ZOOM DEPOSITION OF MAXWELL PALMER

Monday, December 8, 2025
Volume I

Reported by:
ANGELA METZ
CSR No. 12454, CLR

JOB No. 103431

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DAVID TANGIPA vs GAVIN NEWSOM
Maxwell Palmer on 12/08/2025

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID TANGIPA; et al,

Plaintiffs,

vs.

No. 2:25-cv-10616 JLS (KESx)

GAVIN NEWSOM, in his official
capacity as the Governor of California;
et al,

Defendants.

Zoom deposition of MAXWELL PALMER,
Volume I, taken on behalf of Plaintiffs,
beginning at 7:02 a.m. and ending at 7:41
a.m. on Monday, December 8th, 2025,
before ANGELA METZ, Certified Shorthand
Reporter No. 12454.

DAVID TANGIPA vs GAVIN NEWSOM
Maxwell Palmer on 12/08/2025

3

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DAVID TANGIPA vs GAVIN NEWSOM
Maxwell Palmer on 12/08/2025

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DAVID TANGIPA vs GAVIN NEWSOM
Maxwell Palmer on 12/08/2025

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Exhibit 2 Document Production

10

DAVID TANGIPA vs GAVIN NEWSOM
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Zoom, Monday, December 8th, 2025

7:02 a.m.

THE REPORTER: Good morning. My name is Angela Metz, and I am a Certified Shorthand Reporter for the State of California, and my CSR number is 12454. Thank you.

MAXWELL PALMER,
having been first duly sworn, was examined and testified
as follows:

EXAMINATION

BY MR. MEUSER:

Q. Dr. Palmer, could you please state your full name and spell it for the record?

A. Maxwell Benjamin Palmer, M-a-x-w-e-l-l,
B-e-n-j-a-m-i-n, P-a-l-m-e-r.

MR. MEUSER: And before we go any further in your deposition, I'm going to go ahead and ask that the attorneys enter their appearance.

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1 This is Mark Meuser on behalf of the Dhillon Law
2 Group and the plaintiffs. With me today is Amber Hulse,
3 also with the Dhillon Law Group, on behalf of the
4 plaintiffs.

5 Will the rest of the attorneys please identify
6 themselves.

7 MR. ZUCKERMAN: Joshua Zuckerman from the U.S.
8 Department of Justice Plaintiff-Intervenor.

9 MS. MADDURI: Good morning. Lali Madduri from
10 Elias Law Group (phonetic) on behalf of DCCC.

11 MR. GOODMAN: Jacob Kovacs-Goodman on behalf of
12 LULAC.

13 MR. RIVERA: Thomas Rivera from Arnold & Porter
14 (phonetic) also on behalf of LULAC.

15 MR. MEUSER: Did David Green identify himself?

16 MR. GREEN: Sorry. There might be a speaker
17 issue.

18 David Green with Cal DOJ for Defendants.

19 MR. MEUSER: Okay. Before we get any further,
20 I'm going to drop two documents into the chat real quick
21 that will be the two exhibits that we're going to be going
22 through today. The first exhibit I'm about to drop into
23 the chat will be what is identified as your report.

24 And identifying for the record right now, this is
25 DCF filing 112-3, Pages 307 through Page 325. And that

DAVID TANGIPA vs GAVIN NEWSOM
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1 has been dropped into the chat, so everybody has that.

2 The second document I'm going to drop in is the
3 documents that we just received from opposing counsel just
4 a few minutes ago, which is -- if I can get everything to
5 work. There we go. The second document I just dropped in
6 is the file titled as Palmer 00001. It's a four-page
7 document, which is -- appears to be an agreement between
8 the Elias Law Group and Dr. Palmer.

9

10 EXAMINATION

11

12 BY MR. MEUSER:

13 Q. Dr. Palmer, are you familiar with both of these
14 documents?

15 A. Yes.

16 Q. Okay. Before I start asking you about all these
17 documents, can you please tell me, how many times have you
18 had your deposition taken?

19 A. Many. I don't know exactly.

20 Q. When was the last time you had your deposition
21 taken?

22 A. I definitely had one earlier this year in the
23 North Carolina case. I think probably sometime in the
24 winter.

25 Q. Do we need to go over the deposition admonitions,

1 or are you familiar enough with them that we can proceed?

2 A. I think I'm familiar enough with them.

3 Q. Okay. You've been asked to submit a report in
4 this case of -- regarding California's Prop 50; is that
5 correct?

6 A. Yes.

7 Q. When were you first made aware that a lawsuit had
8 been filed?

9 A. I think shortly after the November election.

10 Q. How were you made aware that there was a lawsuit
11 filed against Proposition 50?

12 A. I was contacted by counsel.

13 Q. How long was that conversation?

14 A. I don't recall.

15 Q. Do you recall what you -- what the scope of the
16 assignment was during that call?

17 MS. MADDURI: Objection to the extent you're
18 calling for privileged communications between counsel and
19 the expert.

20 MR. MEUSER: I'm entitled to know the scope and
21 all of the assumptions that you gave him, so that is
22 within the scope of discovery.

23 THE WITNESS: I think initially, I was just
24 informed that there was a lawsuit, and I was asked about
25 availability to do work on it.

DAVID TANGIPA vs GAVIN NEWSOM
Maxwell Palmer on 12/08/2025

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1 BY MR. MEUSER:

2 Q. And did you quote them your hourly rate?

3 A. I think so. If not then, shortly afterwards.

4 Q. What is your hourly rate?

5 A. \$500 an hour.

6 Q. And how many hours have you spent to produce the
7 report that we have marked as Exhibit 1?

8 (Exhibit 1 was marked for
9 identification.)

10 (Exhibit 2 was marked for
11 identification.)

12 A. I don't know. I'd have to go back and check my
13 records.

14 Q. Without checking your records, do you have an
15 estimate that you can give us?

16 A. No. I'd have to check my records.

17 Q. Have you submitted a bill on this yet?

18 A. I don't think so. I think I haven't yet
19 submitted my November invoice, but I'd have to
20 double-check.

21 Q. Okay. As you sit here today, what is your
22 understanding of the scope of the assignment that you were
23 asked to do?

24 A. I was asked to write a report looking at the
25 performance of the 2025 map, the SB-50 map, relative --

1 the partisan performance relative to the previous map.

2 **Q. Was that the extent of your assignment?**

3 A. That is what I was asked to write a report on,
4 yes.

5 **Q. In order to write this report, what did you do?**

6 A. I collected data on California election results
7 from 2016 through 2024 as well as data on the boundaries
8 of the congressional districts for the -- each map, the
9 2021 and 2025 maps, combined that data together to
10 estimate the number of votes cast in different statewide
11 elections under each plan and then analyze those results.

12 **Q. Where did you get your data for election results?**

13 A. Let me pull up my report and one of the documents
14 you just sent me.

15 All of the election data came from the Statewide
16 Database, which is a California organization that is the
17 official source for California precinct level and local
18 level election results.

19 For the earlier elections, 2016 to 2020, they
20 produced a database used by the California Redistricting
21 Commission, and I relied on that data. For 2022 and 2024,
22 there is equivalent data that they also produced that I
23 used.

24 **Q. So all data that you used came from that**
25 **Statewide Database website?**

1 A. As well as the shape files or the boundaries of
2 the congressional districts. I think that came from that
3 Statewide Database, as well, or it might have been on the
4 California Secretary of State's website for the exact
5 files there. Or the California Redistricting Commission,
6 I believe, for the 2021 map.

7 **Q. And where did you get the shape files for the**
8 **Prop 50 maps?**

9 A. I'm sorry. Not shape file. I used block
10 assignment files, which say which census block goes to
11 which. I believe that was from the California Secretary
12 of State or the legislature. I'd have to double-check,
13 but an official California source.

14 **Q. So you did not receive any of the documents you**
15 **just talked about directly from counsel; is that correct?**

16 A. That's correct.

17 **Q. Okay. Did you receive any documents at all from**
18 **counsel that you were asked to review?**

19 A. I received Dr. Bernel's report and his
20 replication materials.

21 **Q. And did you review Dr. Bernel's report?**

22 A. I did.

23 **Q. And do you have any opinions about his report?**

24 A. I haven't looked at it in several weeks. I took
25 a quick read of it when it came in, I believe, the week

1 after the election or thereabouts, but I haven't done any
2 extensive analysis of it.

3 Q. Did you do any analysis of his replication data?

4 A. I looked at it briefly, but I didn't run anything
5 or work from his data for my report.

6 Q. And when you say you looked at it briefly, are
7 you saying less than an hour?

8 A. I think so, yes.

9 Q. When you say you looked at his report, are you
10 saying that you spent less than an hour on his report?

11 A. Probably I read it, and then I gave some thought
12 to, you know, what he was doing and what was in it. So
13 maybe a couple hours, but not very many.

14 Q. So safe to say that in between looking at
15 Bernel's report, thinking about his report, and analyzing
16 the replication data, you spent less than five hours?

17 A. I think that's right.

18 Q. Did you look at Dr. Trende's report?

19 A. No.

20 Q. Any other documents given to you by counsel?

21 A. No.

22 Q. Did you see any pleadings in this case?

23 A. I don't think so. I don't think I read the
24 complaint -- or rather, pleadings.

25 Q. As a part of preparing your report, we've gone

1 through what your counsel has given you when we've
2 discussed the data that you received from the Statewide
3 Databases and the legislature and the commission.

4 Is there any other documents that you reviewed?

5 A. I looked at -- I think I saw the legislation that
6 was SB-50 that defined everything. I don't think I used
7 it for the report, but that was something I saw because it
8 defined the districts and all.

9 I've seen other documents from the California
10 Commission about the 2021 map. Nothing I reviewed
11 extensively for this report.

12 The Statewide Database has a lot of documentation
13 about how they produced their data, and I read some of
14 that technical documentation to make sure I was
15 understanding exactly how that data was developed.

16 Q. Anything else?

17 A. I don't believe so.

18 Q. So did you look at any press releases regarding
19 the Proposition 50?

20 A. Not for this report. I'm sure I've seen media --
21 definitely seen media stories about Proposition 50 over
22 the summer and through the election, but nothing that I
23 relied on for this.

24 Q. Do you know who the main mapmaker was for
25 Prop 50?

1 A. No.

2 Q. Did you have any conversations with any
3 legislatures regarding the drawing of the maps of Prop 50?

4 A. No.

5 Q. Did you look at any testimony by any of the
6 legislatures regarding the drawing of the map for Prop 50?

7 A. No.

8 Q. Were you given any instruction by counsel as to
9 assumptions that you were to make in preparing your
10 report?

11 A. No.

12 Q. Now, your report seems to be pretty
13 straightforward -- and we're going to go through that here
14 in a minute, but it seems to be pretty straightforward as
15 to the data that you analyzed. And before we kind of do
16 go through that, I want to go and look at -- in your CV,
17 you have prior expert testimony and consulting on Page 8
18 of your CV, Page 16 of the PDF that I -- which is marked
19 as Exhibit 1.

20 Do you see the section called "Expert Testimony
21 and Consulting"?

22 A. I do.

23 Q. Okay. And the very first case on this appears to
24 be the Bethune-Hill versus Virginia.

25 Do you see that?

DAVID TANGIPA vs GAVIN NEWSOM
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16

1 A. Yes.

2 Q. And in that case, you were asked to do -- you
3 were to testify on racial predominance and racial
4 polarized voting.

5 Do you see that?

6 A. Yes.

7 Q. Did you do any racial polarized voting analysis
8 in this particular case?

9 A. Not in my report, no.

10 Q. Why not?

11 A. I wasn't asked to do so.

12 Q. Okay. Thomas v. Bryant, that was a case where
13 you were to testify on racial polarized voting; is that
14 correct?

15 A. Yes.

16 Q. Chestnut versus Merrill, that was a case that you
17 were testifying on racial polarized voting; correct?

18 A. Yes.

19 Q. Dwight versus Raffensperger, that is a case that
20 you testified on racial polarized voting; correct?

21 A. Yes.

22 Q. Brunei vs. Cues, that is a case regarding
23 straight ticket voting by race and racial polarized
24 voting; is that correct?

25 A. Yes.

1 Q. In this case, did you do any analysis of straight
2 ticket voting by race?

3 A. No.

4 Q. Caster versus Merrill, this is another case where
5 you testified on racial polarized voting; is that correct?

6 A. Yes.

7 Q. Pendergrass versus Raffensperger, this is another
8 case where you testified on racial polarized voting; is
9 that correct?

10 A. Yes.

11 Q. Grant versus Raffensperger, this is another case
12 that you testified on racial polarized voting; is that
13 correct?

14 A. Yes.

15 Q. Galmon versus Ardoin, this is another case that
16 you testified on racial polarized voting; is that correct?

17 A. Yes.

18 Q. And United States versus Robert Bowers, this is a
19 case regarding demographics and voter registration lists.
20 In this case, did you do anything regarding demographics
21 of the voters registration list?

22 A. No, but that case was about a fair jury
23 cross-section challenge. It wasn't a voting race case.

24 Q. Okay. The next one is also -- the next one is --
25 I'm going to butcher this -- Agee versus Benson?

1 A. I think so.

2 Q. Okay. And in that case, you did a racial
3 polarized voting and racial predominance regarding maps;
4 is that correct?

5 A. Yes.

6 Q. And then we have Georgia Seinfeld 202, which was
7 demographics and racial polarized voting; is that correct?

8 A. Yes.

9 Q. The next two are Vet Voice, which do not appear
10 to be redistricting cases; is that correct?

11 A. Yes.

12 Q. And Williams versus Hall, which is another racial
13 polarized voting case; is that correct?

14 A. Yes.

15 Q. Is it fair to say that you've done a lot of
16 testimony on -- you've given a lot of expert testimony on
17 racial polarized voting?

18 A. Yes.

19 Q. What does that term "racial polarized voting"
20 mean to you?

21 A. Racial polarized voting is when voters of
22 different race or ethnicities generally support different
23 candidates in elections.

24 Q. Is that the extent of racial polarized voting?

25 A. That is the starting definition, and then it can

1 be analyzed in different ways.

2 Q. Give me an example of how you analyzed racial
3 polarized voting in the Bethune-Hill.

4 A. In the Bethune-Hill, I believe I relied on
5 ecological inference, which is a statistical methodology
6 usually called EI, for estimating how groups of different
7 voters -- the levels at which groups of different voters
8 by race or ethnicity support candidates and elections.

9 Q. And of course, you did not do that in this
10 particular case; correct?

11 A. I did not.

12 Q. You have no opinions here today on the
13 constitutionality of the Prop 50 maps; is that correct?

14 MS. MADDURI: Objection; calling for a legal
15 conclusion.

16 THE WITNESS: I am not a lawyer. I don't have a
17 legal opinion on the maps.

18 BY MR. MEUSER:

19 Q. And we've already -- you've -- you did not do any
20 Voting Rights Act analysis on the Prop 50 maps; is that
21 correct?

22 MS. MADDURI: Objection; form. Objection; legal
23 conclusion.

24 THE WITNESS: I'm not sure what you mean by
25 Voting Rights Act analysis. I think that the analysis I'm

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20

1 doing could speak to questions regarding the Voting Rights
2 Act.

3 BY MR. MEUSER:

4 Q. Okay. And you have no opinion whether race
5 predominated in drawing of the maps; is that correct?

6 MS. MADDURI: Objection; legal conclusion.

7 THE WITNESS: I did not do an analysis of racial
8 predominance the way I have done in previous cases.

9 BY MR. MEUSER:

10 Q. And you have no opinions on the legislators'
11 intent in drawing the maps?

12 A. I didn't speak to any legislators about their
13 intent. I focused on the effects of the maps.

14 Q. And I understand the distinction there, but I'm
15 asking intent.

16 So you have no opinions on the legislators'
17 intent in how they drew the maps?

18 MS. MADDURI: Objection; legal conclusion.

19 THE WITNESS: My understanding from news coverage
20 of SB-50 is that the intent was a partisan intent to
21 improve outcomes for Democratic candidates.

22 BY MR. MEUSER:

23 Q. But again, you have no information as to the --
24 what the mapmaker -- or what the legislature told the
25 mapmaker as to how the lines needed to be drawn; correct?

1 A. I have no specific information about
2 communications between the legislature and the mapmaker.

3 Q. The only information that you have as to intent
4 is general news media coverage; is that correct?

5 A. Yes.

6 MS. MADDURI: Objection; form.

7 THE WITNESS: Yes, news media statements by, you
8 know, politicians and the like.

9 BY MR. MEUSER:

10 Q. In preparing your report, you only looked at 17
11 statewide general election results; is that correct?

12 A. Yes. There were a few contests which I didn't
13 include, which I mentioned in the report, but I only
14 looked at statewide election results in this period.

15 Q. You didn't look at any congressional election
16 data; correct?

17 A. No. That wouldn't be appropriate for this
18 analysis.

19 Q. I understand that, but I'm just going to go ahead
20 and ask the question. You didn't look at any state senate
21 election results; correct?

22 A. No. That would also not be appropriate elections
23 for this analysis.

24 Q. And you looked at no state assembly house races
25 for this report?

1 A. No. That wouldn't be appropriate for this
2 analysis.

3 **Q. In your analysis, did you only look at block**
4 **level data, or did you look at any precinct level election**
5 **results?**

6 A. So they're directly related in that the Statewide
7 Database is going to start with precinct level data and
8 then disaggregate that data to the block level to then --
9 which is the easiest way to estimate district level
10 performance. So it's not really either/or. It's the same
11 data source.

12 **Q. When looking at the Statewide Database, did you**
13 **look at any of the racial demographics in relation to the**
14 **electoral results, or were you only focused on the**
15 **election results?**

16 A. I focused on the election results. I'm not sure
17 to what degree there is racial demographic data. I
18 believe they have census data available for the
19 Commission, but I didn't use any of that.

20 **Q. You understand that the Statewide Database does**
21 **have voter registration data. You were not looking at**
22 **that data; is that correct?**

23 A. It does have voter registration data. I'm not
24 certain about the completeness of the racial demographics
25 in that voter registration data that they have, but I

1 didn't use it, regardless.

2 Q. Okay. So your analysis did not look at any CVAP
3 data; is that correct?

4 A. No, not in this report.

5 Q. And did you look at any demographics of the
6 voters?

7 A. Not for this report.

8 Q. In the 17 races that you analyzed -- and for the
9 sake of us looking at the same page, I'm looking at Page 5
10 of your report, where you have various races starting with
11 2016. You have your orange and your blue dots.

12 Are you looking at the same thing that I'm
13 looking at?

14 A. Yes, but I would look at the table on the
15 following page, which lists all of the elections.

16 Q. Let's go ahead and do that.

17 So Table 1 is what you're referring to?

18 A. Yes.

19 Q. Okay. In this particular report, you have 17
20 races that you have pulled out; correct?

21 A. Yes.

22 Q. Did you look at the race of the parties for the
23 2018 governor's race?

24 MS. MADDURI: Objection; form.

25 THE WITNESS: You mean race of the candidates?

1 BY MR. MEUSER:

2 Q. Yeah, race of the candidates for the 2018
3 governor's race.

4 A. No.

5 Q. Did you look at the race of the candidates for
6 the secretary of state's race in 2018?

7 A. No.

8 Q. Did you look at the race of the candidates for
9 the attorney general race in 2018?

10 A. No.

11 Q. Did you look at the race of the candidates for
12 the treasurer race in 2018?

13 A. No.

14 Q. Did you look at race of the controller in the
15 2018 race?

16 A. No.

17 Q. Did you look at race of the candidates in the
18 2022 U.S. senator race?

19 A. No.

20 Q. Did you look at race of the candidates in the
21 2022 governor race?

22 A. No.

23 Q. Did you look at race of the candidates for the
24 2022 lieutenant governor race?

25 A. No.

1 Q. Did you look at race of the candidates for the
2 2022 secretary of state race?

3 A. No.

4 Q. Did you look at race of the candidates for the
5 2022 attorney general case?

6 A. No.

7 Q. Did you look at race of the candidates for the
8 2022 treasurer's race?

9 A. No.

10 Q. Did you look at race of the candidates for the
11 2022 controller race?

12 A. No.

13 Q. Did you look at the race of the candidates for
14 the 2022 insurance commissioner race?

15 A. No.

16 Q. So for the purposes of this report, you did not
17 look at the race of any of the candidates; is that
18 correct?

19 A. That's correct. The purpose is to look at
20 performance of Democratic candidates, not of candidates by
21 race.

22 Q. Okay. In looking at the 2021 map, are you aware
23 if any of those districts, any of the 52 congressional
24 districts, have been designated as a Voting Rights Act
25 district?

1 MS. MADDURI: Objection; form. Objection to the
2 extent you're calling for a legal conclusion.

3 THE WITNESS: I'm not sure of the definition of a
4 Voting Rights Act district is, but I also didn't review
5 the demographics of these districts or their legal status
6 in any way.

7 BY MR. MEUSER:

8 Q. Of the 52 congressional districts that are part
9 of Proposition 50, do you know what the racial breakdown
10 is of any of the districts?

11 A. No. I could find it, but I don't know that now.

12 Q. And you never looked at that in preparing your
13 report?

14 A. No, I wasn't -- I was focused on party
15 performance, not on a race.

16 Q. In preparing your report, did you look at the
17 political breakdown of the 52 congressional districts that
18 are a part of Proposition 50?

19 MS. MADDURI: Objection; form.

20 THE WITNESS: Can you define "political
21 breakdown"?

22 BY MR. MEUSER:

23 Q. Yes. Would you agree with me that there are 52
24 congressional districts in the State of California as a
25 result of the 2020 census?

1 A. Yes.

2 Q. Did you ever look at what the Democrat
3 registration numbers are for the Commission's map in all
4 52 congressional districts?

5 A. No, I didn't look at the voter registration data.

6 Q. Did you look at the voter registration data for
7 any of the Prop 50, 52 congressional districts?

8 A. No.

9 Q. So you did not look at any racial data regarding
10 the congressional districts; is that correct?

11 A. That is correct.

12 Q. And you did not look at cards and voter
13 registration data for any of the 52 districts; correct?

14 A. Correct. I did not use the voter registration
15 data.

16 Q. And is it a fair summary to say that you took the
17 block level files and just compared the 17 election
18 results to the block level data to complete your analysis?

19 A. You're missing the step of going from the block
20 level data to district level data. You start with block
21 level votes, and you aggregate up for each election and
22 plan to get district level votes and then calculate vote
23 shares and seats won from that district level data.

24 Ultimately, we're going from thousands of blocks
25 to 52 districts for each plan and then 17 elections for

1 each district.

2 Q. Are you prepared to testify in this case next
3 week in Los Angeles, California?

4 A. Yes.

5 Q. Between now and then, do you have any plans to do
6 any other research that is not contained in your report to
7 prepare for your trial testimony?

8 A. Not at this time.

9 Q. Does this report contain all the conclusions that
10 you have reached at this time?

11 A. Yes.

12 Q. As you sit here today, is there any other
13 research that you would love to do on this particular
14 case?

15 A. No.

16 Q. You have no desire to do a racial polarized
17 voting analysis on this case?

18 A. No.

19 Q. Have you ever drawn a map for a legislature or a
20 judge?

21 A. No.

22 Q. Now, quite often when you are testifying, you are
23 looking at the relationship between party and race. Is
24 that -- when you're doing a racial polarized voting
25 analysis, you're looking at the distinctions between race

1 and politics; is that correct?

2 A. No.

3 Q. Explain.

4 A. Racially polarized voting is about identifying if
5 voters of different racial or ethnic groups have the same
6 preferred candidates and then if voters of different
7 groups support different candidates. And the party that
8 they prefer, if that is the case, is not actually
9 essential to identifying if racially polarized voting
10 exists.

11 Q. Okay.

12 MR. MEUSER: Josh, do you have any questions?

13 MR. ZUCKERMAN: Thanks. Not too many questions
14 here.

15

16 EXAMINATION

17

18 BY MR. ZUCKERMAN:

19 Q. Dr. Palmer, do you want a short break, or are you
20 ready to go?

21 A. I'm fine.

22 Q. Thank you.

23 As part of your research for this report, did you
24 ever communicate with a California voter about his or her
25 decision to vote for Proposition 50?

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Maxwell Palmer on 12/08/2025

30

1 A. No.

2 Q. Did you ever communicate with a California voter
3 about his or her decision to vote against Proposition 50?

4 A. No.

5 Q. Does your report draw any conclusions about why
6 California voters may have voted for or against
7 Proposition 50?

8 A. No.

9 Q. And if you were called to testify at trial, could
10 you express an opinion as to why California voters decided
11 to vote for or against Proposition 50?

12 A. Not at this time.

13 Q. Okay. Does your report analyze the political
14 power that any racial group could exercise under the 2021
15 map?

16 MS. MADDURI: Objection; form.

17 THE WITNESS: Can you repeat the question,
18 please?

19 BY MR. ZUCKERMAN:

20 Q. Yes. Does your report analyze the political
21 power that any racial group could exercise under the 2021
22 map?

23 MS. MADDURI: Objection; form.

24 THE WITNESS: No.

25 BY MR. ZUCKERMAN:

1 Q. Sorry. Dr. Palmer, did you say something? There
2 was a little cross-talk.

3 A. It does not.

4 Q. Okay. Thank you.

5 What about the Proposition 50 map? Does your
6 report analyze the political power that any racial group
7 could exercise under the Proposition 50 map?

8 MS. MADDURI: Objection; form.

9 THE WITNESS: It does not.

10 BY MR. ZUCKERMAN:

11 Q. And does your report analyze whether the
12 Proposition 50 map increases or decreases the political
13 power of any racial group relative to the 2021 map?

14 MS. MADDURI: Objection; form.

15 THE WITNESS: I suppose it's how you define
16 political power and political power of a racial group.

17 BY MR. ZUCKERMAN:

18 Q. So I would define -- let's say that political
19 power is the ability of a racial group to elect its
20 preferred candidate to Congress.

21 Is that an acceptable definition to you?

22 A. Yes, though it depends on if we're thinking about
23 within a district or in a plan at large.

24 Q. You know what? Let's take this one at a time,
25 then.

1 So does your report analyze the political power
2 of any racial group within a district under the
3 Proposition 50 map?

4 A. No, it does not.

5 Q. And then same question. Does your report analyze
6 the political power of any racial group with regard to the
7 map as a whole?

8 A. Not specifically. But if there was racially
9 polarized voting, groups that support Democratic
10 candidates are getting more Democrats elected statewide
11 under this map than the 2021 map, and therefore, we could
12 think about political power in that sense increasing.

13 Q. So in -- so just to make sure I understood that
14 correctly, if a racial group were to -- strike that.

15 Never mind.

16 Actually, I think that is all I've got, then.

17 MR. ZUCKERMAN: No further questions.

18 MR. MEUSER: Nothing further from me.

19 MS. MADDURI: Nothing on behalf of DCCC.

20 MR. GREEN: No questions from Cal DOJ.

21 MR. RIVERA: Me, either.

22 MR. MEUSER: Court reporter, this will conclude
23 the deposition on behalf of the plaintiffs.

24 We would like a same-day rough and 24-hour
25 expedite.

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33

1 THE REPORTER: Thank you.

2 Anybody else need a copy?

3 MS. MADDURI: We'll take a copy. I don't know
4 what your standard delivery time is.

5 THE REPORTER: Ten business days.

6 MS. MADDURI: Can you do like a three-day
7 expedite?

8 THE REPORTER: Yes.

9 MS. MADDURI: Okay. DCCC will order a three-day
10 expedite as final.

11 THE REPORTER: Thank you. Anybody else?

12 MR. GREEN: Cal DOJ will take the same as DCCC.
13 Thank you.

14 MR. KOVACS: LULAC will do the same, also.

15 Actually, can we do the expedited rough, as well,
16 and the three-day final?

17 THE REPORTER: Yes.

18 MR. KOVACS: Thank you so much.

19 MR. MEUSER: Josh, you're muted for DOJ.

20 MR. ZUCKERMAN: We'll take the rough, when you
21 have it, and the three-day expedite is fine.

22 MS. MADDURI: Thank you, everyone.

23

24 [TIME NOTED 7:42 a.m.]

25

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8 I, MAXWELL PALMER, do hereby declare under
9 penalty of perjury that I have read the foregoing
10 transcript; that I have made any corrections as appear
11 noted, in ink, initialed by me, or attached hereto; that
12 my testimony as contained herein, as corrected, is true
13 and correct.

14 EXECUTED this ____ day of _____,
15 20____, at _____, _____.
16 (City) (State)
17
18

19 _____
20 MAXWELL PALMER
21 Volume I
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DAVID TANGIPA vs GAVIN NEWSOM
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I, the undersigned, a Certified Shorthand
Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before
me at the time and place herein set forth; that any
witnesses in the foregoing proceedings, prior to
testifying, were duly sworn; that a record of the
proceedings was made by me using machine shorthand which
was thereafter transcribed under my direction; further,
that the foregoing transcript is a true record of the
testimony given.

Further, that if the foregoing pertains to the
original transcript of a deposition in a Federal Case,
before completion of the proceedings, review of the
transcript [] was [] was not requested.

I further certify I am neither financially
interested in the action nor a relative or employee of any
attorney of any of this action.

IN WITNESS WHEREOF, I have this date subscribed
my name.

Dated: December 9, 2025

Angela Metz

ANGELA METZ
CSR No. 12454, CLR

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In the Matter Of:

DAVID TANGIPA et al.

vs

GAVIN NEWSOM

TONY FAIRFAX

December 09, 2025

CERTIFIED COPY

DAVID TANGIPA et al. vs GAVIN NEWSOM
Tony Fairfax on 12/09/2025

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

-----X
DAVID TANGIPA et al., : Case No.
: 2:25-cv-10616 JLS-WLH-KKL
Plaintiffs, :
:
v. :
:
GAVIN NEWSOM, GOVERNOR :
OF CALIFORNIA et al., :
:
Defendants. :
-----X

CERTIFIED COPY

Alexandria, Virginia

Tuesday, December 9, 2025

Deposition of

TONY FAIRFAX

a witness, called for examination by counsel for
Plaintiffs, pursuant to notice and agreement of
counsel, beginning at approximately 9:30 a.m., at
the law offices of Dhillon Law Group, 2121
Eisenhower Avenue, Alexandria, Virginia, before
Mark Mahoney of Anderson Court Reporting, notary
public in and for the Commonwealth of Virginia,
when were present on behalf of the parties:

DAVID TANGIPA et al. vs GAVIN NEWSOM
Tony Fairfax on 12/09/2025

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1 APPEARANCES:

2 On behalf of Plaintiffs:

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9 On behalf of Defendants/Intervenor LULAC:

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18 On behalf of Defendants/Intervenor USA:

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22 Washington DC 20530
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San Francisco, California 94102
(415) 510-3807

* * * * *

DAVID TANGIPA et al. vs GAVIN NEWSOM
Tony Fairfax on 12/09/2025

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C O N T E N T S

EXAMINATION BY:	PAGE
Counsel for Plaintiffs	4
Counsel for Plaintiff/Intervenor USA	99
DEPOSITION EXHIBITS:	
No. 1 - Report	10

* * * * *

DAVID TANGIPA et al. vs GAVIN NEWSOM
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P R O C E E D I N G S

Whereupon,

TONY FAIRFAX

was called as a witness and, having been first
duly sworn, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR PLAINTIFFS

BY MR. MEUSER:

Q Mr. Fairfax?

A Yes.

**Q Could you please state your full name
and spell it for the record?**

**A Anthony Edward Fairfax, A-N-T-H-O-N-Y
E-D-W-A-R-D F-A-I-R-F-A-X.**

MR. MEUSER: Okay. And before we start
asking you questions, I'm going to ask for the
record that everybody identify themselves. We're
going to start with the people in the room and
then we'll ask the people who on remote to go
ahead and make their appearances. My name is Mark
Meuser on behalf of the Dhillon Law Group and I
represent the Plaintiffs.

MS. GIESEKE: Greta Gieseke on behalf of

DAVID TANGIPA et al. vs GAVIN NEWSOM
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1 Plaintiff/Intervenor United States.

2 MR. AULISI: Domenic Aulisi with Dhillon
3 Law Group on behalf of the Plaintiffs.

4 MR. FREEDMAN: John Freedman from Arnold
5 & Porter on behalf of Defendant/Intervenor LULAC
6 and the Witness.

7 MS. GOLD: Sofia Fernandez Gold on
8 behalf of Plaintiff/Intervenor LULAC.

9 MR. FREEDMAN: Defendant/Intervenor.

10 MS. GOLD: Defendant/Intervenor. Thank
11 you. Pardon me.

12 MS. SINHA: Sanha Sinha on behalf of
13 Defendant/Intervenor LULAC.

14 MR. MEUSER: And then online, who do we
15 have today?

16 MR. WOODS: Deputy Attorney General
17 Clint Woods on behalf of the state Defendants.

18 MR. GOODMAN: Jacob Kovacs Goodman, also
19 for LULAC.

20 MR. KIRN: Deputy Attorney General
21 Harold Kirn on behalf of state Defendants.

22 MR. MEUSER: Is that it? Okay. I'm not

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1 seeing who's on there.

2 MR. FREEDMAN: Oh, yeah. No, it's just
3 the three. Right.

4 MR. MEUSER: Okay.

5 BY MR. MEUSER:

6 Q Mr. Fairfax, what's the most appropriate
7 way to address you today?

8 A You can address me any way you want.
9 Tony is fine.

10 Q What's your preferred?

11 A Tony.

12 Q Okay, Tony, I'll do my best. So, thank
13 you for coming in here today. And I would like to
14 ask you when was the last time you've had your
15 deposition taken?

16 A Sometime, I believe, last year, I
17 believe.

18 Q Approximately how many depositions have
19 you had taken in your lifetime?

20 A Maybe something like 12, 13 times.

21 Q Do you need the typical deposition
22 admonitions or you feel comfortable moving forward

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1 without the admonitions?

2 A I feel comfortable.

3 Q Okay. You are under oath. Do you
4 understand that?

5 A Yes.

6 Q Okay. Let's start with some -- just
7 some brief background questions. Whatever got you
8 into the map making process for redistricting?

9 A It happened accidentally. I had worked
10 for a couple of companies as an electrical
11 engineer. One, Teledyne Inc., a division, a
12 manufacturing division in Hampton. And then I
13 worked for a government consulting firm, EER
14 Systems. I then met up with someone who wanted to
15 start a computer training business, so I went with
16 them and another silent partner and started a
17 computer training business. We had to close that
18 down. We hit the beginnings of the 1990
19 recession.

20 I then began consulting. So I started
21 to seek out consulting contracts, and my best, I
22 guess, talents was in computers. So I landed a

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1 job at Norfolk State University or a contract,
2 first setting up their computer lab and then
3 running the lab there at the School of Education.
4 But then someone came to me while I was at Norfolk
5 State and said you would be perfect for this job,
6 this project, and it was a redistricting project
7 in the Political Science Department. And so I
8 went over there, they interviewed, and they hired
9 me on the spot. And so this redistricting
10 research project sort of changed the direction of
11 my life. So 30 some years later, I'm still in it.

12 Q Awesome. Well, thank you for that
13 little background. What is your educational
14 experience that you have used to get to where
15 you're at today?

16 A I have a bachelor's of science degree in
17 electrical engineering from Virginia Tech and a
18 master's of geospatial information science and
19 technology from NC State.

20 Q And after entering the field of
21 redistricting, did you take any specialized
22 classes to further your education?

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1 A My master's was actually, I don't want
2 to say recent, but in 2012. So I've got my
3 master's in geospatial information science and
4 technology in 2012. Completed in 2016, I believe.

5 MR. MEUSER: Now you have before you
6 right now a paper copy of your report. And for
7 those who are attending online, the client -- or
8 not client, Tony has -- he basically has document
9 111-1. It's not marked as that, but he has the
10 clean copy before it was filed with the ECF
11 system. He has before him just the report itself,
12 but Counsel has all the appendixes. If we need to
13 go to the appendixes, he has a paper copy.

14 THE WITNESS: Can I interject something?

15 MR. MEUSER: Sure.

16 THE WITNESS: In order for the document
17 to seem a little more professional, you probably
18 want to say, Mr. Fairfax instead of Tony, I guess.

19 MR. MEUSER: Look, I'm more than happy
20 to call you --

21 THE WITNESS: Just it reads a little
22 more professional.

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1 MR. MEUSER: That's why I asked at the
2 beginning how you wanted to be called, so.

3 THE WITNESS: Completely. I didn't
4 realize it until I heard it. Yeah.

5 MR. MEUSER: I was like, okay, if he
6 wants me to call Tony, I'll call him Tony, so.

7 THE WITNESS: Right, exactly.

8 MR. MEUSER: So for those following
9 along online, we are working from document 111-1,
10 which will be Exhibit 1, given to the court
11 reporter at the end of the deposition.

12 (Deposition Exhibit No. 1 was
13 marked for identification.)

14 MR. MEUSER: Any objections?

15 MR. FREEDMAN: No.

16 BY MR. MEUSER:

17 Q Okay. Hearing none, Mr. Fairfax, you
18 have before you your report. Is that correct?

19 A Yes.

20 Q Okay. Let's quickly go through what you
21 looked at in preparing this report. I believe you
22 lay that all out in Section 3. Is that correct?

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1 A I believe so. Let me go to Section 3
2 just to make sure.

3 Q Yes.

4 A This looks like the software data and
5 the technical process. I'm not sure it includes
6 every aspect that --

7 Q Right after E, it says that you reviewed
8 the Plaintiff's complaints --

9 A Yes, yes.

10 Q -- Intervener's complaints, motion for
11 preliminary injunction, and the expert report of
12 Sean Trende?

13 A Yes.

14 Q Did you look at the expert report of Tom
15 Brenell?

16 A No.

17 Q Other than -- and I'll give you a second
18 here, please look, read through Section 3 real
19 quick and let me know if there is any other
20 document or database that you reviewed that is not
21 contained in Section 3.

22 A Previously, I had reviewed the

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1 California criteria, so I'd already established
2 that the congressional district -- criteria for
3 the developing district. So there's that aspect
4 that I didn't need to review for this.

5 Q When was that that you reviewed the
6 California criteria for doing congressional
7 districts?

8 A Prior to the engagement of this
9 litigation.

10 Q Do you know how much farther -- how much
11 prior it was?

12 A Maybe around August, September. It was
13 for a completely different effort.

14 Q So while the debate was going on about
15 whether Prop 50 would be passed, you were working
16 on another project that caused you to go look at
17 the criteria for how congressional districts are
18 drawn in California?

19 A Absolutely, yes.

20 Q Now, when you're saying "criteria," were
21 you referring to something that the Redistricting
22 Commission put out, something that was in the

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13

1 California Constitution? Something -- what are
2 you using when you say the word "criteria"?

3 A Yes.

4 MR. FREEDMAN: Object to form. Go
5 ahead.

6 THE WITNESS: Yes, I'm looking at
7 California has a Voting Rights Act. It also has
8 the criteria that's established for congressional
9 districts and how you develop them.

10 BY MR. MEUSER:

11 Q Again, I'm going to ask, what do you
12 mean by "criteria"?

13 A The development of a redistricting plan
14 usually includes guidelines on how to develop the
15 districts.

16 Q Okay.

17 A That's what I'm referring to.

18 Q Who published this guideline that you
19 were looking at?

20 A There is a Voting Rights Act that passed
21 the legislation -- legislature -- legislators that
22 establishes how you draw congressional and state

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1 legislative districts.

2 Q So you said that you reviewed the
3 California Voting Rights Act?

4 A That includes the guidance on developing
5 congressional district plans.

6 Q Okay. Did you ever look at the
7 California Constitution?

8 A Yes, that's part of that. Yes.

9 Q Okay.

10 A I mean the Constitution, when they
11 passed the Voting Rights Act, that became part of
12 it. Yes.

13 Q Okay. Did you look at any other
14 statutes other than the California Voting Rights
15 Act and the California Constitution?

16 MR. FREEDMAN: Object to form. Go
17 ahead.

18 THE WITNESS: Not that I recall.

19 BY MR. MEUSER:

20 Q And who was this project for?

21 A The NAACP.

22 Q And what was the purpose of the project?

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1 A To look and analyze in advance the
2 congressional districts that could be developed in
3 a process, a mid-decade process like this, that
4 occurred.

5 Q When you did this project, are you aware
6 if the legislature had passed AB 604 at that time?

7 A No, no, this is prior to that time and
8 that was the purpose of it.

9 Q Okay. And so if I represent to you that
10 the legislature dealt with AB 604 between August
11 17th and August 20th, how much earlier than that
12 date do you suppose that you were doing this
13 research for the NAACP?

14 A It was around the same time. I don't
15 know. I mean, certainly it hadn't been approved
16 yet, but I don't -- I can't state specifically
17 when that occurred, but it was before -- prior to
18 the approval of the plan.

19 Q Okay. And did you create a report
20 associated with your research?

21 A I don't know such as a report or just
22 articulating in a presentation my findings.

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1 Q And how much time did you spend
2 preparing this presentation?

3 A The analysis and presentation, maybe --
4 and I can't recall specifically, but -- and I will
5 say maybe 15, 20 hours or something like that.
6 Excuse me.

7 Q Did any part of that analysis, research
8 and analysis, make it into your report here today?

9 A No. No.

10 Q What is your hourly rate, your typical
11 hourly rate?

12 A It depends. My typical one, usually for
13 nonprofits like USE, \$180 an hour, sometimes for
14 city, and I'm converting over, to probably \$200 an
15 hour for everyone else.

16 Q And what are you charging for this
17 particular case?

18 A 180.

19 Q Okay. And how many hours?

20 MR. FREEDMAN: I think your compensation
21 is disclosed in your report. You might want to
22 refresh your recollection.

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1 THE WITNESS: Oh, I might have charged
2 200 on this.

3 MR. FREEDMAN: Found on page 5.

4 THE WITNESS: Two hundred, yes.

5 MR. MEUSER: Thank you very much.

6 THE WITNESS: Yes.

7 MR. FREEDMAN: Sorry. I just want to
8 make sure the record's clear.

9 MR. MEUSER: Absolutely. I have no
10 problem with those corrections, so.

11 MR. FREEDMAN: Otherwise I have to come
12 back later and ask for my discount.

13 BY MR. MEUSER:

14 Q And how many hours did you spend
15 preparing for this report?

16 A I have to go back and check my notes,
17 but probably somewhere between 40, 45.

18 Q Hours?

19 A Hours.

20 Q Are you prepared to be in Los Angeles
21 next week to testify?

22 A If necessary, yes.

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1 Q What do you mean by "if necessary"?

2 A If I'm called upon to do so.

3 Q Okay. Is there any research or analysis
4 that you intend to do between now and next week
5 when you would be called to testify?

6 A Not unless I'm asked to do so.

7 Q Is there any research that you wish you
8 could have done in preparing this report?

9 A Not that I can think of. No, not that I
10 can think of.

11 Q So, again, in Section 3, we've talked
12 about this little bit of research that you did
13 prior to the passage of AB 604. Is there any
14 other data or -- is there any other data that you
15 looked at that's not specified in Section 3?

16 A No, not that I can recall or see.

17 Q Is there any other documents that you
18 may have looked at that are not contained in
19 exhibit -- in list item 3?

20 A No, not that I could think of.

21 Q In your Summary of Opinions section,
22 which is Section 4A, I'm just looking at your

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1 first opinion here real quick -- or first summary
2 of opinion. Let's -- can you just read that real
3 quick?

4 A A?

5 Q Yeah.

6 A Starting with A. "Dr. Trende's analysis
7 only includes race and partisanship. He does not
8 analyze and consider the other factors that could
9 guide the district configuration, such as
10 traditional redistricting criteria."

11 Q Okay. Do you know who the mapmaker was
12 for AB 604/Prop 50?

13 A No.

14 Q Did you have any conversations with any
15 state legislature who had input into the drawing
16 of the maps?

17 A No.

18 Q Did you have any conversations with any
19 congressmen who may have had inputs with the
20 mapmaker in drawing the maps?

21 A No.

22 Q So you do not know what other factors

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1 the mapmaker used to guide district

2 configurations, correct?

3 A I don't know. You're right. I could
4 surmise certain things.

5 Q And you do not know what factors any
6 California legislature asked the map maker to use
7 in -- to guide the district configurations?

8 A Correct. Once again, I can surmise, but
9 I don't know.

10 Q And you do not have -- you did not have
11 any conversations with any congressmen who may
12 have spoke with the mapmaker about factors the
13 mapmaker was supposed to analyze in drawing the
14 districts?

15 A That is correct.

16 Q So you would agree with me that your
17 analysis is a pro hoc analysis. Is that correct?

18 MR. FREEDMAN: Object to form.

19 THE WITNESS: I don't know if I would
20 classify that as that. I would say that it is an
21 analysis based upon my experience developing
22 probably a thousand different redistricting plans

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1 and coming up with opinions and conclusions on the
2 -- Dr. Trende's report.

3 BY MR. MEUSER:

4 Q Have you reviewed any transcripts
5 regarding the passage of Prop 50?

6 A No, not that I can recall.

7 Q I believe you were sent one transcript
8 from Counsel. Do you know what that one
9 transcript was? It was about -- I think it was
10 around 200 pages.

11 A At this moment, I can't recall.

12 Q I'm going to represent to you that
13 yesterday we received from your counsel production
14 of the documents that they gave you. In that
15 particular set of documents that were given to us,
16 starting at Fairfax Bates stamped 00759, is a
17 document called "In Re California Assembly Floor
18 Session, Tape Transcripts of Audio Recording
19 August 21, 2025." I'm going to represent that
20 tat's a document that was given to us by your
21 counsel. Do you recall looking at that document?

22 A I don't recall at this particular

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1 moment, but I could have.

2 Q Do you believe looking at that
3 transcript had any bearing upon your analysis?

4 A At this moment, no.

5 Q Looking at Section 5, on page 8, you
6 state that your goal was not to perform a
7 comprehensive racial gerrymander analysis. My
8 first question to you is, how often have you done
9 a comprehensive racial gerrymander analysis?

10 MR. FREEDMAN: Object to form.

11 THE WITNESS: In litigation, twice, I
12 know. That was in a comp case and a Jefferson
13 County case.

14 Q When were those cases?

15 A One was -- actually both, I think, were
16 resolved this year, but they were a couple of
17 years ago.

18 Q And what is involved when you do a
19 comprehensive racial gerrymander analysis?

20 A What I do is I obtain the proper data
21 set that's involved. Usually that's the P.L. 94
22 data set. There may be ACS data set, American

1 Community Survey data set that I may actually
2 include. I look at population shifts of total
3 population and racial population. I create some
4 visualization through mostly thematic maps. Let's
5 say I create tables of the population that
6 shifted, sometimes I create bar charts that
7 visually show different population groups and how
8 they shifted back and forth. And then I run
9 criteria, traditional criteria reports that allow
10 me to look at the criteria to explain whether the
11 shape or configuration could be caused by
12 traditional redistricting criteria. And then I
13 draw my opinions and conclusions and put in a
14 report.

15 Q So I understand you said that you rely
16 upon the Census data and then the ACS data.

17 A Yes.

18 Q And then you started talking about, you
19 know, traditional redistricting criteria. And I
20 wasn't quite sure what data set you're using or
21 how you define traditional redistricting criteria.

22 MR. FREEDMAN: Object to form.

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1 THE WITNESS: Usually I will use the
2 five major traditional redistricting criteria,
3 which is equal population, contiguity,
4 compactness, minimizing political subdivision
5 splits, and respect for communities of interest.
6 So I look at each one of those and also there are
7 other aspects, of course, that I may look at. For
8 example, in unique circumstances, there may be
9 some golf course or something like that that is
10 included in. Someone desired to be included if I
11 had that information.

12 Q So what's your definition of communities
13 of interest?

14 A It's a shared interest that's
15 geographically defined. And so practically almost
16 anything can be a community of interest really.
17 It could be education, could be income, could be
18 poverty, could be health, could be economic. And
19 so the idea is that this group of individuals or
20 voters lie inside have that commonality amongst
21 them. And the design is to minimize and respect
22 those. And so you minimize the splitting of those

1 communities of interest.

2 **Q And how do you ascertain communities of**
3 **interest if you do not live in that community?**

4 A One of the geographic areas that I use,
5 it's a non-biased way, our Census designated
6 places, or CDPs. And although these are
7 statistical areas that are created by the Census,
8 they are usually locally defined. So these are
9 areas that the community has designated with a
10 particular name. And they're almost very similar
11 to cities and towns. For example, one around
12 here, Bethesda, Maryland is a CDP. Most people
13 wouldn't realize that. They think it's a city or
14 a town. And so that's a community on itself. And
15 so respecting that just makes sense in the context
16 of communities of interest.

17 **Q So when you are doing a racial**
18 **gerrymander analysis are you using any software**
19 **for that analysis?**

20 A Yes, I use Maptitude for Redistricting,
21 which is arguably the leading redistricting
22 software out there. I do occasionally use ArcGIS

1 Pro for producing the maps, many maps sometimes.

2 Q Ever use Dave's Redistricting App?

3 A I have as a sort of an ancillary aspect,
4 but, for the most part, Dave's Redistricting is
5 sort of a burgeoning software that it's now being
6 used in litigation whereas Maptitude is the de
7 facto software to use in litigation.

8 Q Okay. Why did you believe you did not
9 need to do a comprehensive racial gerrymander
10 analysis on this case?

11 A I wasn't asked to do so.

12 Q You were asked to try to figure out if
13 politics with the -- strike that. What was your
14 assignment in this case?

15 A I was asked to review and respond to Dr.
16 Trende's expert report on AB 604 plan. And then I
17 also was asked to look at and review the AB 604
18 plan regarding racial gerrymandering.

19 Q Okay. So you were looking at whether
20 there was a racial gerrymander?

21 A No, no. You're talking about the AB 604
22 plan?

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1 Q Yes.

2 A Generally speaking, it wasn't to do a
3 comprehensive analysis.

4 Q So what's the difference between a
5 comprehensive analysis and just a regular racial
6 gerrymandering analysis?

7 A I was looking at overall criteria and
8 making observation from the criteria of whether I
9 see any racial gerrymandering patterns.

10 Q And what was the criteria you were
11 looking at?

12 A Those criteria that I made mentioned
13 before, which is equal population contiguity,
14 compactness, minimizing political subdivision
15 splits in respect for communities of interest.

16 Q If you turn to page 9, the first full
17 paragraph, you state that you have analyzed plans
18 to determine whether they exhibit the hallmarks of
19 a racial gerrymander. What is, in your mind, the
20 hallmark of a racial gerrymander?

21 A It would be a pattern. It's not one
22 aspect. It's a pattern where race predominates

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1 over the other criteria.

2 Q Explain.

3 A Explain how it could do that?

4 Q Yeah.

5 A It could do that in a variety of ways.

6 Q Well, you're saying you looked at the
7 hallmarks of racial gerrymander. I'm trying to
8 get the specifics of what you would be looking at
9 when you analyze a plan for the hallmarks of a
10 racial gerrymander.

11 MR. FREEDMAN: Object to form.

12 THE WITNESS: It varies from plan to
13 plan. And you're looking at anything that would
14 show that race predominates over other criteria,
15 over other -- over the criteria.

16 BY MR. MEUSER:

17 Q And the other plans that you analyzed,
18 what were the hallmarks of a racial gerrymander
19 that you found?

20 MR. FREEDMAN: Object to form.

21 THE WITNESS: Well, in some cases they
22 were the splitting of geographic areas along

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1 racial lines. There were the non-compactness of
2 the districts, and it appears that race may play a
3 role in the non-compactness of it. Anything that
4 directs race to be a predominant aspect over the
5 other criteria.

6 BY MR. MEUSER:

7 Q How many times have you analyzed plans
8 to determine whether they exhibit the hallmarks of
9 a racial gerrymander?

10 A Many times outside of litigation. As a
11 matter of fact, one of the first projects at
12 Norfolk State University was to look at the North
13 Carolina 12th Congressional District and the Shaw
14 case. And the Legal Defense Fund, the Legal
15 Defense and Educational Fund, turned to us, and I
16 was the map drawer at that time, analyzing plans,
17 to look at that particular district and determine
18 whether there's any rationale for configuration
19 other than race. So that sort of began my
20 race-predominant analysis. This was 30 some years
21 ago.

22 Q How many times have you analyzed plans

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1 as an expert witness?

2 A For racial gerrymandering?

3 Q Yes.

4 A Certainly, the two cases that I think I
5 mentioned, the Cobb case and the Jefferson case.
6 Also worked with the Alabama and Legislative Black
7 Caucus case where I worked on the ADC, the Alabama
8 Democratic Caucus. That's a lowercase D, not an
9 uppercase D, and provided maps that visually
10 showed the racial gerrymandering aspect of that
11 plan. And I think that may be all. There was a
12 litigation where I showed how to correct a racial
13 gerrymandering plan.

14 Q So just the three times?

15 A That's what I can recall right now.
16 Yes.

17 Q So in the next three paragraphs, you
18 kind of lay out what I believe you call the
19 central elements for analyzing whether a map
20 contains racial gerrymander. And the first thing
21 is, "Population changes that are usually defined
22 and analyzed." What do you mean by that objective

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1 form?

2 MR. FREEDMAN: Object to form.

3 THE WITNESS: That means that the
4 movement of population, and specifically
5 population groups, is one of the hallmarks, you
6 could say, of identifying racial gerrymandering,
7 meaning that can this movement of population be
8 explained by something other than race?

9 BY MR. MEUSER:

10 Q So in this particular case, the 2021
11 Commission maps and the 2025 Prop 50 map, they're
12 using the same 2020 Census data, correct?

13 A Correct.

14 Q So when you're looking at population
15 changes, you're not looking at -- that would not
16 be applicable in this case, is that correct, or am
17 I missing something here?

18 A I think you may be missing something.
19 Yes. The shifting of population from -- and when
20 I say "population," I mean the areas that have
21 changed.

22 Q Okay.

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1 A So the areas that have changed from the
2 2021 to the 2025, that gives you an indication of
3 racial gerrymandering or can give you an
4 indication, let's say.

5 Q So you're not talking about the movement
6 of people from one Census to another. You're
7 talking about the movement of the district lines?

8 A Correct. It's the movement of the
9 district lines and the populations moving from one
10 district to another.

11 Q Okay. I just wanted to make sure I was
12 clear with here. So then the next paragraph,
13 which seems to be the second factor that you
14 mentioned, is the alleged plan is compared to the
15 most recently legally approved plan. How do you
16 distinguish that from the population changes that
17 we just talked about?

18 MR. FREEDMAN: Object to form.

19 THE WITNESS: That's the same thing.
20 The last legally approved plan is where you
21 measure from.

22 BY MR. MEUSER:

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1 Q Okay. Then the next paragraph, you have
2 the additional factors of -- well, let me see
3 here. I guess it's second sentence. "Finally, in
4 most cases, the complete analysis comes in the
5 form of thematic maps and population statistics
6 that numerically describe the racially
7 gerrymandered plan." Did I read that correctly?

8 A Yes.

9 Q Is that what you are attempting to do
10 with your maps below in this report?

11 MR. FREEDMAN: Object to form.

12 THE WITNESS: No, what I'm attempting to
13 do is to respond to the allegations that Dr.
14 Trende put in his report. And so they're used for
15 that purpose.

16 BY MR. MEUSER:

17 Q Turning to page 10, the last sentence of
18 the paragraph that bled over from 8. You say,
19 "When analyzing the Latino population percentages,
20 I use the Hispanic CVAP, HCVAP," and it's a
21 footnote 9. And my question to you is, where do
22 you get Hispanic CVAP?

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1 A From the American Community Survey.

2 Q What year of the of the American
3 Community Survey did you use in preparing your
4 report?

5 A The 2023 five-year.

6 Q And why did you use the 2023 five-year?

7 A It's the latest version of ACS and could
8 have been used in this particular 2025 plan or
9 most likely used, let's say.

10 Q In reviewing Sean Trende's report, do
11 you know where he got his Hispanic CVAP numbers?

12 A It's a little unclear of where he
13 received data. His report didn't have a lot of
14 mentioning of data sets. I believe he used the
15 2023, but I -- it didn't have a lot of data
16 specific on, from the maps that he produced,
17 sources.

18 Q And I believe you did a complete
19 analysis of all 52 congressional districts where
20 you looked at the HCVAP number for all of the 52
21 congressional districts that are part of Prop 50,
22 is that correct?

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1 MR. FREEDMAN: Object to form.

2 THE WITNESS: Yeah, I printed -- yes, I
3 printed a report for the entire state of
4 congressional districts and HCVAP was one of those
5 that I printed.

6 BY MR. MEUSER:

7 Q Did you ever compare that number with
8 the official legislative analysis where they broke
9 out the HCVAP for each of the districts?

10 MR. FREEDMAN: Object to form.

11 THE WITNESS: I compared the total, as I
12 have in my report, of the number of HCVAP majority
13 Latino districts and HVAP Latino districts. And I
14 glanced, though, of course, at the percentages of
15 the -- of each of the districts trying to glean
16 something from it, but I didn't notice anything
17 particular.

18 Q So you didn't compare, let's say, 55.9
19 percent in this district, but the assembly said
20 55.8. Or you didn't see if the data was --

21 MR. FREEDMAN: Object to form.

22 THE WITNESS: No.

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1 BY MR. MEUSER:

2 Q Okay. Do you know which -- strike that.

3 Do you know which Hispanic CVAP numbers the
4 mapmaker was using when drawing his maps?

5 A I do not.

6 Q How long have you used Maptitude?

7 A Probably for 20 years. Prior to that it
8 was named something else, I believe, but then I
9 used that version.

10 Q And you --

11 A Probably 20 years.

12 Q Sorry, didn't mean to interrupt you.

13 When you use Maptitude, you have to tell it which
14 data to use, is that correct?

15 A I guess I don't know if I would phrase
16 it that way, tell it which data to use. What you
17 do is it comes with a prepackaged P.L. 94171
18 Census data by state and you can utilize a state
19 in the package itself. So you essentially access
20 that, even maybe import it (inaudible), and create
21 your districting plans.

22 Q Do the ACS data come with Maptitude or

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1 is that something you have to upload?

2 A Something separate. There is a -- as I
3 included in my report, at ACS, at the track level,
4 it goes down to track level, that I use for the
5 one of the maps and analysis that I looked at.
6 But it's not the latest 2023 version that they
7 include. That's not the purpose.

8 Q Looking at Section 6, bottom of page 10,
9 the very first sentence, you talk about both HVAP
10 and HCVAP. What is the significance of both of
11 HVAP and HCVAP in your mind?

12 MR. FREEDMAN: Object to form.

13 THE WITNESS: HVAP comes from the 2020
14 Census, the Decennial Census, voting age
15 population. The HCVAP is obtained from the
16 American Community Survey, in this particular case
17 a five-year survey. And so one actually includes,
18 theoretically, all populations above 18. The CVAP
19 includes only citizens above 18.

20 BY MR. MEUSER:

21 Q And that's represented in Table 1 where
22 you apparently looked at the HVAP for all 52

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1 congressional districts and then you looked at the
2 CVAP -- the HCVAP for all 52 districts. Is that
3 correct?

4 A That's correct.

5 Q And this was something that you printed
6 off of Maptitude?

7 A This table is something I put together
8 using the Maptitude reports.

9 Q Thank you for that clarification. Now,
10 reading the source, I see that you say that you
11 used the Census 2020 data and the 2023 five-year
12 ACS of the 2021 and 2025 plans, DRA composite
13 elections. Can you please explain to me what the
14 DRA Composite elections are?

15 A It came from Dave's redistricting and
16 they allow you to download precincts, what they
17 call precincts, but they're actually block groups
18 for California, and then process it. And that's
19 what I did. It ran through what's called a
20 disaggregation process. But the composite
21 election is made up of multiple elections and they
22 integrate it into a single sort of performance

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1 percentage.

2 Q Do you know what races and what years
3 were compiled in your DRA composite elections?

4 MR. FREEDMAN: Object to form.

5 THE WITNESS: I cannot recite them now,
6 but they're included on the website and I looked
7 at it. They extend probably from 2016 or '18 to
8 2022 elections made up of Senate, presidential,
9 gubernatorial elections.

10 BY MR. MEUSER:

11 Q Is there anywhere in your appendix where
12 you list out the individual races that are used in
13 the DRA composite elections?

14 A No, but you can turn to their website
15 and find it.

16 Q So this was a option that you had. You
17 could just click a button that said "DRA Composite
18 Elections"?

19 A No, you go to, for example, the
20 California statewide of congressional districts
21 and you can export, they -- what they say
22 precincts, and download them. That's what I did.

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1 Q I don't think that was quite the
2 question I was asking. So let me -- that's
3 probably on me. I'm trying to figure out the DRA
4 composite elections were a series of elections
5 that DRA basically put together. And it created a
6 formula that when you took the maps and put it in,
7 you could see what the DRA composite was. What
8 I'm trying to figure out is which elections DRA
9 was using and what's the best way for me to figure
10 out exactly which elections you were looking at?

11 MR. FREEDMAN: Object to form.

12 THE WITNESS: And what I mentioned
13 before is those elections are on the website, DRA
14 website. If you go to their About Data, they list
15 for every state elections that they use. And so
16 that can be obtained by going through the DRA
17 website, I looked at it. I can't recall
18 specifically what they are at this particular
19 moment, but I looked at it on their website.

20 BY MR. MEUSER:

21 Q In Table 1, you talk about the number of
22 majority HVAP districts statewide. You have 18.

1 What page of your appendix do I look at to count
2 those 18 HVAP districts?

3 A I don't know the page number, but you
4 look at the population summary reports. I print
5 out the population summary reports for the total
6 and for the H for the VAP as well as the CVAP.
7 And so you would go to those reports and see which
8 ones are above 50 percent, which ones are above 50
9 percent for HCVAP.

10 Q So you don't have like a single table in
11 your Appendix that just has all 52 races side by
12 side. It's literally here's District 1, here's
13 District 2, here's District 3, here's District 4
14 as consecutive pages?

15 A I have reports for both the 2021 plan
16 and the 2025 plan. And they are population
17 reports for the frequencies, the numbers, as well
18 as the percentages for each of those plans. So
19 you would go to the 2021 population summary
20 reports for VAP, and then you would see the column
21 that says HVAP and it has a percentage. And then
22 those that are above 50 percent would be counted.

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1 And then the same thing, there is another report
2 for citizen voting age population for 2021, and
3 there's percentages. And once again, you can
4 count above 50 percent for those. And the same
5 thing with the 2025 plan.

6 Q So this is a part of manually counting.
7 There's no computer that just printed this number
8 for you?

9 A Correct. That's correct.

10 Q I want to shift to page 12. And looking
11 at the paragraph that starts with, "Dr. Trende
12 states in his report on page 6, as you can see,
13 the entire area is heavily Hispanic, but there is
14 a Hispanic population that is left out of the
15 district. I concur with his statement." Do you
16 see that?

17 A Yes.

18 Q So regarding Trende's statement on page
19 6, you agree with what Trende said there?

20 MR. FREEDMAN: Object to form.

21 THE WITNESS: Yes, in the context that
22 the district CD13 is leaving out areas, majority

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1 Latino areas that are not included in CD13.

2 BY MR. MEUSER:

3 Q And what part of CD13 is Trende
4 referring to on page 6?

5 A He is referring to areas in Madera.

6 Q Next paragraph, you say, "The 13-color
7 thematic map Dr. Trende uses has too many colors
8 that blend together to be effective or
9 comprehensible." How many color thematic map
10 would -- do you think is appropriate?

11 A I don't know if I could pick or would
12 pick a particular number, but 13 is a little
13 overwhelming. So certainly 13 is overwhelming,
14 but I don't know if I would pick an ideal number.
15 But 13 is too high.

16 Q And how many did you use in your report?

17 A I use five ranges.

18 Q And is that depicted in figure 1 on the
19 next page?

20 A Yes.

21 Q So please explain to me the different
22 colors and the ranges and what they mean on this

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1 particular map.

2 A Yes. The blue color is HCVAP from 0 to
3 20 percent, the somewhat cyan, if you will, or
4 kind of greenish blue is 20 to 40 percent, the
5 green is 40 to 50 percent, the yellow is 50 to 80
6 percent, and then the 80 -- the red is 80 to 100
7 percent.

8 Q Now, out of curiosity, why didn't you
9 just use 20 percent, 20 percent, 20 percent, 20
10 percent? Why did you for green only use 40 to 50
11 percent, a 10 percent margin, but for the yellow
12 you used a 30 percent margin of 50 to 80?

13 A Because you want to see where majority
14 HCVAPs are added.

15 Q Well, then for your greenish blue, why
16 did you do a 20-point swing there and not a
17 30-point swing like you did for yellow?

18 A Could you repeat that?

19 Q You agree that the blue is a 20 percent
20 differential, right?

21 A Yes.

22 Q And you agree that the bluish green is a

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1 20 percent, correct?

2 A Yes.

3 Q Twenty to 40.

4 A Yes.

5 Q And you agree that the green is a 10
6 percent, which is 40 to 50, correct?

7 A Yes.

8 Q And then the yellow is a 30 percent, 50
9 to 80 percent, correct?

10 A Yes.

11 Q And then you go back to a 20 percent of
12 red, 80 to 100 percent, correct?

13 A Correct.

14 Q So since you're trying to distinguish
15 between the 50s, why didn't you have like 6
16 districts, so there's 3 colors below 50 and 3
17 colors above 50?

18 A Because the important range, in my
19 opinion, is the above 50, the 50 to somewhat
20 significantly high. And then, of course, you have
21 the significantly high with the red. So those are
22 the two ranges that you're looking for. The 40

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1 and 50 is a good idea because it provides you the
2 areas that are somewhat around 50 percent.

3 Q Okay. And this particular map does not
4 show population density, is that correct?

5 A That's correct.

6 Q At any part of your analysis, did you
7 look at population density?

8 A When you say "population density," you
9 don't mean, for example, population statistics
10 that I would have in the back of the report.
11 You're meaning specifically for a particular area?

12 Q I'm talking about figure 1 right here.
13 You know, it's hard to tell, you know, it could be
14 a red section that has 3 people in it or it could
15 be a red section that has 100,000 people.

16 A Right.

17 Q So I'm just saying, did -- you never did
18 figure 1 with a population density?

19 A No, that's correct, and neither did Dr.
20 Trende. And of course, remember, I'm responding
21 to his report.

22 Q I understand. I'm just -- my job is to

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1 make sure I understand what you're -- what you
2 relied on and what you didn't rely on.

3 A Gotcha.

4 Q Can you please move to figure 2? And I
5 see that you have two colors on this one and some
6 lines. So let's start with the colors. What does
7 red mean and what does blue mean?

8 A Nothing more than demarcation of the
9 Census places. This is what -- excuse me.
10 Maptitude color codes each of the geographic
11 areas, so no two adjacent areas have the same
12 color.

13 Q And then the lines that we are looking
14 at here appear to be congressional district lines,
15 is that correct, for the 2025 AB 604 map?

16 A Correct.

17 Q So the lines that we are looking at here
18 shows that Parksdale was split. Is that correct?

19 A That is correct.

20 Q And it shows that Madera was split.
21 Correct?

22 A That is correct.

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1 Q And according to this image that you
2 have here, that was called figure 2, those are the
3 only two images area split on this figure?

4 A Correct.

5 Q Figure 3 is just a copy of Trende's map.
6 Is that correct?

7 A That is correct.

8 Q That's not your -- it's not your work?

9 A That is correct.

10 Q Okay. Let's move to figure 4. We got a
11 few colors here and we have a few lines here. So
12 let's start off with what are we looking at?

13 A This is the Modesto area. And so the
14 black lines represent the 2025 plan, the orangish
15 lines represent the 2021 plan, and the backdrop is
16 color coded of HCVAP.

17 Q And you use the exact same colors and
18 formulas that you used in Figure 1. Is that
19 correct?

20 A Correct.

21 Q So yellow is above 50 percent and red is
22 above 80 percent?

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1 A Correct.

2 Q And there is no population density
3 calculated in Figure 4?

4 A Correct, like Dr. Trende.

5 Q Let's move to figure 5. Please explain
6 what we are looking at here.

7 A This is using the same color coding for
8 Census places. There is a green one in there
9 because another color was needed because adjacent
10 to both red and blue. That's the backdrop. And
11 once again, the black is the 2025 for the AB 604
12 plan. And then the orange is -- color is a 2021
13 plan.

14 Q Seems to me like there's a lot more
15 splitting of cities on this line than the -- than
16 the figure we just looked at.

17 MR. FREEDMAN: Object to form.

18 THE WITNESS: When you say "a lot,"
19 there are, I think, three in this particular area,
20 I believe. I'm trying to recall correctly.

21 BY MR. MEUSER:

22 Q You would agree that Modesto is split --

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1 A Yes, sir.

2 Q -- by the AB 604?

3 A Correct.

4 Q And Empire is split by AB 604?

5 A Correct.

6 Q It does not appear like -- well, Turlock
7 was split. Correct? At the bottom.

8 A Oh, yes. Yes. It was previously split.

9 Q It was previously split and it stayed
10 split?

11 A Yes.

12 Q Modesto was previously split and it
13 stayed split?

14 A Correct.

15 Q Empire was not previously split, but
16 it's split now?

17 A Yes. Modesto was previously not split
18 and it's not split now.

19 Q It looks like at the very bottom keys
20 that there's a slight splitting.

21 MR. FREEDMAN: Object to form.

22 THE WITNESS: There may be. I'd have to

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1 check the appendices to see.

2 BY MR. MEUSER:

3 Q You'd have to blow it up a little bit
4 more?

5 A Well, in the back in the appendices you
6 can see whether it was split if it's in one of the
7 reports.

8 Q Okay. Let's look at figure 6. And what
9 are we looking at here?

10 A This is, once again, the 2025 boundaries
11 are in black and the 2021 boundaries in the orange
12 type color and the backdrop are landmark areas.

13 Q They appear to be parks?

14 A Mostly parks, yes.

15 Q And what was the significance of this
16 particular figure that you figured -- that you
17 decided to insert it into your report?

18 A I was looking at what would be a
19 race-neutral way of configuring the boundaries.
20 This potentially could have been a race-neutral
21 way that Dr. Trende would have looked at. They
22 might have decided to take this boundary of 2025

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1 and follow a road that goes by many parks, in
2 essence to justify the boundary area, the boundary
3 configuration.

4 Q I want to go to page 20. And the
5 paragraph that's starts with the word "First,"
6 about midway through the page.

7 A Yes.

8 Q I'm going to go ahead -- go ahead and
9 read that first sentence.

10 A "First, a straightforward way" -- excuse
11 me. "First, a straightforward answer to Dr.
12 Trende's question about leaving Democrats out of
13 CD13 is that the legislature did not seek to
14 lower Democratic performance in CD9, the adjacent
15 district. Additional possible explanations that
16 Dr. Trende does not consider are discussed
17 below."

18 Q Well, let's focus on that first sentence
19 real quick here. Do you know what the Democrat
20 performance of CD9 was for the 2021 Commission
21 maps?

22 A Off the top of my head, I believe it was

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1 around 60, but I'd have to look at that in the --

2 in my appendices.

3 Q Would you like to look at that in your
4 appendices?

5 A Yes. There we go. It's a C.

6 Q And does -- is there a page number? I'm
7 just trying to figure out how I'm going to find it
8 over here.

9 MR. FREEDMAN: This isn't Bates labeled,
10 but it's Appendix C.

11 MR. MEUSER: Yeah, Appendix C is like a
12 very long appendix, so.

13 THE WITNESS: It's on I think 220, page
14 220.

15 MR. FREEDMAN: Counsel, it's (inaudible)
16 there.

17 THE WITNESS: Using the composite it's
18 60.91.

19 BY MR. MEUSER:

20 Q 60.91 using the composite and that's
21 Dave's Redistricting App?

22 A Yes.

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1 MR. FREEDMAN: And just to be clear,
2 which CD are you referring to?

3 THE WITNESS: Nine, CD9.

4 BY MR. MEUSER:

5 Q And that's the 2021 maps?

6 A Oh, I'm sorry. You're exactly right. I
7 was in the 2025. It was 53.88.

8 MR. FREEDMAN: And just so the records
9 clear, what page are you referring to?

10 THE WITNESS: I'm referring to page 143.

11 MR. FREEDMAN: Okay.

12 BY MR. MEUSER:

13 Q So it was 53.8 according to Dave's
14 Redistricting App as a composite for CD9.

15 Correct?

16 A Correct.

17 Q Under the 2021 map?

18 A Correct, for the 2021 plan.

19 Q And it was increased to 60?

20 A 60.91 under the 2025 plan.

21 Q So if I'm doing math right, it was
22 increased 6.3 percent on the Dave's Redistricting

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1 App competitive score?

2 A Yes.

3 Q So going back to your sentence here in
4 your report on page 20, "The legislature did not
5 seek to lower Democrat performance in CD9," that
6 would be incorrect?

7 A No, no. They didn't want to -- when I
8 say "lower" it, meaning they didn't want to bring
9 it lower than the 60.91.

10 Q But they've already increased it 6
11 percent. Correct?

12 A Correct. I'm referring to what it stood
13 at 2025. So there is a point that they --
14 potentially, I don't know this, but there's a
15 point potentially they could have had a target,
16 they didn't want to lower below that target, if
17 you will, percentage-wise, not racial target, but
18 performance target.

19 Q So you believe that -- strike that.
20 Well, let's move to figure 8. Go ahead and
21 explain this one to me.

22 A This provides the backdrop of the Census

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1 places, once again, in the colors of red, blue,
2 and green. The black lines represent the 2025
3 plan and the orange lines represent the 2021 plan.
4 Also, the Census tracts are included as well.

5 Q Those are the lighter lines?

6 A Yes.

7 Q Okay. So is it fair to say that the
8 black line cuts through the city of August?

9 A Yes, but it does so, in my opinion,
10 because it's following the Census tract.

11 Q But I can't see that because I can't see
12 the light blue or the light gray line compared to
13 the black line. Is that correct?

14 A That's correct. But that's what I
15 observed.

16 Q And you would agree with me that the
17 black line does cut through the city Stockton
18 picking various Census blocks, correct?

19 A Yes, or Census tracts that it follows
20 mostly. But I -- yes.

21 Q And it does cut through the city of
22 French Camp. Is that correct?

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1 A Yes, I believe that's a CDP, but, yes,
2 it goes and follows the highway, I-5.

3 Q And figure 9 is just a reprint of Dr.
4 Trende's?

5 A That is correct.

6 Q Let's look at figure 10 real quick. We
7 got a different table of colors here, so if you
8 could explain to me what your percentages were and
9 what you were trying to show here.

10 MR. FREEDMAN: Object to form.

11 THE WITNESS: This shows the percentage
12 of persons above the age of 25 that have a high
13 school degree or better. Once again, the black
14 lines represent the 2025 plan. This, in essence,
15 shows the -- that percentage in five quintiles.
16 Quintile meaning that you break up the number of
17 areas into five equally, if you can, parts. And
18 so this shows that the lower two quintiles make up
19 that CD13 for the 2025 plan. And for the 2021
20 plan, it did the same.

21 BY MR. MEUSER:

22 Q So each of the five colors that you're

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1 **doing are an equal number of population?**

2 A Correct. Essentially, the tracts in the
3 state, the Census tracts in the state are sorted
4 from high to low in regards to the percentage of
5 high school degrees or greater. And you group
6 them into five equal parts, if you can. The
7 number you can see down in parentheses for each of
8 them, 1815, 1815, that's the number of Census
9 tracts that are grouped in each of those
10 quintiles. The last one, that happens
11 occasionally because there's an odd number and so
12 they have to add on to one of them. But you see
13 that in parentheses by the legend that 815, that
14 represents the number of Census tracts in the
15 state and the sorting from those equal ranges, if
16 you will.

17 MR. FREEDMAN: Sorry, did you mean 1815
18 or 8?

19 THE WITNESS: 1815, yes. Did I say 815?

20 BY MR. MEUSER:

21 Q **So "18-15," is there 1,815 Census tracts**
22 **in the state of California?**

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1 A No.

2 Q Or 1,815 Census tracts in this image?

3 A 1,815 in each of those ranges, except
4 for the red, the one in the red, the highest one.

5 Q Yes. Well, I'm going to go back. Is
6 the 1,815 how many Census tracts in the state of
7 California or how many Census tracts are in this
8 image?

9 A What it is, is the -- when you divide
10 into a quintile, you take the number of features
11 divided by, in this case, five, because it's a
12 quintile, and you sort it into five equal ranges,
13 if you can. And so you have the blue, in the
14 blue, from 72 or below. There are 1,815 Census
15 tracts that are included in that range. In the
16 cyan, if you will, from 72 to 84.1, there are
17 1,815 Census tracts in that range. In the green,
18 same thing, 1,815 Census tracts in that. I
19 believe that might be a 16. My eyes are getting a
20 little worse, but I believe that says 1,816. And
21 so what the system attempts to do is to create
22 equal ranges for each of the ranges.

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1 Q I understand that.

2 A Equal number of features for equal
3 ranges.

4 Q I'm going to restate my question again

5 --

6 A Yeah.

7 Q -- because I think I understand what
8 you're saying, but I don't think you're answering
9 the question I'm asking. So it's, again, on me.
10 I understand that 72 percent and below is colored
11 blue. Correct?

12 A Correct.

13 Q And it has a number of 1,815 Census
14 tracts.

15 A Correct.

16 Q Is that 1,815 Census tracts in the
17 entire state of California or is it 1,815 Census
18 tracts that are depicted in this map, this image
19 right here at figure 10?

20 A No, it's for the entire state.

21 Q Okay.

22 A There are 1,815 Census tracts in the

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1 entire state that match that blue 72 percent or
2 below.

3 Q That's what I was trying to figure out.

4 A Okay.

5 Q Let's go ahead and look at figure 11.

6 And what are we looking at here?

7 A This is a zoomed-down map of the
8 Stockton area and it shows you the same backdrop
9 is in those five quintiles that I previously
10 looked at and talked about. Same black outline
11 for the 2025 plan and orange for the 2021 plan.
12 But it's just a zoomed-in version of the Stockton
13 area.

14 Q Did you do a zoomed-in version of the
15 areas that were removed from the 2021
16 Congressional District 13?

17 MR. FREEDMAN: Object to form.

18 THE WITNESS: Did I -- you mean --

19 MR. MEUSER: Let me rephrase.

20 THE WITNESS: Rephrase that, please.

21 BY MR. MEUSER:

22 Q You would agree with me that figure 11

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1 is a zoomed-in image of figure 10, is that
2 correct?

3 A Correct.

4 Q And this is a zoomed-in image of the
5 areas that were added to Congressional District 13
6 by the Proposition 50 maps. Is that correct?

7 MR. FREEDMAN: Object to form.

8 THE WITNESS: That is correct.

9 BY MR. MEUSER:

10 Q Did you do a comparable zoomed-in image
11 of the districts that were removed from the 2021
12 congressional map?

13 MR. FREEDMAN: Object to form.

14 THE WITNESS: No. This map focuses on
15 Dr. Trende's allegation of what he calls the plume
16 or the extension into Stockton. So this is to
17 show a rationale other than race for that
18 configuration.

19 BY MR. MEUSER:

20 Q Please read the paragraph immediately
21 following figure 11.

22 A "It is important to note that I'm not

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1 concluding that the legislature used socioeconomic
2 data to guide them to develop an extension into
3 Stockton. It is presented as an example because
4 it appears that Dr. Trende did not consider
5 factors beyond race and partisanship, such as
6 socioeconomic COI, communities of interest, data
7 which could have served as a rationale for the
8 2025 plan configuration."

9 Q I know this gets kind of old, but we're
10 going to just have to go ahead and ask it. You
11 never talked to the mapmaker of whether he
12 considered socioeconomic data?

13 A That is correct.

14 Q And you never looked at the -- you never
15 talked to any legislature, asked California
16 legislature whether they considered socioeconomic
17 data?

18 A That is correct.

19 Q And you never talked to any congressman
20 who may have spoke with the mapmaker whether they
21 asked him to consider any socioeconomic data?

22 A That is correct.

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1 Q Let's move to Section 8. And in Section
2 8, you -- this is where you did a statewide
3 traditional redistricting criteria analysis. And
4 I believe we talked about this very briefly
5 earlier today. Correct?

6 A Correct.

7 Q And this is where you kind of stepped
8 away from Sean Trende's report and did a little
9 bit analysis on your own?

10 A That's correct. And it looks, of
11 course, at CD13 as well.

12 Q And your ultimate conclusion is that.
13 "The 2025 plan does not suggest that race was a
14 predominant factor in configuration or that
15 diminished -- adhered to the traditional
16 redistricting criteria." Did I read that right?

17 A Yes.

18 Q And that is your conclusion after
19 analyzing the entire state map?

20 A Correct.

21 Q How much time did you spend analyzing
22 the entire state map to reach this conclusion?

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1 A That's very difficult for me to recall.

2 Q Looking at these pages in Section 8, you
3 can see what you did, correct?

4 A Yes.

5 Q Can you give me your best estimate of
6 how much time you spent based upon what you say in
7 the report you did, how long it took you to reach
8 this conclusion?

9 A I would say it was probably done in a
10 day's worth of time.

11 Q And let's focus on Section F, the
12 communities of interest. And we talked about
13 communities of interest earlier, correct?

14 A Yes.

15 Q And you're predominantly using the
16 Census --

17 A Designated places.

18 Q And so, when you're -- when you're
19 reaching the conclusion that it respects community
20 of interest, what you're focusing in on is the
21 fact that the 2025 plan shows that only 31 CDP
22 splits were in the 2021, while 48 were in the 2025

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1 plan. Am I reading that correctly?

2 A 31, yes. And 48, yes.

3 Q So, there are more splits of community
4 of interest in the 2025 plan than 2021 plan.

5 MR. FREEDMAN: Object to form.

6 THE WITNESS: Yes. I believe that's due
7 to them following Census tracts more in the 2025
8 plan than in the 2021 plan. But that's what I
9 observed.

10 BY MR. MEUSER:

11 Q What does CDP stand for again?

12 A Census designated place.

13 Q And if I'm reading this right, you're
14 saying 31 Census designated place splits were in
15 the 2021 plan, is that correct?

16 A Correct.

17 Q And you're saying that there are 48
18 Census designated places split in the 2025 plan?

19 A Correct.

20 Q So, there are 17 more splits in the 2025
21 plan than there are in the 2021 plan?

22 A Correct.

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1 Q Which is almost 50 percent more, is that
2 correct?

3 MR. FREEDMAN: Object to form.

4 THE WITNESS: Correct. But my, again,
5 my observation was they followed Census tracts
6 more in the 2025 plan, and they also followed
7 highways, major highways in the 2025 plan as well.

8 BY MR. MEUSER:

9 Q Did you calculate how many Census tracts
10 were split in the 2021 plan versus the 2025 plan?

11 A No, I didn't.

12 Q So, you only analyzed, for community of
13 interest, you only analyzed the Census designated
14 places splits?

15 A That's correct.

16 Q And there's almost 50 percent more
17 splits?

18 MR. FREEDMAN: Object to form.

19 THE WITNESS: Yes, but it's still
20 acceptable.

21 BY MR. MEUSER:

22 Q Paragraph C in this section, where

DAVID TANGIPA et al. vs GAVIN NEWSOM
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1 you're talking about continuity.

2 A Is that -- that's going back?

3 Q 27. Yeah, page 27.

4 A Okay. Got it.

5 Q I think we all agree that the island of
6 Catalina is never going to be contiguous with the
7 City of Los Angeles.

8 A That's right.

9 Q And both the 2120 [sic] plan and the
10 2025 plan have this island of Catalina as not
11 connected?

12 A Yeah, you're not going to connect it.

13 Q And you're not going to connect the
14 island of Alcatraz?

15 A Right.

16 Q So, other than the islands, do either of
17 the plans have any continuity issues?

18 A No. No. Contiguity (phonetic)? No.

19 Q Okay. When you do a, I'm sorry, I
20 butchered the word, when you're doing a continuity
21 exam, are you looking at roads where somebody may
22 have to drive out of the district to get into the

DAVID TANGIPA et al. vs GAVIN NEWSOM
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1 district?

2 A No.

3 Q So, you do not consider that at all when
4 you're doing your continuity exam?

5 A No. That's travel contiguity. No.

6 Q So, you're only looking at a district
7 that would be split by a body of water?

8 A There would be islands, land islands,
9 essentially. Could be water islands as well.
10 Islands in the water. Areas that are not adjacent
11 to the district.

12 Q Okay. And in compactness, I just want
13 to make sure I understand it. Is it you're using
14 two different compactness scores that you're
15 looking at here, correct?

16 A Correct.

17 Q Is the lower the number, the better or
18 worse?

19 A The higher the number, the better.

20 Q The higher the number?

21 A Mm-hmm.

22 Q So the closer to one, the better the

DAVID TANGIPA et al. vs GAVIN NEWSOM
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1 score?

2 A That's correct.

3 Q So, per your review of just

4 Congressional District 13, why don't you go ahead

5 and tell me the two tests that you used and how

6 the numbers changed?

7 A So CD13 in the 2021 plan had Reock score

8 of 0.38, while the 2025 was more compact at 0.45.

9 And the 2021 plan's Polsby-Popper score is 0.23.

10 And then the 2023 plan is 0.02 percent less

11 compact at 0.21.

12 Q So one it goes up, and one it goes down?

13 A That's correct.

14 Q Now, this is in a section where you're

15 talking about the entire state. Is that correct?

16 A Well --

17 Q This is part of your analysis of the

18 entire statewide traditional redistricting

19 criteria analysis, correct?

20 MR. FREEDMAN: Object to form.

21 THE WITNESS: Sorry. That's why I

22 labeled the Section "CD13/Statewide Traditional

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1 Redistricting Criteria." I wanted to make sure
2 that it includes both the CD13 and the statewide.

3 BY MR. MEUSER:

4 Q Did you run either of these two
5 compactness cores on every single congressional
6 district in California?

7 A Yes, that's included in the back of the
8 appendices.

9 Q Okay. And can you point to me what page
10 on your appendices this particular analysis
11 compactness is done on every single congressional
12 district?

13 A So, starting on page 91 is the 2021
14 adopted plan for all of the districts. And
15 starting on page 166 is the AB 604 plan.

16 Q And did you sum the totals and average
17 them out to figure out if the compactness score
18 went up or down between the 2021 and the 2025
19 plans?

20 A That's where I use the mean.

21 Q Okay.

22 A So, the mean is what I mentioned in the

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1 report.

2 Q Okay. And let's go ahead, and what does
3 your report say the mean us?

4 A And so, the Reock score for the 2021
5 plan, the mean is 0.36, while the 2025 plan is
6 0.35. Polsby-Popper score for 2021 is 0.21, and
7 for the -- for the 2021 plan and the 2025 plan is
8 0.19.

9 Q So they both went down slightly?

10 A Yeah, I would label it just like the
11 others, similarly compact.

12 Q Okay. Page 30, Figure 12, do you know
13 where you got this?

14 A Yes.

15 Q Where?

16 A The system allows you to identify the
17 noncontiguous areas. And so, for each of these
18 noncontiguous areas, each of the noncontiguous
19 areas, I zoomed down and selected those areas in
20 the map and then produced a map.

21 Q Why do you say California CD Trende plan
22 A's noncontiguous Census blocks?

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1 A Because that's the one I picked out. I
2 didn't pick out the plan B or C. I picked that as
3 an example. They may differ slightly. I don't
4 think they do, but they may differ slightly from
5 -- actually, they do because I think there are 11
6 in plan A and I think there may be 13 in plan C.
7 Now, I have to refer to my document, but this is
8 just an example of plan A's noncontiguous areas.

9 Q Now, if I'm understanding it right, Sean
10 Trende only did Congressional District 13, is that
11 correct?

12 A No, he did the entire plan. He
13 submitted an entire plan in his GeoJSON file.

14 Q Okay, so you're -- when you take the
15 whole plan, not just look at the individual
16 district. Is that what you're talking about?

17 A Yes, his plan. I'm referring to the
18 plan on this, comparing his plan to the 2021 plan
19 and 2025 plans.

20 Q Okay. And you ran all this in
21 Maptitude, correct?

22 A Correct.

1 Q Have you ever had an issue with the data
2 in Maptitude not completely jiving with the data
3 in Dave's Redistricting app?

4 A If you use Census blocks, which is what
5 I use when I transfer or transmit a plan, it
6 matches up correctly.

7 Q Okay.

8 A If you use some other -- he used JSON,
9 like I said, they may not conform to Census
10 geography correctly.

11 Q And you understand that he was using
12 Dave's Redistricting app?

13 A He didn't state that other than on one
14 map, I believe.

15 Q All right.

16 A So, I don't know exactly what he was
17 using. He mentioned it in one of the maps that he
18 used.

19 Q I'm going to go to page 32. And on page
20 32, you're talking about, I believe, you're
21 talking about Dr. Trende's A, B, and C plans
22 regarding the compactness score, is that correct?

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1 A You're referring to the upper main
2 paragraph on 32?

3 Q Yes.

4 A Where it says plan A?

5 Q Yes.

6 A Yes.

7 Q And so, you look at plan A's compactness
8 score, correct?

9 A Correct.

10 Q And then you look at plan B's
11 compactness score?

12 A Correct.

13 Q And then you look at plan C's
14 compactness score?

15 A Correct.

16 Q And so, you have no problem with Sean
17 Trende's three proposed maps as to their
18 compactness score, is that correct?

19 A That is correct. Of course, with the
20 caveat that I mentioned that because of the
21 unassigned areas and the noncontiguous areas, you
22 can't necessarily trust the results. You'd have

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1 to correct those, and I'd have to really run the
2 reports again.

3 Q And let's look at 33, where you're
4 analyzing the majority Latino districts. And you
5 understand that Sean Trende, in designing the
6 three districts he was trying to draw three
7 districts that had a lower HCVAP. Would you agree
8 with that statement?

9 MR. FREEDMAN: Object to form.

10 THE WITNESS: I don't know that.

11 BY MR. MEUSER:

12 Q You would agree with me that Sean
13 Trende, in his three demonstration maps, was
14 trying to show how you could draw districts that
15 had more Democrats but less Hispanics. Is that a
16 fair assessment?

17 MR. FREEDMAN: Object to form.

18 THE WITNESS: I'm not sure if he stated
19 that was what he was trying to do in his report,
20 that he was trying to draw Hispanic VAP and
21 Hispanic CVAP at lower percentages.

22 BY MR. MEUSER:

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1 Q Would you agree with me that all three
2 of Trende's demonstrations maps demonstrate a
3 lower HCVAP than the 2025 Prop 50 maps?

4 MR. FREEDMAN: Object to form.

5 THE WITNESS: They do have a lower
6 HCVAP. Yes.

7 BY MR. MEUSER:

8 Q And in two of the maps, B and C, they
9 actually drop the HCVAP below 50 percent?

10 MR. FREEDMAN: Object to form.

11 THE WITNESS: From what I recall, yes.

12 BY MR. MEUSER:

13 Q Would you like to look at page 33 to
14 reflect your recollection?

15 A Yes. 49.51 and 48.72. Yes.

16 Q Looking at Table 2. I'm seeing five
17 plans, is that correct on the first column?

18 A That is correct.

19 Q In all five of the plans, and we'll go
20 through them, Trende A, Trende B, Trende C, and
21 you understand that those are the three
22 demonstration maps produced by Trende that you are

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1 analyzing, correct?

2 A Correct.

3 Q And then you have the 2021 plan, which
4 was the commission map. Correct?

5 A Correct.

6 Q And the 2025 plan, which is a Prop 50
7 map?

8 A Correct.

9 Q In all five plans, they show a majority
10 HVAP. Is that correct?

11 A That is correct.

12 Q In three of the five plans, it shows an
13 HCVAP of 16, correct?

14 A Yes, that is correct.

15 Q And only in Trende B and C does that
16 drop to 15 HCVAP?

17 A That is correct.

18 Q And then column, the fourth and the
19 fifth columns are basically the percentage numbers
20 that you pulled from your appendices, I'm
21 assuming?

22 A Yes.

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1 Q Okay. So, let's move to H, the partisan
2 performance. In your analysis, you broke out the
3 2020 presidential election, correct?

4 A Correct.

5 Q And you broke out the 2024 presidential
6 election, correct?

7 A Correct.

8 Q And then you used Dave's Redistricting
9 app composite elections, correct?

10 A Correct.

11 Q And I believe you told me earlier that
12 for Dave's Redistricting composite elections, that
13 did not include the 2024 presidential elections?

14 A That is correct.

15 Q Do you know if it included the 2020
16 election, presidential elections?

17 A It's on the website. I can't recall if
18 it did have the 2020 election, presidential
19 election, at this moment.

20 Q Okay. And so, for the purposes of H --
21 strike that. Start over. You understand that
22 Sean Trende, when he was doing his competitive

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1 elections, he was only looking at three races. Is
2 that correct?

3 A Correct.

4 Q He did not do any composite election,
5 correct?

6 A Correct.

7 Q He only looked at two races in 2024?

8 A Yes.

9 Q A Senate race and a presidential race,
10 correct?

11 A That is correct.

12 Q And he only looked at one race in 2022.
13 Is that correct?

14 A That is correct. Although let me
15 caveat. I believe he used the Dave's composite
16 for his maps. Separate from this. But his maps,
17 I believe, he used the Dave's Redistricting
18 composite elections.

19 Q So, Table 3 is kind of broken up across
20 two pages, correct?

21 A Yes.

22 Q Okay. So this is going to take a little

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1 bit of math here.

2 A Yeah.

3 Q But looking at the 2020 presidential
4 election, the District 13, as proposed by Prop 50,
5 has a competitive score, just looking at the 2020
6 presidential election, of a 56.74. Is that
7 correct?

8 A Which election are you looking at?

9 Q 2020 presidential election.

10 A And what plan?

11 Q 2025.

12 A Yes, 56.74.

13 Q And so, we need to compare Trende's A
14 map, B map, and C map to that, correct?

15 A If you want to do that, yes.

16 Q And so, his A map performs better than
17 CD13, is that correct?

18 A Correct. Slightly better, yes.

19 Q And his, if you look at the 2024
20 presidential election, which is the most recent
21 election. Is that correct?

22 A Correct.

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1 Q So, looking at the most recent election,
2 his A map performs better than the Prop 50 map,
3 correct?

4 A Correct. Slightly, yes.

5 Q And if you look at his B map, that
6 performs better than the Prop 50 map, correct?

7 A Very slightly.

8 Q And his C map actually performs better
9 than the 2025 Prop 50 map?

10 A Yes. Once again, slightly.

11 Q But all three maps do have a lower
12 HCVAP, correct?

13 A Correct and yes.

14 Q And if we look at the most recent
15 election, just looking at the most recent
16 election, all three of Trende's maps perform
17 better than what the Prop 50 map showed?

18 MR. FREEDMAN: Object to form.

19 THE WITNESS: Yes, slightly.

20 BY MR. MEUSER:

21 Q Let's turn to Figure 13. Is this an
22 exhibit you created?

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1 A Yes, it is.

2 Q And can you please tell me what we're
3 looking at here?

4 A This is a backdrop of the Dave's
5 Redistricting composite for Democratic percentage.
6 And also shows the black boundaries for the 2025,
7 the orange boundaries for the 2021, and then block
8 groups associated. So, the block group level
9 reflects the Dave's Redistricting Democratic
10 percentage.

11 Q And I know you're tired of me asking
12 this question, but there is no density view on
13 this particular figure?

14 A No. It -- no.

15 Q And so, the districts in red are 80 to
16 100 percent voting for or 80 to 100 percent
17 Democrat -- Democrat -- I'm sorry.

18 A Composite?

19 Q Yes, sorry.

20 A That's all right.

21 Q So, the areas of reds are the highest
22 Democrat composite number according to Dave's

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1 **Redistricting app?**

2 A That's correct.

3 Q And there is no blue on this map, is
4 that correct?

5 A No. No.

6 Q And you did this only for the map A, is
7 that correct?

8 MR. FREEDMAN: Object to form.

9 THE WITNESS: No. You mean --

10 BY MR. MEUSER:

11 Q This particular image is only as to map
12 A?

13 A Yes. There are other figures that show
14 B and C, yes. But this is just looking at map A
15 in comparison to the 2025 and 2021 plan.

16 Q And Figure 14 is the same thing, but
17 with Sean Trende's map B?

18 A Correct.

19 Q As the blue line?

20 A Correct.

21 Q And Figure 15 is the same thing, but
22 it's only as to map C, correct?

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1 A Correct.

2 Q And again, you are using three colors to
3 represent below 50 percent and only two colors to
4 represent above 50 percent, is that correct?

5 A That is correct.

6 Q And since the yellow can be a 30-point
7 swing, it's really hard to tell if something's
8 just 50 to 60 percent versus 70 to 80 percent, is
9 that correct?

10 MR. FREEDMAN: Object to form.

11 THE WITNESS: That is correct. It's
12 above 50 percent and below 80 percent.

13 BY MR. MEUSER:

14 Q And you would agree that there's a
15 significant difference between a district that's
16 51 percent versus a district that is 78 percent?

17 MR. FREEDMAN: Object to form.

18 THE WITNESS: Yes. But once again, as
19 I'm looking at it, you're looking at whether these
20 districts add the block groups that are greater
21 than 50 percent. And then, sometimes it's good to
22 look at ones that are significantly greater.

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1 BY MR. MEUSER:

2 Q And I understand why you use that when
3 we were looking at HVAP, but it's a little bit
4 different when you're looking at partisan
5 composite scores, isn't it? That, you know,
6 because politicians, some like 55 percent, some
7 like 60 percent, you know, when you have a range
8 that goes from 50 to 80 percent, it seems like
9 you're really losing something in the imagery. Or
10 am I missing something here?

11 MR. FREEDMAN: Object to form.

12 THE WITNESS: You may be missing
13 something. I think you're looking at whether
14 these districts are adding on Democratic
15 performing areas and block groups. In this
16 particular case, you can see the red ones are the
17 ones that are really significantly high. And
18 then, of course, the yellow ones are ones that
19 would ensure that you're greater than 50 percent.

20 BY MR. MEUSER:

21 Q But, for example, let's look at the nose
22 of the plume on Figure 15. You see the nose?

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1 A Figure 15?

2 Q Yes, Figure 15.

3 A Yes.

4 Q That there's a block track there,
5 correct?

6 A Can you be a little more specific? And
7 where are you referring to?

8 Q If you -- if I see a person's, a cartoon
9 figure's head, you know, at the top of that plume
10 with a long nose pointing east and a kind of a
11 flat top hair.

12 A Oh, you're talking about where the
13 August --

14 Q Yeah.

15 A Okay. Yeah. All right.

16 Q We see a yellow section here of what I
17 call the nose or the August area, correct?

18 A I don't see that, but I will --

19 Q Yeah.

20 A -- take your word for it's there.

21 Q You're talking about the August 1,
22 though, and it's yellow, correct?

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1 A And it's yellow, yes.

2 Q But looking at this map, I can't tell if
3 that's a 51 percent or a 79 percent competitive
4 score there?

5 A Correct.

6 Q And I can't see if there's one person
7 living in that district or if there's a hundred
8 thousand people living in that Census tract?

9 A Correct, similar to Dr. Trende's.

10 MR. MEUSER: Okay. We've been going for
11 about an hour and 15 minutes, an hour and 30
12 minutes.

13 MR. FREEDMAN: A little longer.

14 MR. MEUSER: But I tend to like to give
15 my court reporters a break around this time. Is
16 that -- is everybody good with that?

17 THE WITNESS: That's great.

18 MR. FREEDMAN: That sounds good.

19 MR. MEUSER: Would everybody like a
20 10-15-minute break?

21 MR. FREEDMAN: 10 is fine.

22 (Recess)

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1 MR. MEUSER: Ready to go back on the
2 record?

3 THE WITNESS: Yes.

4 MR. MEUSER: And you understand you're
5 still under oath?

6 THE WITNESS: Yes. Okay.

7 BY MR. MEUSER:

8 Q Let's go to the conclusion section of
9 your report, which I believe is on page 39 and
10 page 40. As I count, there are six conclusions
11 here. Is that correct?

12 A Six, yes, sections of the conclusion.

13 Q And you do not have any other
14 conclusions that are not contained in this
15 section?

16 MR. FREEDMAN: Object to form.

17 THE WITNESS: No, not at this particular
18 moment. I can't recall any.

19 BY MR. MEUSER:

20 Q And before we go into your conclusions,
21 as you said earlier, there's nothing -- no other
22 research that you are planning on doing between

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1 now and your trial testimony?

2 A That I am planning, yes, unless I'm
3 asked.

4 Q Okay. Let's go through these six
5 opinions, conclusions that you have. Please
6 explain to me your first opinion.

7 A What I'm referring to is Dr. Trende is
8 alluding to the inclusion of majority HCVAP block
9 groups in CD13. And what I'm saying, in essence,
10 is that just the inclusion of majority CVAP block
11 groups alone doesn't prove race predominance.

12 Q And your second opinion?

13 A He, Dr. Trende, doesn't compare the 2025
14 plan with the last legally approved plan, the 2021
15 plan. And so, in order to determine the movements
16 of or the configuration associated with race
17 predominance, you should look at what the
18 difference between the last plan and the plan that
19 is alleged Latino percentages. I'm also looking
20 at the increase in Democratic performance. It is
21 much higher at almost 4 percent than the HCVAP at
22 only 0.0 percent. Of course, I'm using the DRA

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1 composite. And so, the difference is clearly not
2 in the Latino HCVAP. It must be in something else
3 outside of the HCVAP, which means a particular
4 another racial group is increasing that Democratic
5 performance.

6 Q So, looking at this second opinion that
7 you have, the 2021 to the 2025 plan, based upon
8 the 2023 American Community Survey, it increases
9 the HCVAP by 0.07, is that correct?

10 A Correct.

11 Q And based upon Dave's Redistricting app
12 composite score, it increases the Democratic
13 performance by nearly 4 percentage points?

14 A Correct.

15 Q And I believe you testified earlier
16 today that when you compare the 2025 plan to all
17 three of Sean Trende's report, all three of them
18 decreased the HCVAP, is that correct?

19 A Correct.

20 Q But you're saying he did not compare his
21 decreased HCVAP with the 2021 plan, is that
22 correct?

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1 A That is correct. He did not.

2 Q Okay. And we were looking at Table 3 on
3 page 34 and 35, where we were talking about Sean
4 Trende's plan compared to the 2025 plan, correct?

5 A Yes, we talked about that.

6 Q And you -- you, for your conclusions,
7 were only looking at Dave's Redistricting app
8 composition score, is that correct?

9 A I only mentioned that. That's correct.
10 It's a good composite group of elections.

11 Q Okay. Let's go ahead and move to your
12 third opinion.

13 A The third is he didn't conduct any
14 analysis on traditional redistricting criteria.
15 And so, he didn't use or analyze whether the
16 criteria could be the cause of the configuration
17 and not race.

18 Q And your fourth opinion?

19 A The fourth opinion talks and discusses
20 the three areas, and that race doesn't seem to
21 dominate in the creation of those areas. They
22 include majority and non-majority HCVAP block

1 groups. Sometimes they're sporadically added to
2 the differences between the 2021 and the 2025
3 plan. They seem to align with the Democratic
4 precincts that he presents in his map and his
5 plan, or his report as well. The changes in the
6 three areas seem to adhere to traditional
7 redistricting standards.

8 Q Your fifth opinion?

9 A Yeah. And I was going to say --

10 Q Oh.

11 A And he, you know, doesn't analyze the
12 socioeconomic commonalities which could have
13 guided the planned development.

14 Q And as we discussed earlier, you have no
15 idea whether any of these socioeconomic data was
16 considered by the mapmaker legislature or the
17 Democrat congressman?

18 A That is correct. I'm only saying that
19 that he didn't include it in his report.

20 Q Okay. Now your fifth opinion?

21 A That the criteria's of equal population
22 and contiguity they don't comply. His plans don't

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1 comply with equal population and contiguity. And
2 that the plans perform worse on equal population
3 contiguity and minimizing political subtle
4 division splits. And they don't show an
5 appreciable increase in partisan performance when
6 compared to the 2025 plans.

7 Q And we've already discussed all the
8 reasoning, and we went through your tables and
9 figures as to that fifth opinion that you've just
10 made.

11 MR. FREEDMAN: Object to form.

12 THE WITNESS: Yes, we discussed that.

13 BY MR. MEUSER:

14 Q Okay. And your sixth opinion?

15 A So, when considering all of the factors,
16 when you look at compactness and municipal
17 boundaries, partisan features, socioeconomic
18 commonalities, CD13 and CD9 could have been
19 created without race playing that dominant role.
20 And so, again, Dr. Trende's analysis, that I, in
21 my conclusion, is that it doesn't support his
22 conclusion that race was a predominant --

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1 predominant primary influence in developing the
2 2025 plan.

3 Q So, I got a few follow-up questions
4 here.

5 A Sure.

6 Q You don't have any opinions about the
7 data that Sean used, that he used the wrong data
8 groups in creating his reports?

9 A I don't know, and I'm not sure of the
10 data that he used because he didn't state that. I
11 made some assumptions that he used Dave's
12 Redistricting for many of his maps, but I don't
13 know that.

14 Q And when you looked at Dave's
15 Redistricting maps, you weren't seeing different
16 numbers that did not comport with Sean's report,
17 is that correct?

18 A He didn't have numbers insofar as his
19 maps. He had just thematic maps. He didn't
20 report any numbers insofar as that. He reported
21 numbers in the plan A, B, and C that he had
22 insofar as the Democratic performance. And he

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1 used, you know, several distinct elections. The
2 only one that I could compare and look at was the
3 presidential 2024 election. And it's -- they were
4 close. They weren't identical for what I had, but
5 they were close.

6 Q And when you looked at his replication
7 data, did you see any errors in his replication
8 data that we have not discussed today?

9 A You're talking about outside the eco
10 population, the unassigned areas, and the
11 noncontiguous areas?

12 Q Yes.

13 A Yeah. Outside of those, I didn't see
14 anything else.

15 Q Okay. Have you had the opportunity
16 today to share all the opinions that you have made
17 in this case?

18 MR. FREEDMAN: Object to form.

19 THE WITNESS: I believe so. I believe
20 so.

21 BY MR. MEUSER:

22 Q Would you like a minute to think, to

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1 make sure that you've given me every opinion that
2 you -- that you have create -- that you have
3 developed in this case?

4 MR. FREEDMAN: Object to form.

5 THE WITNESS: I think I've included
6 everything in the report. I can't recall right
7 now anything outside of the report that I would
8 include in my comments, but anything that I've
9 made a statement on, I would of course adhere to
10 the report.

11 BY MR. MEUSER:

12 Q And in between now and next week, when
13 you may have to give testimony, is there any other
14 research that you want to do?

15 A You put it that I want to do?

16 Q Yes.

17 A I can't recall any research that I would
18 want to do. Again, if I'm called upon, I will
19 provide that research.

20 Q Is there any individual that you would
21 like to talk to get more information?

22 A From the point of view of addressing Dr.

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1 Trende's report, there's no one that I -- the
2 report stands on its own.

3 Q Okay. Now, you limited yourself there,
4 and your report's not limited to just Dr. Trende's
5 report because you analyze the entire report
6 briefly. So, is there anybody that you would want
7 to talk to as to that portion of your report?

8 A Not that I can think of right at this
9 particular moment. Yeah. I'm, you know, the
10 purpose, as I said, was not to do a racially
11 gerrymandered analysis, and I think what I did was
12 appropriate and adequate.

13 Q Is there any publication that you want
14 to review prior to your deposition to prepare for
15 your deposition?

16 MR. FREEDMAN: Object to form.

17 THE WITNESS: Prepare for this
18 deposition?

19 BY MR. MEUSER:

20 Q I'll rephrase. Is there any publication
21 that you would like to review prior to your
22 appearing for trial testimony in Los Angeles next

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1 week?

2 A Not that I can recall at this particular
3 moment. No.

4 MR. MEUSER: Your witness.

5 EXAMINATION BY COUNSEL FOR DEFENDANTS/

6 INTERVENOR USA

7 BY MS. GIESEKE:

8 Q Hi, Mr. Fairfax. As I previously
9 stated, my name is Greta Gieseke, and I represent
10 the Plaintiff/Intervenor of the United States in
11 this matter. So, thank you again for your time
12 today. Just to lay some foundation agreements,
13 can we agree that when I, if I refer to the
14 Proposition 50 map or Prop 50 map, that that's the
15 same map that I think you refer to as the AB 604
16 plan?

17 A Correct.

18 Q We're talking about the same thing?

19 A Yes.

20 Q Okay. I just want to make sure we're on
21 the same page. And I think you already said that,
22 as part of your research, you did not communicate

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1 with any member of the California legislature. Is
2 that correct?

3 A That's correct.

4 Q Did you communicate with any member of
5 member staff?

6 A No.

7 Q What about did you attend any
8 legislative hearing?

9 A No.

10 Q And you said that you did not read the
11 transcript of any hearing, correct?

12 MR. FREEDMAN: Object to form.

13 THE WITNESS: I cannot recall. If it
14 was sent to me, I probably did glance through it,
15 but I can't recall the contents --

16 BY MS. GIESEKE:

17 Q Okay.

18 A -- at this particular moment.

19 Q And did you review any legislators'
20 social media posts?

21 A No.

22 Q Did you review any press releases?

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1 A No. No.

2 Q What about any campaign materials?

3 A No.

4 Q Did you analyze the motives of any
5 legislator who voted for Proposition 50?

6 A No.

7 Q So, if called to testify at trial, could
8 you express an opinion on the motives of any
9 legislator who are in enacting Proposition 50?

10 A No.

11 Q And could you express an opinion on the
12 motives of the legislator as a whole?

13 A No.

14 Q Do you know Paul Mitchell?

15 A No.

16 Q So, if you are to call to testify at
17 trial, you could not express an opinion on the
18 motives of Paul Mitchell regarding in connection
19 with this map and drawing the map?

20 A No.

21 Q Okay.

22 A Not at all.

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1 Q As part of your research, did you
2 communicate with any California voters about his
3 or her decision to vote for Proposition 50?

4 A No.

5 Q Did you communicate with -- actually,
6 scratch that. Does your report draw any
7 conclusions about why a California voter may have
8 voted for Proposition 50?

9 A No.

10 Q So if called to testify at trial, you're
11 not going to testify about any opinions regarding
12 the motives of any voter to vote for Proposition
13 50?

14 A No, I'm not.

15 Q And then, as you're aware, this lawsuit
16 alleges that California impermissibly considered
17 the race of voters when adopting preference
18 Proposition 50. So once again, I want to make
19 sure we're just on the same page about
20 terminology. If I mention political power, can
21 you agree that that's referring to the ability of
22 a group to elect their preferred candidate?

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1 MR. FREEDMAN: Object to form.

2 THE WITNESS: Can you rephrase that?

3 And then how would you use it in the context of
4 political power?

5 BY MS. GIESEKE:

6 Q So, if we're talking about the political
7 power of Hispanic voters, increasing the political
8 power of Hispanic voters, can you agree that you
9 understand I mean that to mean Hispanic voters as
10 a group, their ability to elect a candidate of
11 choice?

12 A If you define it that way, I can
13 understand what you're saying.

14 Q Can we also agree that for purposes of
15 the deposition, we're using Hispanic and Latino
16 interchangeably?

17 A Yes.

18 Q Do you consider Latinos a racial group?

19 A The Census includes them as an
20 ethnicity, but generally speaking, when you talk
21 about racial gerrymandering, they include Latino
22 population in that terminology.

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1 Q Okay, thank you for clarifying that.

2 So, when did you analyze -- scratch that. Did you
3 analyze whether the California legislature
4 intended for the Proposition 50 map to increase
5 the political voting power of Latinos?

6 A No. No.

7 Q So, if called to testify at trial, you
8 can't express an opinion on whether the map was
9 intended to increase Latino voting power?

10 A No, I can't do that.

11 Q Likewise, you, if called to testify at
12 trial, you could not express an opinion on whether
13 the voters intended for the map to increase Latino
14 voting power?

15 A The voters? No.

16 Q In voting for the map?

17 A Right. No.

18 Q Could you please flip to page 161 of
19 your report?

20 A It's in the appendices?

21 Q Yes. Actually, before we even get to
22 that or while you flip to it, you said that you

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1 primarily use Maptitude for this litigation,
2 correct?

3 A Correct.

4 Q And that there's a subs -- there's data
5 that isn't directly in that but is generally used
6 with Maptitude. Is that my understanding? The
7 data sets?

8 A The data set, that caliper, the company
9 will provide the PL 94171 Census data. And
10 external to that would be the American Community
11 Survey data that you would get from another
12 source. I obtained it from the redistricting data
13 hub.

14 Q So, if you had used Dave's Redistricting
15 instead, would that have had the same data source
16 or the same data set or a different data set?

17 A It would have the same data source, but
18 they might have processed it differently. The
19 Dave's Redistricting adds the mixed race, which,
20 in this case, if it's Black or White, they add the
21 mixed race in their racial numbers. Meaning Black
22 and White, Black and Asian is added to the black

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1 population. So, when it -- it would possibly be
2 different than mine because I did not do that.

3 Q Is Dave's Redistricting a generally
4 accepted software for -- or application -- for
5 redistricting litigation?

6 MR. FREEDMAN: Object to form.

7 THE WITNESS: Dave's Redistricting is a
8 great package for communities and organizations to
9 develop redistricting plan. It is not generally
10 used. It is not generally used in litigation.
11 It's becoming a little more so, but it's not the
12 package that you turn to use in litigation.
13 Maptitude, as I said, used for redistricting, is
14 sort of the gold standard that people use in
15 litigation.

16 BY MS. GIESEKE:

17 Q Because these software's could result in
18 different numbers, would you agree that it's
19 possible for there to be a range of accurate
20 numbers or --

21 MR. FREEDMAN: Object to form.

22 THE WITNESS: It is possible for there

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1 to be different numbers. For race, as I just
2 mentioned, possible that there's different numbers
3 for even compactness depending upon because of the
4 way Dave's may calculate the compactness ratios.
5 So, you may see different numbers in the two plans
6 or two plans that you're comparing.

7 BY MS. GIESEKE:

8 Q Maybe a better way to say it would be
9 it's possible for people using different
10 applications to receive different outputs, and not
11 by the product of an error?

12 A It depends on the extent. So, it may be
13 an error. But it also may be the slight way in
14 the processes performed in Dave's Redistricting
15 versus the other package, like Maptitude.

16 Q Okay. Let's flip to page 161 now of
17 your report.

18 MR. MEUSER: Do you mean in the
19 appendix?

20 BY MS. GIESEKE:

21 Q Yes. Thank you. Let me know when
22 you're there.

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1 A Oh, I'm there.

2 Q You're there. Okay. Can you tell us
3 what we're looking at here?

4 A This is the, I call it the AB 604 plan,
5 the 2025 plan, and this shows the CVAP for the
6 three major race ethnicity groups, Hispanic,
7 White, and Black.

8 Q And can you tell us again what that
9 percent CVAP HSP-23 refers to?

10 A That's the CVAP for the Hispanic or
11 Latino population using the 2023 5-year ACS.

12 Q So, when we discuss whether a district
13 is majority Hispanic, is that a number we would be
14 looking at?

15 A Correct.

16 Q Do you know how many majority Hispanic
17 districts there are in the -- in this map based on
18 that CVAP number?

19 A It should be 16.

20 Q Do you want to count or if you -- that's
21 my understanding that it's also 16.

22 A Yes.

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1 Q And can you look at those numbers in
2 that CVAP HSP-23 column and tell me how many of
3 the ones that are over 50 percent are in a range
4 from 50, 50 to 55.01 percent? You can have a
5 minute to count. We're looking at a range from
6 about 50, 50 to 55. I think there's one that's
7 actually 55.01.

8 A I have 11. I may go back and check,
9 sometimes I may --

10 Q And I know it goes on to the second page
11 also.

12 A Yeah. 12, I believe.

13 Q Okay. I'm counting 14.

14 A That between 50 and 55?

15 Q Yes, correct. 55.01, I think, is the
16 highest one I was including in that.

17 A Oh, I didn't include that.

18 Q Okay.

19 A Let me try it again. 14.

20 Q 14?

21 A 14, including a 55.01.

22 Q And the -- and out of those, I think

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1 that the lowest number closest to 50 is actually
2 51.76 percent, is that what you also saw there,
3 number 52?

4 A 51.76 appears to be the closest one to
5 50.

6 Q Okay. And then out of all of those, the
7 greatest was the 55.01, as we just discussed?

8 A Correct.

9 Q So, I think if my math is correct,
10 that's about a 3.5 percent difference between
11 51.76 and percent?

12 A Roughly.

13 Q Roughly. Three and a quarter?

14 A Yeah.

15 Q So, do you agree that 14 out of these 16
16 majority Hispanic districts are within less than a
17 3.5 percent range?

18 MR. FREEDMAN: Object to form.

19 THE WITNESS: From 51.7 to 55.01 would
20 be about 3.25.

21 BY MS. GIESEKE:

22 Q So, 14 of the 16 majority Hispanic

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1 districts based on this set are in that close

2 range?

3 MR. FREEDMAN: Object to form.

4 THE WITNESS: You're saying it's close,

5 but --

6 BY MS. GIESEKE:

7 Q I'll say in that -- in that three --

8 A Yes.

9 Q -- roughly, 3.25 percent range.

10 A Yes.

11 Q Okay. In your opinion, would that be a

12 coincidence --

13 MR. FREEDMAN: Object to form.

14 BY MS. GIESEKE:

15 Q -- for the 14 of those 16 range or 14 of

16 16 districts to be in that small of a range?

17 A No. No. When you say, would it be a
18 coincidence or could it be -- could the district
19 be configured such? Yeah, the district could be
20 configured such that it falls in that range.

21 Yeah.

22 Q It could have been configured so that

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1 these districts had Hispanic CVAP in specific
2 ranges?

3 MR. FREEDMAN: Object to form.

4 THE WITNESS: You're saying -- I think
5 you're asking, is it coincidental that you have 51
6 to in that narrow range? And I'm saying there is
7 a possibility for that to occur, yes.

8 BY MS. GIESEKE:

9 Q In your experience, is it likely that
10 it's a coincidence that 14 of the 16 districts
11 have CVAPs within a roughly 3.25 percent range
12 objective?

13 MR. FREEDMAN: Object to form.

14 THE WITNESS: I wouldn't say
15 coincidence. I would say that there are many
16 times that that's where the configuration falls.
17 And so, it's not necessarily that it's some
18 oddity. It's the configuration of the territory,
19 wherever the -- whatever the jurisdiction is.
20 This particular case is in California. So, it's
21 where the configuration of the territory falls.
22 So, I wouldn't say that it's a coincidence. It

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1 could be just how the configuration of the
2 population spreads over the state.

3 BY MS. GIESEKE:

4 Q If in the previous map the spread was
5 not so narrow within that 3.25 range, would your
6 -- would you be more likely to think that this was
7 not a coincidence, that it is now in the new map?

8 MR. FREEDMAN: Object to form.

9 THE WITNESS: Well, it depends on what
10 the modifications to the new map was. Meaning
11 that if the new modifications was to increase
12 Democratic performance, that may in turn spread
13 that Latino population to a lower or lesser
14 extent. So, there are implications or the
15 modifications of the motives, rather of what they
16 were trying to achieve may cause that to occur.

17 MS. GIESEKE: No further questions. Do
18 you have any?

19 MR. FREEDMAN: No questions.

20 MR. MEUSER: We don't have anything.

21 Online? Anybody have questions online?

22 MR. FREEDMAN: Yeah, the State and DCCC

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1 is now on.

2 MR. MEUSER: Okay. Anybody have
3 questions?

4 MR. WOODS: Nothing from the State.
5 Thank you.

6 MR. MEUSER: D triple C? Going once.
7 Going twice. Okay. Let's go ahead and order
8 transcripts on the record. I would like a rough
9 same-day and expedited 24-hours.

10 MS. GIESEKE: Same for the United
11 States.

12 MR. WOODS: Same for the State.

13 MR. FREEDMAN: Okay. And we'll get the
14 same for LULAC. And D triple S is now signed off,
15 so.

16 MR. MEUSER: Okay.

17 (Whereupon, at 12:37 p.m., the
18 deposition of TONY FAIRFAX was
19 adjourned.)

20 * * * * *

21

22

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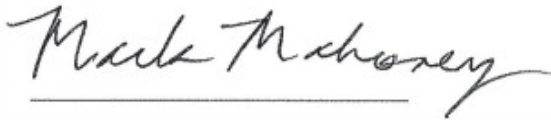
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CERTIFICATE OF NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA

I, Mark Mahoney, notary public in and for
the Commonwealth of Virginia, do hereby certify
that the forgoing PROCEEDING was duly recorded and
thereafter reduced to print under my direction;
that the witnesses were sworn to tell the truth
under penalty of perjury; that said transcript is a
true record of the testimony given by witnesses;
that I am neither counsel for, related to, nor
employed by any of the parties to the action in
which this proceeding was called; and, furthermore,
that I am not a relative or employee of any
attorney or counsel employed by the parties hereto,
nor financially or otherwise interested in the
outcome of this action.

Dated: December 9, 2025.



Notary Public, in and for the Commonwealth of
Virginia

My Commission Expires: August 31, 2029

Notary Public Number 122985

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In the Matter Of:

DAVID TANGIPA

vs

GAVIN NEWSOM

JONATHAN RODDEN, PH.D.

December 05, 2025

CERTIFIED COPY

DAVID TANGIPA vs GAVIN NEWSOM
Jonathan Rodden, Ph.D. on 12/05/2025

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID TANGIPA; et al,)	
)	
Plaintiffs,)	Case No.
)	2:25-cv-10616 (KESx)
vs.)	
)	
GAVIN NEWSOM, in his official)	
capacity as the Governor of)	
California; et al.,)	
)	
Defendants.)	
_____)	

CERTIFIED COPY

DEPOSITION OF JONATHAN RODDEN, PH.D.

San Francisco, California

Friday, December 5, 2025

Reported by:
SUZANNE MC KEE
CSR No. 12096

Job No. 103430
PAGES 1 - 113

DAVID TANGIPA vs GAVIN NEWSOM
Jonathan Rodden, Ph.D. on 12/05/2025

2

UNITED STATES DISTRICT COURT
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GAVIN NEWSOM, in his official)
capacity as the Governor of)
California; et al.,)
)
Defendants.)
_____)

Deposition of JONATHAN RODDEN, PH.D.,
taken on behalf of Plaintiffs at 177 Post Street,
Suite 700, San Francisco, California, commencing at
10:09 a.m. on Friday, December 5, 2025, before
Suzanne McKee, CSR No. 12096.

DAVID TANGIPA vs GAVIN NEWSOM
Jonathan Rodden, Ph.D. on 12/05/2025

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DAVID TANGIPA vs GAVIN NEWSOM
Jonathan Rodden, Ph.D. on 12/05/2025

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DAVID TANGIPA vs GAVIN NEWSOM
Jonathan Rodden, Ph.D. on 12/05/2025

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EXHIBITS

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MARKED

EXHIBIT 1 - Document production
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17

EXHIBIT 2 - Dr. Jonathan Rodden's expert report
and CV pages 266-305

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EXHIBIT 3 - Declaration of Sean Trende in
support of Plaintiffs' motion for a
preliminary injunction, pages 1-42

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DAVID TANGIPA vs GAVIN NEWSOM
Jonathan Rodden, Ph.D. on 12/05/2025

6

San Francisco, California, Friday, December 5, 2025

10:09 a.m.

JONATHAN RODDEN, PH.D.,

having been administered an oath, was examined and
testified as follows:

MR. MEUSER: Before we get going, Dr. Rodden, let's go
ahead and have everybody on line introduce themselves. I'll
start. Mark Meuser on behalf of the plaintiffs.

MR. BISHOP: Tyler Bishop on behalf of defendant and
intervener DCCC. DCCC, Democratic Congressional Campaign
Committee. And I'm joined by co-counsel Lalitha Madduri on
line and Chris Dodge on line as well.

MR. MEUSER: Anyone else on line?

MS. RIORDAN: -- Riordan for the United States.

MS. MCCALL: And we have Christina McCall on behalf of
the California state defendants, Governor Newsom and Secretary
of State Weber

MR. EASON: Ryan Eason also for state defendants.

MR. GREEN: David Green also for state defendants.

MS. HASAN: Iram Hasan also for state defendants.

MR. WOODS: Clint Woods also for state defendants.

MR. MEUSER: Did you get the first person or was she

1 cut off?

2 THE REPORTER: She was cut off a little bit.

3 MR. MEUSER: Maureen, can you go ahead and re-identify
4 yourself, somebody stepped on you.

5 MS. RIORDAN: Maureen Riordan on behalf of the
6 United States.

7 MR. MEUSER: Okay. The court reporter is good now.

8 MS. RIORDAN: Great.

9

10

11 EXAMINATION

12 BY MR. MEUSER:

13 Q Doctor, how many times have you had your
14 deposition taken?

15 A I'm not sure. That's a good question. It's
16 possible it's been seven or eight. Something like that.

17 Q When was the last time you had your deposition
18 taken?

19 A I think I've had one taken in the last year, less
20 than a year ago.

21 Q Okay. Are you familiar enough with the
22 deposition admonitions or do I need to repeat them for you at
23 this time?

24 A I think I'm familiar. I will make sure that you
25 finish asking your question before I speak and that sort of

1 thing but if I fail to do so, then please let me know.

2 Q If you or I fail to do so there's a person at the
3 table who will remind us.

4 A Okay.

5 Q You are under oath.

6 A Yes.

7 Q Okay. So let's go ahead and start talking about
8 the scope of your assignment. When were you first contacted
9 regarding being an expert witness in this case?

10 A Not very long ago. I think it was whatever -- I
11 don't have my calendar in front of me, but whatever was the
12 day that Dr. Trende would have submitted his report. I think
13 it was probably the day after that or something.

14 Q I believe that was Friday, November 6th if I'm
15 remembering right. So you believe you got a call like on
16 Saturday the 7th?

17 A That sounds about right. It was somewhere around
18 there. I was unaware of any litigation.

19 Q Strike that. Friday was the 7th. So it would
20 have been Saturday the 8th if it was the next day, if that
21 sounds about right.

22 A That sounds about right.

23 Q Okay. Were you aware of this litigation before
24 you were contacted by counsel?

25 A No.

1 Q You had not heard that there was this litigation
2 over the Prop 50 maps?

3 A Oh, I was at some events at the Stanford Law
4 School in which people discussed various possible legal
5 questions that might emerge related to the map. I wasn't
6 aware of any specific litigation.

7 Q When was that conference you were at?

8 A I believe it was right around -- it was in late
9 October, I believe.

10 Q And do you know who put that on?

11 A The Stanford Law -- I think it was called the
12 Election Law Student Association had a pizza lunch and invited
13 some faculty to come and have pizza with the students and talk
14 about election law and restricting. The focus was not
15 specifically on California, but it came up in discussion.

16 Q Did you make a formal presentation at that?

17 A No. It was an informal event in which faculty
18 were present and students asked questions and we gave our best
19 shot at answering them.

20 Q How many faculty were at that meeting?

21 A Three or four.

22 Q And did any of the faculty expressly talk about
23 Prop 50 and the legal challenges that could be brought?

24 A Yes, I believe Professor Nate Persily gave just
25 some thoughts on what were some possible issues that might

1 come up, but I don't have a very good recollection of -- I
2 think they were more procedural issues. There was a
3 discussion about the nature in which the bill that came up in
4 the legislature, the legislative process for that. There was
5 some discussion about the laws related to the California state
6 legislature. That's the part I remember. I don't recall any
7 discussion of race and redistricting in that meeting.

8 Q What was the professor's name again you just
9 mentioned?

10 A Yes, Nate Persily.

11 Q Nate Persily. Have you had any other
12 conversations with the professor since that sit down
13 discussion regarding Prop 50?

14 A No.

15 Q Did anything that he said at that meeting affect
16 your testimony today?

17 MR. BISHOP: Objection. Vague.

18 THE WITNESS: No.

19 BY MR. MEUSER:

20 Q What were -- strike that.

21 When you became aware that you were being asked
22 to be an expert witness in this case, what were you told the
23 scope of your assignment would be?

24 A I was told the scope of my assignment would be to
25 provide a response to Dr. Trende's report, to evaluate his

1 claims and provide my evaluation of his claims.

2 Q Anything else?

3 A No, I don't believe so.

4 Q So you were not asked to review Tom Brunell's
5 declaration?

6 A No.

7 Q Have you seen Tom Brunell's declaration?

8 A No.

9 Q What was the material that you received to
10 evaluate Sean Trende's report?

11 A I received Dr. Trende's report and then I
12 requested to also receive backup materials, which is common in
13 this setting to ask for the data and underlying materials. I
14 was sent some files that I was told were the totality of the
15 backup materials, but that did not include Dr. Trende's
16 demonstration maps. So I requested -- and I don't know, it's
17 possible that something was lost in translation -- I asked for
18 those demonstration maps and then a couple of days later those
19 were provided to me as well.

20 Q If you want to know, it was my fault.

21 A Okay.

22 Q He sent me a couple files and then he sent me a
23 couple zips and when I gave the information, I just took the
24 files and the zips were sitting in my e-mail. So I had to
25 pull the zips and put them in a separate e-mail. It wasn't

1 because Sean didn't know what you wanted, it was because the
2 lawyer didn't realize that there's two sets of documents.

3 A I was prepared to blame the lawyers and not
4 Sean.

5 Q I take full responsibility for that one. You
6 can't blame Sean on that one. I don't think you did.

7 A No.

8 Q How much time did you spend between getting Sean
9 Trende's report and producing your final report?

10 A I'm not sure. I had some days when I carved out
11 some days that I worked some rather full days and I think
12 there was about a week of that of really focusing on this
13 report when I set aside other issues. So I think about a week
14 of fairly intensive work on the report.

15 Q 40 hours, 50 hours?

16 MR. BISHOP: Objection. Leading.

17 THE WITNESS: That sounds plausible, but it could be a
18 little bit more, could be a little less.

19 BY MR. MEUSER:

20 Q When were you planning on preparing your invoice
21 for this case?

22 A Sometime after -- probably after this after
23 I'm -- either after this deposition or perhaps if there is a
24 proceeding in a couple of weeks, I might wait until that's all
25 finished.

1 Q Do you have a method of keeping track of your
2 hours that you will review at that time that you send your
3 invoice?

4 A I have a spreadsheet when I work I just enter my
5 hours and move on.

6 Q Okay. And you don't have access to that
7 spreadsheet today to give us a more precise number?

8 A No, I don't believe I do.

9 Q Okay. So in addition to looking at Sean Trende's
10 report and the replicating data, anything else counsel gave to
11 you to prepare for this assignment?

12 A I don't believe so, no.

13 Q Did you look -- did they send you any pleadings
14 in this case?

15 A Pleadings --

16 MR. BISHOP: Objection. Vague. Also legal term of
17 art.

18 THE WITNESS: I don't believe so. I believe I really
19 just focused on and received that report from Dr. Trende.

20 BY MR. MEUSER:

21 Q Okay. Did counsel give you any assumptions that
22 you needed to be made when responding to this report?

23 A No.

24 Q Now that we've talked about what counsel has
25 given you, what are the resources that you went and used to

1 **prepare for your report?**

2 A Yes, I will hopefully be able to remember all of
3 them. There's a short section early in the report that
4 documents the sources that I went to. The United States
5 census is -- the decennial census is a place that I went for
6 data on voting-age population and used census data on citizen
7 voting-age population. I examined data from -- just to get
8 the boundaries of the proposed districts, I believe I
9 downloaded those from a state web site. The old districts I
10 believe I obtained from the Redistricting Commission web site.
11 There's also a set of even older districts from 2001 that I
12 got from the California statewide database.

13 There are also data that I believe Dr. Trende and
14 I both received from a kind of collaborative group of scholars
15 spearheaded by someone named David Bradley who has developed
16 something called Dave's Redistricting App, which has become
17 quite a useful on-line tool for redistricting that I believe
18 Dr. Trende has also used. It's not only just a web app, it is
19 a collaborative data collection exercise. And so both
20 Dr. Trende and I used political election results data that the
21 team at Dave's redistricting has assembled and those come from
22 a number of sources.

23 The data I looked at were from 2016 through 2024.
24 And those general elections, the sources for those varied
25 somewhat. There were different groups of scholars who matched

1 precinct level election results to geographic boundary files,
2 assembled those and then through a desegregation process,
3 placed the data -- kind of made some inferences about those
4 data at the level of census block groups and so I made use of
5 that data. And to my understanding, that's also the data that
6 Dr. Trende used, although I'm not entirely sure.

7 BY MR. MEUSER:

8 Q Okay. So you said you obtained district
9 boundaries from the Commission, we draw the lines I'm assuming
10 what you're talking about for 2021; correct?

11 A Yes.

12 Q And then you said you got the Prop 50 maps from a
13 government web site you said; correct?

14 A Yes. I'm trying to remember what exactly was
15 that web site, but I don't recall right now.

16 MR. BISHOP: To the extent you intend to keep asking
17 him about the report itself, I assume you may be introducing
18 the report as an exhibit, I would suggest that we let him do
19 that.

20 MR. MEUSER: Okay. We will go ahead and enter two
21 exhibits into the record. We'll go ahead -- at 9:22 a.m.
22 today I got an e-mail from your associate which is marked --
23 which is a PDF called Rodden 1 to Rodden 55 PDF, which is the
24 responsive documents to our request for document -- for this
25 deposition. We will go ahead and mark that as Exhibit 1 to

DAVID TANGIPA vs GAVIN NEWSOM
Jonathan Rodden, Ph.D. on 12/05/2025

16

1 this declaration -- or to this deposition.

2 And then I'm going to go ahead -- and I don't
3 have it to give to the court reporter right now -- but for
4 everybody on line so you know what we're going to mark as
5 Exhibit 2 and give to the court reporter at lunch, we're going
6 to give document 112-3 starting at page 266, which is expert
7 report of Dr. Jonathan Rodden in support of DCCC's response to
8 opposition to plaintiff's and United States motion for
9 preliminary injunction. And it's going to be a 40-page PDF
10 that ends at 112-3 page number 305. And that entire file has
11 332 pages. So Exhibit 2 is only going to be the pages that
12 start at page 266 and goes through 305. So everybody on line,
13 that is what is going to be marked as Exhibit 2 and I will
14 give it to the court reporter at a break.

15 MR. BISHOP: Just so he has an opportunity to have it
16 in front of him, I would like for him to be able to refer to
17 it if you could take a look at that and make sure that matches
18 your understanding.

19 MR. MEUSER: Go ahead and give -- this stops at 296.
20 It does not include the last couple pages, which is his CV.

21 MR. BISHOP: I have a copy of that as well.

22 MR. MEUSER: It's not the PDF, but it does match. This
23 together, if he wants to be looking at it, will be Exhibit 2.

24 MR. BISHOP: Thank you.

25 THE WITNESS: Thanks.

1 (Exhibits 1 and 2 were marked for
2 identification by the court reporter and are
3 attached hereto.)

4 BY MR. MEUSER:

5 Q Doctor, what has been marked in front of you as
6 Exhibit 2, have you seen that before?

7 A Yes, this is my report.

8 Q And we were going through, I believe, stuff
9 that's on page 4 of your report, materials consulted; correct?

10 A Yes.

11 Q Now, I believe when you were telling me from
12 memory what was on your report you mentioned the 2001
13 districts, but I don't see that in this paragraph here.

14 A Right. So looks like I did not describe the
15 source for the AB 604 geographic boundary file. It's possible
16 that I used the file from Dr. Trende's backup materials and
17 it's possible that I downloaded it from the --

18 Q Assembly web site?

19 A I believe it's from the assembly web site that I
20 received it.

21 Q The files were there also and I believe the files
22 were in what I gave you. They're going to be the same either
23 way.

24 A Yes, I don't believe there's going to be any
25 dispute about the boundaries.

1 Q What about the 2001 maps that you said a few
2 minutes ago that you looked at?

3 MR. BISHOP: Objection. Vague.

4 THE WITNESS: The 2001 map I obtained from the
5 statewide database web site which has a past congressional
6 district boundaries.

7 BY MR. MEUSER:

8 Q Is there a reason why you did not put that in
9 your materials consulted?

10 A It's there. It says "I obtained boundaries of
11 precincts as well as past congressional districts from the
12 California statewide database."

13 Q That's what you meant by that. Okay.

14 A Yes.

15 Q But for that you did not indicate the year. So
16 is 2001 the only year that you pulled geographic files for?

17 A I believe I looked at images of other -- like PDF
18 images of other districting plans. But I think the only one
19 that I actually used in the report and discussed was the 2001
20 plan. So that's the only one for which I downloaded
21 geographic boundary files.

22 Q Did you look at the 2011 district for the
23 Stockton to Fresno -- south from Stockton to Fresno area?

24 A I did. I don't have a very good recollection
25 what it looked like, but I looked at several. It's one of the

1 things -- when I'm asked to exam a specific district, one of
2 the things I do is look at past versions of a district kind of
3 early in the process to kind of inform myself about a bit of
4 the history. And the numbers have changed in California
5 congressional plans, so if we just said let's look at District
6 13 I believe we'd be looking at Alameda or something in the
7 past.

8 Q Actually, if I remember, 2011 San Francisco was
9 District 13.

10 A Oh, is that right?

11 Q If I'm remembering, I think Nancy Pelosi had that
12 number for ten years.

13 A Okay.

14 Q I understand that you looked at the 2021 data,
15 you looked at the AB 604 data. Geographic boundaries file,
16 I'm looking at those three words there. You've talked about
17 looking at the old -- what this area congressional district
18 looked like back in 2001 and what it looked like in 2011.
19 Anything else that you have not described that would be in the
20 category of geographic boundary files?

21 A You're saying anything beyond what I've described
22 here?

23 Q Yes.

24 A I don't know that we've been through everything
25 in this conversation just yet. I believe I documented

1 everything that I consulted here.

2 Q Okay. You say that you got block level estimates
3 of citizen voting-age population results of the 2020
4 presidential election. Does that CVAP data actually come from
5 the -- what is the date -- strike that.

6 What is the date of the CVAP numbers that you
7 used and analyzed?

8 A 2020.

9 Q You believe that is what the Commission was
10 looking at, is that why you were using that year?

11 MR. BISHOP: Objection. Calls for speculation.

12 THE WITNESS: I'm just trying to recall what my process
13 was here in thinking about CVAP. I believe it was probably
14 also possible to get some more recent CVAP data. My thinking
15 was that, you know, I guess, I'm so often in a mode of
16 decennial redistricting and the focus is on that decennial
17 data. And so my thinking was that was the safest bet. The
18 most likely focal point for these discussions was the data
19 from the 2020 decennial census, but I would certainly not have
20 any objection to looking at data from more recent data. It
21 would be, I suppose, from 2023 ACS one could get CVAP data,
22 but that's not what I consulted here.

23 BY MR. MEUSER:

24 Q So you did not consult the census 2023 data to
25 get your CVAP numbers?

1 A In my report I only discussed 2020. I don't
2 believe I had the more recent data, but I may have at some
3 point. I may have downloaded it at some point, but I think I
4 made the decision to focus on decennial data on the theory
5 that that was the most likely focal point in these discussions
6 and evaluations.

7 Q Did you ever have a conversation with a man named
8 Paul Mitchell?

9 A No.

10 Q Did you have any conversations with any state
11 legislators?

12 A No.

13 Q Again, I'm framing it since you've been assigned
14 this project on roughly November 8th; correct?

15 A Yes.

16 MR. BISHOP: Just so it's clear for the record, your
17 question was legislators -- conversations with legislators?
18 BY MR. MEUSER:

19 Q Yes. Since November 8th, when you were first
20 contacted by counsel, have you had any conversations with a
21 California legislator?

22 A No.

23 Q Are there any individuals that you used to assist
24 you in researching the data or writing your report?

25 A No.

1 Q Would you agree with me that there are multiple
2 data sources where you can get your CVAP data from?

3 MR. BISHOP: Objection. Argumentative.

4 THE WITNESS: The CVAP data will come from the census
5 no matter what. There are various interfaces where one might
6 download census data.

7 BY MR. MEUSER:

8 Q And we both know that there is the main census
9 that happens every ten years; correct?

10 A At one time that was correct. I mean, the
11 decennial census is now really just a piecing together of --
12 the old long form census where lots of questions were asked
13 every decade is no longer in operation. So there are still a
14 small set of questions that are asked every ten years. So
15 that's still -- the decennial census is still the big source
16 for redistricting purposes, but the ACS is a rolling survey
17 that also -- that takes place every year and then we can
18 aggregate over some ACS years to get some sense of data
19 between the big decennial censuses.

20 Q You did not use any of the censuses ACS data as a
21 part of your report?

22 A I don't believe so. I think I stuck with
23 decennial data here.

24 Q Do you know if Sean Trende used ACS data when he
25 was doing his report?

1 A I don't recall. There was some -- the
2 documentation of data was not very clear in some parts of his
3 reports. I don't have a good recollection of what his source
4 was for Hispanic-age population.

5 Q Now, I have never looked at Dave's Redistricting
6 App. Is there a way that you can toggle buttons and say I
7 want to look at the 2020 data or I want to look at the 2010
8 census or I want to look at the 2000 census?

9 A It's possible that that exists. I don't think it
10 does. If that functionality is buried somewhere in there, I'm
11 not really sure. I think the procedure on that app is to use
12 the decennial data, but the only complication is that there
13 are occasional updates and I'm not sure what the latest might
14 be for whether something has been updated in California.

15 Q Okay. Are you aware if the yearly data is
16 automatically put into Dave's app?

17 A Definitely not automatically. I think it's at
18 the -- basically when Dave has time things get updated and
19 Dave has been rather busy is my understanding.

20 Q So you do not believe he's updated his app over
21 the last couple -- including the 2023 or the 2022 numbers, the
22 last time he's updated this data would have been the 2020
23 census?

24 MR. BISHOP: Objection. Compound and confusing.

25 THE WITNESS: I would have to say that I'm just not

1 sure. Honestly, I'm not sure what the latest update for -- if
2 2022 data are available yet on Dave's Redistricting App, I
3 would have to go check. I'm just not sure. I did not rely on
4 Dave's Redistricting App for the data I used. For the
5 analyses I was conducting, I was using data that I got
6 directly from the census.

7 BY MR. MEUSER:

8 Q That was the 2020 presidential -- or not -- 2020
9 main census data?

10 A Yes, because that's the kind of gold standard for
11 redistricting. The data that would come from the ACS from the
12 single year snapshots will be based on a sample. These are
13 smaller samples. The idea of the ACS is to do these smaller
14 samples every year with the hope that -- and when you
15 aggregate three or four different versions of the ACS you
16 start to have observations within some small geography to be
17 able to characterize them in some way. But in the decennial
18 census, we have this full count that is so much more reliable
19 for redistricting purposes. That's the main reason it didn't
20 really occur to me that it would be superior to reach out to
21 the ACS only to get, you know, a slightly more updated
22 indicator.

23 Q Tell me after you read Trende's report, after you
24 downloaded your data, what was the methodology that you used
25 to go from understanding what the report was to now writing

1 your report? What were the steps of what you did, reviewed
2 and how you did it?

3 MR. BISHOP: Objection. Compound.

4 THE WITNESS: Whenever I receive a report that I'm
5 asked to respond to, I just try to familiarize myself with the
6 materials, so examine the data for myself. And so in this
7 case Dr. Trende's report really did not include a lot of
8 statistics, which is unusual. Typically -- and, you know, I
9 have worked on cases in the past where Dr. Trende submitted a
10 report and there's often some statistical analysis.

11 In this case there were some maps and there were
12 some inferences drawn from images of maps. So my first
13 inclination was to go ahead and collect the similar data for
14 myself and examine those maps and try to understand what was
15 happening. So there was a period of time in which I was just
16 familiarizing myself with District 13, with the boundary, with
17 the geography of the area. As someone who lives in
18 California, I know the area a bit but there was still some
19 more learning to do.

20 As I described in the report, one of the things I
21 wanted to do was, as much as I like maps, I wanted to also
22 supplement just visualizations with some data. And so I
23 examined the places that were moved in and out of District 13
24 and did that in a few different ways. And that was something
25 that Dr. Trende had not done. It was something that I was

1 surprised by his report because he explicitly argues that the
2 transition from the previous district to the new district
3 involved the use of race, but there was really not much
4 discussion or really any discussion of the previous district
5 in his report.

6 So that was one thing I needed to start out by
7 doing is looking at the previous district and try to
8 understand those changes and try to put some numbers on those.
9 And there's a section in my report that does that.

10 BY MR. MEUSER:

11 Q How long did that take, that process that you
12 just described?

13 A That was a big chunk of the first part of my
14 exploration, which I think probably took three days or
15 something like that. It's really very hard for me to think
16 back about how long various steps in the process took, but it
17 was something like that.

18 Q Okay. Then what did you do next?

19 A Well, the things I did are basically documented
20 in the report. There was -- after presenting some simple
21 descriptive statistics, I then thought further about the
22 inferences that Dr. Trende wanted to draw from his maps and
23 try to evaluate those. I think it can't be difficult to
24 visualize some things on a map and then draw very conclusive
25 inferences. And he draws a very strong inference here, which

1 is that there is racial predominance in the drawing of the
2 districts.

3 So I took a closer look at how he formed that
4 judgment from those districts, from those visualizations and
5 tried to think through -- the task that I was given here was
6 to think through Dr. Trende's methodology and to evaluate it.
7 So that was the next step was to really think about some of
8 the potential inferential difficulties associated with that
9 analysis. So I spent some time evaluating those maps and
10 learning some things about, for instance, where are the actual
11 people located. Rather than just looking at census block
12 groups and some colored maps and a census block group, one of
13 the things about that type of map that can be misleading is a
14 very large area on the map might have color that really
15 strikes your eye, but it might be the case that only five
16 people live there. And so if we form our judgements from that
17 sort of thing, we might be easily misled.

18 So there's a period in the report where I work
19 through some of the inferential difficulties from that type of
20 map. And that's really the heart of the report is really
21 thinking through some of those difficulties and then trying to
22 examine if Dr. Trende said it's along the border between
23 district 5 and District 13 that census blocks were moved
24 around in a way that enhanced the Hispanic voting-age
25 population of the district, that is something that can be

1 counted and can be examined and so I went ahead and did that.

2 Q Okay. What did you do next?

3 A The final thing I did is look at Dr. Trende's --
4 his demonstration maps of which there were three. The
5 exercise there was really descriptive. I don't do a lot of --
6 I would not describe my report as doing a lot of analytical
7 heavy lifting. The question was just what is happening --
8 what has Dr. Trende done in drawing these districts.

9 So I have a section in which I describe how the
10 districts were changed. You know, we have this -- clearly he
11 started with District 13 in AB 604 and it appears that he made
12 some small reconfigurations in a couple of spots and I
13 described what those looked like and what impact they had on
14 the district and what impact they had on the expected
15 political performance of the district.

16 Q Okay. I'm going to go ahead and jump back to a
17 question I usually ask much earlier. What are your
18 conclusions that you have made as a result that are in this
19 report?

20 A At the highest level, my conclusions are that
21 Dr. Trende has not provided any evidence of racial
22 predominance. And that I, upon further examination of his
23 methods and his claims, also don't see any evidence of racial
24 predominance. And, in fact, it's rather clear that especially
25 when we focus on the changes from the previous boundary to the

1 current boundary, that there is a very clear partisan logic to
2 the way the district was redrawn. And it is quite clear that
3 ethnicity was forethought to the redrawing of the district.

4 Q Do you have any other conclusions that you have
5 reached?

6 A Related to, again, very descriptive analysis of
7 the demonstration maps I conclude that these maps change the
8 very small parts of the boundary and that they reduce the
9 Hispanic voting-age population of the district by relatively
10 small amounts. And that associated with those reductions also
11 comes some very small reductions in the Democratic vote share
12 of the district. Again, that's just a descriptive finding.
13 Conclusion, if you will.

14 Q Again, I'm just trying to make sure I understand
15 all of your conclusions. So I'm going to ask, any other
16 conclusions?

17 MR. BISHOP: Objection. Asked and answered.

18 THE WITNESS: I preface that by saying those are the
19 high-level conclusions. As we go through the report, there
20 are specific reactions to various claims that Dr. Trende makes
21 here and there that are really in service of the broader
22 conclusion that I make that I don't see any evidence of racial
23 predominance.

24 BY MR. MEUSER:

25 Q I'm going to go ahead and look at your CV at this

1 point in time and ask you a few questions about that.

2 A Sure.

3 Q Let's go ahead and briefly tell me about your
4 education.

5 A I was an undergraduate at the University of
6 Michigan in Ann Arbor where I received a degree in political
7 science. After that I spent a year on a Fullbright fellowship
8 at the University of Leipzig in Germany. And after that, I
9 attended Yale University where I received a Ph.D. in political
10 science.

11 Q And tell me about your -- have you held any jobs
12 outside of academia since getting your Ph.D.?

13 A No. I believe I've been an academic since 2000
14 when I received my Ph.D.

15 Q Okay. What got you into becoming an expert
16 witness in redistricting?

17 A It was an interest in something quite different
18 from redistricting. It was an interest in political
19 geography. I had an understanding -- some understandings --
20 or some ideas about the way in which the geographic clustering
21 of groups in advanced industrial societies shapes
22 representation when districts are drawn. And so I became
23 interested in countries like former British Colonies,
24 including the US, that draw these winner-take-all districts.
25 That process became interesting to me and I started to try to

1 understand that.

2 For somebody who wanted to understand how that
3 works, it was an annoyance in the United States that the
4 districts are often drawn for partisan gain by politicians. I
5 wanted to understand what would happen if we didn't have
6 politicians drawing the districts. And so that got me
7 interested in trying to draw alternative redistricting plans
8 via computer simulations. And I started working with a
9 graduate student of mine and we spent a lot of time doing
10 that.

11 That happened to become a very -- at some point
12 along the line it occurred to us and it occurred to others
13 that this is an excellent way of trying to disentangle the
14 role of underlying geography and the intentions of map drawers
15 in a partisan gerrymandering context. And so I ended up
16 working in -- during the 2010 redistricting cycle in a case in
17 Florida looking at -- working with Professor Joey Chen who was
18 my student at Stanford and then became a professor at the
19 University of Michigan, we were working together on drawing
20 redistricting simulations in Florida to examine whether the
21 Florida enacted plan looked different than its partisanship
22 than the simulations.

23 So that was something that pulled me into the
24 world of redistricting and for better or worse I've been
25 bouncing around in that world ever since.

1 Q **So what got you into this was simulations?**

2 A An interest in political geography and the use of
3 simulations to get a handle on geography. I should add that
4 once we started doing this, the idea of simulations really
5 caught on and a lot of other people started working on that.
6 People whose background is in computer science and mathematics
7 and other fields who I think had a comparative advantage in
8 doing that kind of work.

9 So my contribution to the advancement of the
10 technology of simulation is really, shall we say, stagnated at
11 that time and others really took up the mantle and others have
12 really been pressing that agenda since then. But my interest
13 in political geography and the demographics and the
14 arrangement of groups in space and how that interacts with the
15 drawing of districts has remained and I work on that in a
16 number of ways. And sometimes it's useful to apply
17 simulations, but in many settings it's not called for. It's
18 not something that I always do.

19 Q **Did you run any simulations on Congressional**
20 **District 13?**

21 A No. It's not something that I was asked to do
22 and it's not something that seemed relevant for the task of
23 simply responding to Dr. Trende's report.

24 Q **Why did you not think it was relevant?**

25 A I guess I'd have to ask myself why would I think

1 it would be relevant. It's just not -- Dr. Trende didn't make
2 any -- didn't present any simulations. I was given a very
3 short time frame to respond to a report he had written. So
4 really going to draw simulations just not something that even
5 occurred to me honestly. I didn't think about that until this
6 moment.

7 Q I was disappointed, I was expecting you to do
8 simulations.

9 A You would love to have to read pages and pages of
10 that I'm sure.

11 Q I didn't say that. Have you ever run a
12 simulation on the state of California?

13 A No, I have not.

14 Q So even though you love redistricting, you love
15 simulations and you live in California you've never just said
16 I wonder what would happen if I did it to California?

17 MR. BISHOP: Objection. Argumentative.

18 THE WITNESS: I should take a step back and say that in
19 collaborating with Joey Chen on some academic papers in the --
20 over a decade ago, we collected data from a number of states.
21 And we did run simulations on a lot of states and so we have
22 some analyses where every state is an observation. I'm quite
23 sure California was one of those, but I don't really have any
24 recollection about those simulations.

25 So I haven't done simulations of California in

1 kind of narrow and sort of focused way in which I was trying
2 to learn things about the redistricting process in California.
3 I've noticed, again, the technology and the kind of
4 contributions to the academic literature about simulations has
5 really been carried on by other scholars. So there is a set
6 of papers that I think I was the reviewer in a journal for
7 some papers by Kosuke Imai and his collaborators -- that's
8 I-m-a-i -- a professor at Harvard who has written some recent
9 papers, but they did a project where they did simulations for
10 50 states. So one of the interesting things about California
11 at that time was it had an independent commission.

12 So I recall looking at some comparisons of the
13 simulations that they had drawn to the map drawn by the
14 commission, but that's not something that I undertook myself.

15 BY MR. MEUSER:

16 Q Nothing in the simulation that you may have done
17 ten years ago or that you read in a review has any implication
18 on your report here today?

19 A No. Those were all in the context of trying to
20 identify situations in which the partisanship of a district --
21 or of the districting plan looks similar to or different from
22 the simulations. Much of that apparatus was developed in the
23 context of trying to identify partisan gerrymandering. We're
24 now in a situation in this case where the claim is that, in
25 fact, this was not partisan gerrymandering.

1 Q It's kind of a reverse role that you find
2 yourself in?

3 MR. BISHOP: Objection. Leading.

4 THE WITNESS: I think I found myself in this setting --
5 for quite a while now I think I've been on different sides in
6 different cases where I've been able to analyze the data in
7 different ways sometimes for defense, sometimes for
8 plaintiffs. Many cases have had to do with partisanship, but
9 some cases have also had to do with race.

10 BY MR. MEUSER:

11 Q Did you rely upon any of your publications in
12 reaching your conclusions that are in your report?

13 A I don't think I relied on them -- well, to
14 reaching the point where I felt the need to do a
15 self-citation. I did mention my interest in the geographic
16 arrangement of groups and what happens when districts are
17 drawn when people, especially partisans, are not randomly
18 distributed in states, when they are clustered.

19 So one of the things I've noticed -- and I think
20 lots of other people have noticed as well -- is that there is
21 a strong correlation between population density and voting
22 behavior. And that's something I've written a lot about and
23 there is some reflection of that interest and that knowledge
24 that comes through in the report. There is a particular
25 figure that examines the correlation between population

1 density and voting behavior in the Central Valley.

2 And it was relevant here because it was clear
3 that the way this district was reconfigured had very much to
4 do with population density. To essentially shed a very rural
5 area and add an urban area and in so doing became much more
6 Democratic.

7 Q By any chance did you review the California
8 Redistricting Commission's final report associated with the
9 maps -- with that set of maps, the commission map?

10 A No, I don't think I've ever seen that report.

11 Q Okay. Are you aware -- strike that.

12 Let's start with, are you aware of the term
13 Voting Rights Act district?

14 A Yes.

15 Q What does that mean to you?

16 A Well --

17 MR. BISHOP: Objection. Calls for a legal conclusion.

18 THE WITNESS: I was about to say I'll preface my answer
19 by claiming some ignorance about the law. I'm not a lawyer,
20 I'm not a legal expert. My expertise is in these issues of
21 political and economic geography as I've described, but I do
22 have some familiarity with the Voting Rights Act and the way
23 it works. And my understanding is that when there has been a
24 demonstration of racially polarized voting such that a group
25 in an area cannot elect its candidates of choice and when in

1 such an area the group is arranged such that a
2 majority/minority district can be drawn, then the district
3 drawer is compelled to take into consideration the
4 requirements of the Voting Rights Act.

5 So that is a setting in which someone who's
6 drawing districts must be aware of federal legislation.
7 Otherwise, when drawing districts one is less constrained by
8 this class of issues. So one might be drawing districts in
9 some setting where there is no sense that there's a
10 constraint. And then there's other settings where one must
11 consider the requirements of the Voting Rights Act. And the
12 specific specifics of that in my sense is the realm of lawyers
13 and this is when lawyers step in and tell someone who's
14 drawing a district that they need to be aware of the Voting
15 Rights Act and how it shapes the constraints of the area
16 BY MR. MEUSER:

17 Q Okay. Now, have you ever produced a set of maps
18 for a state legislature or a Commission?

19 A Well, I produced -- I drew the Pennsylvania
20 congressional plan that is currently in place in Pennsylvania.
21 And that was a process -- a very interesting and unusual
22 process where there was an impasse in the state, I believe,
23 between the legislature and the governor and so the
24 Pennsylvania State Supreme Court had this process where they
25 had a trial at which lots of different parties submitted maps

1 that explained what they had done and why they had done it and
2 what were the various features of the maps that might make
3 them desirable. I had drawn a map of that kind in
4 Pennsylvania and it was, after this process, selected by the
5 Pennsylvania Supreme Court and implemented. So that's my
6 experience in drawing a statewide map.

7 Q Were there any instructions given to you about
8 how you needed to draw a VRA district?

9 MR. BISHOP: Objection. Asked and answered.

10 THE WITNESS: There were no instructions given to me in
11 Pennsylvania about drawing a VRA district. It was not a
12 setting -- the conditions I just described were evidently not
13 in place at the level of congressional districts in
14 Pennsylvania.

15 MR. BISHOP: I'm not sure if it's clear your question
16 was about the prior work or --

17 MR. MEUSER: I'm talking about Pennsylvania.

18 MR. BISHOP: Okay. I just want that to be clear.

19 MR. MEUSER: I'm talking about Pennsylvania and I'm
20 trying to understand what he did.

21 BY MR. MEUSER:

22 Q And if I understand you correctly, the court did
23 not give you any instructions about VRA districts, it was a
24 clean map across the board?

25 A Right. Neither the court, nor anyone else

1 suggested that was something I had to be concerned about so it
2 really was not something I was at all concerned about.

3 Q What were the parameters given upon you in
4 drawing the map? Were there any traditional redistricting
5 guidelines that you had to, you know, keep counties together
6 or cities together or was it just you were allowed to do what
7 you wanted?

8 A Very much this trial -- I guess it was called a
9 trial -- this event that happened at the state Supreme Court
10 where everyone presented their maps, all of us were presenting
11 the traditional redistricting criteria kind of indicators of
12 those associated with our map. So it was clear that the court
13 would be looking for a map that was maximizing the observance
14 of traditional redistricting criteria. So I tried very hard
15 to minimize county splits. There were several of the
16 alternative maps that minimized the county splits and mine was
17 one of them. I paid a lot of attention to avoid split vote
18 tabulation districts, avoiding split municipalities and
19 maximizing the compactness of the districts. And then the
20 other thing that I really focused on was what is often
21 referred to as core retention. It was a map that had been
22 drawn rather recently as part of another court proceeding.
23 And so my focus was on trying to minimize the changes to that
24 map, but there was -- I think Pennsylvania did lose a
25 congressional district in that time, so some changes were

1 necessary of course.

2 Q In drawing that map, did you do a simulation of
3 the state of Pennsylvania?

4 A No. That was not something that would seem to
5 facilitate the task ahead.

6 Q When drawing that map, what software did you
7 use?

8 A At the time I believe I was using a software
9 called Maptitude for Redistricting.

10 Q And did you look at politics or partisanship when
11 drawing those lines?

12 A That was one of the many criteria for evaluation.
13 The court was also looking for maps that were considered fair
14 from a partisan standpoint; meaning, from my understanding how
15 the court was thinking about things that a 50 percent of the
16 vote share would yield, an expectation, a party 50 percent of
17 the seats. This was in Pennsylvania where there had been a
18 history of extremely partisan map drawing that the Supreme
19 Court ruled was inconsistent with the Pennsylvania
20 Constitution.

21 So as part of their effort to uphold that
22 decision, the map drawers were encouraged to try to draw
23 districts that were fair. And so there's a number of
24 indicators of partisan fairness that all of the maps that were
25 produced -- all of the experts who produced maps presented

1 those same indicators of partisan fairness.

2 Q Were you looking at racial demographics when you
3 were drawing your maps?

4 A No. In that setting, because I was given no
5 instructions about potential voting rights considerations,
6 that was not something I looked at at all.

7 Q Any other time, other than Pennsylvania, that you
8 have drawn maps?

9 A Yes. In Ohio I was asked to draw a set of maps
10 that conform to the rules in the Ohio Constitution about how
11 districts should be drawn. It's a very unusual setting with
12 very specific requirements about county splits, municipal
13 splits and so forth. It was a setting in which just drawing
14 districts that met those criteria was a challenge and that was
15 something I spent some time doing. So I drew a complete set
16 of maps, I believe, for Congress and for the Ohio state lower
17 chamber and the upper chamber.

18 Q How long did that take you to do three sets of
19 maps?

20 A I don't remember, but that one was time-consuming
21 because of the difficulty of meeting these requirements. I
22 just don't remember how long it took.

23 Q Were you allowed to look at race when drawing
24 those lines?

25 MR. BISHOP: Objection. We may be getting into

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1 privileged conversation, so I'm just going to instruct the
2 witness to answer to the extent you're not revealing
3 conversations with counsel in prior litigation.

4 THE WITNESS: Again, this is not a setting where I
5 recall being given any Voting Rights Act constraints. I don't
6 have any recollection of examining racial data in drawing
7 those maps.

8 BY MR. MEUSER:

9 Q And in drawing the three sets of Ohio maps, did
10 you look at politics while drawing those maps?

11 A This was a setting in which the court -- sort of
12 similar to Pennsylvania in a way, the requirements of the
13 Constitution also called very explicitly for partisan fairness
14 and for the pursuit of partisan fairness and so it was
15 required. It was part of the task was to look at partisan
16 data and to try to, in a way, minimize the unfairness of the
17 maps.

18 And this is very related to some of the academic
19 work that we were talking about earlier. In Ohio Democrats
20 are extremely concentrated in space. The arrangement of
21 Democrats is such that if one just draws the districts without
22 paying any attention, these indicators of partisan fairness
23 will provide for substantial bias in favor of the Republican
24 party.

25 So all of the people who were drawing maps in

1 that setting had to pay some attention to partisanship.
2 Although I would have to add that the constraints related to
3 municipal splits and county splits were quite strong and it
4 didn't really allow for that much discretion in the drawing of
5 districts.

6 Q Other than Pennsylvania and other than Ohio, are
7 there any other times that you have been asked to draw maps?

8 A There was a brief period in Maryland when I was
9 engaged by a commission, like a citizens commission in
10 Maryland to work on the districts in Maryland, but I have very
11 little recollection about whether I completed drawing any maps
12 there. I think I started working and through whatever process
13 I was engaged it seemed to have fallen apart and I was never
14 really asked to submit a final report. I don't recall if I
15 created any complete Maryland redistricting plans.

16 Q So you have never been asked to draw a district
17 under the Voting Rights Act?

18 MR. BISHOP: Objection. Vague.

19 THE WITNESS: I believe that's right. I don't have any
20 recollection of being asked to draw a district that explicitly
21 complied with the Voting Rights Act. That is something that,
22 to my recollection, hasn't been a part of any of the things
23 that I've been asked to do.

24 I would add a caveat to that that in that initial
25 Florida case that I described where Professor Chen and I

1 conducted simulations, one of the things we were concerned
2 with that might be viewed as problematic about our
3 simulations, if we just took all of the VTEs in Florida and
4 just sort of let our computer simulation run and ignored any
5 consideration of the Voting Rights Act, that might be a way
6 that one could criticize the simulations.

7 And our solution, which was not a very high tech
8 one at all at the time, was to hold fixed the districts that
9 the state of Florida had defended as Voting Rights Act --
10 districts that require according to the Voting Rights Act, we
11 just held those fixed and conducted our simulations on the
12 rest of the state.

13 So you might say that is a way in which the
14 Voting Rights Act was a factor in a case that I worked on, but
15 that's rather different than trying to draw a district and
16 then trying to ascertain whether it was compliant with the
17 Voting Rights Act. I believe that is the spirit of your
18 question and that's not something I've been asked to do.

19 BY MR. MEUSER:

20 Q Have you ever run simulations in any other state,
21 other than Florida, where you held the -- you had to hold the
22 VRA district static and let the simulations run on the rest of
23 the state?

24 MR. BISHOP: Objection. Vague. I'm probably going to
25 make that objection anytime you reference a VRA district just

1 so you're aware.

2 MR. MEUSER: You notice I'm not fighting you.

3 THE WITNESS: I'm just scanning my brain for things
4 I've been asked to do and simulations I've run related to
5 redistricting cases. I believe the answer is, no, I don't
6 believe there's any other time I've had to do that.

7 BY MR. MEUSER:

8 Q What other states have you done simulations in as
9 a part of expert testimony?

10 A Yeah, as part of expert testimony I was recently
11 involved in a case in North Carolina in which another expert
12 had submitted some simulations. And so I used the data set
13 provided by the other expert of all of the simulated districts
14 and I did some further analysis of that, but that was -- the
15 VRA was not a consideration in that work.

16 Also, in North Carolina -- this is very recent --
17 there was a set of questions about a particular district in
18 North Carolina and I tried some simulations to look at a
19 variety of different ways of drawing in that district, but,
20 again, the Voting Rights Act was not explicitly or implicitly
21 discussed as an issue in that work. But I can't think of -- I
22 believe in Michigan there was a case in which I was working
23 for the defense in a case where I was working for the Michigan
24 Independent Citizens Redistricting Commission.

25 And that was a case in which Dr. Trende had

1 conducted simulations, but I don't recall whether I only
2 analyzed his simulations or also did some additional
3 simulations in response. I believe I was analyzing
4 Dr. Trende's simulations. And, again, that was a setting in
5 which while race was an issue, it was a question in that case
6 of racial gerrymandering, but I don't believe there was
7 anything in the simulations that was responsive to or
8 considered the Voting Rights Act. Those are the cases I can
9 think of sitting here right now that had to do with some
10 combination of -- that involved simulations.

11 Q Okay. Were you aware that Congressional District
12 13 was designated a Voting Rights Act district by the
13 Commission?

14 MR. BISHOP: Objection. Vague and confusing.

15 THE WITNESS: No, not something I've heard.

16 BY MR. MEUSER:

17 Q So this is the first time you've heard that CD 13
18 was a Voting Rights Act district by the Commission?

19 MR. BISHOP: Objection. Vague and ambiguous.

20 THE WITNESS: You asked me earlier whether I had read
21 any reports by the Commission and I have not, so this is the
22 first I have heard that.

23 BY MR. MEUSER:

24 Q If you had known that Congressional District 13
25 was a Voting Rights Act district, would there have been any

1 other analysis that you think you would have needed to have
2 done in analyzing Sean Trende's report?

3 MR. BISHOP: Objection. Speculation.

4 THE WITNESS: No, I don't believe Dr. Trende -- I'm not
5 sure if he himself mentioned the Voting Rights Act. I don't
6 believe he did, so it wasn't a part of his claim. Again, I
7 was hired to do a rather narrow thing which is respond to
8 Dr. Trende's report, which I don't believe made any claims
9 about the Voting Rights Act one way or the other.

10 BY MR. MEUSER:

11 Q Have you ever been asked to do a voting rights
12 analysis of a district?

13 MR. BISHOP: Objection. Form and vague.

14 THE WITNESS: That is something where I'm not sure what
15 you mean by the question. I might need some clarification
16 about what you have in mind.

17 MR. BISHOP: I'd also object on privilege grounds. So,
18 again, I'll instruct the witness to only answer to the extent
19 it doesn't reveal conversations with attorneys.

20 BY MR. MEUSER:

21 Q Have you ever looked at a set of maps and was
22 asked to analyze it to see if there's racial polarized voting?

23 MR. BISHOP: Same objection, privilege, but the witness
24 can answer to the extent he doesn't reveal conversations with
25 counsel.

1 THE WITNESS: There was a very early case, one of the
2 first cases I worked on was in Ferguson-Florissant School
3 District in Missouri. And I was working for the defense in a
4 case in which the plaintiffs accused the school district of
5 voting rights violation. The school district had an at large
6 system of voting. And the accusation -- which was required by
7 Missouri state law, but the claim was the at large system was
8 inconsistent with the Voting Rights Act. And so the claim of
9 the plaintiffs was that there was a voting rights violation.

10 So one of the things I was asked to do was, in
11 fact, to analyze the voting -- look at precinct level data of
12 voting for school board candidates in this school district.
13 And so it was a very -- as you can imagine, a small number of
14 precincts with lots of candidates in a relatively small school
15 district, but these are the things that one has to deal with
16 in these cases. And so, yes, both the defense and the
17 plaintiffs in that case examined the question of racially
18 polarized voting in the school board.

19 BY MR. MEUSER:

20 Q Which side were you working for?

21 A The defense.

22 Q What was your assignment regarding racial
23 polarized voting?

24 MR. BISHOP: Objection. Privilege. Same thing, I'll
25 instruct the witness to only answer to the extent it doesn't

1 reveal conversations with counsel in that prior litigation.

2 THE WITNESS: My report in the case, it's just
3 examine -- just use the typical approach in these cases, which
4 is to use what's called ecological difference analysis to look
5 at the votes for the candidates that came from precincts with
6 larger African-American versus white populations and to
7 examine whether the voting was racially polarized.

8 BY MR. MEUSER:

9 Q And did you conclude whether there was racial
10 polarized voting or was not racial polarized voting?

11 A In that case my recollection is that there was
12 not any disagreement between the experts. We all had a
13 similar understanding of the data and it was a messy situation
14 in which there were some elections that appeared polarized and
15 others that looked less so. And there were elections where it
16 looked like there was no polarization at all and there were
17 others where there may have been a candidate that was
18 especially successful in black neighborhoods and less so in
19 white neighborhoods, but there were also candidates for whom
20 that was not true. And so it was really a mixed bag, but it
21 was one of those -- you know, my approach to these things as
22 an expert is to present the data and the other side's experts
23 did the same. And the court ultimately decided that there was
24 racially polarized voting in Ferguson-Florissant.

25 Q And did you do any racial polarized voting on

1 **Congressional District 13?**

2 A No.

3 MR. MEUSER: I usually like to be kind to my court
4 reporter and take a break around about this time. Would that
5 be appropriate for the court reporter?

6 THE REPORTER: Sure. That would be great. Thank you.

7 MR. MEUSER: Would like, what, ten, 15 minute break.

8 THE REPORTER: Ten minutes is fine.

9 MR. MEUSER: Is that okay with counsel.

10 MR. BISHOP: Ten minutes sounds great.

11 MR. MEUSER: Everybody on line, we're going to take a
12 ten minute break. We'll be back at 11:40 pacific time.

13 (Pause in the proceedings.)

14 MR. MEUSER: Back on.

15 BY MR. MEUSER:

16 Q **Doctor, you understand you're still under oath?**

17 A Yes.

18 Q **Are you prepared to testify at a hearing for the**
19 **preliminary injunction that starts sometime on December 15th?**

20 A I've been told there will be a hearing and I've
21 indicated my availability to be there.

22 Q **Is there any other research that you feel you**
23 **need to do to prepare for your testimony?**

24 MR. BISHOP: Objection. Vague.

25 THE WITNESS: No. My understanding is that I will be

1 responding to Dr. Trende's analysis and I've completed my
2 report successfully, I believe.

3 BY MR. MEUSER:

4 Q Right before the break we were talking about you
5 personally doing racial polarized voting and you said you had
6 not done racial polarized voting on Congressional District 13;
7 correct?

8 A Correct.

9 Q And you mentioned one instance where you had to
10 do racial polarized voting and that was in a school district;
11 correct?

12 A Yes.

13 Q Any other times that you needed to do a racial
14 polarized voting analysis?

15 MR. BISHOP: Objection. Asked and answered.

16 THE WITNESS: I don't believe so.

17 BY MR. MEUSER:

18 Q When you did the racial polarized voting, what
19 were the steps that you did in order to do it?

20 A Collected data from elections to the school board
21 at the level of precincts, which I believe were identical to
22 VTEs in St. Louis County and then conducted ecological
23 inference analysis to get estimates and confidence intervals
24 for the voting levels for the various candidates by different
25 ethnic and racial groups. These were nonpartisan elections,

1 so there's no partisanship. There was just multiple
2 individual candidates running for election, used ecological
3 inference analysis to gain estimates of the votes for the
4 candidates from the mainly black voters and white voters.

5 Q So this particular school district there was
6 mainly two population groups?

7 A That's right. There also was some smaller
8 minority groups, but the analysis -- the legal claim was about
9 the black voters.

10 Q Have you ever reviewed any racial polarized
11 analysis regarding Hispanic voters?

12 MR. BISHOP: I'm going to object on relevance grounds.
13 I'm not going to say you can't run your deposition the way you
14 want to do, but this may be getting a little far afield what
15 we're here to talk about with his report, but you can
16 answer.

17 THE WITNESS: If you can repeat the question.

18 (Record read back by the court reporter.)

19 THE WITNESS: Is the question in reference to in my
20 work as an expert witness or kind of a broader question about
21 academic studies?

22 BY MR. MEUSER:

23 Q Let's start with academic studies.

24 MR. BISHOP: Objection. Vague.

25 THE WITNESS: Whether I've read an academic study about

1 racial polarized voting regarding Hispanic voters, I believe
2 I've read studies on racial polarized voting that were broad
3 in nature and discussed in the same rubric race and ethnicity
4 in their analyses. So I think the answer to that would be
5 yes. But I don't really have any sense of specifics in which
6 the focus on race and ethnicity were really very different.

7 BY MR. MEUSER:

8 Q Okay. Regarding -- we just talked about
9 academic. You said legal. Have you ever been involved in any
10 racial polarized voting in a case where racial polarized
11 voting was involved with Hispanics?

12 MR. BISHOP: Objection. Vague and calls for legal
13 conclusions.

14 THE WITNESS: I believe the answer is no.

15 BY MR. MEUSER:

16 Q When you did your racial polarized voting
17 analysis, how far back did you go on election data?

18 MR. BISHOP: Objection. Vague.

19 THE WITNESS: In the Ferguson-Florissant School
20 District context, this was some years ago. I don't recall. I
21 believe I presented data from elections going back several
22 years, but how many I just don't have a good memory for that.

23 BY MR. MEUSER:

24 Q Can you turn to page -- I don't know what page
25 number of your report it is -- at the top of the page it's

1 page 271 of 332. It's where you're talking about population
2 density.

3 A Yes.

4 Q You talk about the population density of the
5 areas that were removed from the commission map CD 13;
6 correct?

7 A Yes.

8 Q And you talk about the population density of the
9 people who were added to Congressional District 13?

10 A Yes.

11 Q And do you talk about the population density of
12 the core?

13 A I don't believe I included that here.

14 Q Do you recall what that number was?

15 A I don't even know if I calculated it, so, no.

16 Q Is there a reason why you didn't feel it
17 necessary to calculate the population density of the core?

18 MR. BISHOP: Objection. Form.

19 THE WITNESS: This was a response to Dr. Trende's
20 report where he only focused on a very small area. My effort
21 here was to broaden the scope of analysis and say something
22 about the other part of the district that was removed and
23 contrast that with the area that was added. So it didn't
24 occur to me to think about the core. I was really just trying
25 to make a point about the impressive difference between the

1 areas that were removed and the areas that were added.

2 BY MR. MEUSER:

3 Q Now, when you did your study, if I remember
4 right, you spent a lot of time talking about the urban core
5 and draw on compact districts in the urban core and how
6 because they were more Democrat it made the state of Florida
7 more naturally Republican than Democrat. Probably not how you
8 would summarize your report.

9 MR. BISHOP: Objection to the extent it
10 mischaracterizes his testimony.

11 BY MR. MEUSER:

12 Q I guess the question I want to ask you is, you
13 have held in the past some pretty strong beliefs regarding
14 urban centers being more Democrat than Republican. Is that a
15 fair statement?

16 MR. BISHOP: Objection. Argumentative and leading.

17 THE WITNESS: I think it's just the case that I don't
18 think it would be something that many people or anyone would
19 disagree with. That is true of American politics, yes.

20 BY MR. MEUSER:

21 Q So you would agree with the statement that urban
22 voters and rural voters are typically different?

23 MR. BISHOP: Objection. Vague and leading.

24 THE WITNESS: In their voting behavior, yes.

25 ///

1 BY MR. MEUSER:

2 Q Okay. I believe you said it's very difficult --
3 using the Florida example, it was very difficult for you to
4 draw districts that spidered out from the big cities to draw,
5 you know, equal districts. Am I paraphrasing your report
6 correctly?

7 MR. BISHOP: Objection. Mischaracterizes testimony.

8 THE WITNESS: I don't think this report discusses those
9 issues at all.

10 BY MR. MEUSER:

11 Q I'm not saying this report regarding Sean Trende,
12 but your Florida analysis.

13 A The Florida analysis conducted simulations. I
14 don't remember a lot of discussion about cities and rural
15 areas in that report. It just conducted simulations. And the
16 key finding was that the distribution of partisanship across
17 districts in the simulation was very different from the
18 distribution of partisanship across districts in the enacted
19 plan and that that was a function of intentional partisan
20 gerrymandering, which in the Florida Constitution was to be
21 outlawed. So there wasn't really much of a discussion about
22 these issues of urban concentration and so forth in that
23 report.

24 Q In your Florida analysis, other than the
25 districts that you already told me you kept the same because

1 they were VRA districts, did you do any analysis of race on
2 the remaining districts that the computer modeled?

3 MR. BISHOP: Objection on relevancy. I think you
4 covered this in the background. It's not something that's
5 relevant to his report here, but, again, he can answer the
6 question.

7 THE WITNESS: I don't recall any analysis of race. It
8 was a partisan gerrymandering case, so I don't recall anything
9 like that.

10 BY MR. MEUSER:

11 Q So in this report on page 271 you had identified
12 that the Democrat share of the voters that were removed from
13 Congressional District 13 was about 45.9 percent; correct?

14 A If you would direct me to the paragraph that
15 you're --

16 Q Third full paragraph.

17 A Yes, I see that.

18 Q But the sections that were added was 71.4 percent
19 Democrat.

20 A Yes.

21 Q And what was the Hispanic CVAP number for the
22 districts that were shed from District 13?

23 A In the first full paragraph of that page it says
24 "In the rural area that was removed from District 13 in Fresno
25 County the Hispanic citizen voting-age population share was 60

1 percent."

2 Q And what was the percentage of the Hispanic
3 citizen voting age that was added to the district?

4 A For citizen voting-age population it was 62
5 percent.

6 Q So the district -- I'm going to just focus in on
7 Congressional District 13 what was shed. So what was shed was
8 60 percent Hispanic CVAP; correct?

9 A This is not referring to the entire district.
10 This is just discussing kind of -- before getting into that,
11 this is a spot where I'm really just discussing a particular
12 comparison of this rural area to the south with this other
13 area to the north. The full accounting for all of the areas
14 that were removed or added to the district is documented in --
15 if it's CVAP we want to talk about, that's documented in
16 Table 2.

17 Q So there's two columns here in Table 2. The
18 first one is percent of Hispanic CVAP in 2020 and the second
19 column is percent nonHispanic CVAP 2020; correct?

20 A Yes.

21 Q When you say 2020, you're talking about the
22 commission's maps that were drawn in 2021?

23 A The 2020 refers to, as we were discussing
24 earlier, the decennial census data on CVAP.

25 Q So that's where the data is coming from. So

1 we're talking about CD 13. So you're talking about the
2 commission map 13 and the core of that is the first line, what
3 was added into the district and what was taken out of the
4 district; correct?

5 A Exactly, yes.

6 MR. BISHOP: Objection. Form.

7 BY MR. MEUSER:

8 Q Do you do -- that's the CVAP numbers for what was
9 added and what was taken out; correct?

10 A Yes.

11 Q Do you see anywhere in your report where you do a
12 complete analysis of the Democrat share of what was taken out
13 and what was put in?

14 MR. BISHOP: Objection. Form.

15 THE WITNESS: Yes, that's in Table 3.

16 BY MR. MEUSER:

17 Q So back at 271 when you're talking about this
18 area that was 60 percent Hispanic voting age that was taken
19 out of District 13, that was the 100,000 people?

20 MR. BISHOP: Objection --

21 MR. MEUSER: 100,133 people.

22 MR. BISHOP: Objection. Form.

23 THE WITNESS: That was the -- yeah, the area around
24 Stockton that was added to the district contained that number
25 of people, yes.

1 BY MR. MEUSER:

2 Q The number of people that were removed that you
3 are highlighting here as being 60 percent Hispanic, do you
4 know how many people were in that section of District 13 in
5 Fresno County that you removed?

6 A Couple lines before that it says 76,772.

7 Q So this initial section, before you got to your
8 complete districtwide section, you are comparing the section
9 out of Fresno County that had 76,000 people compared to the
10 section in San Joaquin County that was 100,000 people. Am I
11 understanding you correctly?

12 A That's right. After introducing figure 1 and
13 demonstrating that there was this large area removed to the
14 south and then this small but densely populated area moved to
15 the north, I was comparing what kind of places those were.
16 But there are of course other small changes being made in
17 other parts of the map and so I do that accounting -- the full
18 accounting a little bit later. In this spot I'm really just
19 focusing in on these kind of -- these areas that leap out when
20 you look at figure 1.

21 Q So when I'm looking at figure 1 and I'm looking
22 at the black line that's kind of the south part of District 13
23 and then there's this big red section that's south of the
24 black line, is that the 76,000 voter section that you're
25 talking about? Is that that entire section down there?

1 A Well, it's the part of it that's in Fresno
2 County. And the map does not include the county boundaries.
3 So it's not including the section of it that is around Madera,
4 for instance. I believe that is not in Fresno County. So it
5 was just kind of an initial analysis by focusing on specific
6 counties.

7 Q Okay. If my geography knows about where that
8 line is pretty much where the top of the city of Fresno -- the
9 border of Fresno County just goes slightly above that. So
10 kind of that section to the east in the Madera area, that
11 section is probably not included in your 76,000?

12 A I believe that's right.

13 MR. BISHOP: Object to the form.

14 BY MR. MEUSER:

15 Q I'll let you go ahead and repeat your answer.

16 A I would have to look at the county's boundary,
17 but that's right. The area that we're looking at here that is
18 being discussed in the text is the part of that extracted
19 region that is in Fresno County.

20 Q Okay.

21 A So it's not the entirety of everything in the
22 south. For that, we'd need to go to the full accounting a
23 couple pages later.

24 Q I understand. And then for the 100,000 --
25 roughly 100,000 voters you're talking in the Stockton area,

1 you're talking about that top little square what is above that
2 little red line. Is that what you're predominantly talking
3 about when you talk about the 100,000 number?

4 MR. BISHOP: Objection to form.

5 THE WITNESS: This is -- again, I used counties for
6 this analysis. So it's all of the folks in San Joaquin
7 County, which is essentially I think -- I believe links up
8 with what you described.

9 BY MR. MEUSER:

10 Q I'm just trying to -- you know, because as you
11 said you used numbers but not the full numbers and I'm just
12 trying to make sure I understand what areas you're talking
13 about.

14 A Yeah, I tried to be clear in the text that this
15 is based on counties.

16 Q Got it. Did you break down the numbers for the
17 other counties like Madera County that were left out?

18 MR. BISHOP: Objection. Vague.

19 THE WITNESS: Later on in the report I do that. I kind
20 of come at this from a few different angles. In this section
21 I'm just looking at the areas that are in Fresno County versus
22 the areas that are added in San Joaquin County. Later on I do
23 an analysis where I compare the places that were -- instead of
24 doing counties I look at districts. So I look at the places
25 that were exchanged between Districts 5 and 13 vis-a-vis

1 places that were exchanged between District 9 and 13. So
2 effectively the approach to looking at the exchanges between 5
3 and 13 achieves what you just asked about.

4 BY MR. MEUSER:

5 Q What page are you referring to for the analysis
6 that I would get on what you did in Madera County?

7 A Page -- if we go by the pages on the top
8 right-hand corner, it would be page 284. In the third full
9 paragraph I say "I have identified all of the census blocks
10 removed from District 13 and placed in District 5" and then I
11 go on to also do the same thing for blocks that had been moved
12 the other direction.

13 Q Do you identify the number of voters in a census
14 block that would transfer from 5 to 13?

15 A I don't see it here.

16 Q Do you remember if you looked at that?

17 A In calculating the numbers, I'm sure I had it in
18 front of me but I didn't -- yeah, I'm sure I looked at it.

19 Q Do you recall how many voters were transferred
20 from 5 to 13 or 13 to 5?

21 MR. BISHOP: Objection. Vague.

22 THE WITNESS: No, I don't recall the numbers. But one
23 can look at that boundary and see that the changes were small.
24 The numbers were not large relative to some of the other
25 places on the map.

1 BY MR. MEUSER:

2 Q But you took the time to figure out what the CVAP
3 number of those districts were, but you did not take the time
4 to figure out what the population was of those lines?

5 MR. BISHOP: Objection to form.

6 THE WITNESS: My job here was to respond to
7 Dr. Trende's report. It was making some claims about what the
8 impact of these changes were for the CVAP. He did not make
9 any claims about the population sizes, so that wasn't
10 something I imagined was relevant to the task of examining
11 Dr. Trende's conclusions. Dr. Trende focused on some very
12 specific areas, so that was one of my approaches was to focus
13 on the same areas as Dr. Trende.

14 BY MR. MEUSER:

15 Q But you did find it important to go look at
16 Fresno County and you found it important to look at San
17 Joaquin County, but you didn't find it important to look at
18 the same exact numbers for Madera County?

19 MR. BISHOP: Objection to form.

20 THE WITNESS: The early part of the report I was trying
21 to make -- give some basic sense of ways in which the
22 districts changed and get a sense to the court of how -- where
23 the big changes were. I think one can see from District 1
24 that there were big changes that involved a lot of people
25 around the southern part of the district. And one might not

1 necessarily be able to visualize it from Stockton, so that's
2 why it was important to convey the number of people to get a
3 sense of what the big changes in the district were. Later on
4 when analyzing Dr. Trende's claims about the boundary between
5 District 13 and 5, the overall numbers involved, it didn't
6 occur to me to report that, but we can tell from figure 1 that
7 the numbers are not especially large.

8 BY MR. MEUSER:

9 Q So did it appear to you that looking at the
10 Hispanics in Fresno County compared to the Hispanics in San
11 Joaquin County, which is the Stockton area that was added, one
12 was 60 percent, the other was 62 percent, one voted 45 percent
13 for Democrats and one voted 71.4 percent for Democrats. Would
14 it be fair to say the voting patterns of the Hispanics in
15 Fresno County differ from the voting patterns of the Hispanics
16 in the Stockton area?

17 MR. BISHOP: Object to the form.

18 THE WITNESS: That's what those numbers indicate.

19 BY MR. MEUSER:

20 Q And you put a number of 25.5 percentage points;
21 correct?

22 A Oh, you're referring to the earlier analysis,
23 yes, I believe that's correct.

24 Q So the Hispanics that were shed from District 13
25 which were 60 percent of that area, which you said was roughly

1 76,000 people -- or 76,772 people, voted for Democrats 45.9
2 percent of the time; correct?

3 A Yes.

4 Q And the Hispanics that were added in Stockton,
5 which was roughly 100,133 people which was roughly CVAP number
6 of 62 percent, voted for Democrats 71.4 percent of the time;
7 correct?

8 A There is a misunderstanding here. I'm not making
9 claims about the voting behavior of Hispanics in particular.
10 I'm just adding up the data and explaining what the impact was
11 of this change on voting behavior. I'm not drawing any
12 inferences about voting behavior of Hispanics versus whites or
13 anything like that.

14 Q So you don't know if that 71.4 percent is what
15 the Hispanics are doing or what the whites are doing or any
16 other racial group; correct?

17 A In presenting those raw statistics, that is
18 correct.

19 Q But of the 100,133 people that were added, 68
20 percent of them were Hispanic and 62 percent of them were
21 citizen voting-age Hispanics; correct?

22 MR. BISHOP: Objection. Form.

23 THE WITNESS: That's correct.

24 BY MR. MEUSER:

25 Q As for as the 76,772 that were shed from Fresno

1 County, that doesn't include those that were taken out in
2 Madera County or any other part of the map but just the 76,772
3 people that were taken out of Fresno County, of those 72
4 percent of them were Hispanic of which 60 percent of them were
5 citizen voting-age Hispanics; correct?

6 MR. BISHOP: Object to the form.

7 THE WITNESS: I wouldn't use the words "of which." If
8 we look at all of the Hispanic voting-age population, 72
9 percent were Hispanic and 60 percent were of the citizen
10 voting-age population was Hispanic in the census.

11 BY MR. MEUSER:

12 Q So of the 100,133 people -- that's total
13 population, that's not a CVAP number; correct?

14 A That's correct.

15 Q So when we talk about -- that would be 68 percent
16 were Hispanic of the 100,133 people; correct?

17 MR. BISHOP: Object to the form.

18 THE WITNESS: Yes.

19 BY MR. MEUSER:

20 Q And as to Fresno, it's going to be 72 percent
21 were Hispanic of the 76,772?

22 A Not exactly, no, because -- just to go back, the
23 100,133 is total population --

24 Q Yes.

25 A -- not voting-age population. So there are

1 children and so forth.

2 Q Exactly.

3 A And the job of a district drawer in trying to get
4 down to one single person population equality is to look at
5 total population. And so that's why those numbers are
6 reported or why they're relevant, but these percentages are of
7 the voting-age population and of the citizen voting-age
8 population.

9 Q What you did is you started with the population
10 number, total population. The first percentage you gave is
11 the total population, but then you also looked at the number
12 of those who were removed and of those removed, you looked at
13 what the citizen voting-age population was; correct?

14 MR. BISHOP: Object to the form.

15 THE WITNESS: Yes. In the areas in question I added up
16 all of the citizen voting-age population and added up all of
17 the Hispanic voting-age population and divided the second
18 thing by the first thing.

19 BY MR. MEUSER:

20 Q I'm just making sure it's not in this report.
21 You have the total population, but you do not actually list
22 what the voting-age population for the people -- for the areas
23 that were removed out of Congressional District 13; is that
24 correct?

25 A I don't believe I report that here, but that

1 would be -- I have no objection that one could have reported
2 that way, but that's just -- again, when drawing districts one
3 doesn't focus on voting-age population, one focuses on total
4 population.

5 Q But you took the time to tell us what the citizen
6 voting-age percentage was, not the population?

7 MR. BISHOP: Object to the form.

8 THE WITNESS: That's exactly what Dr. Trende had done,
9 yes.

10 BY MR. MEUSER:

11 Q So just looking at the areas in Fresno County
12 that were removed from District 13, 45.9 percent of those
13 people removed voted Democrat; correct?

14 A No. Not everyone votes. This is just a
15 percentage -- this is just looking at the vote share from the
16 votes we have from the election information we have. But
17 these obviously are the people that show up to vote, so it's
18 hard to relate that to the 100,133 without knowing something
19 about turnout and registration rates and so forth.

20 Q So looking at your footnote you only were looking
21 at this data from 2022 and 2024; is that correct?

22 A I approached the data a couple of different ways.
23 Most of the data in the report, when I talk about politics, is
24 a set of statewide elections from 2016 to 2024 that are
25 documented in Footnote 3. Dr. Trende in his report presented

1 a lot of political data, but never was clear about which
2 elections he was including. Later in his report when he was
3 presenting his demonstration maps, he provided some data from
4 2022 and 2024 which led me to think that maybe throughout his
5 report he might have been focusing on recent elections only.
6 So in order to potentially be in sync with Dr. Trende, I also
7 reported everything -- any time I reported political data, I
8 also included an approach that only included 2022 and 2024,
9 but both approaches are there any time I talk about political
10 data in the report. My preference is more data is better than
11 less data.

12 Q So looking at the sentence that ends with -- I
13 guess it's not a -- the whole paragraph appears to be one
14 sentence. So I just want to look at the section after
15 Footnote 3 that leads to Footnote 4. Do you see that section
16 of the paragraph?

17 A Yes.

18 Q You use the term average Democrat share of the
19 two party vote of 45.9 percent; correct?

20 A Yes.

21 Q And then you talk about the Democrat vote share
22 of around 71.4 percent; correct?

23 A Yes.

24 Q And both of those go to the same Footnote Number
25 4; correct?

1 A No. The first phrase in the sentence is "Based
2 on an average comprised of data from several statewide
3 elections from 2016 and 2024" and then the rest follows from
4 that. So, no, this is from a larger -- from the more
5 encompassing index. And then in Footnote 4 I explain what we
6 would get if we focused on only recent elections.

7 Q Okay. So if we only focus in -- I'm making sure
8 I'm understanding your footnote correctly. If we only focus
9 in on 2022 and 2024, the Democrat vote share in the Fresno
10 County section that was eliminated from Congressional District
11 13 would have been 42.8 percent; correct?

12 A Yes.

13 Q But if you take the data all the way back to 2016
14 that number would be a couple points higher at 45.9 percent;
15 is that correct?

16 A That's true. And when you look through the
17 report you'll see many -- in most of these comparisons there
18 is a two or three percentage point difference between the full
19 data set and the more recent election results.

20 Q Okay. Again, I'm just making sure I'm properly
21 comparing the apples with apples. So reading Footnote 4,
22 reading Footnote 3 and reading what you have in the text, is
23 it fair to say that if you were comparing the elections from
24 2016 all the way through 2024, the Democrat share of the
25 section added around Stockton to Congressional District 13,

1 the Democrat vote share is 71.4 percent, but it is 67.5
2 percent if you only compare the 2022 elections with the 2024
3 elections?

4 MR. BISHOP: Objection to form.

5 THE WITNESS: That's correct.

6 BY MR. MEUSER:

7 Q Did you do any comparison in Fresno County in the
8 section that was removed as to what the Hispanic population
9 change had been from 2016 to the present?

10 MR. BISHOP: Objection. Vague.

11 THE WITNESS: No, I don't believe I analyzed any data
12 on trends in Hispanic population. I examined a static
13 indicator, as I believe did Dr. Trende, from the census.

14 BY MR. MEUSER:

15 Q So looking at Fresno County what was removed, you
16 say 72 percent of the population -- total population of the
17 section removed in Fresno County was 72 percent Hispanic and
18 that is based upon the 2020 census; correct?

19 A Yes. But just to be clear, 72 percent of the
20 voting-age population was Hispanic.

21 Q I thought it was 60 percent of the voting age --
22 oh, I see what you're saying.

23 A I'm just trying to be clear about this total
24 population versus voting-age population. I'm just being
25 pedantic. I didn't analyze -- one could also talk about what

1 share of the total population was Hispanic, but that appears
2 nowhere in the report.

3 Q So there's basically three numbers. The first
4 number is what the total population would have been, the
5 second is what the voting population age is and third number
6 would be what the citizen voting-age population is?

7 A I mean, by the first number I assume you just
8 mean the raw population count. Again, it's really just to
9 give the reader a sense of how many people we're talking about
10 here. And then in following Dr. Trende and is typical in
11 these cases when talking about race or ethnicity, I look at
12 those percentages for, if you want to call it the second
13 number, Hispanic voting-age population. And then the third
14 number being Hispanic citizen voting-age population, again, in
15 an effort to follow Dr. Trende.

16 Q I know, but what I'm saying is we're going to
17 take the 76,772, that is a total population number. We could
18 not, as a mathematician, just say I'm going to multiply 72
19 percent which is a Hispanic voting-age population because that
20 would not be apples to apples.

21 MR. BISHOP: Object to the form.

22 THE WITNESS: Right. We would need to know how many
23 people were below the age of 18 in each of these categories.
24 That's not like we don't know that, it's just not in my
25 report.

1 BY MR. MEUSER:

2 Q Again, I'm just making sure because -- you know,
3 I may be a little slow here. At first I was taking the
4 percentages straight off, but, no, I'm missing couple of
5 numbers here --

6 A Right. Right.

7 Q So I'm trying to make sure I understand what
8 we're saying. So the first number is the total population.
9 These percentages we would need another number of what -- we
10 do not have in this report the total population of Hispanic
11 voting age that was in Congressional District 13 that were
12 removed in Fresno County. That's not in your report?

13 A Not in my report, but would be easily calculated
14 from my replication materials or from just raw numbers in the
15 census.

16 Q And we don't have in the report what the Hispanic
17 citizen voting age, what that total number was and what was
18 removed in Fresno County; correct?

19 A That is correct.

20 Q And the same -- I'm going to do the same thing
21 with you have listed the total population of those people that
22 were added in the Stockton area, but you did not produce the
23 number of the Hispanic voting-age population; correct?

24 MR. BISHOP: Objection to form.

25 THE WITNESS: Right. That's, again, not in the report,

1 but easily obtainable in the other materials.

2 BY MR. MEUSER:

3 Q Same question, now asking you Hispanic citizen
4 voting age, what that total number is, that number is not in
5 your report here; correct?

6 MR. BISHOP: Same objection. Form.

7 THE WITNESS: That's correct.

8 MR. MEUSER: It's 12:30. I think we can break for one
9 hour.

10 (Lunch recess)

11 BY MR. MEUSER:

12 Q Okay. Ready to go?

13 A Yes.

14 Q You understand you're still under oath?

15 A Yes.

16 MR. MEUSER: Okay. I want to go through some stuff on
17 Sean Trende's report that you reviewed. You have in front of
18 you what is going to be marked as Exhibit 3 and it is from ECF
19 filing 16-5, which is a copy of Sean Trende's report -- or
20 declaration, report and CV. Counsel, do you have any
21 objections?

22 MR. BISHOP: No objection to the entry of the Trende
23 report as described.

24 (Exhibit 3 was marked for identification
25 by the court reporter and is attached hereto.)

1 BY MR. MEUSER:

2 Q Have you had a chance to review that report?

3 A Yes.

4 Q This is what you were given at the start of your
5 assignment of this case; correct?

6 A Yes.

7 Q The first question I'm going to ask you, are you
8 aware of any numbers in Sean Trende's report that are
9 inaccurate? Not math, not interpretation, just the fact the
10 numbers that were put on the page -- any numbers that were
11 incorrect.

12 MR. BISHOP: Objection to form.

13 THE WITNESS: I'm not aware of any. There are not a
14 lot of numbers in the report, but I don't recall having a
15 moment where there was a number that I thought was wrong.

16 BY MR. MEUSER:

17 Q And there are multiple times where Trende does
18 some math. At any point in time, do you have a problem with
19 the math that Trende did?

20 A I don't recall any objections to math in
21 particular.

22 Q Okay. And Trende drew three demonstration plans;
23 is that correct?

24 A Yes.

25 Q Now, I understand that you quibble with him on

1 those plans, but do you agree that all three of the plans that
2 he drew reduce the Hispanic CVAP number?

3 MR. BISHOP: Objection to form.

4 THE WITNESS: My report provides the data and, yes, one
5 of them reduces it by a small amount, the other two by a
6 slightly larger amount.

7 BY MR. MEUSER:

8 Q Would that be on page 31 of your report?

9 A Well, the numbers are somewhere else. Page 31 is
10 the conclusion and it speaks in sort of generalities about
11 this, but the numbers are provided in the report. In fact,
12 one can visualize them in figure 15 on the horizontal axis.

13 Q So looking at figure 15, what does figure 15 show
14 us?

15 A We just see on the horizontal axis the amount by
16 which the Hispanic voting-age population decreases in
17 Dr. Trende's demonstration map vis-a-vis AB 604. So I can
18 just describe, the numbers are actually there on page 28 in
19 the last paragraph, a decline of 1.6 percentage points from
20 map A, 4.5 percentage points for map B and 5.4 percentage
21 points for map C. So I believe that is probably something on
22 which Dr. Trende and I would agree.

23 Q So those numbers -- both of you are in agreement
24 that that number -- the alternative maps that he drew, all
25 three of them reduce the Hispanic voting-age population;

1 correct?

2 MR. BISHOP: Objection to form.

3 THE WITNESS: I don't remember whether he had the
4 numbers, but, yes, this is just a straightforward calculation
5 from the boundaries to his districts. And that's my
6 conclusion is that each of them reduces the Hispanic
7 voting-age population.

8 BY MR. MEUSER:

9 Q In Trende's report he broke out each of these
10 districts and explained how they performed better than the --
11 performed better for Democrats than the District 13 did under
12 Prop 50. Did you look at Sean Trende's numbers of how he
13 described the district performing better?

14 MR. BISHOP: Objection. Compound question.

15 THE WITNESS: He included some data on specific
16 elections to my recollection. Yes, so, for instance, he has
17 Table 1 where --

18 BY MR. MEUSER:

19 Q And this is page 24 of his report, page 39 of 42
20 of the ECF filing; correct?

21 A Yes. So he presents a kind of -- using just some
22 selected elections. I don't know how he selected these. Of
23 course, as I described, there are lots of statewide elections
24 available. He selected in a way that he doesn't describe only
25 one of the 2022 elections. His work with the Dave's

1 Redistricting App includes elections for many other 2022
2 elections. So he chose some and they look like a mixed bag.
3 So the democratic edge, as he calls it, decreased for governor
4 2022, but increased a bit for presidential 2024. And then
5 there is this big increase for senate 2024. So the democratic
6 edge is -- I'm just trying to make sure I understand his --
7 enacted map versus A -- I can't remember how to interpret
8 this.

9 Q So the first column is the race that he's
10 comparing; correct?

11 A The first --

12 Q Governor, president --

13 A Yes.

14 Q And then there's three columns within the next
15 two sets of line; correct?

16 A Oh, I see. I think I understand the table now.
17 I just have to recall. Yeah, so he's calculating the
18 democratic edge in these individual elections in the enacted
19 map and finding negative .8; meaning, a Republican edge in
20 that election and some positive edge for the Democrats in the
21 other two, if I'm understanding that correctly. And then we
22 have the enacted map over on the other side where these, what
23 he calls the democratic edge is somewhat larger for those
24 elections relative to the edge of the enacted map. So, yes,
25 that is his conclusion drawn from these selected elections.

1 Q We're going to ask you some other questions but
2 just for the sake of this question, did you check his math on
3 these three races?

4 A I did not.

5 Q Now, you're still on Sean Trende's report. Let's
6 go to page 26 of his report, which is Table 2. Again, this is
7 where he's comparing the Democrat edge from the enacted map
8 compared to map B; correct?

9 A Yes.

10 Q And in all three races that he viewed the -- in
11 two of the races he viewed the Democrat edge was better and
12 one it remained the same. That was the senate 2024 remained
13 the same; is that correct?

14 MR. BISHOP: Objection. Vague.

15 THE WITNESS: Yes. One of them was almost the same and
16 the other one it was exactly the same. And then there was one
17 where it was a difference of .4. So .4 of a percentage
18 point.

19 BY MR. MEUSER:

20 Q And you didn't check his math on any of these?

21 A No.

22 MR. BISHOP: Objection to form.

23 BY MR. MEUSER:

24 Q And let's turn to the next page, 27, with
25 Table 3. In Table 3 when you look at the enacted map versus

1 map C, according to Sean Trende when he looked at these three
2 races, he identified that his proposed map C performed better
3 for the Democrats than the enacted map; is that correct?

4 A I believe so.

5 Q Now, in your report did you analyze his map A,
6 map B or map C to more races than what Sean Trende did?

7 A Yes.

8 Q What additional races did you look at? If you
9 could let us know what page you're on so I can follow along.

10 A This brings us back to those footnotes we were
11 discussing earlier. So Footnote 3 describes the races I used,
12 which were the 2016 and '20 presidential; 2018 gubernatorial,
13 attorney general as well as '22 general elections for
14 treasury, secretary of state, lieutenant governor, attorney
15 general, governor and US Senator. And then in 2024 US Senate
16 and presidential. So this is using all of the data for
17 statewide races that I had available to me.

18 But then, as we discussed, there's also this
19 other footnote where I said, if we'd like to limit ourselves
20 to 2022 and 2024, we have a number of elections to use. And
21 so just to be clear about what those are, the 2022 elections
22 are treasurer, secretary of state, lieutenant governor,
23 attorney general, governor and US Senator. And then the 2024
24 elections are US Senate and presidential. So by my count,
25 that analysis included one, two, three, four, five, six,

1 seven, eight races. Whereas, Dr. Trende, when he decided to
2 use elections from 2022 and 2024, he selected out three of
3 those.

4 Q Okay. So the Footnote 3 and Footnote 4 are
5 regarding your math and research of the races that were pulled
6 or the census blocks that were pulled out of Fresno County and
7 the ones that were put in in Stockton in the San Joaquin
8 County area. The question that I asked you was, did you
9 analyze the District 13 map as enacted and compare it to the
10 map -- demonstration map A?

11 A Yes. I'm just using this footnote as a way of
12 clarifying when I speak throughout the report of a more
13 encompassing measure. The Footnote 3 is the same -- it does
14 not change from one part of the report to another, including
15 Dr. Trende's, my analysis of his maps. It's the same set of
16 elections. There's an encompassing one and then there's a
17 more focused 2022/24 one. When I describe the partisanship of
18 his districts and compare them with the enacted map, I'm using
19 those same races.

20 Q Okay. So what was your analysis of the
21 difference between the Prop 50 map of District 13 and Trende's
22 demonstration map A?

23 MR. BISHOP: Objection. Vague.

24 BY MR. MEUSER:

25 Q And we are asking as to, you know --

1 A So your --

2 Q -- Democratic.

3 A Your question is about map A; correct?

4 Q Yes, just map A.

5 A So map A went from 54.41 percent to 54.35
6 percent.

7 Q What page are you on?

8 A I am on page 27 near the top of the page right
9 above the figure. So using all of those races together, it
10 goes from 54.41 percent down to 54.35 percent. But in
11 Footnote 12 if we look at only the '22 and 2024 elections, I
12 state "The district appears to be slightly more democratic
13 going from 51.3 percent to 51.4 percent." So that is the one
14 result from my analysis that is in harmony with Dr. Trende's
15 analysis. The others are in disagreement.

16 Q Okay. So I'm looking at the top part and I want
17 to just make sure I understand this. When you compare all of
18 the elections that you've mentioned in Footnote 3 from 2016 to
19 2024 and -- are you just adding up the Democrat total of it
20 and then dividing by the number of races? Or how are you
21 doing the equation when you're trying to figure out the
22 Democrat edge over races that span an eight year period?

23 A Yes. This is summing up the Democratic votes and
24 dividing those by the Democratic votes plus the Republican
25 votes. So it's the two party vote share. It's not

1 considering the votes for third parties.

2 Q But there would be votes for third parties in the
3 races you have identified. All of the races you identified
4 are Republican versus Democrat races in California's top two;
5 correct?

6 A I believe in the 2024 presidential election there
7 are probably some minor candidates. And, you know, this is
8 just a way of -- political scientists often use the two party
9 share the vote and that's what I'm doing here. There's no --
10 it would be fine to present also the vote shares. It's really
11 a question of the denominator. Is it Republican plus
12 democratic votes plus other votes or is it just Democrat plus
13 Republican? I chose Democrat plus Republican votes.

14 Q So all of the state races we have a top two, so
15 it's just Republican versus Democrat, but in the presidential
16 races you just eliminate all of those but the Republican and
17 Democrat; correct?

18 A That is correct.

19 Q And let's say you have ten races, you added up
20 all of the differential and the ten races and then divided it
21 by ten. Is that how you figured out the ultimate Democrat
22 edge?

23 A That would be one way of doing it. What I did is
24 simply added all of the Democratic votes in each individual
25 election. Just added up all of those raw votes, divided by

1 all of the raw votes for Democrats plus all of the raw votes
2 for Republicans.

3 Q And then you calculate the percentage between
4 those two?

5 A Just the result of that -- of just dividing the
6 total votes by the total votes, that's what I'm presenting
7 here. It's a percentage of all votes cast in this period.

8 Q Okay.

9 A There are cost and benefits to doing it that way
10 or doing it a way where we might just take every election,
11 take a percentage and then take an average of those. That
12 would also be a fine thing to do, but what I did here was
13 simply what I thought was the most straightforward and simple
14 thing to do.

15 Q Some of these elections you're looking at four or
16 five races and some of them you're only looking at two races.
17 Is there any weight in your matter that in 2018 you were
18 looking at a handful of races but 2024 you're only looking at
19 two races?

20 MR. BISHOP: Objection to form.

21 THE WITNESS: That would be a problem if I was taking
22 only, say, 2016 and saying that's one observation and then
23 take the average of every year. Instead what I'm doing is I'm
24 adding up all of the votes in all of those races. So it
25 really weights each race the same, except for perhaps a race

1 where a turnout is a bit higher will be weighted a bit higher.
2 That's really the only thing that might be happening there
3 with weighting is if there's a higher turnout election it gets
4 a little more weight but that's it.

5 BY MR. MEUSER:

6 Q Aren't presidential elections significantly more
7 higher turnout than state gubernatorial elections?

8 MR. BISHOP: Objection to form.

9 THE WITNESS: Yes, typically. So they'll be a bit
10 higher weight here for the presidential years, but it's also
11 the case that we had a lot of races in 2022 that are included
12 in the index.

13 BY MR. MEUSER:

14 Q Having more races in 2022 means that there's a
15 lot more total votes being dropped in in 2022 than there are
16 votes being dropped in from 2024; is that correct?

17 MR. BISHOP: Objection to form.

18 THE WITNESS: That is correct.

19 BY MR. MEUSER:

20 Q So when you added up all of the races that are
21 specified in Footnote 3, you added up all of the Democrat
22 votes, all of the Republican votes and you looked at it just
23 for demonstration map A, you concluded that that had a
24 Democrat edge of 54.35; is that correct?

25 A Well, the Democratic vote share was 54.35. The

1 edge would be, I guess, 4.35 or something, but that's just the
2 vote share -- the two party vote share.

3 Q So did you create an edge number like Trende did
4 or did you just look at it as, you know, what the vote share
5 was?

6 A I just presented the vote share.

7 Q So what you're saying is when you compare all of
8 the races for demonstration map A, the vote share goes
9 slightly down for map A compared to CD 13 from 54.41 for CD 13
10 down to 54.35; correct.

11 A Correct.

12 Q Let's move to map B. That's page 29 is the map
13 itself; correct?

14 A Yes.

15 Q And your math for map B would be...

16 MR. BISHOP: If that's a question, objection to form.

17 THE WITNESS: Was there a question outstanding?

18 BY MR. MEUSER:

19 Q I said where is your math of what the voter share
20 is for demonstration map B?

21 A I thought you said map which I was confused by.
22 Okay. So using the larger partisan in a more encompassing
23 partisan index, again, the democratic vote share of the
24 district under AB 604 was 54.41 and -- oh, I'm sorry, I'm
25 already on demonstration map C. I've got to find the data for

1 B.

2 Q Footnote 13.

3 A I'm still trying to get my bearings. Okay. I
4 was looking too low. So I want to start with -- just to keep
5 things in the same order, I'll start with what's in the text.
6 So what I've done here is used the encompassing full index in
7 the text in 2022 and 2024 only in the footnotes. So the full
8 index is in the second paragraph, the fourth line and that is,
9 again, 54.41 percent under AB 604 and 53.87 percent under the
10 demonstration map B.

11 Q But when you do it just on 2022 and 2024 that is
12 Footnote 3 and it goes from 51.16 -- or it goes from -- how
13 can it go 51.3 to 51.16 -- oh, I'm sorry, yeah.

14 A To be clear, this is Footnote 13.

15 Q 51.3 is what proposition 50 map Congressional
16 District 13 is when you only look at the two recent elections;
17 correct?

18 A Yes, and then it's 51.3 for that and then for
19 Dr. Trende's map B it's 51.16 percent.

20 Q Okay. But you're not looking at Democrat edge,
21 you are looking -- you've taken different races -- or you've
22 added races but you're using a slightly different formula?

23 A Yes, if one wanted to see it as an edge since
24 this is a two party vote, you could say this is -- compared to
25 50/50, you know, 51.16 if you'd rather think of that as 1.16

1 edge, it all depends how one likes to think about these things
2 or if you want to take it as the difference between the two,
3 then one could certainly calculate that number and look at
4 that. I just thought it was easiest to compare the actual
5 percentages.

6 Q And then C for all of the races you say went down
7 from 54.41 down to 53.76; correct?

8 A Yes.

9 Q And if you only look at races from 2022 and 2024,
10 it's your position that it went down from 51.3 to 51.17?

11 A That's correct.

12 Q On page 28, second paragraph you talk about Tracy
13 is quite Democratic in reference to demonstration maps B and
14 C; correct?

15 A Yes.

16 MR. BISHOP: Objection to form.

17 BY MR. MEUSER:

18 Q Isn't that what Trende said he was trying to do
19 is find more Democrat areas and -- strike that.

20 You agree with Trende when he was adding Stockton
21 to demonstration map B and C that he was trying to add more
22 Democrats, an area that was more Democratic than Stockton;
23 correct?

24 MR. BISHOP: Objection to form.

25 THE WITNESS: I don't have a very good understanding of

1 what Dr. Trende's instructions were and what he was trying to
2 do, so I try not to go too far in making inferences about what
3 he was trying to do. But it does seem clear that he was
4 attempting to remove Hispanics from the district while keeping
5 the partisanship the same. So that was my sense of what his
6 undertaking was. I'm really just describing how he achieved
7 what he achieved.

8 BY MR. MEUSER:

9 Q A little earlier on the page, it's like the
10 second line of the very top -- from the top of the page you
11 talk about Garden Acres and -- the city of Garden Acres and
12 August.

13 A Yes.

14 Q I believe you say that those cities are entirely
15 within CD 13; is that correct? It's somewhere else in your
16 report I believe you talk about it.

17 A In the enacted plan. It's my understanding that
18 they are.

19 Q Okay. I think it's on page 17,
20 second-to-the-last paragraph.

21 A Yes. It's my understanding from examining
22 boundary files of the city -- looking at the city boundaries
23 that they were fully contained.

24 Q What were you looking at to determine that those
25 two cities were entirely within CD 13? What were you relying

1 upon?

2 A I was looking at the boundaries for the cities
3 from the census department, which has a file that tells us the
4 boundaries of what are called census places of which these
5 cities are included. So it was a visual inspection noticing
6 the fact that the boundary followed the line of those two
7 communities.

8 Q I'm not sure I understand what you were looking
9 at when you did a visual inspection. Is this something you
10 saw in Dave's Redistricting App or is this something -- it
11 sounds like you said you did a visual inspection. So I'm
12 trying to figure out what you were actually looking at.

13 A So I used my own GIS software. It's called
14 ArcGIS Pro and so I had the district -- and that's how these
15 maps were made that we see in the report. So I had the
16 district boundary of the cities, which I got from the US
17 Census Department which has a file called US Places. I
18 believe Dave's Redistricting App also uses the same
19 boundaries, I'm not entirely sure about that, I believe that's
20 the case, and those boundaries I put them on a map and
21 examined them relative to the district boundary.

22 Q Would you agree with me that in demonstration map
23 B and C the city of Tracy is closer to the center of
24 Congressional District 13 than the appendage that includes
25 August and Garden Acres?

1 MR. BISHOP: Objection to form.

2 THE WITNESS: If you would repeat that I would
3 appreciate it.

4 (Record read back by the court reporter.)

5 THE WITNESS: You mean the geographic center of the
6 district?

7 BY MR. MEUSER:

8 Q Yes.

9 A Something like the median of the XY coordinates
10 in either direction? Probably. I'm not really sure, but that
11 seems -- the question is whether Tracy is closer to the center
12 of the district than Garden Acres, that's probably true.

13 Q Okay. Are you generally aware of academic
14 literature that talks about a change in Hispanic voting
15 patterns over the last couple years?

16 MR. BISHOP: Objection. Vague.

17 THE WITNESS: I don't know if I can think offhand of a
18 citation of a paper that is focused on that, but I can think
19 of more popular press accounts of this happening and sort of
20 based on surveys but also based on looking at precinct level
21 election results. There are various claims made, Politico and
22 sources like that, about changing Hispanic voting behavior in
23 lots of places around the US.

24 BY MR. MEUSER:

25 Q Have you looked at any of that data whether it's

1 cross tabs or publication? Have you studied that data at all?

2 MR. BISHOP: Objection. Vague.

3 THE WITNESS: Well, I present a lot of information in
4 the report about voting behavior in the Central Valley and
5 we've been discussing -- as we go through the larger group of
6 elections and the smaller group of elections, we, I think,
7 agree there's a two or three percentage point difference
8 between those. So there has been a fall off in voting for
9 Democrats in this part of the state. But did I do something
10 like ecological difference to try to assess Hispanic versus
11 white voting behavior, no, that's not something I did.

12 BY MR. MEUSER:

13 Q Let's go to your report and some of the images in
14 your report. I'm specifically talking about your -- what do
15 you call them when you have all of the dots on it, dot --

16 A Dot density map.

17 Q Dot density maps. I believe you have about three
18 of them in here total. One of them has a dot density of one
19 out of 30 and I think the other two are one out of 100. I'm
20 kind of scrolling here to make sure. We'll find the three of
21 them and then we can kind of talk about them, why you used
22 different matrix. That's kind of a header of where I'm going
23 so you know what I'm about ready to start asking you. But I
24 see a dot density map as a part of figure 5 and that is a 1 in
25 100. And then I see a dot density on figure 7, that is 1 of

1 100. I see a dot density at figure 13, that is one of 13 -- I
2 mean 1 of 30. There's another one on 14 that's one of 30. So
3 I see a total of four dot densities. Is that correct, you did
4 four dot density maps?

5 MR. BISHOP: Objection to form.

6 THE WITNESS: That sounds right, but I'll try to make
7 sure. I believe that's correct.

8 BY MR. MEUSER:

9 Q So let's start with the first dot density map
10 that's a part of figure 5 on page 16 of your report. And that
11 particular one uses a legend of one dot per 100; is that
12 correct?

13 A Yes.

14 Q Why did you do one dot per 100? What was your
15 thinking on that?

16 A That's when I'm trying to make a dot density map
17 that is legible to a reader, I'm trying to make sure that the
18 dots are not all on top of each other. When that happens --
19 you know, so if I choose a number that is too small, if I make
20 every dot, say -- you know, at this level of zoom if you made
21 every dot, say, 20 voters or 25 or 30, the dots would all
22 appear right on top of each other and it would be too hard to
23 really visualize. It doesn't give you the -- a good
24 understanding of -- it would give you some understanding, but
25 it would be less useful to look at. So it's all a question of

1 how zoomed in is the map and how do the dots appear and how to
2 make them visually discernable from one other really.

3 Q So help me understand dot density maps. Let's
4 say there was only one person who lived in this entire
5 section, would the thing show one dot or zero dots?

6 MR. BISHOP: Objection. Speculation.

7 THE WITNESS: Well, these are census block groups, so
8 the census department is designing them so that they do have
9 some population. So you'll see there are no -- you can see
10 the boundaries of the block groups. So if there was one where
11 there was zero -- you know, where that happened and there was
12 no dots, you would see a block group of zero dots. So it
13 provides one dot per 100 people. So if it has 500 people in
14 it then there would be five dots.

15 BY MR. MEUSER:

16 Q So if we're looking at a block and there's one
17 person in it, would that mean there would be one dot because
18 there's at least one person in it or do you have to have 51
19 people before it's going to put a dot in it?

20 MR. BISHOP: Objection to form.

21 THE WITNESS: Well, I'm not entirely sure. I've not
22 gotten down to the point of -- that's why I choose the
23 population threshold in a way that avoids situations that
24 would -- I would have to worry much about rounding. But I
25 believe the way ArcGIS -- the default would be that it

1 would -- we would need to have -- I believe it's 51, but I
2 really have to check to see what the default settings are that
3 I used.

4 BY MR. MEUSER:

5 Q Okay. And the lines that we're seeing on this
6 indicate that they are census blocks; is that correct?

7 A These are actually census block groups. Census
8 blocks would be much smaller.

9 Q Okay. I don't see any of these blocks -- oh,
10 there is one that has maybe -- I'm trying to see. I think I
11 see one that has two dots far right, middle of the diagram.

12 A I think that there's an issue there where I've
13 cut off part of the block -- part of the block group. This is
14 a rural area where that thing probably extends well out to the
15 east of our map frame and so I'm not sure. You're asking some
16 questions -- you know, when you cut off the boundary in
17 deciding to present the map, I'm not sure, again, what the
18 default is in terms of whether there are other dots that are
19 out of our viewpoint. I believe there are. I think there are
20 other dots that get cut off because I've decided I'm going to
21 show the reader this section of the map right here, so there
22 will be other dots that are cut off from the map.

23 Q About how many census blocks are there in each of
24 these census block sets or does it vary based upon urban
25 versus rural?

1 A It varies. I don't know the answer. Like on
2 average in California how many blocks are there per block
3 group. I don't have that number, so I would hate to just make
4 something up.

5 Q I'm just asking your best recollection. I don't
6 want you to guess.

7 A Yeah, I really don't know.

8 Q Since we're talking about figure 5, what does
9 figure 5 show us? It's the second image of figure 5, but what
10 does it mean? What are you trying to show with it?

11 A It's a very simple point. I'm just trying to
12 convey the point that when we look at a Choropleth map that is
13 colored in, there's a tendency for the eye to be drawn to some
14 of these really large areas, which in reality the reason why
15 the block group is large is because the census department,
16 when it was drawing the block group, there weren't very many
17 people. It's a rather rural place. So it's useful to know --
18 when you're looking at a map and trying to draw some
19 conclusions, it's useful to know where the people are. This
20 is just a useful supplement. If one likes to look at the
21 Choropleth map, that's fine, but this map helps us understand
22 where the people are actually clustered.

23 Q Let's compare the Choropleth map with the dot
24 density map. In this particular image, am I correct in
25 assuming the top image is an image created by Sean Trende?

1 A Yes.

2 Q What was the point Sean Trende was trying to make
3 with this particular map?

4 MR. BISHOP: Objection. Calls for speculation.

5 THE WITNESS: I imagine he discussed this map in a
6 couple of different places, but I know there was one passage
7 in which he was drawing attention to the difference in color
8 on the eastern side of that appendage around -- kind of east
9 of the city of Ceres and I was pointing out that that is a
10 rather sparsely populated area.

11 BY MR. MEUSER:

12 Q But you would agree that the area in Modesto
13 north of the line has a much lower HVAP number than that part
14 of Modesto immediately below the line; is that correct?

15 MR. BISHOP: Objection to form.

16 THE WITNESS: That's the thing about this figure that I
17 don't see it that way. There is a very sparsely populated
18 area where the Hispanic population looks a bit different on
19 either side of the line, but through most of the -- when we're
20 looking just kind of at the appendage where much of the
21 population actually lies in Dr. Trende's map there's shades of
22 green and yellow that look similar on both sides of the
23 boundary and most of those are populated areas. And on the
24 eastern side of that appendage his map looks similar shades of
25 blue on both sides of the boundary.

1 So this is where I look at the maps that
2 Dr. Trende presents and believes provide evidence of ethnic
3 sorting and I'm puzzled. Really quite puzzled. If anything,
4 along this part of the boundary the change in the district
5 boundary only made the district slightly less Hispanic.

6 BY MR. MEUSER:

7 Q So you're referring to the part immediately north
8 of the city and east of the city, those two census block group
9 sets -- you're talking about those two particular census block
10 sets, is that what you're referring to?

11 MR. BISHOP: Objection to form.

12 THE WITNESS: I'm not sure which city you're referring
13 to. What you mean when you say "the city." What I just
14 described is there is a sparsely populated area that is --
15 that sticks out to the east where it looks in Dr. Trende's map
16 like there is maybe one little spot where it's slightly bluer
17 on the District 13 side, if we're just looking at the east
18 compared to the west.

19 BY MR. MEUSER:

20 Q Are you talking about the nose and the forehead
21 area?

22 MR. BISHOP: Objection to form.

23 THE WITNESS: Nice, yes. I see the nose and I see the
24 forehead. That's what I'm talking about, yes. So, you know,
25 there's a bit of a difference in the color there, but it's

1 also a place that's rather sparsely populated. But then to
2 the north of that there's an area that's also sort of sparsely
3 populated where the shades of blue are similar on both sides
4 of the boundary. And then as we move west along what might be
5 the hair of the person whose forehead and nose you're
6 referring to as we go back through that area, I see a lot
7 of -- I see a boundary that cuts right through a very
8 heterogeneous area that has a mix of Hispanic and white
9 residence. And I don't see much of a correspondence to
10 ethnicity as we move to the west. Then there's this part that
11 moves to the northwest where, again, there's similar shades of
12 green on both sides of the boundary.

13 So if Dr. Trende means for this to be presenting
14 a kind of clean sorting by ethnicity, I guess reasonable
15 people can disagree but I don't see it.

16 BY MR. MEUSER:

17 Q Question, the line at the top left of both images
18 is a fairly straight diagonal line; correct?

19 A Yes.

20 MR. BISHOP: Objection to form.

21 BY MR. MEUSER:

22 Q And in a way you can kind of see it going
23 throughout the whole entire document at least to the neck of
24 the face. Would you agree with that, that you can kind of see
25 that line all the way through?

1 MR. BISHOP: Objection to form.

2 THE WITNESS: Yes.

3 BY MR. MEUSER:

4 Q Do you know if that's highway 99?

5 A I was just going to say, I'm pretty sure that's
6 99 or the 5. I think it's the 99.

7 Q I think it's 99 or the railroad. I don't know
8 which one. So you don't know what that diagonal line is?

9 A I believe it's the 99, but I'm not 100 percent
10 sure.

11 Q Okay. The city of Ceres -- I'm not sure if I'm
12 saying it right -- it seems to have a high population density,
13 according to your dot map, on each side of the 99 or the
14 railroad; is that correct?

15 MR. BISHOP: Objection to form.

16 THE WITNESS: It looks right around what we're thinking
17 is the 99. It looks relatively similar on both sides.

18 BY MR. MEUSER:

19 Q And if you look at the density map, it seems to
20 be darkest on the west side of the railroad, but there are
21 some very strong Hispanic neighborhoods on the east side of
22 the railroad or the freeway; is that correct?

23 MR. BISHOP: Objection to form.

24 THE WITNESS: It looks that way. Some of the -- you
25 know, when we look at dot density, we can see some of the

1 bluest places on Dr. Trende's map are places that have very
2 low population and that kind of the southern part of what
3 actually is the city of Modesto. Modesto you can see with the
4 green has some sort of -- they must have done some annexations
5 over time, they have some strange boundaries down there. But
6 some of that looks like it's very sparsely populated and does
7 have very -- on Dr. Trende's map looks like it has a very
8 large Hispanic population.

9 BY MR. MEUSER:

10 Q So your understanding is that in Trende's report,
11 he was focusing in on the forehead and the nose of the face?

12 MR. BISHOP: Objection to form.

13 THE WITNESS: I believe at one point he was -- that was
14 my understanding was that he was discussing that at one point.
15 I don't mean to characterize him as only referring to those
16 places. I believe his discussion is a bit broader.

17 BY MR. MEUSER:

18 Q Okay. Let's move to your next dot density map,
19 which is figure 7. This guy has a better nose.

20 A Oh, yeah, look at that. Quite a chin as well.

21 MR. BISHOP: We agree on that.

22 MR. MEUSER: I actually like his hairdo on this one.
23 He does look like he came right out of a '90s cartoon.

24 BY MR. MEUSER:

25 Q Tell us about figure 7, what you're trying to

1 illustrate here and where this is in relation to Congressional
2 District 13.

3 A So this is just most of -- yeah, most of that
4 northern appendage. And what we can see here is the Stockton
5 city limits or city boundary in green and the city of August
6 in yellow and the Garden Acres in orange. And, again, we have
7 a dot density map that shows us where the people are and where
8 the kind of unpopulated -- largely unpopulated rural areas
9 are. And this is an area -- this part of California, you
10 know, when you drive around there you notice -- you pass sort
11 of an arbitrary boundary and you go from cul-de-sacs with lots
12 of houses very close to one another to an area where there's
13 just empty fields and so this map just shows you where those
14 things are.

15 Q So all you're trying to show is the dot density
16 of Prop 50 map for CD 13; correct?

17 A That's correct.

18 Q This is not the entire appendage, this is just
19 the northern more portion of the appendage; correct?

20 A It's most of it. It's certainly the part around
21 Stockton that was covered in Dr. Trende's report.

22 Q Okay. Let's go to your next dot density, looks
23 like on 13. Let's start with why you changed the dot density
24 to 30 from 100 which was on that last map.

25 A This is a bit of a closer zoom and it was -- I'm

1 also including a lot of different colors here. These choices
2 are partly driven by what allows the colors to kind of show up
3 and be visible to the human eye. Certainly I have no problem
4 using 100, would have been fine here as well, but I think it
5 would have been -- the dots would have been further apart from
6 one another.

7 Q And figure 13 compared to 7 that we just looked
8 at, this is actually further zoomed out, we're seeing the
9 entire appendage of Congressional District 13 as contained in
10 Congressional District 13; correct?

11 A Right, this is zoomed out a little further.

12 Q And you have black outline which represents the
13 Prop 50 map; correct?

14 A Yes.

15 Q And then you have a green line which represents
16 Trende demonstration map A; correct?

17 A Yes.

18 Q And then you have orange which is demonstration
19 map B and purple which is demonstration map C; is that
20 correct?

21 A Yes.

22 Q It looks like in the footnote that you're telling
23 us where -- that you're using this from the GIS system that we
24 talked about earlier; correct?

25 A Yes. The information in the lower right corner

1 of the map is something that the ArcGIS is telling us what are
2 the sources for that gray map in the background. It shows us
3 where the different communities are located and where the
4 rivers are, those are the sources that-- Esri, the company
5 that makes this software, those are the sources for the data
6 of that background map.

7 Q And it is your understanding that this GIS
8 software is using census data from 2020; correct?

9 A I'm using my own. So I use the software, but
10 then I choose the data and I put the data in the software so I
11 can vouch for my use of 2020 census data.

12 Q Okay. So the hispanic CVAP, the white CVAP, the
13 black CVAP and the Asian CVAP, all of those numbers are coming
14 from the 2020 data; correct?

15 A Yes.

16 Q Let's look at your final one, which is figure 14.
17 Here it looks like we've gone back down to the Modesto/Ceres
18 area; correct?

19 A Yes.

20 Q Again, this is a little bit more zoomed out and
21 we've dropped the dots to 30 per 100, but instead of just
22 having one population, we have actually broken this out by the
23 CVAP numbers; correct?

24 A Yes. This is another reason to go down to 30 is
25 so that one can get a better appreciation for differences,

1 especially in some of the -- in a relatively sparsely
2 populated place some of the differences in the groups. One
3 can actually have enough dots to look at to understand what
4 the distribution of groups is across the space.

5 Q Would you agree with me that the portion of
6 Modesto north of the line has more green dots than red dots?

7 MR. BISHOP: Objection to form.

8 THE WITNESS: Which portion do you have in mind?

9 BY MR. MEUSER:

10 Q I'm kind of looking at that portion of Modesto
11 north of your black line that is going east to west, kind of
12 where the big population is of Modesto.

13 A I don't really see it. I see a heterogeneous
14 place with green and red dots on both sides. This is why I
15 think these visual -- maybe one sees what one wants to see in
16 these maps, that's why I went ahead and conducted the analysis
17 and provided the information on the CVAP and the HVAP of the
18 actual blocks that were moved in and out of District 13.

19 Q I'm going to step back and kind of round out a
20 few questions from this morning, if you don't mind. I've got
21 a couple more, Maureen.

22 MS. RIORDAN: I'm sorry. Good.

23 MR. MEUSER: I think I'll finish up here. I think I've
24 got a couple questions, we'll take a quick break and then
25 you'll come in after the break. Will that work for you?

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1 MS. RIORDAN: Sure.

2 MR. MEUSER: Okay.

3 BY MR. MEUSER:

4 Q You don't know the subject intent -- the
5 subjective intent of Paul Mitchell; correct, in drawing the
6 Congressional District 13?

7 MR. BISHOP: Objection to form.

8 THE WITNESS: I'm not even sure I know who Paul
9 Mitchell is to be honest.

10 BY MR. MEUSER:

11 Q You don't know the subjective intent of the
12 individual who designed Congressional District 13 in 2025;
13 correct?

14 A That's correct.

15 Q And you do not know the subjective intent of any
16 of the legislators who adopted AB 604 which became Prop 50?

17 A That's correct.

18 Q You do not know what criteria the map makers used
19 in drawing Prop 50 map or Congressional District 13?

20 MR. BISHOP: Objection to form.

21 THE WITNESS: Right, I don't know anything about what
22 criteria they used.

23 BY MR. MEUSER:

24 Q You only studied Congressional District 13, you
25 did not study any other districts -- strike that.

1 You only studied Congressional District 13 and
2 the adjoining parts with 9 and 5; correct?

3 MR. BISHOP: Objection to form.

4 THE WITNESS: I was just responding to Dr. Trende's
5 report, so I stuck with the areas that he looked at which
6 really focused on District 13 but also, as you suggest, the
7 District 9 and District 5.

8 BY MR. MEUSER:

9 Q So the other 49 congressional districts you did
10 zero analysis on them?

11 MR. BISHOP: Objection to form.

12 THE WITNESS: That's correct.

13 BY MR. MEUSER:

14 Q You're not offering any opinions about any other
15 portion of the state; correct?

16 A That's correct.

17 MR. BISHOP: Objection to form.

18 BY MR. MEUSER:

19 Q Earlier we were talking about the core in and out
20 analysis of CD 13; correct?

21 A Yes.

22 Q And you did not do that in any other district in
23 the state; correct?

24 MR. BISHOP: Objection to form.

25 THE WITNESS: Correct.

1 MR. MEUSER: Let's take a ten minute break. Is that
2 good for you guys?

3 MR. BISHOP: Sure.

4 MR. MEUSER: And then, Maureen, you're on at the end of
5 the break.

6 MS. RIORDAN: Got it.

7 (Pause in the proceedings.)

8 MR. MEUSER: Back on the record. So I'm going to turn
9 over to DOJ to continue the questioning.

10 THE WITNESS: Okay.
11
12

13 EXAMINATION

14 BY MS. RIORDAN:

15 Q Good afternoon, Dr. Rodden. How are you?

16 A I'm fine. How are you?

17 Q I'm great. Look, I just have one question for
18 you because plaintiff's counsel was actually very, very
19 efficient in his questioning. And I just want to confirm for
20 the record that anything that you will be testifying to at the
21 preliminary hearing will be limited to what is contained in
22 your report and your testimony here today; is that correct?

23 MR. BISHOP: Objection to the extent that this calls
24 for privileged information, I'll instruct the witness to
25 answer to the extent it doesn't reveal conversations with

1 counsel. And also object on speculation grounds because it's
2 not December 15 yet.

3 THE WITNESS: My understanding is that Dr. Trende may
4 have the opportunity to file an additional report in response
5 to my report, so I would hope that I have the opportunity to
6 read that report and give some thought to it and so that if I
7 was asked a question about that report at the proceedings that
8 I would have the ability to speak about it. So that's my
9 understanding is I would still have that opportunity, but
10 that's the extent to which I've thought about this question.

11 MS. RIORDAN: Okay. I would agree with that. I have
12 nothing further.

13 MR. MEUSER: So before we go off the line, I think the
14 court reporter is going to want on the record what people
15 want. On behalf of the plaintiffs, we would like a rough
16 today and an overnight, if possible. I believe DOJ is the
17 same as us. Counsel?

18 MR. BISHOP: For the DCCC, we would like a same day
19 rough as well and expedited final on the same schedule, as
20 fast as possible.

21 MR. MEUSER: California DOJ, what's your position on
22 transcripts?

23 MS. RIORDAN: I'm confirming what you just said, we'd
24 like a rough and then expedited.

25 MR. MEUSER: Is anybody on the phone from LULAC?

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1 MS. MCCALL: Sorry, so that was a response apparently
2 on behalf of US DOJ. Speaking for California DOJ, yes, we
3 would like the final transcript tomorrow.

4 MR. MEUSER: Do you want a rough today?

5 MS. MCCALL: No. We can just wait for the final
6 tomorrow.

7 MR. MEUSER: LULAC, can you just repeat what your
8 position was again? Sorry.

9 LULAC REPRESENTATIVE: Yes, we would like the final
10 tomorrow.

11 MR. MEUSER: But not the rough today?

12 LULAC REPRESENTATIVE: Right.

13 MR. MEUSER: So for the record, everybody, there are
14 three exhibits attached to the exhibit. I think we specified
15 all three of them have been given to the court reporter. With
16 nothing further, this deposition is ended.

17 (TIME NOTED: 3:04 p.m.)

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DECLARATION UNDER PENALTY OF PERJURY

I hereby declare under Penalty of Perjury that the foregoing is my Statement Under Oath and are the questions asked of me and are my answers hereto; that I have read same and have made necessary corrections, additions, or changes to my answers that I deem necessary.

In witness thereof, I hereby subscribe my name
this _____ day of, _____, _____.

Witness

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CERTIFICATE

OF

CERTIFIED SHORTHAND REPORTER


I, the undersigned, a Certified Shorthand Reporter
of the State of California do hereby certify:

That the foregoing proceedings were taken before me at
the time and place herein set forth; that any witnesses in the
foregoing proceedings, prior to testifying, were placed under
oath; that a verbatim record of the proceedings was made by me
using machine shorthand which was thereafter transcribed under
my direction; further, that the foregoing is an accurate
transcription thereof.

I further certify that I am neither financially
interested in the action nor a relative or employee of any
attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: December 8, 2025


SUZANNE MC KEE
CSR No. 12096

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

DAVID TANGIPA, *et al.*,

Plaintiffs,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

**GAVIN NEWSOM, in his official
capacity as the Governor of California,
et al.,**

Defendants,

**DEMOCRATIC CONGRESSIONAL
CAMPAIGN COMMITTEE, *et al.*,**

Defendant-Intervenors.

2:25-cv-10616-JLS-WLH-KKL
Three-Judge Court

**DCCC RESPONSES TO
PLAINTIFFS' FIRST SET OF
INTERROGATORIES**

RESPONSES AND OBJECTIONS

INTERROGATORY NO. 1

For each of the Challenged Districts, describe all criteria that were actually applied in drawing the district's boundaries, including but not limited to: (a) race or ethnicity; (b) Hispanic or Latino CVAP; (c) historic partisan performance; (d) whether it is a VRA District; and (e) compliance with the VRA.

DCCC RESPONSE:

DCCC objects to Interrogatory No. 1 to the extent it calls for information not within DCCC's possession, custody, or control. DCCC further objects to the term "VRA District" because it is vague, confusing, and makes unfounded legal assumptions. Subject to these objections, DCCC responds as follows:

DCCC understands that various partisan metrics were applied in drawing the Proposition 50 map and the districts therein, including historical partisan performance information, but does not possess knowledge of how exactly partisan metrics were applied. DCCC has no knowledge of the use of any racial or ethnic data.

Contrary to the allegations in the complaint, DCCC did not learn about the existence of the Proposition 50 map until after an initial map was drawn by Paul Mitchell and Redistricting Partners. DCCC reviewed an initial draft of the map for the first time on August 3, 2025 (the "Draft Map"). DCCC liked the Draft Map because it substantially improved Democratic Party candidate political performance relative to California's existing congressional map, which had been drawn by the independent California Citizens Redistricting Commission in 2021. Specifically, DCCC determined that the Draft Map likely improved Democratic Party performance in Districts 1, 3, 9, 13, 22, 27, 41, 45, 47, and 48. Although DCCC liked the Draft Map because of its superior partisan performance for Democrats, DCCC had no knowledge of what criteria were used to draw the Draft Map other than partisan considerations.

1 Hoping that an even more favorable map for Democrats would be presented to the
2 California Legislature, DCCC supported certain revisions to the Draft Map it reviewed
3 on August 3, 2025. All of these proposed revisions concerned improving Democratic
4 partisan performance, including in districts near San Diego and in the Central Valley. At
5 no point did DCCC analyze racial data for the Draft Map, and none of its supported
6 revisions were based on consideration of race or the Voting Rights Act. DCCC
7 understands that Redistricting Partners later adopted some of the revisions supported by
8 DCCC, including to improve Democratic performance in the Central Valley.

9 On August 14, 2025, the California State Assembly Committee on Elections and
10 the Senate elections and Constitutional Amendments Committee opened a public portal
11 for submissions regarding redistricting. On that same day, DCCC decided to purchase a
12 revised version of the August 3, 2025 Draft Map from Redistricting Partners (the
13 “Submitted Map”). DCCC received that map file on August 15, 2025 and submitted it to
14 the Legislature’s public redistricting portal and via email on the same day.

15 DCCC understands that the map adopted by the Legislature and put before
16 California voters had similar partisan characteristics to the Submitted Map.

17
18 **INTERROGATORY NO. 2**

19 For each of the Challenged Districts, state whether, at the time the Proposition 50 Map
20 was drawn, any target or minimum level of Hispanic or Latino CVAP, or of any other
21 racial or ethnic group, was proposed or discussed. If so, identify: (a) the target or range;
22 (b) when and by whom it was proposed; (c) all reasons given for pursuing that target;
23 and (d) whether that target was described as necessary to create a VRA District or allow
24 Hispanic or Latino voters to elect their preferred candidates.

25
26 **DCCC RESPONSE:**

27 DCCC objects to Interrogatory No. 2 to the extent it calls for information not
28 within DCCC’s possession, custody, or control. DCCC further objects to the term “VRA

District” because it is vague, confusing, and makes unfounded legal assumptions. Subject to these objections, DCCC responds as follows:

As explained in its response to Interrogatory No. 1—which DCCC incorporates here by reference—DCCC has no knowledge of any racial criteria used to draw the Draft Map and is aware of only partisan criteria used to evaluate and draw the Submitted Map. The revisions to the Draft Map that DCCC supported exclusively concerned improving the partisan performance of the Proposition 50 map for Democratic candidates—DCCC did not propose any racial targets or minimums for any district, nor was DCCC ever made aware of the existence of any racial targets or minimums for any district. Indeed, DCCC never analyzed racial data for the draft map, and accordingly none of its proposed revisions were based on consideration of race or the Voting Rights Act.

INTERROGATORY NO. 3

Identify and describe all VRA Analyses prepared, received, or considered by You before or during the drafting and adoption of the Proposition 50 Map by the California Legislature that showed or purported to show a need to create more VRA Districts statewide than existed under the Commission Map, and for each such VRA Analysis, identify: (a) the person who prepared it; (b) the date on which it was prepared; (c) the geographic area or districts analyzed; and (d) the role it played in drawing the any of the Challenged Districts.

DCCC RESPONSE:

DCCC objects to Interrogatory No. 3 to the extent it calls for information not within DCCC’s possession, custody, or control. DCCC further objects to the terms “VRA District” and “VRA Analyses” because they are vague, confusing, and make unfounded legal assumptions. Subject to these objections, DCCC responds as follows:

DCCC incorporates its responses to Interrogatories Nos. 1 and 2 by reference. As explained therein, DCCC’s evaluation of the Draft Map was limited to the partisan

1 performance of its districts, and its desired revisions to the Draft Map exclusively
2 concerned improving the partisan composition of the Draft Map. At no time did DCCC
3 undertake, receive, or consider so-called “VRA Analyses” of the Draft Map or Submitted
4 Map of any kind—its limited input exclusively concerned partisan metrics meant to make
5 the Draft Map even more favorable for Democrats.

6
7 **INTERROGATORY NO. 4**

8 State whether, at the time the Proposition 50 Map was enacted, any state official, staff
9 member, or non-attorney consultant or contractor concluded that, absent creation of the
10 Challenged Districts, the State of California faced a significant risk of liability under
11 Section 2 of the VRA. If so, identify: (a) the person(s) who reached or communicated
12 that conclusion; (b) the date(s) on which that conclusion or advice was communicated;
13 (c) all factual bases relied on in reaching that conclusion; and (d) all documents reflecting
14 that conclusion or advice.

15
16 **DCCC RESPONSE:**

17 DCCC objects to Interrogatory No. 4 to the extent it calls for information not
18 within DCCC’s possession, custody, or control. Subject to this objection, DCCC
19 responds as follows:

20 DCCC incorporates its responses to Interrogatories Nos. 1-3 by reference. Because
21 DCCC was exclusively concerned with the partisan performance of Draft Map and
22 Submitted Map, at no time did it ever undertake, seek, request, or review analysis of
23 whether either map complied with Section 2 of the VRA.

24
25 **INTERROGATORY NO. 5**

26 Identify all communications between any state official, staff member, consultant, or
27 contractor and any outside organization or individual (including but not limited to
28 Hispanas Organized for Political Equality (HOPE), the League of United Latin American

1 Citizens (LULAC), the Democratic Congressional Campaign Committee (DCCC), Paul
2 Mitchell, and Redistricting Partners) in which the number or location of VRA Districts
3 or the racial or ethnic composition of the Challenged Districts was discussed, and for
4 each such communication, identify: (a) the parties to the communication; (b) the date of
5 the communication; (c) the district(s) discussed in the communication; and (d) the
6 substance of any requests regarding VRA Districts or Hispanic or Latino voting strength.

7
8 **DCCC RESPONSE:**

9 DCCC objects to Interrogatory No. 5 to the extent it calls for information not
10 within DCCC's possession, custody, or control. DCCC further objects to the terms "VRA
11 District" because it is vague, confusing, and makes unfounded legal assumptions. Subject
12 to these objections, DCCC responds as follows:

13 At no time did DCCC engage in any communications with any state official, staff
14 member, consultant, or contractor concerning the number and location of VRA Districts
15 or the racial or ethnic composition of any district within the Draft Map or Submitted
16 Map.

VERIFICATION OF RESPONSES

I, William Van Nuys III, have read the foregoing responses and believe, based on reasonable inquiry, that the statements contained therein are true and correct to the best of my knowledge, information, and belief.



William Van Nuys III

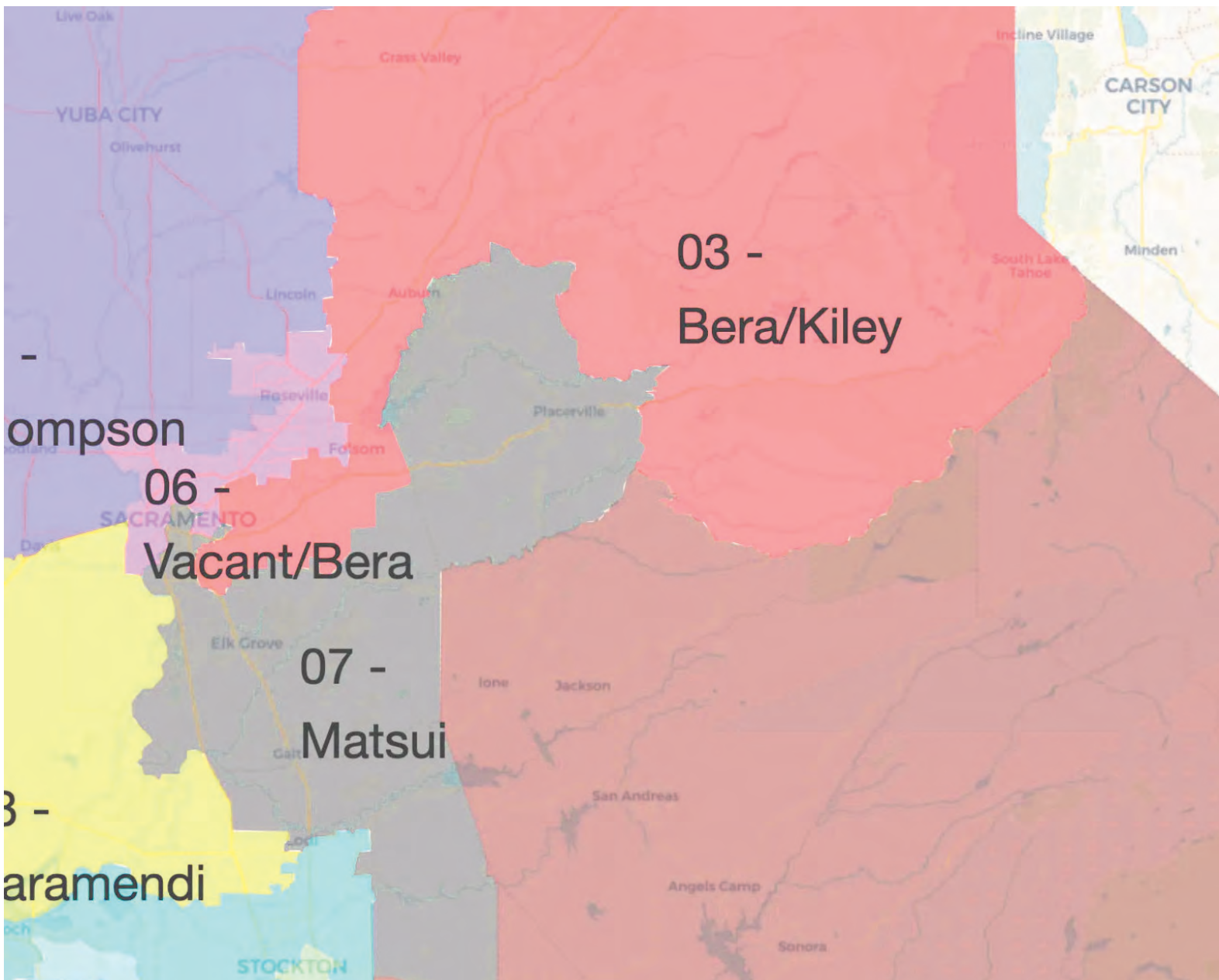
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 1, 2025, I electronically served the foregoing document via electronic mail on all counsel of record.

/s/ Lalitha D. Madduri

Lalitha D. Madduri (CA Bar No. 301236)

SUPPORT US!



The proposed congressional map shows Sacramento area districts if Proposition 50 were to pass. The proposed districts allow Rep. Ami Bera to run in either District 6 or District 3 against Rep. Kevin Kiley. Redistricting Partners

POLITICS

Untangling Prop 50: How CA's Redistricting Fight Impacts Black Communities





by ROBERT J. HANSEN

<https://sacobserver.com/2025/10/black-voters-prop50-concerns/>

1/7

Exhibit 521 - 1





Untangling Prop 50: How CA's Redistricting Fight Impacts Black Communities

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Voting for Proposition 50 is underway. The ballot measure would allow California to temporarily redraw congressional district maps. If it passes, the new legislative map drawn by members of Congress would be used in the 2026, 2028, and 2030 U.S. House elections in California, and after the 2030 census the independent Citizens Redistricting Commission would resume drawing new maps, starting in 2031.

The initiative is a direct response to Texas, which redrew its congressional map this summer at the request of President Donald Trump. Combined, sides for and against the proposition have spent more than \$200 million to influence voters.

Supporters, including Gov. Gavin Newsom and several California lawmakers, say the measure is necessary to counter redistricting efforts in Texas and other Republican-led states that could weaken the representation of California's diverse voters.

Polling suggests that Black voters have expressed concern over whether the new congressional map, if approved by California voters, would dilute the impact of their vote while others say they do not know enough about Prop 50 to make an educated vote.

Newsom, Black Elected Leaders Highlight Importance

Newsom frames Prop 50 as a critical defense of democracy and a response to attacks on voting rights across the country. The governor referenced the 2013 Shelby County v. Holder decision and the Trump administration's efforts to roll back protections. "This idea is pretty self-evident to anyone that's paying attention, that the Trump administration wants to put America in reverse," Newsom said. "He wants to bring us back to a pre-1960s world. And you're seeing it across the spectrum, not just on voting rights and civil rights, but you're seeing it on LGBTQ rights. You're seeing it across the spectrum as it relates to women's

12/9/25, Case 2:25-cv-10616-JLS-WLH-KKL Document 188-19 Filed 12/19/25 Page 1917 of 1926 Page ID #:14793
rights ... not just access to abortion, but even basic access to medical care. And it's a remarkable and sobering time in U.S. history."

Newsom also described the unprecedented nature of Trump's interference in Texas, which began with a phone call made to Texas Gov. Greg Abbott, directing him to have Texas redraw congressional maps.

"We did not choose to be here. This was not the fight we wanted to fight this November," Newsom told the Black Press at a digital briefing. "The president of the United States has never made a phone call to a sitting governor to direct that governor to do a mid-decade redistricting. So unprecedented that Greg Abbott himself was initially reticent. Even Greg Abbott recognized the nature and the consequences of what the president was demanding."

Newsom voiced great concern about Trump's claim that he is "entitled" to five seats. "And if that doesn't put a chill up your spine, I don't know what else does," Newsom said.

Newsom stressed that Prop 50 is temporary and transparent.

"Again, it's in response to [Trump], and so we're maintaining the Independent Redistricting Commission. I want to make that crystal clear. Any assertion that we're not is simply wrong."

State Sen. Akilah Weber-Pierson, chair of the California Legislative Black Caucus, emphasized the stakes for Black Californians. She highlighted the Trump administration's attacks on Black communities, health care, housing, education, and economic opportunity.

Weber-Pierson stressed the importance of voting in favor of the proposition. "Proposition 50 ensures that when Black voters go to the poll, our voice counts and our voices are heard," she said. "Our elders and our ancestors fought too long and too hard for representation to be taken away now."

"Right now, California is the firewall protecting our communities from the worst of Trump's attacks. This is our moment to stand up and fight back, and Proposition 50 is our weapon."

She warned that if redistricting led to a Republican midterm victory, "we will lose access to medical care, our hospitals in our communities will close, labor and delivery units will become unreachable, and the health disparities that impact the Black community will worsen."

"As a practicing physician, I cannot underscore the harm that will come as a result of what Trump has done and is doing to our Medi-Cal system," Weber-Pierson said.

Rep. Sydney Kamlager-Dove, D-Los Angeles, and whip of the Congressional Black Caucus, noted that Trump and his administration have been “uber-aggressive” toward Black Americans, particularly Black women, targeting DEI programs, erasing contributions from history, and cutting programs such as Medi-Cal, Medicaid, Medicare, WIC, and SNAP.

Kamlager-Dove framed Prop 50 as both a defensive and offensive measure. “We are fighting fire with fire,” she said.

Oakland Rep. Lateefah Simon emphasized the historical context, highlighting past efforts to suppress Black political representation and the importance of California leading the fight now.

The Opposition’s Stance

The Protect Voters First Coalition is a California-based group that opposes Proposition 50. It’s primarily funded by Charles T. Munger Jr., a physicist and prominent donor from Palo Alto.

The group argues that the measure was written by politicians to benefit themselves and contends that it would dismantle existing safeguards for fair elections, remove requirements to keep communities together, and eliminate protections that prevent maps from being drawn to favor political parties.

Coalition leader Jeanne Raya, an executive for an insurance agency in San Gabriel and former chair of California’s first Citizens Redistricting Commission, said the campaign for a “yes” vote is misleading.

“It’s misleading to the people who think that it’s temporary and that politicians are not going to see the value in holding on to the power that they are going to have for the next five years,” she said.

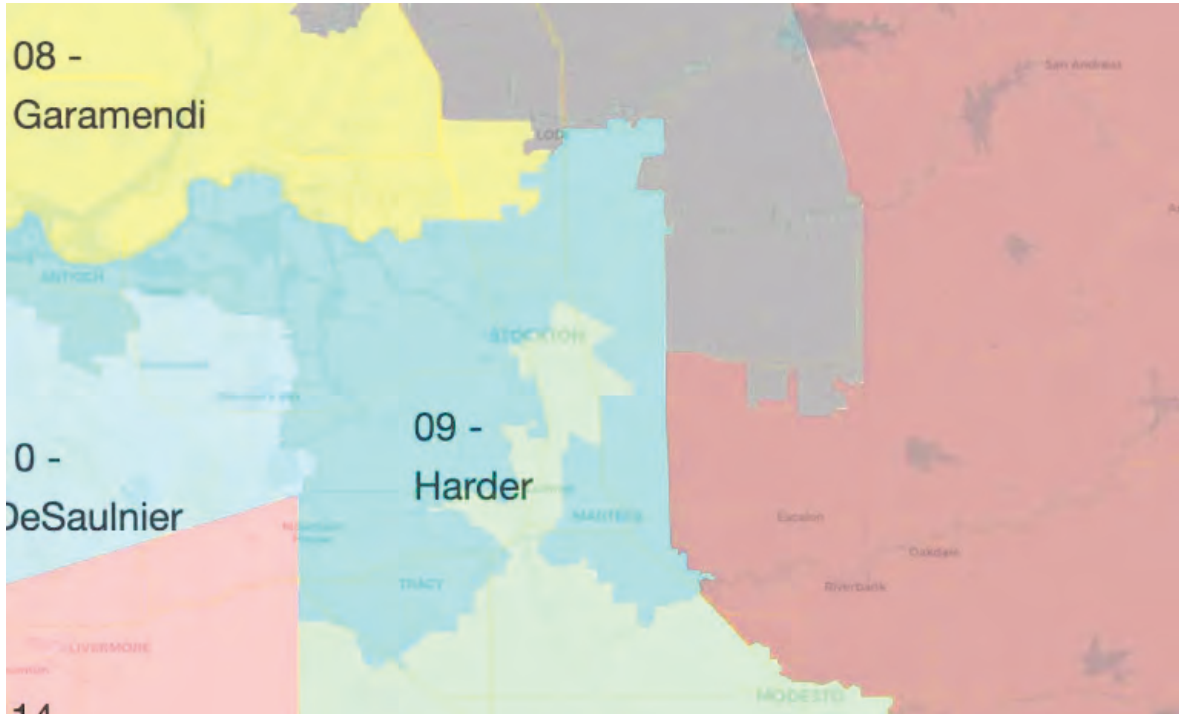
Fabian Valdez Jr., an information strategist who’s also a coalition member, added, “The ‘yes’ side has not done any presentation about maps. They just say that it’s about Trump. I understand that, but they are not talking about what the maps are doing and how they are splitting communities.”

Bishop Dwight Earl Williams of Stockton, founder and president of New Genesis Outreach, expressed concern the initiative could divide communities and weaken representation. Williams thinks the proposed map could divide San Joaquin County into as many as five congressional districts from its current two.

“Our concern is quite frankly this, here in the San Joaquin County area, where we are based, we have built a strong consensus across many stakeholders throughout the area,” Williams told California Black Media.

The proposed map does not divide San Joaquin County into five districts. The county would mostly lie within District 9 with a small portion in District 13.

How The Map Was Drawn; What Voters Know



Proposed congressional map shows two districts covering San Joaquin County. Some Prop 50 opponents believe the county would be divided into as many as five districts. [Redistricting Partners](#)

Paul Mitchell, owner of Redistricting Partners and a data consultant based in Sacramento, said his firm was brought in and created the proposed map for Prop 50.

He said his team prioritized protecting the core interests of Black communities, which were for the most part, he said, “kept intact from the commission process.”

Mitchell said preserving three Black districts, two in L.A. and one in Oakland, was foremost. “Keeping those three seats completely untouched was goal number one, and that’s probably 90% of what was important for the Black community was preserving those districts,” he said. “I think all the communities benefit from the outcome of the plan.”

Under Proposition 50’s proposed redistricting, Sacramento’s three congressional districts would be reshaped in ways that could change who holds political power — and how Black communities are represented.

District 3 would pull in more of the suburbs, including Arden and Rancho Cordova, while shedding some of its rural foothill areas. Mitchell said this would make the district more competitive, describing it as “a 10-point Kamala Harris district” that leans Democratic but includes a mix of city and mountain voters. Former state Sen. Richard Pan, a Democrat and longtime Sacramento physician, already has announced his campaign for the new District 3 seat, signaling an early contest for what could become a key swing district.

The 6th District would focus more tightly on the city of Sacramento, uniting many urban neighborhoods and strengthening its Democratic base. The 7th District would stretch farther south into Elk Grove and east toward Amador County, combining suburban and rural communities.

Mitchell noted that Black neighborhoods would remain divided between districts, just along new lines. The Oak Park/UC Davis Medical Center area would stay in one district, while Fruitridge would be joined with Arden.

For many Black voters, the new boundaries could mean that while representation may still be split, the political influence of Sacramento’s core neighborhoods could grow — helping ensure that whoever wins will need to speak to the priorities of the city’s historic Black communities. “So the district will elect somebody who’s the candidate of choice from the Sacramento footprint, even though the district goes way out there,” Mitchell said.

Mitchell also addressed concerns that the measure could become permanent. The ballot measure temporarily overrides the sections of the state constitution establishing the Independent Redistricting Commission for 2026, 2028, and 2030, but the commission will return in the 2031 .

“The only way to have this happen in 2032 would be a brand new ballot measure,” he said. Creating another constitutional amendment would require a massive campaign effort and expense. “You’d have to spend another \$100 million on a campaign,” Mitchell added, noting that the difficulty and cost serve as a disincentive to repeat the process. He also said polling shows voters continue to strongly favor the independent commission.

The Public Policy Institute of California evaluated Proposition 50’s proposed map by examining its impact on racial and geographic representation. The California Citizens Redistricting Commission’s current congressional plan had to comply with the federal Voting Rights Act, which includes drawing districts for voters of color in which they would have enough to form a majority in a single area. Latinos are currently the only group meeting that threshold in California, with 16 majority-Latino districts — unchanged under the Prop 50 plan. Neither Black nor Asian Californians have a majority district in either plan.

The Prop 50 map largely mirrors the redistricting commission's existing plan when it comes to districts where racial and ethnic groups can exert electoral influence. Using 30% as the threshold for influence, the current plan includes six Asian American, two Black, and seven Latino districts; Prop 50 would add one more Latino-influence district but otherwise replicates the status quo.

The institute's analysts noted that Prop 50's primary objective is to create more Democratic seats, but on the dimensions that the redistricting commission is required to consider — racial representation, influence of communities of color, and geographic integrity — the proposed plan closely mirrors the existing map.

Sacramento State Professor Christopher Towler said recent national polling suggests Black voters may not be fully aware of the measure. "There is this thought that this is something that everyone knows about, but the data out there, even this national sample suggests that it's relatively unknown."

He explained that just 18% of Black respondents supported redistricting, compared with 24% of white respondents, while most said they didn't know enough to form an opinion.

Towler said a UC Berkeley poll found that Black Californians' opinions on Prop 50 remain fluid. Forty-three percent said they would vote in favor, 27% said "no," and 28% were undecided. For white Californians, 52% said they supported Prop 50, 37% were against, and only 11% were undecided.

"There's still a segment of the Black population that just either doesn't know or hasn't made up their mind yet," Towler said. "So the story that's being told is going to be really important going forward."

Regarding claims that redistricting will break up Black districts and dilute Black voting power, Towler hasn't looked at the lines but said, "It is kind of ironic that concern is coming from a political movement that's shown little interest in Black voters before. It seems a little suspect that all of a sudden they are concerned about Black voting power being diluted."

DEFENDANT-INTERVENOR DCCC'S PRELIMINARY INJUNCTION DISCOVERY PRIVILEGE LOG
Tangipa, et al. v. Newsom, et al., No. 2:25-cv-10616-JLS-WLH-KKL (C.D. Cal.)

WITHHELD DOCUMENTS						
Bates Nos.	Date	Doc. Type	Description	Author(s)	Recipient(s)	Privilege/Basis for Withholding
DCCC000244-000245	September 10, 2025	Email	Email from DCCC to counsel seeking legal advice regarding California Fair Political Practices Commission complaint.	Julie Merz <merz@dccc.org >	<rjacobs@elias.law>	Attorney-Client
DCCC000249-000252	August 4, 2025	Email	Email from DCCC to strategic partner regarding confidential and proprietary metrics that are used to develop campaign strategy.	John Mellow <mellow@dccc.org>	<merz@dccc.org> <vannuys@dccc.org> <pradhan@dccc.org> <paul@politicaldata.com> <jacob@redistrictingpartners.com> <jbuckley@politicaldata.com>	First Amendment, Proprietary Information
DCCC000233-000234; DCCC000236-000237	August 3, 2025	Email	Email from DCCC to strategic partner regarding confidential and proprietary metrics that are used to develop campaign strategy.	Julie Merz <merz@dccc.org>	<mellow@dccc.org> <vannuys@dccc.org> <pradhan@dccc.org> <paul@politicaldata.com> <jacob@redistrictingpartners.com> <jbuckley@politicaldata.com>	First Amendment, Proprietary Information
DCCC000235; DCCC000243;	August 3, 2025	Email	Email from DCCC to strategic partner regarding confidential and proprietary metrics that are used to develop campaign strategy	William Van Nuys <vannuys@dccc.org>	<ellenhamiltondc@gmail.com> <Paul@politicaldata.com> <roy-chaudhury@dccc.org> <boris@peteaguilar.com> <sonali@peteaguilar.com>	First Amendment, Proprietary Information
DCCC000238-000239	August 1, 2025	Email	Email from DCCC to strategic partner regarding confidential and proprietary metrics that are used to develop campaign strategy	William Van Nuys <vannuys@dccc.org>	<ellenhamiltondc@gmail.com> <Paul@politicaldata.com> <roy-chaudhury@dccc.org> <boris@peteaguilar.com> <sonali@peteaguilar.com>	First Amendment, Proprietary Information
DCCC000240-000242	August 1, 2025	Email	Email from strategic partner to DCCC regarding confidential and proprietary metrics that	Paul Mitchell <Paul@politicaldata.com>	<vannuys@dccc.org> <denniskraj@gmail.com> <ellenhamiltondc@gmail.com>	First Amendment, Proprietary Information

			are used to develop campaign strategy		<roy-chaudhury@dccc.org> <boris@peteaguilar.com> <sonali@peteaguilar.com> <data@redistrictingpartners.com> <jbuckley@politicaldata.com>	
DCCC000246-000248	August 1, 2025	Email	Email from strategic partner to DCCC regarding confidential and proprietary metrics that are used to develop campaign strategy	Jacob Thompson-Fisher <Jacob@redistrictingpartners.com>	<paul@politicaldata.com> <vannuys@dccc.org> <denniskraj@gmail.com> <ellenhamiltondc@gmail.com> <chaudhury@dccc.org> <boris@peteaguilar.com> <sonali@peteaguilar.com> <data@redistrictingpartners.com> <jbuckley@politicaldata.com>	First Amendment, Proprietary Information
DCCC000255	August 1, 2025	Email	Email from DCCC to strategic partner regarding confidential and proprietary metrics that are used to develop campaign strategy	John Mellow <mellow@dccc.org>	<vannuys@dccc.org> <pradhan@dccc.org> <paul@politicaldata.com> <jbuckley@politicaldata.com>	First Amendment, Proprietary Information
DCCC000253-000254	N/A	Spreadsheet	Key for document containing confidential proprietary metrics used to develop campaign strategy.	John Mellow <mellow@dccc.org>	<merz@dccc.org> <vannuys@dccc.org> <paul@politicaldata.com> <jacob@redistrictingpartners.com>	First Amendment; Proprietary Information
DCCC000256	N/A	Spreadsheet	Document containing confidential proprietary metrics used to develop campaign strategy.	John Mellow <mellow@dccc.org>	<merz@dccc.org> <vannuys@dccc.org> <pradhan@dccc.org> <paul@politicaldata.com> <jacob@redistrictingpartners.com> <jbuckley@politicaldata.com>	First Amendment; Proprietary Information
DCCC000232	September 29, 2025	Email	Email from DCCC to counsel seeking legal advice regarding service agreement.	Paige Anderholm <anderhold@dccc.org>	<dbusser@elias.law>	Attorney Client

REDACTED DOCUMENTS						
Bates Nos.	Date	Doc. Type	Description of Redaction(s)	Author	Recipient(s)	Privilege(s)
DCCC000166	August 20, 2025	Email	Redaction of security key for internet service account.	DocuSign <dse_NA3@docusign.net>	<ruselowski@dccc.org> <sward@dccc.org>	First Amendment; Privacy
DCCC000128	August 20, 2025	Email	Redaction of security key for internet service account.	DocuSign <dse_NA3@docusign.net>	<ruselowski@dccc.org>	First Amendment; Privacy
DCCC000202	August 20, 2025	Email	Redaction of security key for internet service account.	DocuSign <dse_NA3@docusign.net>	<ruselowski@dccc.org> <sward@dccc.org>	First Amendment; Privacy
DCCC000202	August 20, 2025	Email	Redaction of security key for internet service account.	DocuSign <dse_NA3@docusign.net>	<sward@dccc.org>	First Amendment; Privacy
DCCC000200	August 20, 2025	Email	Redaction of security key for internet service account.	DocuSign <dse_NA3@docusign.net>	<ruselowski@dccc.org> <sward@dccc.org> <ong@dccc.org>	First Amendment; Privacy
DCCC000197	August 20, 2025	Document	Redaction of sensitive confidential bank account information and signatures.	N/A	<merz@dccc.org> <ruselowski@dccc.org> <paul@politicaldata.com> <ken@swingstrat.com> <rjacobs@elias.law>	First Amendment; Privacy
DCCC000196	August 20, 2025	Document	Redaction of sensitive confidential bank account information and signatures.	N/A	<merz@dccc.org> <ruselowski@dccc.org> <paul@politicaldata.com> <ken@swingstrat.com> <rjacobs@elias.law>	First Amendment; Privacy
DCCC000176	August 20, 2025	Document	Redaction of sensitive confidential bank account information.	N/A	<merz@dccc.org> <ruselowski@dccc.org> <paul@politicaldata.com> <ken@swingstrat.com> <rjacobs@elias.law>	First Amendment; Privacy
DCCC000178	August 15, 2025	Document	Redaction of sensitive confidential bank account information.	N/A	<merz@dccc.org> <ruselowski@dccc.org> <paul@politicaldata.com> <ken@swingstrat.com>	First Amendment; Privacy

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DCCC000181	August 15, 2025	Document	Redaction of sensitive confidential bank account information.	N/A	<merz@dccc.org> <ruselowski@dccc.org> <paul@politicaldata.com> <ken@swingstrat.com> <rjacobs@elias.law>	First Amendment; Privacy
DCCC000182	August 15, 2025	Document	Redaction of sensitive confidential bank account information.	N/A	<merz@dccc.org> <ruselowski@dccc.org> <paul@politicaldata.com> <ken@swingstrat.com> <rjacobs@elias.law>	First Amendment; Privacy
DCCC000183-000192	August 15, 2025	Document	Redactions from copy of service agreement removing: <ul style="list-style-type: none"> • Personal identifying information (Bates Nos. DCCC000191) • Proprietary and confidential information or metrics (Bates No. DCCC000186, DCCC000188-000189, DCCC000191) • Details of confidential security protocols (DCCC000187-000188) 	N/A	<merz@dccc.org> <vannuys@dccc.org> <pradhan@dccc.org> <paul@politicaldata.com> <jacob@redistrictingpartners.com> <jbuckley@politicaldata.com>	First Amendment; Proprietary Information; Privacy
DCCC000199	August 20, 2025	Document	Redaction of sensitive confidential bank account information.	N/A	<merz@dccc.org> <ruselowski@dccc.org> <paul@politicaldata.com> <ken@swingstrat.com> <rjacobs@elias.law>	First Amendment; Privacy

Dated: December 4, 2025

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