

## **Exhibit 366**



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**David Tangipa** ✓  
@DavidTangipa

Prop 50 cost \$300M, I warned we didn't have the money, & they cut my mic. Partisan gain mattered more than Californians, & now we'll pay the price

When I came home, remember: "what about Texas" mattered more than you. Other states have surpluses. California has deficits.

Reply



7:06 PM · Nov 19, 2025 · 17.7K Views

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## Relevant people

**David Tangipa** ✓  
@DavidTangipa

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AD 8 , Bulldog & Sacramento  
Watchdog. Voice for the Valley and  
fighter for the Foothills.

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Tangipa v. Newsom

DX366

2:25-cv-10616-JLSWLH-KKL




## **Exhibit 367**



**David Tangipa** ✓  
@DavidTangipa



 **BREAKING:** The DOJ has joined our lawsuit against Gov. Newsom!

We promised to fight this partisan gerrymandering every step of the way and now the DOJ is standing with us to stop this power grab.



From kcra.com

12:07 PM · Nov 13, 2025 · **26.7K** Views

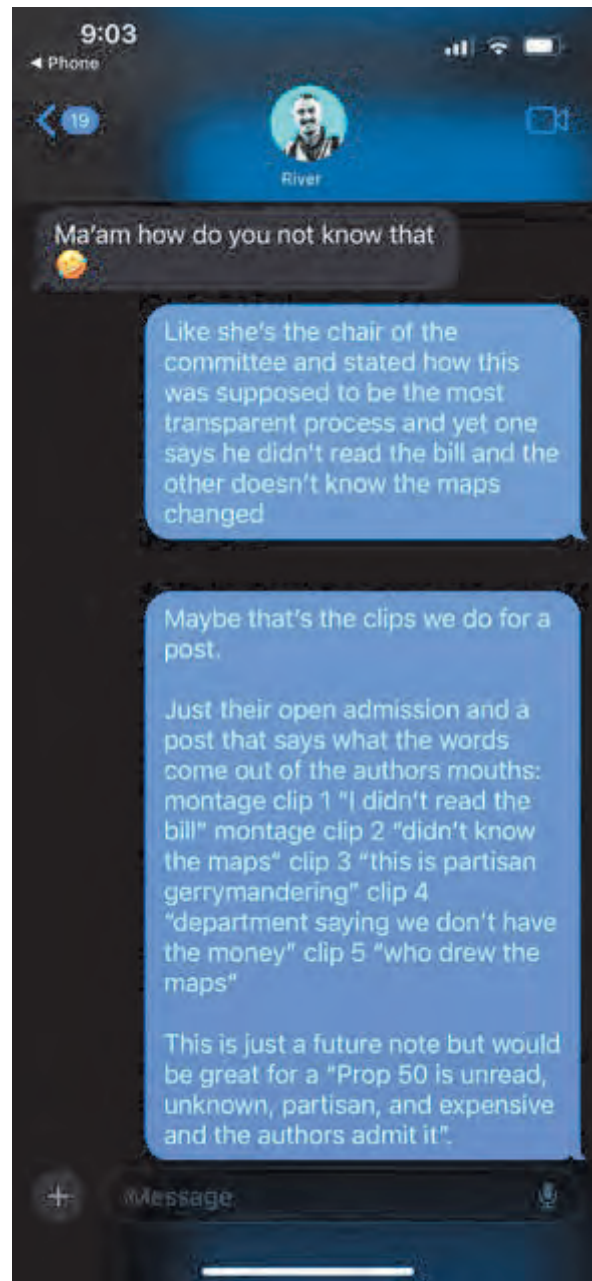
Tangipa v. Newsom

**DX367**

2:25-cv-10616-JLSWLH-KKL



## **Exhibit 368**



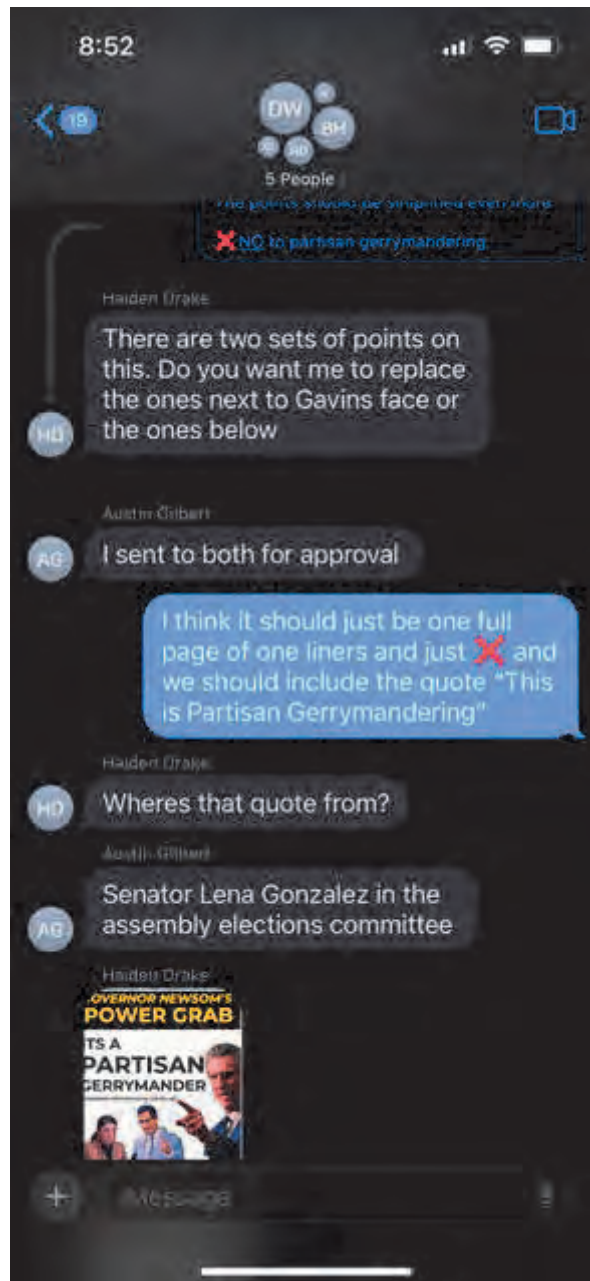
Tangipa v. Newsom

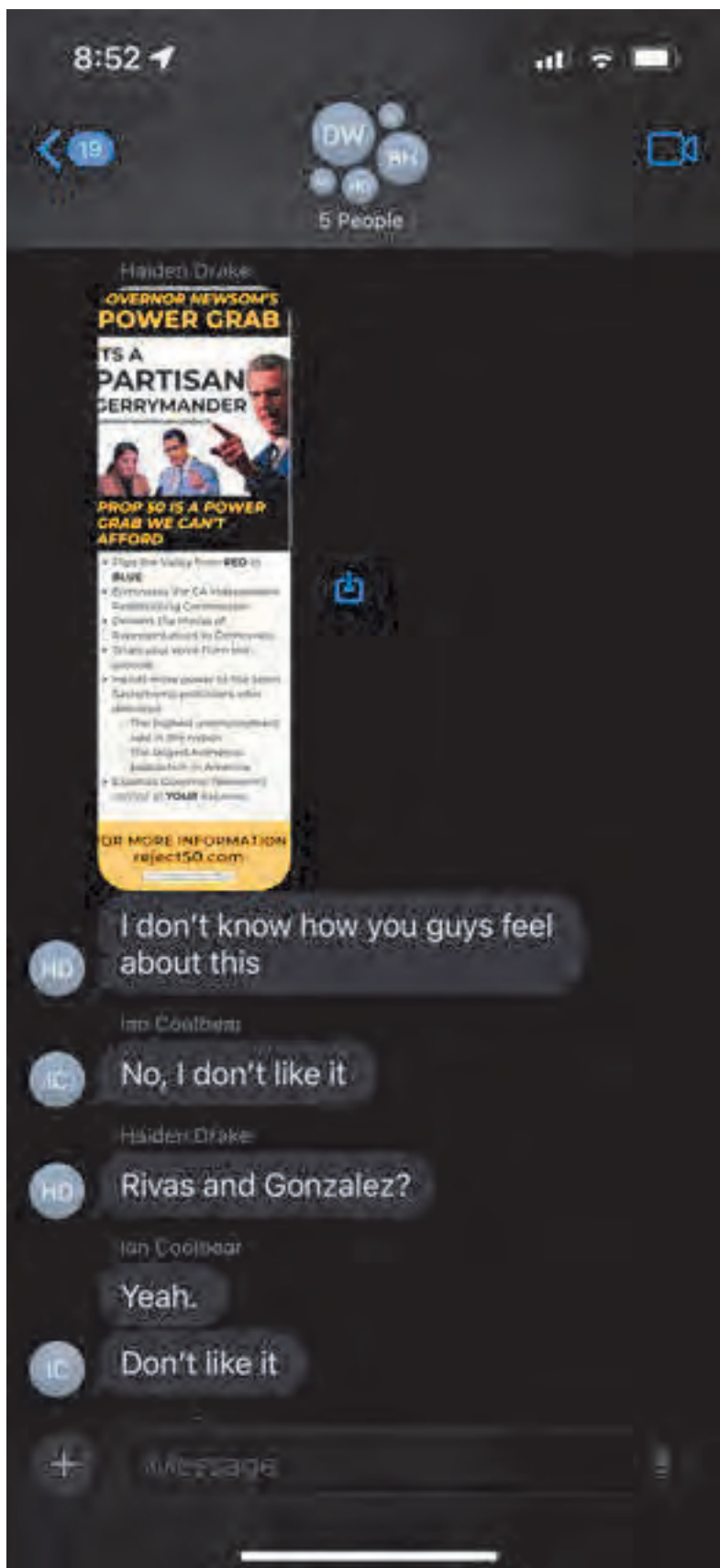
**DX368**

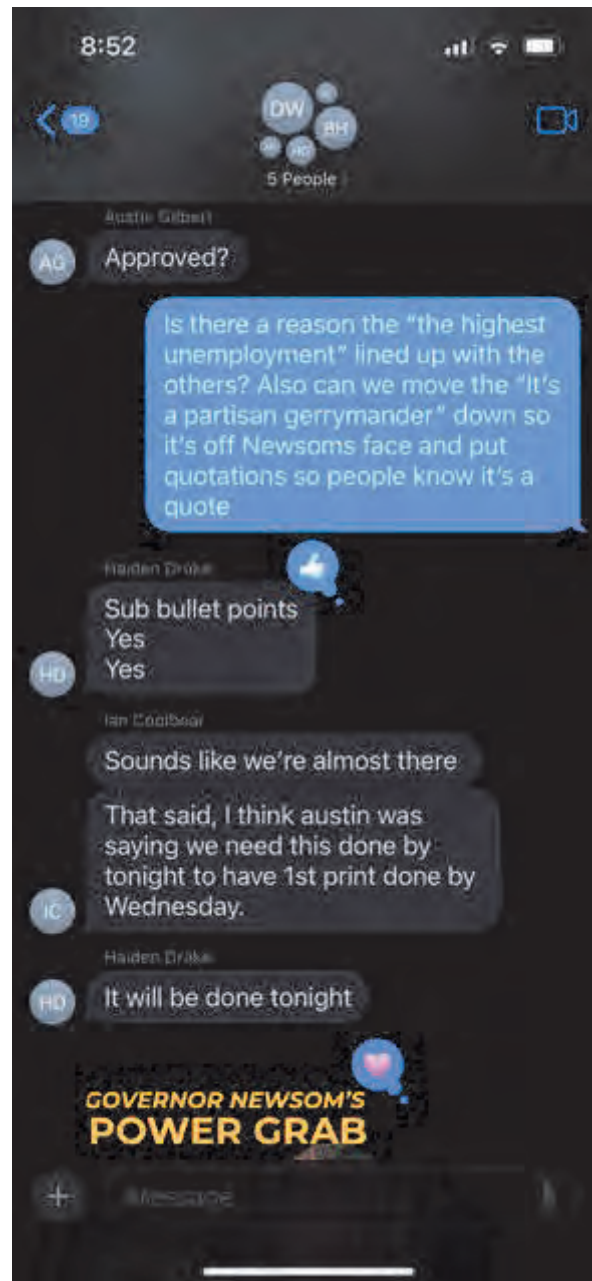
2:25-cv-10616-JLSWLH-KKL

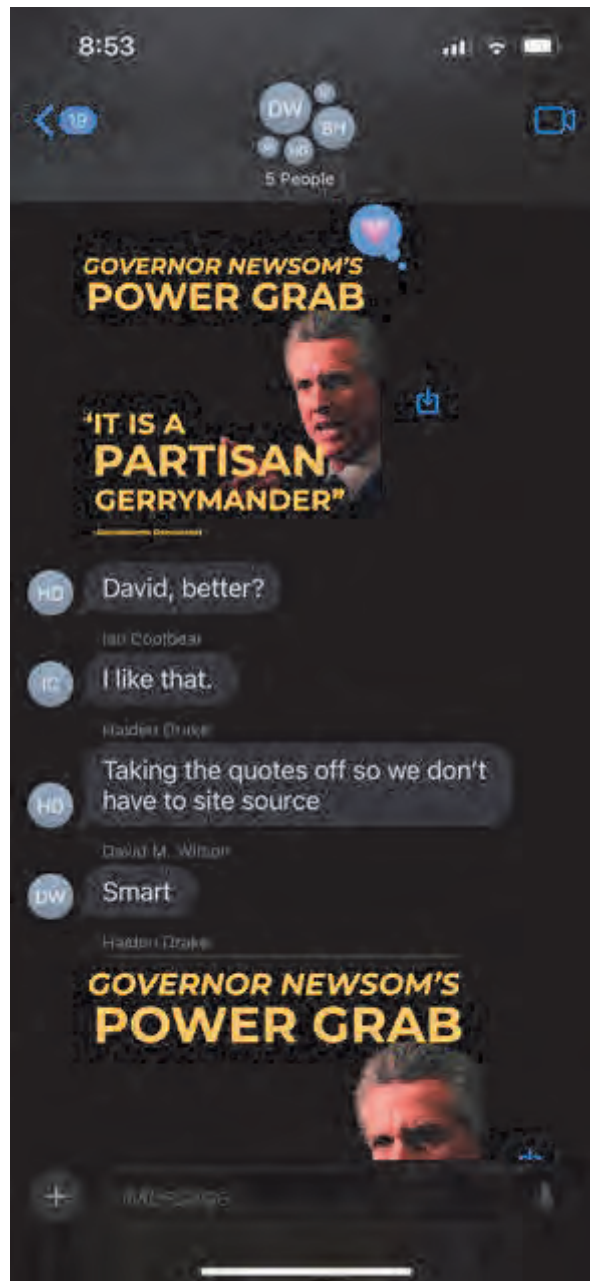
**PLAINTIFFS\_000613**

DX368-0001



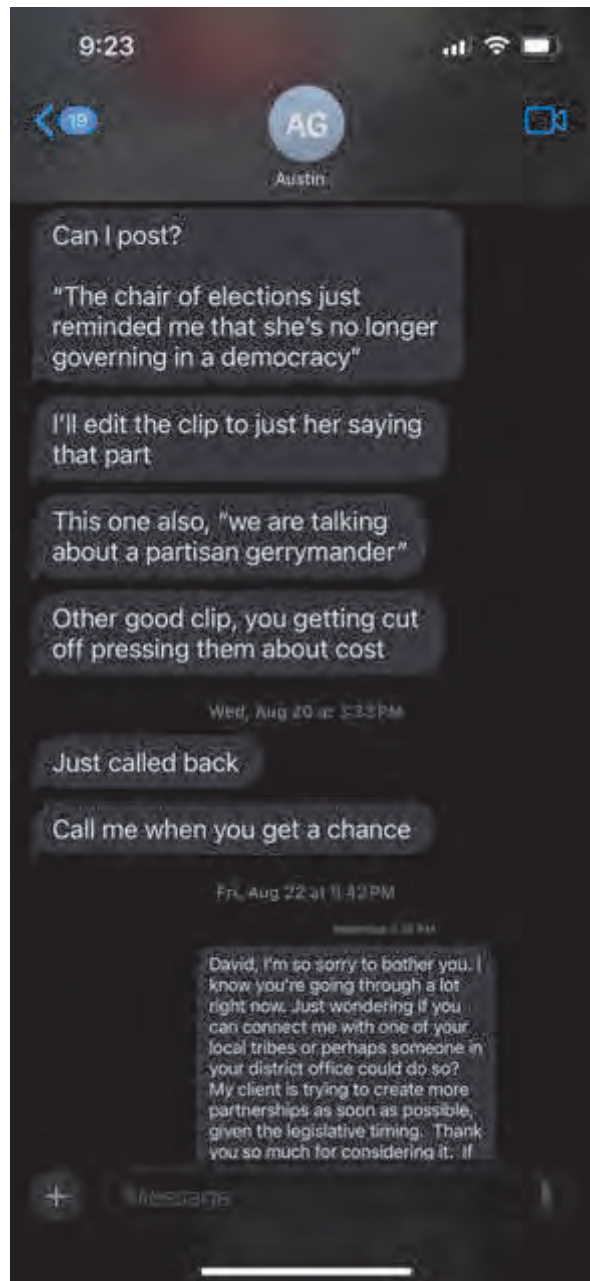


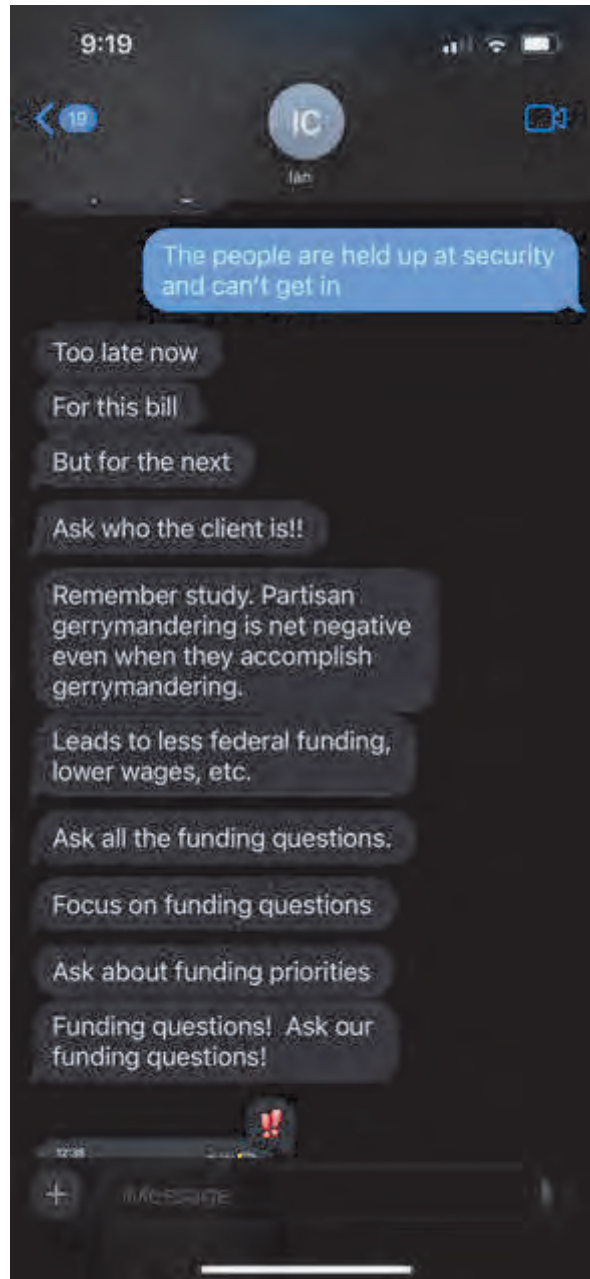


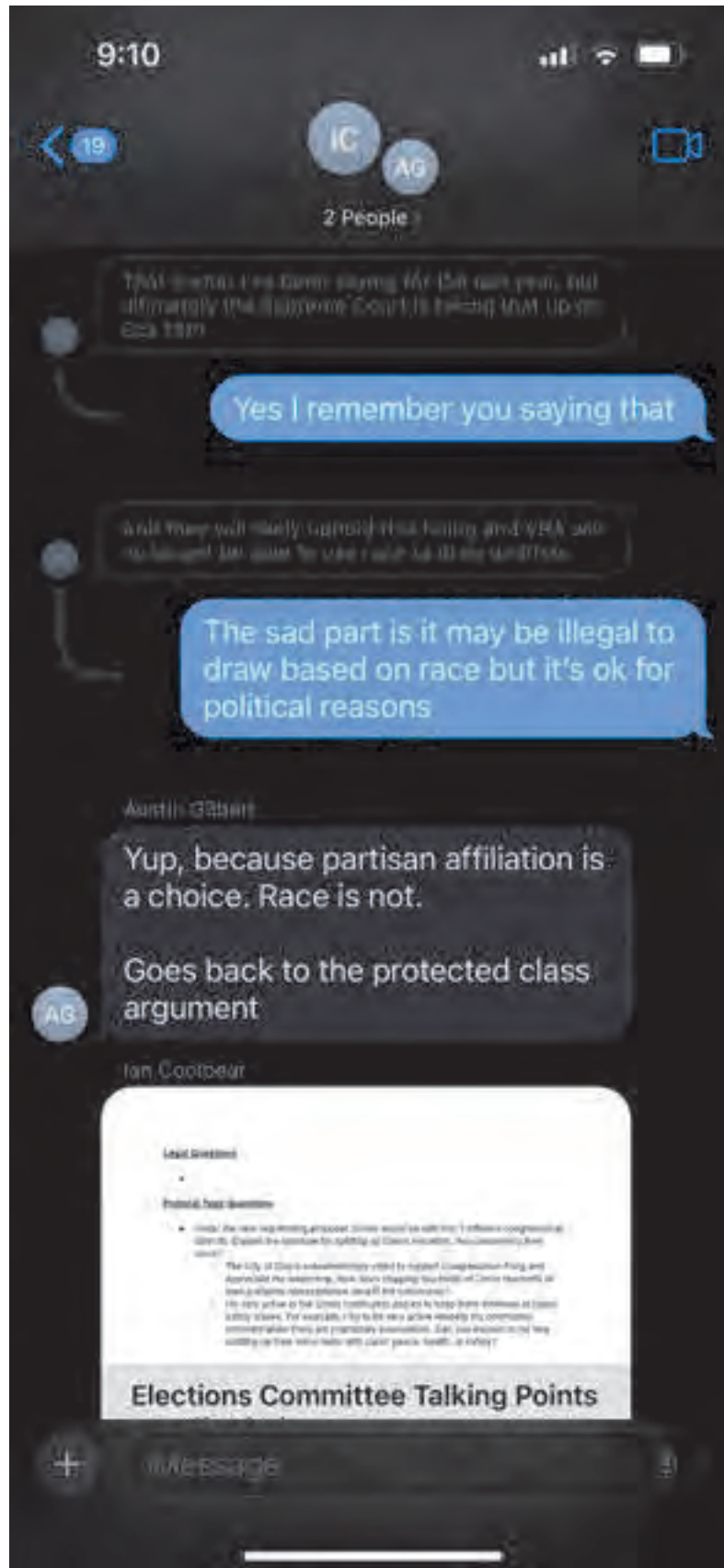


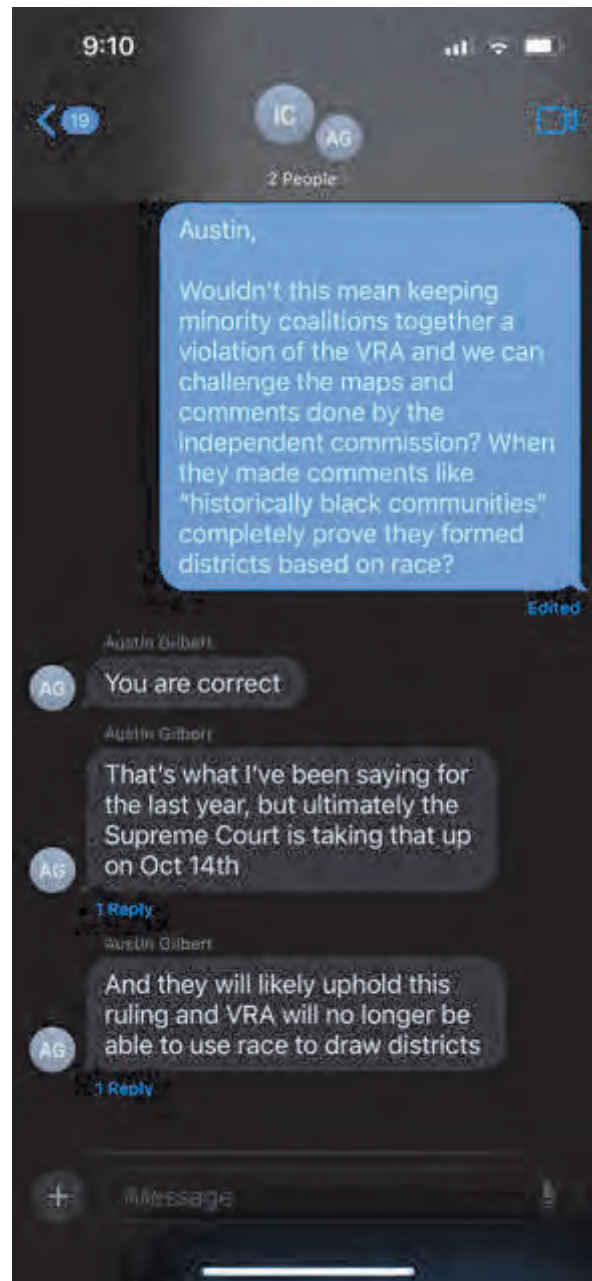


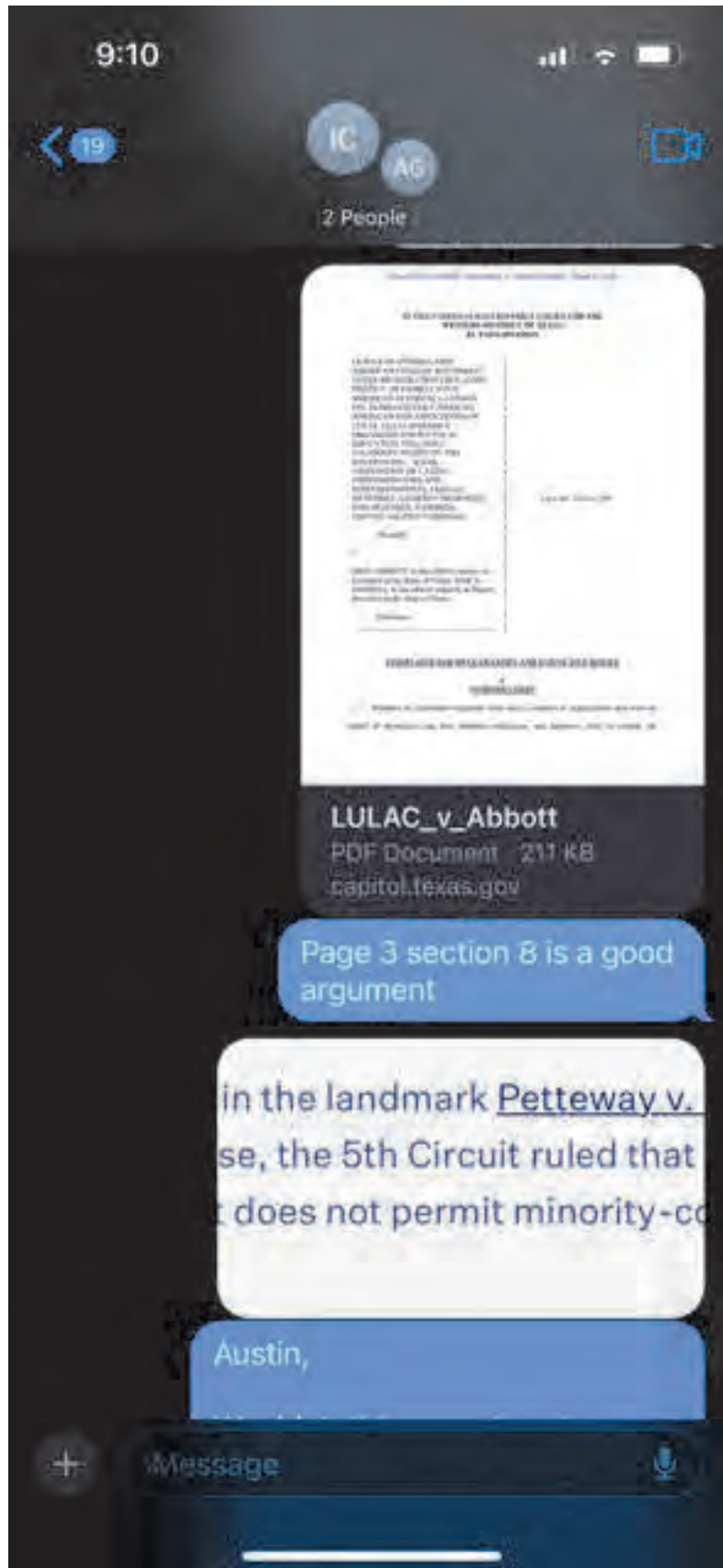




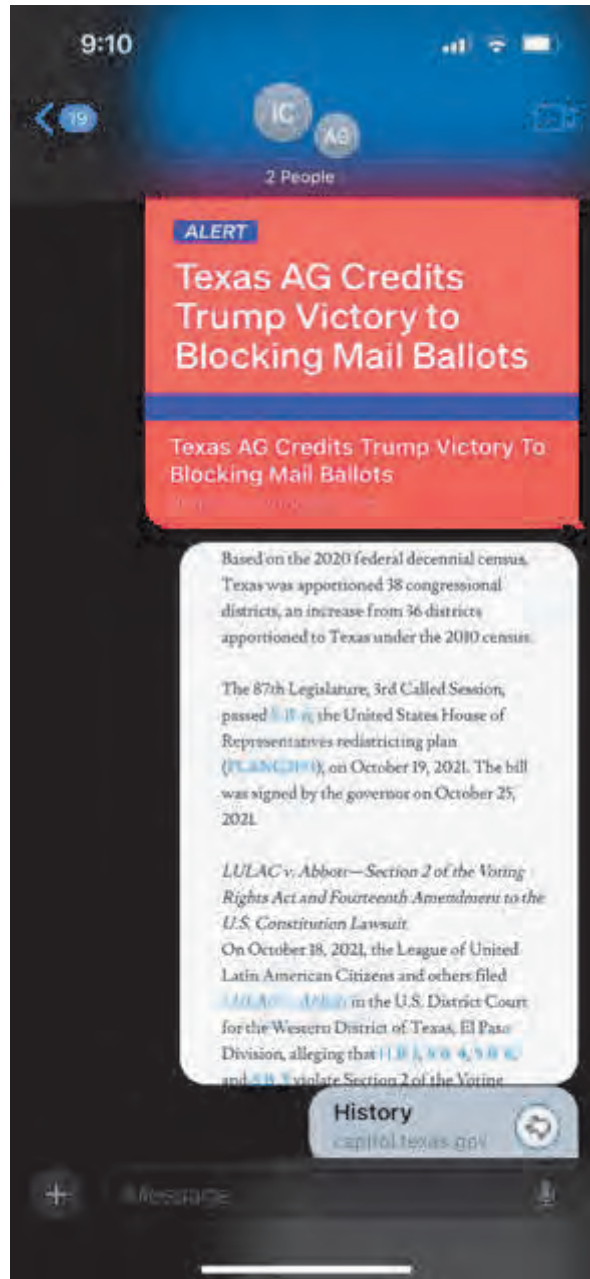


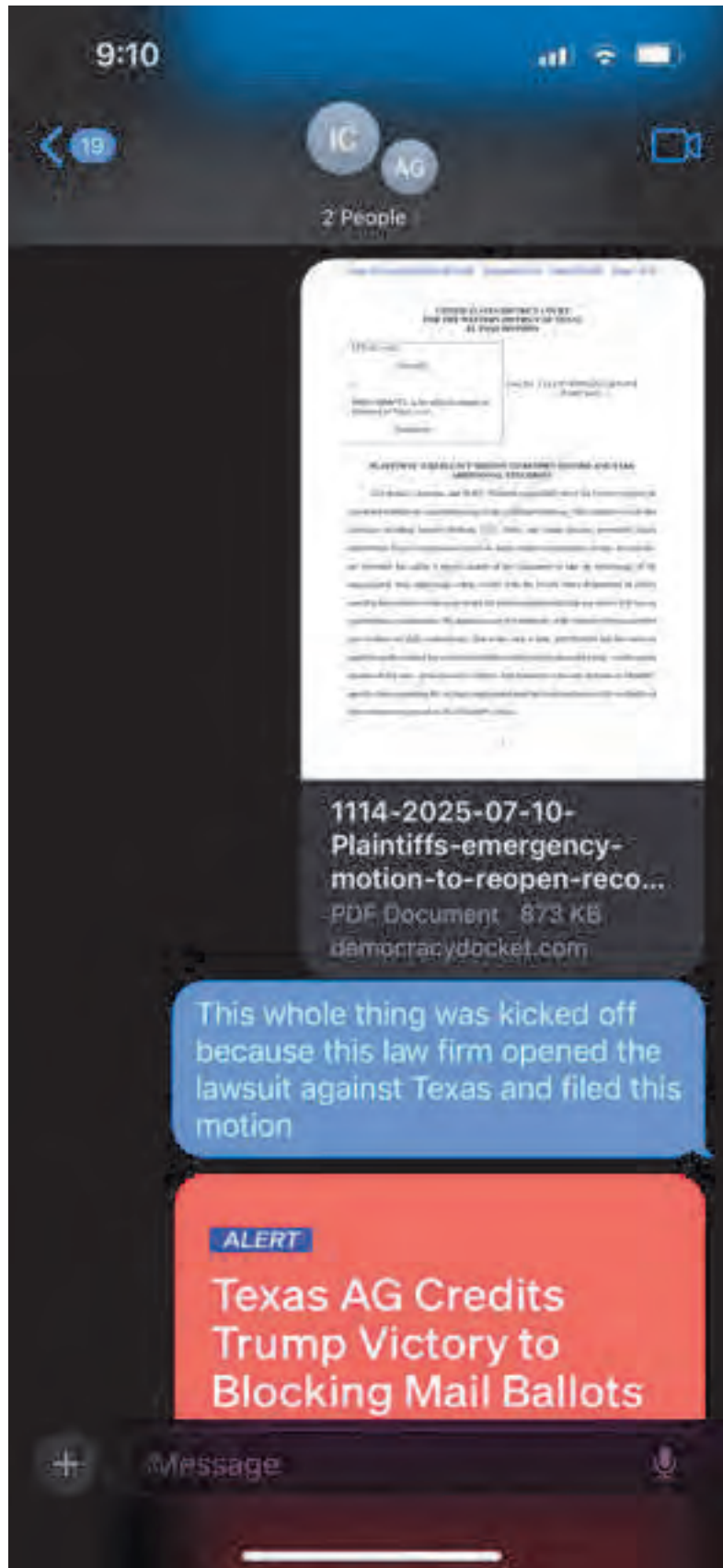




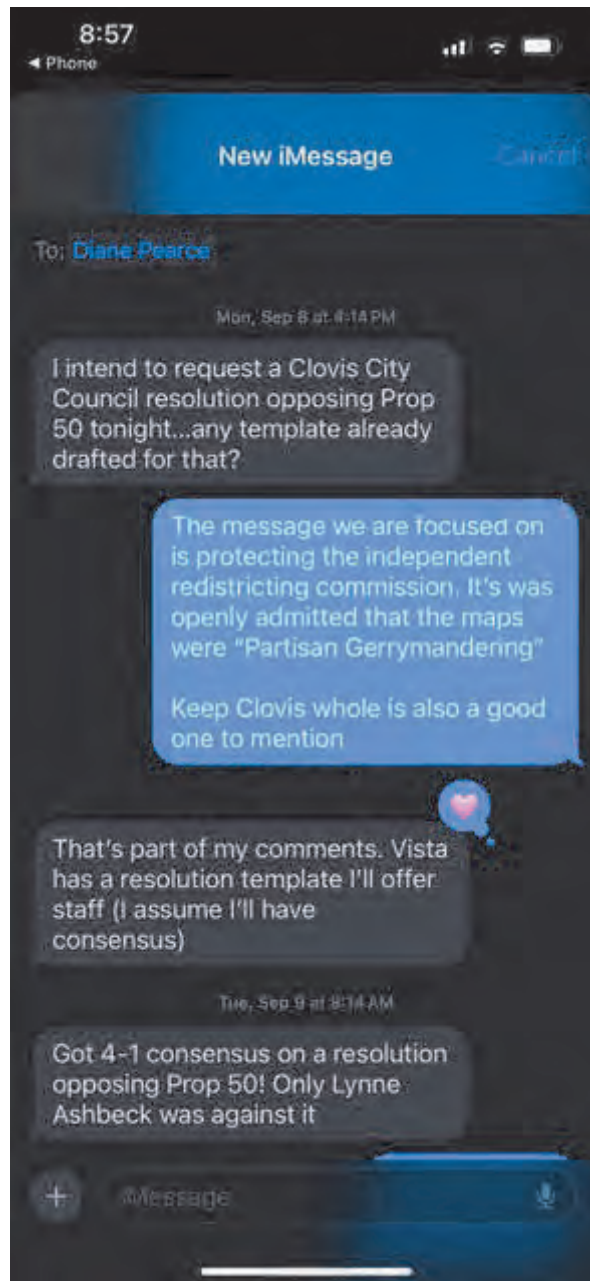


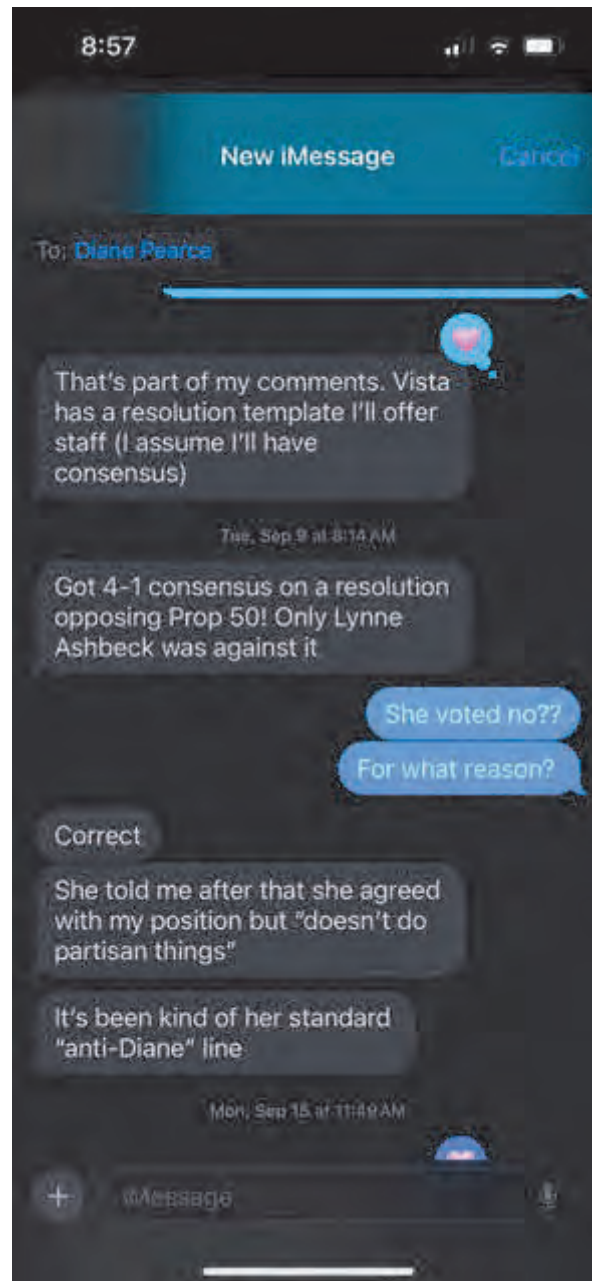












# **VOTE ~~NO~~**

# **PROP 50**

## **NO TO NEWSOM**

## **NO TO RIGGED ELECTIONS**



"Does Governor Newsom deserve more power? **NO!** Vote no on Prop 50 between October 6<sup>th</sup> and November 4<sup>th</sup> to stop his power grab. We cannot let Sacramento strip the Valley of our voice. "

**ASSEMBLYMAN DAVID TANGIPA:**

## **FRESNO COUNTY LEADERS AGREE**

## **VOTE ~~NO~~ ON PROP 50**



**NATHAN MAGSIG**  
FRESNO CO. SUPERVISOR

"On November 4<sup>th</sup>, Californians can say **NO** to Governor Newsom's attempt to take power away from Valley families. **Vote No on Prop 50** and stop the power grab."



**LORENZO RIOS**  
Veteran & Community  
Leader

"Californians suffer from nationwide highs in unemployment, poverty, and homelessness. The legislature should focus on solving problems, **not this costly power grab.**"

## **MAKE A PLAN TO VOTE**

- Ballot will be mailed to you on October 6th
- Ballots can be returned by mail, at a drop-off location, or at the County elections office
- Vote centers open for early in-person voting on October 25th
- Visit [reject50.com](https://reject50.com) to find a voting center or to schedule a ballot pickup.



# GOVERNOR NEWSOM'S POWER GRAB

## IT IS A PARTISAN GERRYMANDER

-Sacramento Democrats

### PROP 50 IS A POWER GRAB WE CAN'T AFFORD

- ✗ Flips the Valley from **RED** to **BLUE**
- ✗ Eliminates the CA Independent Redistricting Commission
- ✗ Delivers the House of Representatives to Democrats
- ✗ Strips your voice from the process
- ✗ Hands more power to the same Sacramento politicians who delivered
  - The highest unemployment rate in the nation.
  - The largest homeless population in America.
- ✗ Expands Governor Newsom's control at **YOUR** Expense.

**FOR MORE INFORMATION**  
**reject50.com**

Paid for by Tangipa for California, A Ballot Measure Committee Controlled by David Tangipa

**PLAINTIFFS\_000630**

DX368-0018

< Elaine Alaniz, (626) 461-6366,...  
4:41 AM, Nov 6

(No subject)

Reacted 🙏 to "Today,  
the California Republican  
Party filed a federal  
lawsuit against Prop.  
50 alongside the  
Dhillon Law Group,  
Assemblyman David  
Tangipa, and 18  
California voters, arguing  
that it unconstitutionally  
gerrymanders  
California's  
congressional districts  
and violates the

Reacted with 🙏 to "Today, the California Republican Party filed a federal lawsuit against Prop. 50 alongside the Dhillon Law Group, Assemblyman David Tangipa, and 18 California voters, arguing that it unconstitutionally gerrymanders California's congressional districts and violates the

  
Copy text

  
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PLAINTIFFS\_000631

DX368-0019

< Elaine Alaniz, (626) 461-6366,...  
4:41 AM, Nov 6

(No subject)

and violates the  
Fourteenth and Fifteenth  
Amendments. ☒ ☒

This lawsuit is a major  
step forward in our  
ongoing fight to protect  
Californians from an  
unconstitutional power  
grab that silences voters  
and consolidates political  
power in the hands of  
Sacramento insiders.

--Corrin Rankin

CRP Chairperson"



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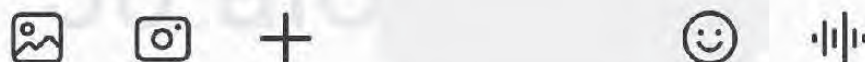


<  Mass text 19 ✓ ⋮


MMS 2:40 PM

Jennifer Stevens

Emphasized  
“Today, the  
California  
Republican  
Party filed  
a federal  
lawsuit  
against Pron






<  Mass text 19 ▾ ⋮

lawsuit  
against Prop.  
50 alongside  
the Dhillon  
Law Group,  
Assembly  
man David  
Tangipa, and  
18 California



<  Mass text 19 ▾ ⋮

voters,  
arguing that  
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California's c  
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districts and  
violates the





< Elaine Alaniz, (626) 461-6366,...  
2:43 PM, Nov 5

**(No subject)**

and violates the  
Fourteenth and Fifteenth  
Amendments. ☒ ☒

This lawsuit is a major  
step forward in our  
ongoing fight to protect  
Californians from an  
unconstitutional power  
grab that silences voters  
and consolidates political  
power in the hands of  
Sacramento insiders.

--Corrin Rankin

CRP Chairperson"



Copy text




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<  Mass text 19 ✓ ⋮

MMS 2:20 PM

Pierre



to “


Today, the  
California  
Republican  
Party filed  
a federal  
lawsuit

against Prop.



PLAINTIFFS\_000637


DX368-0025

<  Mass text 19 ▾ ⋮





against Prop.  
50 alongside  
the Dhillon  
Law Group,  
Assembly  
man David  
Tangipa, and  
18 California  
voters,





<  Mass text 19 ∨ ⋮

arguing that  
it unconstit  
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California's c  
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districts and  
violates the  
Fourteenth

  +  



< Elaine Alaniz, (626) 461-6366,...  
2:08 PM, Nov 5

(No subject)

and violates the  
Fourteenth and Fifteenth  
Amendments. ☒ ☒

This lawsuit is a major  
step forward in our  
ongoing fight to protect  
Californians from an  
unconstitutional power  
grab that silences voters  
and consolidates political  
power in the hands of  
Sacramento insiders.

--Corrin Rankin

CRP Chairperson



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<  Mass text 19 ▾ ⋮

RECEIVED:

MMS 7:49 AM

Mitch Clemmons



@johnnymaga

📺 WOAHH. Trump says California's "prop 50" process is under "criminal review."

"STAY TUNED!" 🙄



Donald J. Trump ✓ +  
@realDonaldTrump


The Unconstitutional Redistricting Vote in California is a GIANT SCAM in that the entire process, in particular the Voting itself, is RIGGED. All "Mail-In" Ballots, where the Republicans in that State are "Shut Out," is under very serious legal and criminal review. STAY TUNED!

8:28 AM · 11/4/25 · 80K Views

MMS 7:50 AM





<  Mass text 19 ▾ ⋮

IVIVIS 7:50 AM


Mitch Clemmons

Prop 50 was  
always going  
to pass. The  
cheating is  
HUGE in CA.

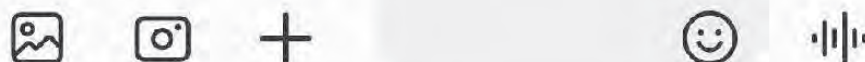
But it's  
my hope


  +  



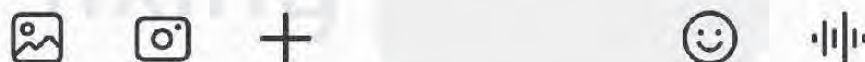
<  Mass text 19 ✓ ⋮

But it's  
my hope  
that Gavin  
Newsom  
shot himself  
in the foot  
by doing  
this prop 50  
thing.



<  Mass text 19 ∨ ⋮

The DOJ,  
and many  
many others,  
are watching  
this election  
closely.  
Hopefully  
this will  
facilitate the



< Elaine Alaniz, (626) 461-6366,...  
7:53 AM, Nov 5

(No subject)

cheating is HUGE in CA.

But it's my hope that  
Gavin Newsom shot  
himself in the foot by  
doing this prop 50 thing.

The DOJ, and many many  
others, are watching  
this election closely.  
Hopefully this will  
facilitate the fixing of our  
elections before the mid  
terms.



Copy text




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<  **Mass text 19** ✓

MMS 10:00 AM

(626) 461-6366

Reacted   
to an image

MMS


Thats NO on  
50 BTW

MMS 10:54 AM

Michelle Martinez Salt & Light

Liked "Thats  
NO on




<  **Mass text 19** ✓ ⋮

Michelle Martinez Salt & Light

Liked “Thats  
NO on 50  
BTW”


MMS 10:57 AM

Raul Ortiz

 to “Thats  
NO on 50  
BTW”





<  **Mass text 19** v

Charlyn Park Hiebert

Loved "Thats  
NO on 50  
BTW"

MMS


Yes,


MMS 1:04 PM

Curt Hiebert

VOTED NO!!



<  Mass text 19 ▾ ⋮

Good  
morning   
Watch and  
share this  
one. It's very  
short and  
explains  
Prop 50  
really well.

MMG 8:23 AM



<  **Mass text 19** v

Raul Ortiz

❤️ to “[https://youtu.be/\\_rMbsffPTOQ](https://youtu.be/_rMbsffPTOQ)”

MMS 8:37 AM

Curt Hiebert

**Vote NO!!!**

MMS

(626) 461-6366

Liked “Vote



<  Mass text 19 ∨ ⋮

(626) 461-6366

Liked “Vote  
NO!!!”


MMS

Liked  
“[https://  
youtu.be/\\_r  
MbsffPTOQ](https://youtu.be/_rMbsffPTOQ)”

MMS





<  Mass text 19 ∨ ⋮

Send that  
video out to  
all of your  
liberal or  
democrat,  
leaning  
family  
members or  
friends



<  **Mass text 19** ✓

MMS 8:40 AM

Curt Hiebert


Emphasized  
“Send that  
video out to  
all of your  
liberal or  
demo...”

MMS 8:45 AM

Jennifer Stevens



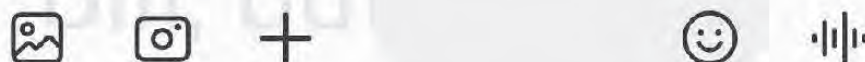



<  Mass text 17 ✓ ⋮

MMS 10:40 AM

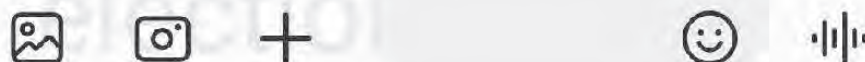
Shiva

This is what  
I tell people  
when they say  
they wanna  
vote for prop  
50. I told them  
we overwhelm  
ingly voted for  
a lot in order



<  Mass text 17 ✓ ⋮

we overwrit  
ingly voted for  
a lot in order  
Bill, but Gavin  
Newsom says  
he doesn't  
have enough  
money to  
implement  
it, but he has  
more money to  
have a special



< Elaine Alaniz, Bonito Benny Bern...  
10:41 AM, Nov 5

**(No subject)**

they wanna vote tor  
prop 50. I told them we  
overwhelmingly voted  
for a lot in order Bill, but  
Gavin Newsom says he  
doesn't have enough  
money to implement it,  
but he has more money  
to have a special election  
to rig the elections even  
more. I woke some  
people up because of  
that. And this is what we  
need to do we need to  
talk to liberals.



Copy text




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<  Mass text 17 ⌵

Paul Jones



Case 2:25-cv-10616 Document 1 Filed 12/05/25 Page 1 of 28 Page ID #:1

1 MICHAEL A. COLUMBO (SBN: 271283)  
2 SHAWN COWLES (SBN: 163826)  
3 MARK P. MEUSER (SBN: 231335)  
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5 4675 MacArthur Court, Suite 1410  
6 Newport Beach, CA 92660  
7 Telephone: (415) 433-1700  
8 Fax: (415) 520-6593

9 *Attorneys for Plaintiffs*

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 **DAVID TANGIPA, ERIC CHING, SAUL**  
13 **AYON, PETER HERNANDEZ, ROXANNE**  
14 **HOGG, JOEL GUTIERREZ CAMPOS,**  
15 **SOLOMON VERDUZCO, PAUL RAMIREZ,**  
16 **JANE ORTIZ-WILSON, VERNON COSTA,**  
17 **RACHEL GUNTHER, DOUG BUCHANAN,**  
18 **SAYRS MORRIS, MIKE NETTER,**  
19 **CHRISTINA RAUGHTON, KRISTI HAYS,**  
20 **JAMES REID, MICHAEL TARDIF, ALEX**  
21 **GALICIA, and CALIFORNIA**  
22 **REPUBLICAN PARTY,**

23 Plaintiffs,

24 vs.

25 **GAVIN NEWSOM**, in his official  
26 capacity as the Governor of California;  
27 **SHIRLEY WEBER**, in her official capacity as  
28 California Secretary of State;

Defendants.

CASE NO. \_\_\_\_\_

**COMPLAINT FOR DECLARATORY**  
**AND INJUNCTIVE RELIEF (42 U.S.C. §**  
**1983; U.S. CONST. amend. XIV)**  
**REQUEST FOR CONVENING OF**  
**THREE-JUDGE COURT (28 U.S.C. §**  
**2284) DEMAND FOR PRELIMINARY**  
**AND PERMANENT INJUNCTION**

**ACTION SEEKING STATEWIDE**  
**RELIEF**

**VIOLATION OF THE FOURTEENTH**  
**AND FIFTEENTH AMENDMENTS –**  
**RACIAL GERRYMANDER**



COMPLAINT

2.6K 6.6K 24K 640K

Post your reply



PLAINTIFFS\_000657

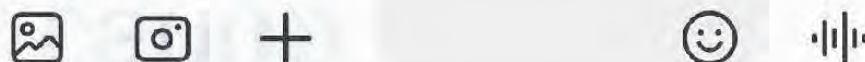
DX368-0045

< (916) 237-9789

Don't let  
Newsom steal  
GOP seats.  
Register now  
to vote NO on  
**Prop 50** this  
Nov 4! Tell 5 of  
your friends.

It takes

minutes





## **Exhibit 369**



# PUTTING BUGS OUT OF BUSINESS SINCE 1931



## Meet the Sacramento architect behind California's new proposed congressional maps



By **Vicki Gonzalez**

Published September 2, 2025 at 12:17 PM PDT



*Courtesy of Paul Mitchell / via CapRadio*

The new congressional map drafted by Paul Mitchell's firm, Redistricting Partners. Gov. Gavin Newsom proposed drawing a new temporary map that favors Democrats. Voters will decide in November whether to approve it.

**Tangipa v. Newsom**

**DX369**

2:25-cv-10616-JLSWLH-KKL

California's proposal to redraw its congressional maps mid-decade, instead of waiting until after the 2030 census, will officially go to voters in a Nov. 4 special election.

The measure, known as Proposition 50 or the Election Rigging Response Act, will ask voters to temporarily bypass the independent California Citizens Redistricting

Commission and approve new maps that could net Democrats up to five more seats in the 2026 midterm elections.

Gov. Gavin Newsom, along with Democratic state lawmakers and [party leaders say the move is necessary](#) to counter Republican redistricting in states like Texas, where GOP lawmakers recently approved legislation to add five more Republican seats in 2026.

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But California's contentious proposal has drawn pushback from Republicans, supporters of independent redistricting and [some former members of the state's independent commission](#), with concerns over representation, political maneuvering and potential damage to long-term election reform.

Meanwhile, some good-government groups like [Common Cause](#) and the [League of Women Voters of California](#) have walked back initial opposition to Prop 50 and are taking no position, instead saying the issue should be decided by voters.

Paul Mitchell is a Sacramento-based data consultant and heads the demography firm [Redistricting Partners](#), which has worked with the state's redistricting commission in the past. Mitchell's company drafted the map proposals that California voters will decide on later this year.

Mitchell [spoke with Insight Host Vicki Gonzalez](#) about the process and rationale behind the redistricting effort, as well as his thoughts about stepping into the partisan gerrymandering fight between California and Texas.

This interview has been edited for length and clarity.

Advertisement



## **Interview highlights**

### **Would you call your work nonpartisan? Are you contracted across party lines?**

My work has always, in the redistricting space, been in a non-partisan way. Sometimes I'm advocating for partisan interests in front of an open process like the state redistricting commission, but I've never done an actual partisan redistricting. I've never been in a position where I'm drawing maps for an agency and I'm looking at things like partisanship.

When I go to a city council or school board, I'll tell them I will not have any private meetings with board members. I will not do any closed sessions. I will not talk about redistricting matters outside of a public meeting, and I don't want to know where any of the incumbents live. We do a process that's purely nonpartisan and following the state's transparent FAIR MAPS Act process.

### **When did California Democrats reach out to you about this mid-cycle redistricting push, and ask you to help redraw these maps?**

The first questions came months ago. We had people coming (and) asking me, because I'm known as one of the redistricting experts in the state, "would it be possible?" And I was saying no, that's just not possible. I had that attitude until Gavin Newsom did his podcast where he said, "we're going to do this."

I actually did some polling to look at whether or not voters would support something like this, and I was shocked. I was shocked that you found in one survey question 70% of them said they support the commission. And then when you told them what's happening in Texas, asked them, "would you be willing to support something that would put the commission maps on hold in California, and impose new lines to confront what's happening in Texas," that same population... were 55-60% in support of setting those lines aside. When I saw that, and when I started talking to more people, it became apparent that this was potentially real.

There was a lot of interest, as it first started, that this was kind of a bluff. We started having meetings, potentially drawing maps, and we thought, "OK, if this looks serious enough, Texas will stand down." They'll know we're going to go through this rigmarole in

Texas to try to create five districts, and California can just offset it with a snap of the fingers. When it became clear that they weren't backing down, this thing just got more and more serious.

**Since your work at Redistricting Partners has long been nonpartisan, were you ever conflicted about participating in what is a partisan gerrymandering fight?**

When I came to it, I came to it with my lens ... can we push back on Texas, pick up five seats for Democrats and not break the entire redistricting plan? Can we do it following the good governance, good redistricting principles and criteria that the commission has — the same criteria material that's used in local redistricting — and do something that would reflect the communities of interest, protect cities and counties, and do these other things that we follow in all our local redistributing?

Once I proved to those folks that we could do that ... and we don't have to create crazy districts that bridge Santa Monica to Hemet, and San Francisco to Redding. Once I realized we could do it, and still do a good clean redistricting that I don't personally consider a gerrymander because we're not splitting up communities, we're not doing crazy lines that go 30 miles down freeways like they do in Texas or Illinois, then I felt more comfortable about it.

**There isn't consensus among former members of the independent redistricting commission on Prop 50. We recently had a member on Insight who is opposed to it because they believe it undermines the pursuit of fair elections and can cause long-term damage to election reform. How do you respond to that?**

I have a lot of respect for people who share those values, I share those values as well. Sarah Sadhwani was one of the commissioners who's kind of taking a leading role here. She not only served on the commission, before that all of her election research, her academic work, has been in election reform ... she has been as tied to this independent reform process as anybody.

But at the same time, she feels that there's this existential threat, that what's happening in Texas is not something that should be allowed. And that by doing this in California, we're potentially offsetting that rigging of the election. As a result of that, for this one moment we can't be so married to the process values, and we should be married to the outcome values.



And it is interesting to me that voters get this, that voters will say, "I support the commission," And then say, "I'm willing to set it aside." I think it was really smart by the governor to characterize this in his first discussion ... as: 'we can do this right now to confront Texas. We can do it in a measured approach.' Just pick up five seats, not try to pick up nine or do something crazy. We can do it in a way that reinforces our push for national redistricting reform, and brings back the commission in 2031.

By doing that I think it gives a permission structure to people like me to say, 'OK, we're doing this right now. And hopefully by 2031, we can get back to norms-based democracy that we can feel more comfortable in.'

**If you had said no to helping with the redistricting, would Prop. 50 have moved forward?**

There are a lot of good redistricting consultants around the country. I think we were uniquely positioned because we've done redistricting in so many of these communities that we've tracked the redistricting process at the state commission for the last two decades. I think we were uniquely qualified to help put something together ... but also not split key communities.

There's a lot of different communities that have been active in redistricting that we're more keyed into, and so that made it easier for us to do this. I've been really proud of the fact that the NAACP came out in support of this after initially being opposed to it, because they were afraid that it would cause a lot of split-up of the districts they cared about. The UCLA Center for Asian Studies just put out an analysis that showed that this district is increasing Asian voting power.

Where do you ever have gerrymandering in some state that people say actually creates positive outcomes? So I think there are positive stories to be told in this redistricting ... but I don't have such a big ego to say that it wouldn't have been done without me here, I think they would have been able to do something if it wasn't for us.

**It might be tough for some people to swallow the distinctions you're creating behind California and Texas's maps. Maybe they're a Republican or a principled supporter of the independent redistricting process, regardless of circumstance. How would you talk to them about how you see these maps as fair, if they don't feel they are?**

There's clearly a desire in these maps to push back on what Texas is doing. So if someone is opposed to that pushing back ... then I don't think we're going to convince them just because we unified Martinez and Vacaville. But for those who really do love the commission process and feel like that's something they value, and are maybe on the fence, I think looking at the maps ... they can see the fact that our process respected the Voting Rights Act. Our process respected communities, even districts that they're "attacking."

Kevin Kiley's (new proposed) district, that comes in here to Sacramento ... You can look at that and say "well OK, maybe we don't know why it's coming to Sacramento," but we also know that it used to go all the way down to Kern County. I lived in Independence as a kid, and I'll tell you we never went to the mall in Roseville.

You can look at a lot of these districts, and there's ways to look at them and say objectively they are improvements in some areas. So if we can do something to push back on Texas ... without breaking the commission map, and see commissioners actually come on and support this ... I think that's a real win. I'd hate for us to kind of throw the baby out with the bathwater here and say, "we need to fight back on Texas so let's just put our maps in a blender."

There are fewer cities split in our maps than the commission maps, and districts that have been created makes sense. Honestly, most of the state hasn't been touched. 80% of voters are going to find they're in the same district now as they were before. That's unlike Texas where all but one of the districts was redrawn. There's a lot of things here that can assuage any concerns that people have about the quality of this redistricting. But if their real core concern is the partisanship and electing Republicans, there's not a lot there for them to like.

**In the days since these maps were finalized and unveiled, what kind of response or criticism have you received?**

What has been interesting was when they first mapped, I got some angry text messages from Republicans who are working for the other side saying there wasn't a lot for them to attack. They were hoping that we'd done a bunch of stuff like put incumbents back into their districts, we didn't do that anywhere in the map.

I haven't heard a lot of pushback on the maps themselves. And part of my goal is that I want these maps to essentially be vanilla enough that they can fall into the background,

because from here on out ... this campaign isn't going to be about maps. This campaign is going to be about pushing back on Trump, who is trying to call into Texas and say, "I want five more districts." It's a breaking of our democratic norms, and without those democratic norms we don't have a true democracy.

**If voters approve this proposition in November the promise is that California's independent commission will resume after the 2030 census. But do you think there is a scenario where this could be bypassed again, maybe for similar reasons?**

No, I think the hundreds of millions of dollars that they're going to spend on this campaign would be enough deterrent for anybody trying to do this again. And I'll tell you, the polling is that if there wasn't this Texas threat right now, nobody would want to do this. I wouldn't want to do this. Voters don't want to get rid of the commission process. They believe in it, but they also see a threat. They understand this is the thing they can do to push back, and so I think you're seeing a lot of voters who are going to be willing to support this, but they're not going to be willing to support it on a permanent basis. When I did a (poll) asking if you want to get rid of the commission entirely, it came in at like 18% support. This is a one-time thing.

**Do you think it is opening a door that can't be closed? Is this fight between California and Texas changing the future landscape of redistricting?**

I think not pushing back would open a door we can't close. What I mean by that is that if California does not push back, we see these Republican states go ahead and pick up eight, nine districts around the country ... and we go into the 2026 election and it's this big landslide for Republicans because they win these districts, everybody around the country is going to look at commission states and say, "you guys are suckers." It would, I think, permanently derail the movement to try to do independent redistricting.

This is an unfortunate fight that everybody's in. I think it's a righteous fight to be in right now, but at the end of it I hope that Governor Newsom has (already) signaled he wants to work on national redistricting reform. I hope Charles Munger, who's currently against this measure, will work with him and other people who are reform-oriented ... and we can get a big national push.

Zoe Lofgren (Chair of the California Democratic Congressional Delegation), she authored a bill to create national redistricting reform, no Republicans are voting for it. Right now I bet Kevin Kiley and other Republicans would be voting for that. He's got a

bill to try to ban mid-decade redistricting, a lot of Democrats would be supportive of that, I'd be supportive of that. But I think maybe out of this process, we might find ourselves in a position where Democrats and Republicans can agree. Let's not do that again, let's try to do something nationally that will fix this problem.

**So this is a one-time thing for you, you wouldn't do this again?**

No, we'll not do this again.

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## **Exhibit 370**

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Paul Mitchell, a redistricting expert based in Sacramento, was the man tapped to make Prop. 50 a reality

**Tangipa v. Newsom****DX370**


2:25-cv-10616-JLSWLH-KKL

Paul Mitchell, a redistricting expert who helped California redraw its congressional map.

DX370-0001

By **Anabel Sosa**, *Senior California Politics Reporter*  
Nov 6, 2025





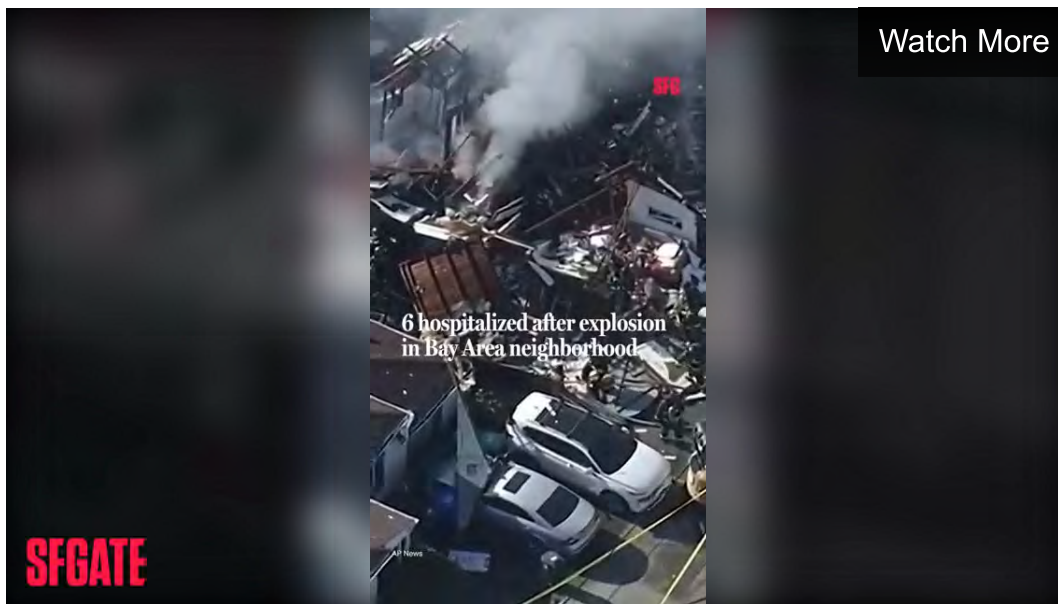
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At first, it was all political theater.



That's what Paul Mitchell, a California-based redistricting expert, said when Democrats first floated the idea of gerrymandering in a countermove to Texas.

"It was such a performative thing in the very beginning," he told SFGATE in an interview. When Democrats told him they wanted to flip five seats, "I'm like, 'F—k, OK, how can we do that?'"

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that was back in early 1990s. Four months later, Californians overwhelmingly voted in favor of Proposition 50, a new law approving the freshly drawn U.S. House map crafted by Mitchell, a self-proclaimed map nerd.





Gov. Gavin Newsom spoke with supporters during a rally with the United Domestic Workers of America about the urgency of the Get Out the Vote Kick-Off on Saturday, Nov. 1, 2025, in San Diego.

The San Diego Union-Tribune/Getty Images

"They set me up to do TV shows in Texas ... to say how easily California could match whatever Texas is doing, to try to push back on Texas," Mitchell told SFGATE on a video call last week. He was referring to a July 22 interview with the Texas Tribune, where he told the outlet that California could feasibly change their maps too, to favor Democrats and counter Texas' maneuvers to benefit Republicans.



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He joked to SFGATE that it was all a "bluff." Still, Mitchell admitted, "I never thought they were going to stop at Texas. ... Texas is kind of the bogeyman."

He wasn't wrong. As redistricting battles intensified over the past few months, North Carolina, Missouri and Ohio now stand to give Republicans more seats, while a push in Utah could help gain Democrats a seat. In his remarks after Tuesday night's victory, California Gov. Gavin Newsom urged other states -- like Colorado, Virginia, New York, Illinois and Maryland -- to follow California's lead and redraw maps to benefit Democrats.

But back in July, Democrats were only beginning to ponder their own ways to push back on Texas.



Paul Mitchell with his wife, Jodi Hicks, and Speaker Emerita Nancy Pelosi.

Speaker Emerita Nancy Pelosi, from California, said she was against the idea but asserted that in order “to win, we will do that.” Speaker Hakeem Jeffries, a Democrat from New York, visited Texas at the end of July, standing alongside the state’s Democratic leaders and denouncing the move by Republicans, saying it would “undermine the ability of Texans to have a free and fair midterm election.”

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Tensions continued to escalate, to the point that Texas Democrats fled the state to block a quorum. Some of them even traveled to Sacramento to meet with Newsom. At the time, Newsom offered moral support, but he and top Democrats were also plotting their own way to “fight fire with fire,” as they later put it in an August news release.

Texas Democratic state Rep. Ann Johnson told reporters “we are running from nothing” as she and her colleagues stood beside Newsom, who vowed to help fight back. Assembly Speaker Robert Rivas, a Democrat who represents parts of Santa Cruz, told reporters, “If they’re trying to destroy our democracy, you’re going to have to come through California.”





Rep. Ann Johnson, D-Houston, speaks to a colleague inside the House Chamber at the Texas Capitol Austin, Monday, Aug. 18, 2025.

Houston Chronicle/Getty Images

By then, Mitchell recalled, "It was all kind of just percolating at that point."

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Mitchell finally felt the retaliatory redistricting in California “might be real” when the 43-member California Democratic congressional delegation met in early August on the issue. Within two weeks, Mitchell said, they got through a quick process that felt “unprecedented.” Mitchell started to schedule meetings with all of the Democratic members of Congress from California to explain to each of them how their districts would change. Then he began to draft up maps.

Mitchell said “there was a familiarity and trust” with him heading the process. After all, he’s conducted over 100 redistrictings as the vice president of Political Data Inc., a bipartisan voter data firm based in Sacramento. He is also the owner of Redistricting Partners, which boasts on its website that “over the past two redistricting cycles, we were hired by over 100 local governments within California, including over 20 counties and over 25 cities” to create new maps.

“We were doing this super quick, and a lot of it probably has to do with just, like, it wasn’t some D.C. consultant drawing the maps for them. It wasn’t some, you know, unknown entity,” he said. He was already known as the person who helped with the last redistricting in 2021, tied to the decennial census. “... It was just, like, ‘Oh, it’s Paul.’”

“I’ve always been into maps and demographics,” Mitchell said. After college, he cut his teeth working for community college districts before expanding projects in both New York and later California and eventually founding his own firm, Redistricting Partners.

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Paul Mitchell with his wife, Jodi Hicks, who is the CEO and president of Planned Parenthood Affiliates of California.

Courtesy of Paul Mitchell

Mitchell's wife is the CEO of California Planned Parenthood, so the couple is closely connected to the inner world of politics. But Mitchell paints himself as a standard outdoorsy Californian in his personal time.

"When I'm not doing [maps], I'm racing bikes," he said, gesturing to framed photos behind him that showed him earning top places in gravel races.

The five now-vulnerable Republican districts are currently represented by Reps. Ken Calvert, Doug LaMalfa, Kevin Kiley, David Valadao and Darrell Issa. Issa's Southern California district was the final seat Mitchell and his team were able to put together.

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"It wasn't like they said, 'Here's the five members of Congress we like the least,'" he said, explaining that the chosen districts had more to do with methodology than politics.

In a September interview with KCRA-TV, Mitchell explained that the strategy, in a nutshell, was to put back together cities and counties that had been split in previous redistrictings, like Solano County and the cities of Vacaville and Martinez, and divide others to reallocate Republican voters in a way that would "counter Texas' five district pickup." He also argued the new map "improves Asian voting power," citing a study from UCLA, and said it could potentially improve Latino voting power in the Central Valley.



Paul Mitchell, the consultant who was tapped to draw California's new congressional map, is an avid biker.

Courtesy of Paul Mitchell

Even so, he remains apprehensive of what's to come. Mitchell told SFGATE he projects Republicans maintaining a House majority in 2026 a possibility, even with the competing redistricting efforts. But, he said, Republicans' efforts could become what he calls "dummy-manders" — basically, gerrymanders that eventually backfire.

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Mitchell still has a lingering question for those Republicans: "You'd have to ask them why... they didn't go and knock on the door of the White House and get him to stop doing this?"

"They could have gone to Texas Republicans and the governor and the president and said, 'Look, you're starting a war that's going to cost us our seats,'" he said. "... The pathway for them was very simple. They decided to not do anything about it."

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Nov 6, 2025



**Anabel Sosa**

SENIOR CALIFORNIA POLITICS REPORTER

Anabel Sosa is the senior California politics reporter at SFGATE. She previously covered the statehouse and elections for the Los Angeles Times. She has a master's degree in investigative journalism from UC Berkeley. You can reach her at [anabel.sosa@sfgate.com](mailto:anabel.sosa@sfgate.com).

## **Exhibit 371**



## Can this man draw the Democrats a House majority?

Sacramento's most trusted supplier of voter data was once a cheerleader for nonpartisan redistricting. Now Paul Mitchell is setting the lines for Democrats' mid-decade gerrymander of California's congressional map.



California Democrats have entrusted Paul Mitchell with drawing the maps they hope can generate five new House seats for their party. | Courtesy of Paul Mitchell

By WILL MCCARTHY  
08/15/2025 09:00 AM EDT



Over 30 years ago, Paul Mitchell was an energetic community college student who smelled of patchouli oil and wore hair so long he could “tuck it into his back pocket.” Last week, he became the most powerful person in California politics.

A student government campaign innovator turned legislative staffer turned political data nerd, Mitchell was tapped this summer by the state's Democratic leaders to engineer Gov. Gavin Newsom's brazen attempt to match Texas's mid-decade partisan gerrymander of its U.S. House map with one that gives Democrats offsetting gains in California.

**Tangipa v. Newsom**

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Newsom's cause will require many hands to be successful: lawmakers to muscle a constitutional amendment through the Legislature in mere days, attorneys to ward off incoming litigation and campaigners to pitch the concept to voters this fall. But it is Mitchell's hand that currently faces the heaviest task — drawing the maps whose warped new districts will deliver on Newsom's promise to create five new Democratic members of Congress.

To pull it off, Mitchell has to juggle a variety of competing political interests and legal obligations. There is the Voting Rights Act, which requires racial and ethnic minorities to be represented equitably. There are the Democratic House incumbents, wary of losing a grip on their districts, and the ambitious state legislators who may want to challenge them.

Mitchell is one of the rare few in the state with the skills to execute what is now a lost art — using technology to carve California's natural and human geography into electorally useful units — and those who know him say he is uniquely suited to weather the pressures that accompany it. As vice president of California's most venerable vendor of voter data, the 55-year old Mitchell has now worked for just about everyone in California politics, growing inured (or at least accustomed) to pressure from left and right.

Those maps, which are being released publicly as soon as Friday, disregard an independent redistricting system enshrined by California voters. They will likely raise outrage from the left and the right, progenitors of a hundred-million-dollar political proxy battle between Newsom and President Donald Trump. Beneath a high-minded debate about principle and propriety will sit Mitchell's handiwork, the bizarre and distorted lines that could determine control of Congress.

"All Californians are being asked if you want to set aside the values you believe in," Mitchell said in an interview. "Am I doing something that I wished we weren't being forced into? Absolutely."

"But I also think I'm uniquely able to do this well."





Mitchell poses with long hair in the 1990s. | Courtesy of Paul Mitchell

### **‘Who the hell is this guy?’**

Long before Mitchell was tapped as California’s wizard of redistricting, he was a late-blooming student at Orange Coast College in Southern California in the early 1990s, a self-described “stoner” screw-up trying to keep up with his older brother Brian who earned straight As.

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So Paul decided he would emulate Brian — who wanted to get into politics. After enrolling in Orange Coast in his early twenties, Mitchell enrolled in political science courses, interested in learning about elections, government, and voter behavior work. But he also signed up for calculus, in large part because his brother had taken it.

“That got me really into the politics and the math of everything,” Mitchell said.

He built a reputation for his relentless energy and work ethic, pairing political creativity with an interest and aptitude for applying campaign tools to student-government races. He carried around a laptop as early as 1993, plugging into ethernet jacks at Sacramento hotels to get online at student advocacy conferences.

“He was doing stuff that the secretary of state’s office couldn’t keep up with,” said Mike Madrid, a Republican consultant who first met Mitchell in 1993. “He saw the future.”

As the president of the California Student Association of Community Colleges in 1994, Mitchell convinced then-Sen. Hilda Solis to author a bill creating a common course-numbering system. He then hired buses to bring students to Sacramento to lobby legislators, ultimately getting the bill signed by Gov. Pete Wilson.

Mitchell’s indefatigable, political-junkie approach to work contrasted wildly with his aesthetic. He smoked a pack of Marlboro Reds a day and, recalled a longtime friend, would “only occasionally wear shoes.” Once on a flight to Sacramento, he arrived at the airport with his luggage packed in a black trash bag.

“When I first met him, I was like, ‘Who the hell is this guy?’” said Dustin Corcoran, the current CEO of the California Medical Association, who first met Mitchell in college. “But as I got to know him I found he was incredibly intelligent and creative and hardworking at a level I had never seen before.”

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After transferring to American University in Washington, D.C., and earning a degree in communications, legal institutions, economics and government, Mitchell idealistically began working on campaigns out of college. He interned in 1998 with Al Checchi's famously profligate campaign for California's Democratic gubernatorial nomination, but never loved the work. Mitchell said he was distressed by the cycle of investing in someone's hopes and dreams only to watch them fail. He felt like he was failing with them.

Data, he found, was more consistent. Mitchell worked as a legislative staffer for Democratic Assemblymember Nicole Parra and later in leadership roles for an educational non-profit called EdVoice. It wasn't until 2010 that he would find his real niche in California politics, founding a firm called Redistricting Partners at the behest of Christopher Cabaldon, a Mitchell mentor now serving as a Democratic state senator.

First hired by community college districts to help set their boundaries, Mitchell grew Redistricting Partners into a full-fledged business sought out by dozens of counties, cities, special districts and even New York state. He established a flavor of map-making that was heavy on community input and public engagement. To him, redistricting was an iterative process of draft maps and discussions with community organizations.

Mitchell had arrived in Sacramento as a strong Democrat with an activist mentality, but his views began to shift as he matured and built relationships on both sides of the political aisle. In 2012, he joined Political Data, Inc., whose effective monopoly on California voter information put Mitchell in a position to work with politicians of all stripes. He took pride in being able to sit down with the chairs of the Republican and Democratic parties and offer objective data tools.

"They see me as the data guy," Mitchell said. "I'm just part of the furniture."

With time Mitchell became less of a partisan and more of an "institutionalist," he said. His long ponytail has been replaced by a modest crew cut, the Marlboro Reds with bicycle races. He became a sage voice for California politics on TV and in the press. When Political Data, Inc. announced in 2021 it would work only with Democrats and left-leaning groups, Mitchell was actively peeved by the move.

Such has been Mitchell's approach for the past 15 years. In Sacramento, his data, and his approach, was seen as above reproach. That may not be the case soon.

“I had not done a partisan redistribution,” Mitchell said this week. “Until just now.”



Mitchell's long ponytail has been replaced by a modest crew cut, the Marlboro Reds with bicycle races. | Courtesy of Paul Mitchell

## An outdated skill

Last month, Newsom suggested rushing the type of partisan redraw that California hasn't seen in decades. The move first seemed an apparent feint by Newsom, an occasion to position himself as a defender of democracy while Texas Republicans looked to gerrymander their own state and add more safe Republican seats to Congress. Many observers saw the move as an example of Newsom's political ambition, emblematic of his desire to serve as the prime public antagonist to Trump and the Republican party.

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But by late July, the idea quickly shifted from concept to reality. Newsom rapidly brought skeptical lawmakers on board with the idea and sketched out a plan to move the process forward in August. Next week, lawmakers will return from summer recess to move a constitutional amendment that would allow the Legislature to draw new maps through the legislative process, and ultimately before voters.

By the time Democrats had committed to this path, there was hardly anyone else left in California right for the job. For decades, the capacity of the state's Democratic poobahs — notably, brothers John and Phil Burton — to apply modern technology to gerrymandering was the stuff of lore, feared and revered in equal measure.

As part of a backlash to their backroom machinations, California voters in 2008 passed Proposition 11, which wrested responsibility for drawing state-legislative districts from lawmakers themselves and assigned it to a newly established independent redistricting commission. Two years later, voters approved another ballot measure that extended the commission's authority to the state's U.S House map. Over just a few years, good-government reformers had made partisan cartography obsolete in California.

Today, few in the state beyond Mitchell still have the gift. But for a man who built his reputation drawing non-partisan maps for counties and colleges, it is a dramatic mid-career shift to use his powers to develop dramatically skewed state maps as part of a national political debate.

But Mitchell set to work, pairing specialized mapping tools with census, voter and geographic data to “pack” and “crack” voters in combinations expected to maximize the likelihood of Democratic victories in 2026 and beyond. With little time to complete the job, friends described Mitchell as locked into a flow state, so “obsessive” in his work that he would forget his lunch in the microwave, lost in maps and numbers.

Those maps will now come under scrutiny from all sides. Good-government groups that helped implement California's redistricting commission will say two wrongs don't make a right. Republicans will accuse Mitchell and his Democratic backers of hypocrisy. County leaders may claim established political communities are being thoughtlessly chopped up, as civil-rights activists argue that hard-won advances are tossed aside for short-term partisan gain. Democrats may worry that maps drawn off Trump-era voting patterns might fail to predict future outcomes.



AD

“I think it started as an idea that would gain traction to intimidate Texas, as opposed to a smart, well thought out strategy,” said Steve Maviglio, a Democratic political consultant based in Sacramento. “But this is not good long-term governing.”

Critics on all sides might question the motives of the mapmaker himself, who stands to profit by drawing new district lines with one hand and then using the other to sell data to politicians on their new constituents. Having shed the skin of a young partisan, Mitchell will have to find what remains of it as he seeks to defend his products.

Mitchell insists his maps follow all the various guidelines of the citizen’s commission, which require districts to be continuous and geographically compact, among other provisions, only disregarding one rule that asks maps not to disadvantage a political party.

And he defends the project as temporary, pointing to a loophole that Newsom and his team appear to have written into the constitutional amendment they aim to put before voters on Nov. 4. The maps Mitchell has created are only entirely nonpermanent, he insists, with the power to draw maps returning to the commission in 2030.

That degree of hairsplitting may be difficult to sell to voters, who recent polls show to be skeptical of putting maps back in the hands of the Legislature.

“I have no doubt that what Paul will come out with will be the most advantageous, politically defensible, legally defensible and airtight maps that anybody in California can produce,” said Madrid. “But I don’t know if he’s the right person to say this is what’s best for California and the country.”

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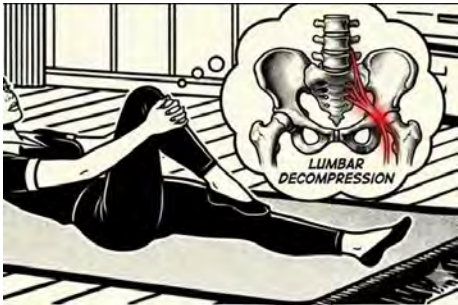
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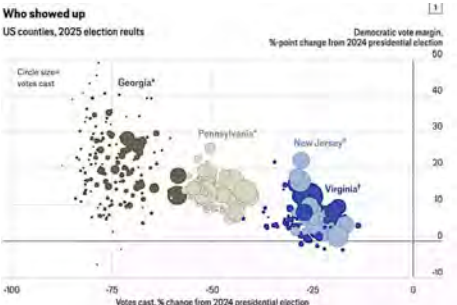
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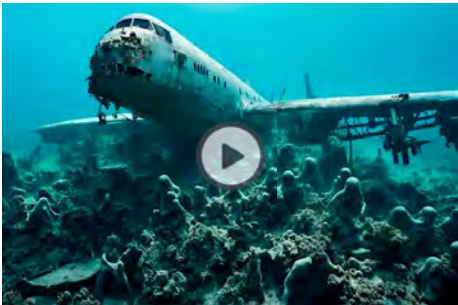
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Ian Coolbear &lt;keep@thecoolbears.org&gt;

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1 message

**David Tangipa** <davidtangipa@gmail.com>  
To: Ian Coolbear <Keep@thecoolbears.org>

Mon, Dec 8, 2025 at 12:15 PM

Sent from my iPhone

Begin forwarded message:

**From:** David Tangipa <davidtangipa@gmail.com>  
**Date:** October 6, 2025 at 11:44:11 PM PDT  
**To:** Austin Gilbert <austinhgilbert14@gmail.com>  
**Subject:** Fwd: Gower Hour Clips

Check these out

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

**From:** Bode Gower <gowerbo@gmail.com>  
**Date:** Thu, Oct 2, 2025 at 2:19 PM  
**Subject:** Gower Hour Clips  
**To:** davidtangipa@gmail.com <davidtangipa@gmail.com>

Hey David,

Attached are some clips from the interview. Use whatever ones you want.

Thanks again for coming on.

Bode

--

**Bode E. Gower**

Founder

Northern California Youth Policy Coalition

(707) 349-6127

gowerbo@gmail.com



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**DAVID TANGIPA**

BRE# 02069209

**(916) 969-6303**





davidtangipa@gmail.com

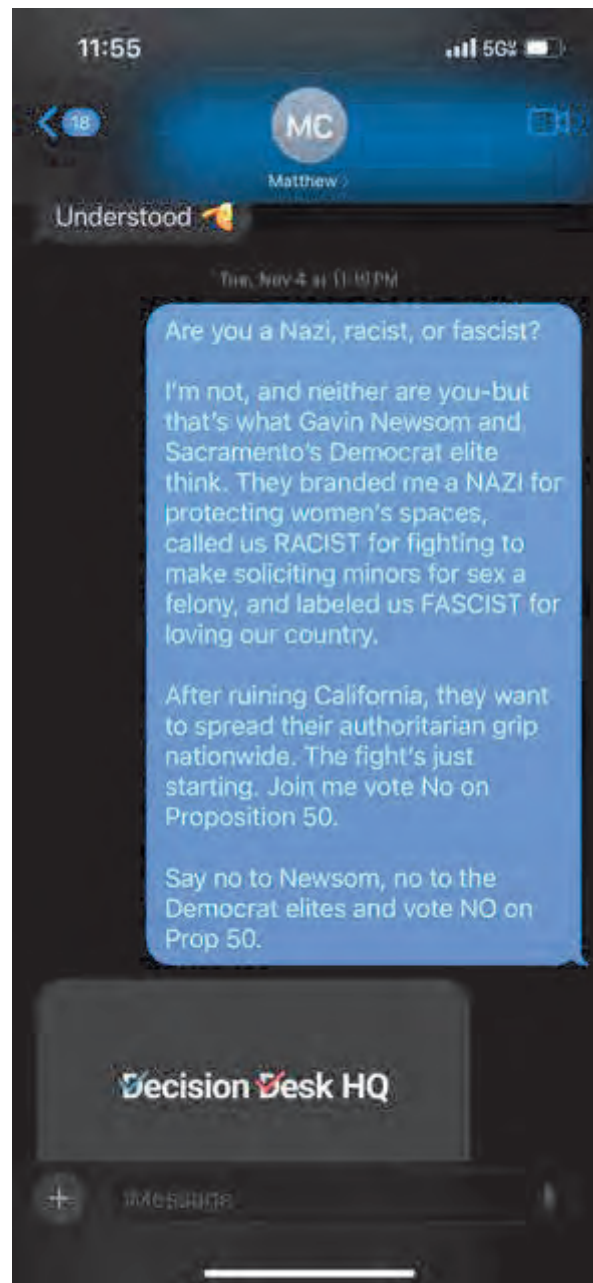
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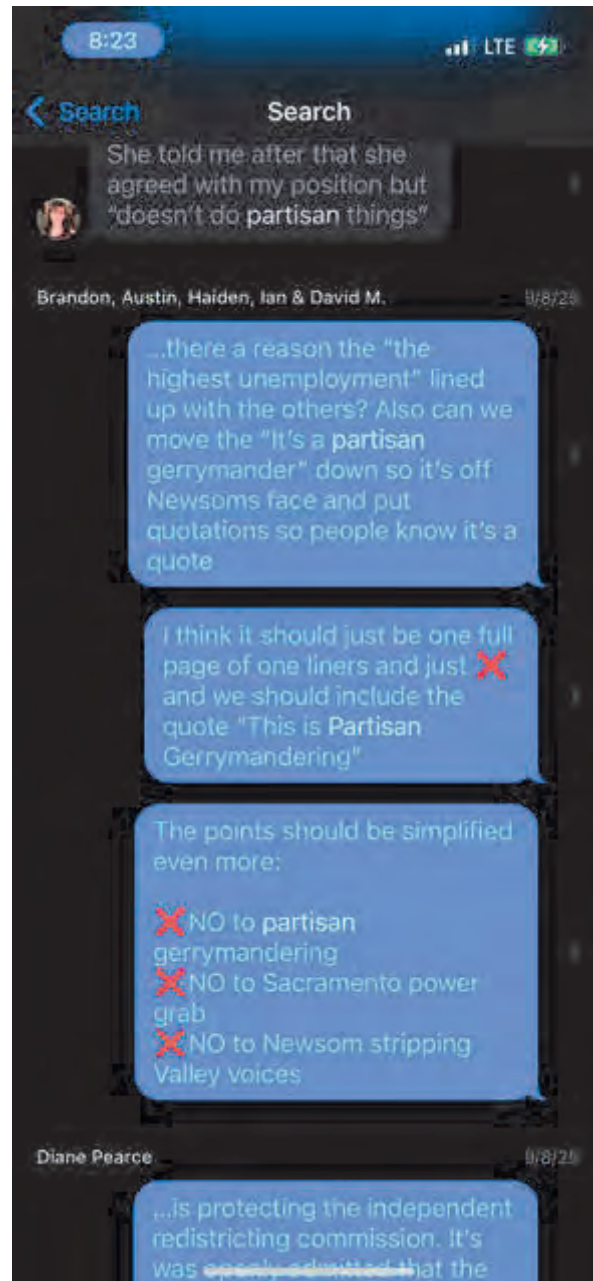
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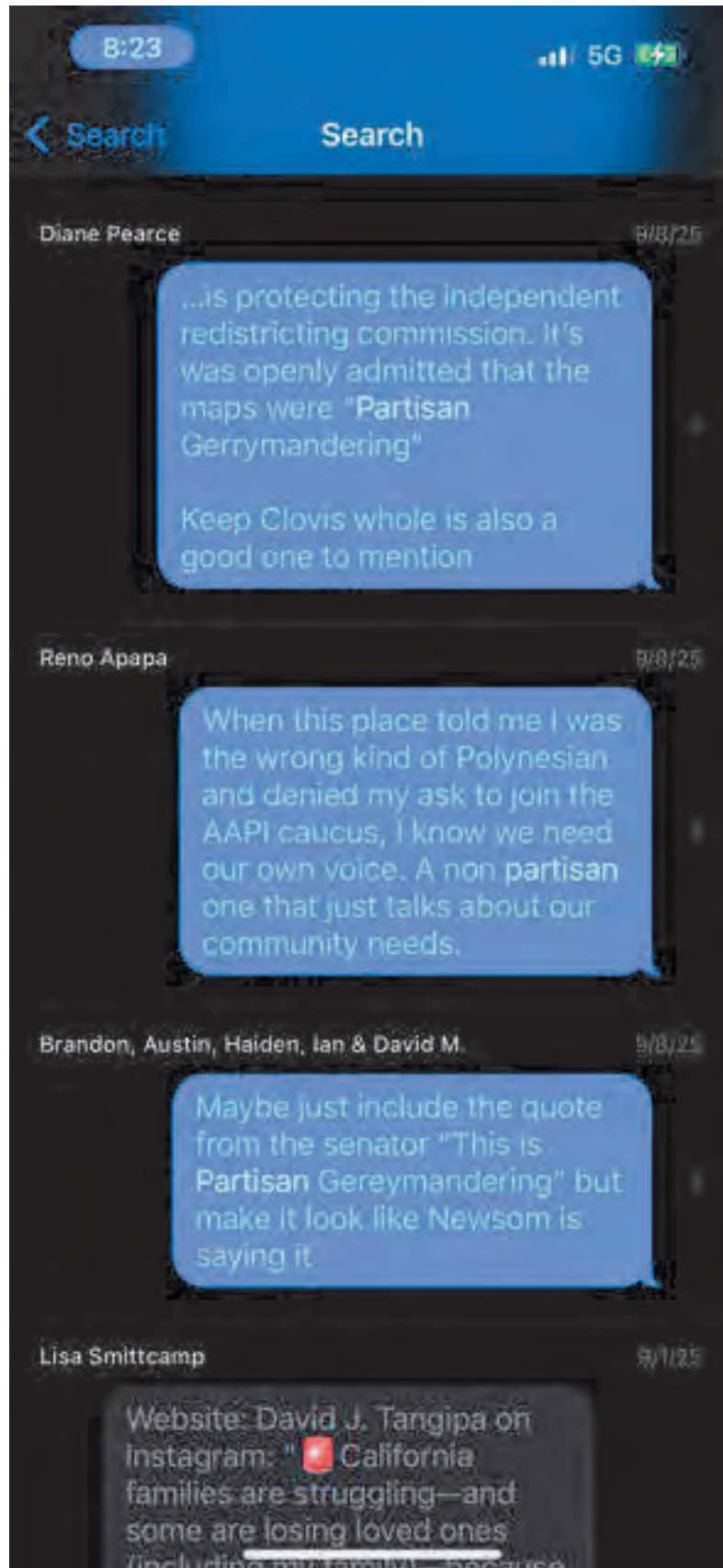
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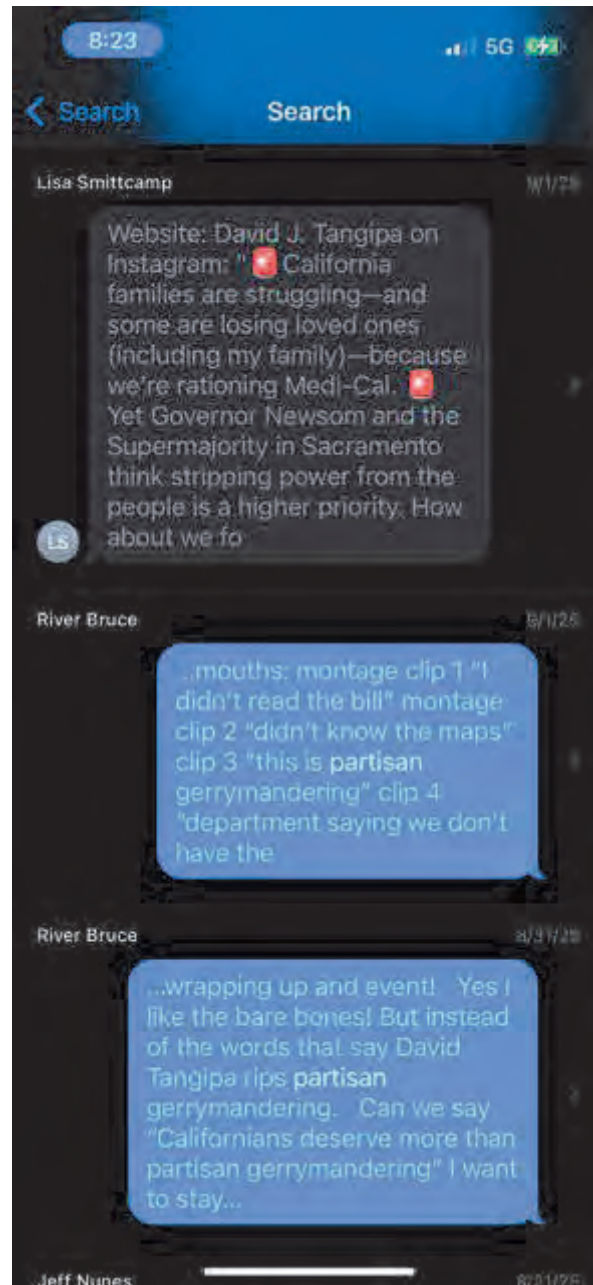
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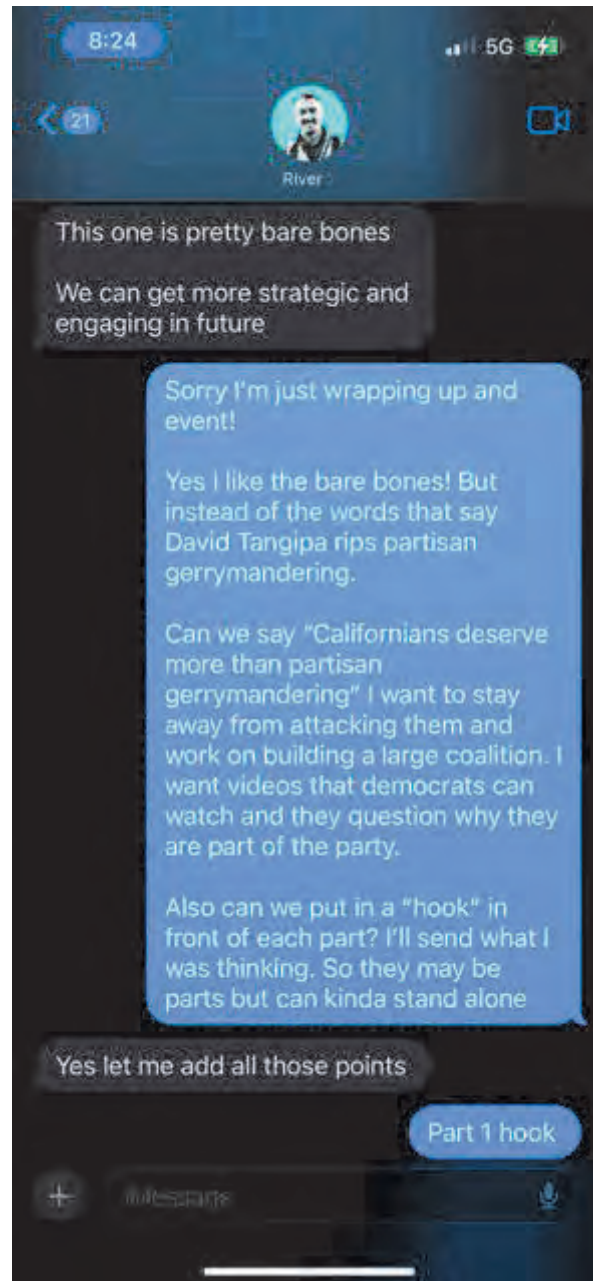




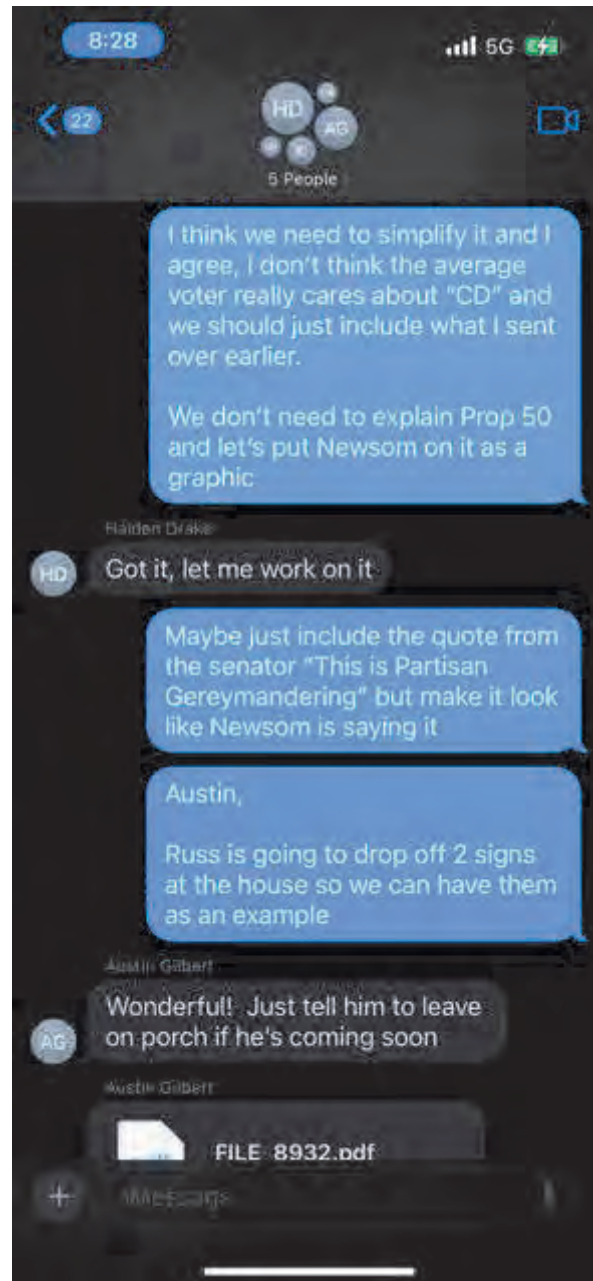


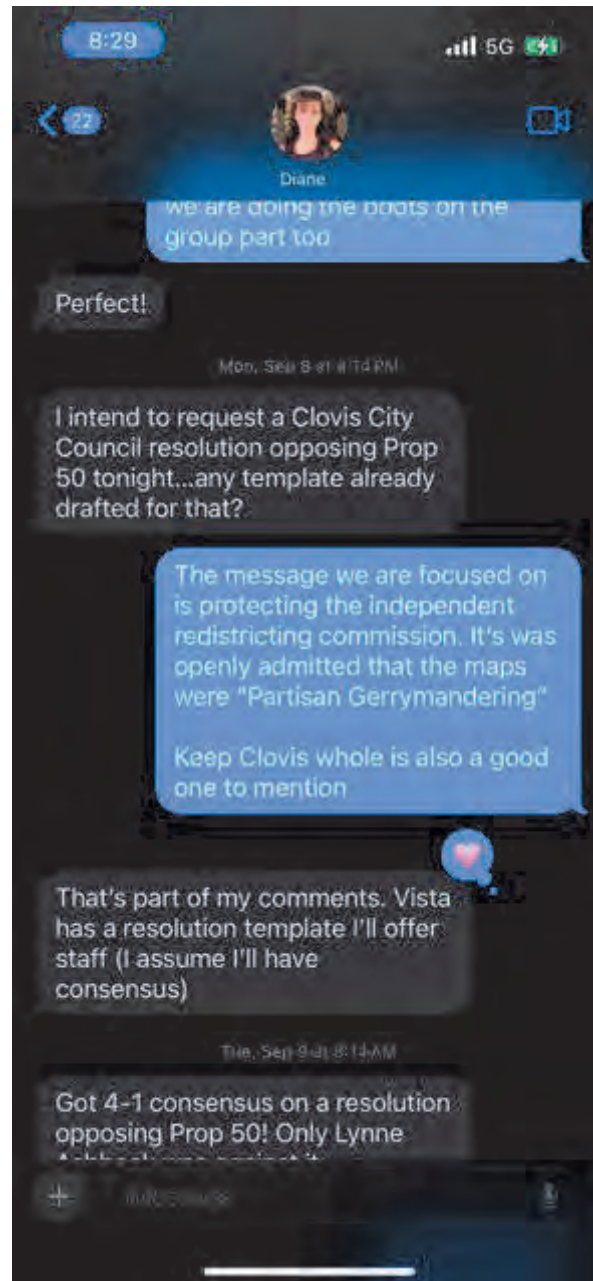


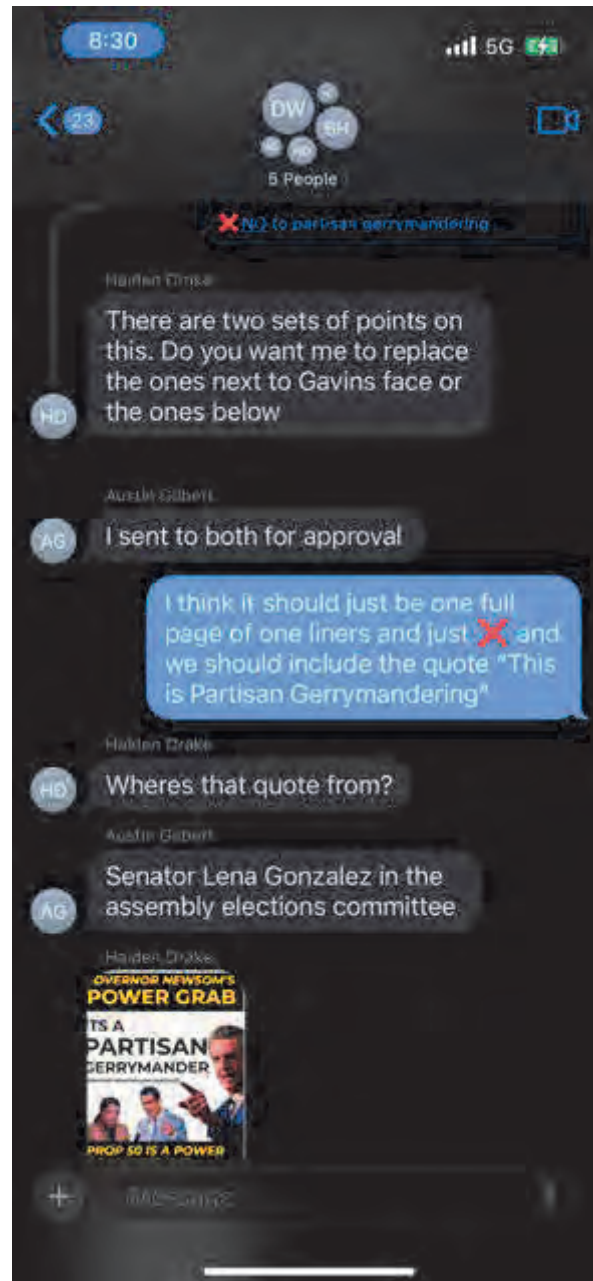




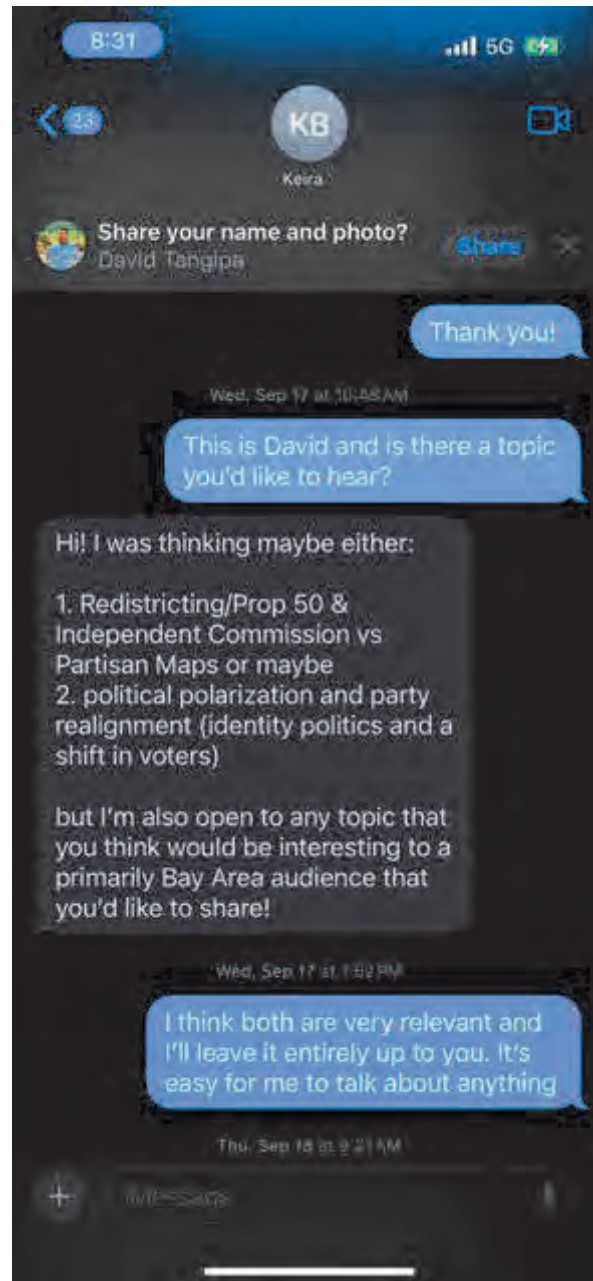








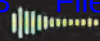




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82



Fri, Oct 10, 10:00 AM

**Juan**

Hey Peter! Here are the quotes we want to use. Feel free to tweak them for accuracy.

This a quote we want to use after we say the opposition is being pushed by spontaneous individuals.

"Prop 50 seems to be a unifying factor, but it's definitely very organic," said Peter Hernandez, former supervisor and Republican candidate for the 18th Congressional District. "You don't have the structural organization at the local levels, but you have passionate people who do believe in this."

These are two more related to the arguments against prop 50.

"Basically it's changing the rules midstream,"

"Rural communities are increasingly being absorbed into urban districts, and Prop. 50 would only accelerate that," Hernandez told BenitoLink.

"This means the issues facing

rural c



iMessage

lose their voice."

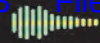
**PLAINTIFFS\_000598**

DX372-0013

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82



3

JP



increasing the number of seats that  
50 would only accelerate that,"  
dez told Be...  
This means the is...acing  
rural communities...  
ignored, and rural voters will  
lose their voice."

Hello Juan Pablo,  
Thank you yes those are good  
quotes. I would hope you can  
consider also adding that the  
"mainstream issue with prop 50  
is they are telling us it's about  
protecting representation while  
they eliminate the  
representative body the  
independent redistricting  
commission to do that while  
illegally drawing maps". Since  
the voter approved law only  
allows redistricting commission  
to draw those maps, and the  
commission on their website  
highlight clearly that it was the  
state legislature that drew  
them..

Thanks Peter Sure, I'll check  
with my editor to see if we can  
include that quote. Thanks  
again for your time!

Of course!  
Thank you Juan Pablo

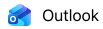
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PLAINTIFFS\_000599



Outlook

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**Fw: August Letter - For Your Approval**

---

**From:** Scott Winn <swinn@cagop.org>**Date:** Tue 12/9/2025 3:45 AM**To:** Rania Fahim (Dhillon Law) <RFahim@dhillonlaw.com>; Domenic Aulisi (Dhillon Law) <DAulisi@DHILLONLAW.COM>; Amber Hulse (Dhillon Law) <AHulse@DHILLONLAW.COM>

1 attachment (427 KB)

CAGOP\_August\_Housefile\_0825.pdf;

**External Email**

FYI

---

**From:****Sent:** Tuesday, August 19, 2025 5:55 PM**To:** Ron Nehring**Subject:** August Letter - For Your Approval

Ron,

Here is the latest version of the August letter.





## **CALIFORNIA REPUBLICAN PARTY**

Ronald Reagan California Republican Center  
1001 K Street, 4th Floor | Sacramento, CA 95814

/title/ /first/ /last/  
/address1/  
/address2/  
/city/, /state/ /zip+4/

/XXXXXXXXXXTMPXXXXXXXXXX/  
**PLAINTIFFS\_000601**



CAGOP.org

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1001 K Street, 4th Floor | Sacramento, CA 95814 | P 916-448-9496 | F 916-448-9497 | State ID# 810163 | Federal ID# C00140590

**PLAINTIFFS\_000602**

DX372-0017



DATE

/title/ /first/ /last/  
/address1/  
/address2/  
/city/, /state/ /zip/

Dear /Salutation/,

They want to make *your* vote worthless.

Gavin Newsom and his Democrat allies are plotting to shred California's voter-approved, independent redistricting system so they can wipe out California's Republican seats in Congress – and keep conservatives locked out of power for the next decade or more.

If you think that sounds extreme... wait until you see their plan.

Right now, California has 52 seats in the U.S. House of Representatives. Democrats hold 43 of them – 83% – even though nearly 40% of California voters choose Republicans in congressional elections.

Republicans hold just 9 seats.

That's already an outrageous imbalance. But it's not enough for Newsom and Nancy Pelosi.

Newsom is now moving to call a *special off-year election* this November to **abolish** the Congressional maps drawn by California's independent citizens' Redistricting Commission – the safeguard voters themselves created to keep politicians from rigging congressional elections.

Gavin's supermajority in Sacramento is ramming through a brand-new congressional map... drafted in secret... targeting Republican districts for elimination.

Their goal? Cut our representation from 9 seats down to just 4.

(Next Page, Please)

Page Two

Four Republican voices for 40% of the state's voters. That's 7% representation for nearly half of California.

This isn't "reform." This isn't "fairness." This is a coup against the will of the people.

And they've already been caught huddling behind closed doors, drawing "kill maps" to erase respected Republican leaders like **Kevin Kiley, Darrell Issa, David Valadao, Doug LaMalfa, Young Kim, and Ken Calvert** – deliberately overloading their districts with Democrat voters so they can't win.

Here's how Newsom, Nancy Pelosi, and the Democrats plan to do it.

First, they need to gut the state constitution by bypassing the maps adopted by the independent, voter-approved independent citizens redistricting commission. They plan to do this with a low-turnout special statewide election on November 4.

Second, to do this in time, the Democrats will fast track a proposed amendment to gut the constitution, giving voters little time to react. In a matter of weeks, their plan will be put in motion.

Third, they will hide behind "Texas," claiming they have no choice but to rig California's congressional elections because of redistricting in other states.

Even former Governor Arnold Schwarzenegger – the man who championed and passed the independent redistricting reforms in the first place – is outraged.

His team calls this kind of gerrymandering "evil no matter who does it."

Arnold is right. And if they get away with it here, Democrats nationwide will see it as a green light to use the same tactic anywhere they can.

But here's the good news: **we can stop them – if we act now.**

Polls show most Californians – including Democrats and independents – do *not* want to dismantle the independent redistricting system.

(Next Page, Please)

Page Three

The truth is, while we celebrate this historic win, the Democrats are already hard at work.

They understand voters should choose their representatives, not the other way around.

Newsom knows that too. That's why he's trying to sneak this through in a low-turnout, off-year special election.

The fewer people know about it, the easier it will be to win.

He'll have tens of millions of dollars in national Democrat money to sell it. He'll frame it with nice-sounding phrases like "fairness" and "fighting for democracy."

He'll even try to make it about Donald Trump – as if that justifies rewriting California's constitution to lock in one-party rule.

If we expose this scheme for what it is, we can beat it.

But we must start now – and hit hard.

Your California Republican Party has decades of experience defeating extreme ballot measures like what Gavin Newsom is planning:

- We defeated three statewide initiatives attempting to impose rent control that would worsen the housing shortage.
- We defeated three initiatives aimed at raising taxes or fees or making it easier for leftists in local government to pass tax increases on to voters.
- We defeated radical left-wing criminal justice measures while re-imposing penalties for many crimes which the left had decriminalized.
- We defeated the left's attempt to reimpose racial discrimination in college and university admissions.

In every one of these statewide battles, your California Republican Party was in the fight, and won.

With your help, we will:

(Next Page, Please)

**PLAINTIFFS\_000605**

DX372-0020

Page Four

- **Mobilize grassroots activists** in every targeted district to educate their neighbors before November 4.
- **Train volunteer leaders** in media, messaging, and voter persuasion to counter the Democrats' talking points.
- **Launch rapid-response ad campaigns** – on TV, radio, digital, and direct mail – to get the facts out fast.
- **Organize NO-voter turnout operations** to make sure Republicans and fair-minded independents flood the polls.
- **Support legal challenges** to block unconstitutional changes to California's voter-approved redistricting process.

We've stopped the left before – but only when conservatives like you have stepped in to fund the fight.

The Democrats are already stockpiling their war chest.

One insider even admitted they'll need a "titanic" effort and "tens of millions of dollars" to pull this off.

If we're outspent and out-organized in the next few critical weeks, they will get their way – and your congressional voice will be silenced, and President Trump's bold agenda will be stopped in its tracks by a Democrat House.

That's why I'm asking you to take a stand today.

Your immediate gift – whether it's \$/amt1/, \$/amt2/, \$/amt3/ or more – will go directly to this fight and prepare us for 2026.

We'll put your support to work immediately to train, mobilize, and equip conservatives to defeat this scheme at the ballot box this November, and build the infrastructure to win in 2026.

We have one shot at this.

If we win, we protect fair representation for the next decade.

If we lose, we could watch California become a locked one-party state – and see this strategy exported nationwide.

I refuse to let that happen. I know you do too.

(Next Page, Please)

**PLAINTIFFS\_000606**

DX372-0021



Page Five

Please send your most generous contribution of \$/amt1/, \$/amt2/, or even \$/amt3/ today.

Every day we wait is another day Newsom's political machine works to make your vote meaningless.

/Salutation/, thank you for standing with me – and for standing up for fair elections in California and across America.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corrin Rankin', written in a cursive style.

Corrin Rankin  
Chairwoman

P.S. Gavin Newsom's plan boils down to this: **make your vote worthless.** He's scheming to wipe out Republican seats in Congress by erasing their districts from the map – and he's betting you won't notice until it's too late. Prove him wrong.

Please rush your gift today for \$/amt1/ or more, so we can expose the scheme, prepare our side to fight back, and protect your voice in Washington.



# FOR CALIFORNIA REPUBLICANS WINNING THE FUTURE STARTS NOW

FROM: /title/ /first/ /last/  
/address1/  
/address2/  
/city/, /state/ /zip/ /id&mailcode/

- ☐ **Yes, Corrin, I'm proud to stand with you for fair elections across California and America.** Democrats are shattering fundraising records every month. But no matter how much they spend, they can't hide the truth about their failures.
- ☐ **I'm proud to invest in our California Republican Party's efforts to protect fair elections.** Together we can stop Newsom and the Democrats efforts to make our votes worthless. Enclosed is my gift of:

☐ \$/amt1/ ☐ \$/amt2/ ☐ \$/amt3/ ☐ Other \$\_\_\_\_\_



Scan this image to  
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immediately online.

Please make check payable to: CAGOP or CALIFORNIA REPUBLICAN PARTY.

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Please check box to confirm which card you are using: ☐ Individual ☐ Business

Card #	Exp. Date	Security Code	Amount
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Name of Cardholder (Account holder must be the donor)	Signature
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☐ Personal: \*Occupation \_\_\_\_\_ \*Employer \_\_\_\_\_  
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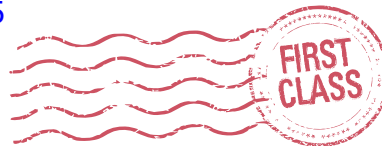
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Individuals, federal PACs, and unincorporated associations may contribute up to \$10,000 per contributor per calendar year (spouses are considered separate contributors) to our federal account; federal multi-candidate PACs may contribute up to \$5,000 per calendar year. Individual contributions will be used in both federal and California state elections and may be made in any amount. The first \$10,000 received per individual per calendar year will be used for federal elections. The next \$10,000 received from an individual or business entity will be placed in the CRP's "Levin Account" and will be used for "federal election activity." Additional contributions to the state committee from individuals, businesses and PACs are unlimited, and may be allocated as follows: up to \$49,000 per calendar year for direct state candidate support, with amounts in excess used for permissible non-direct state candidate support purposes. Contributors of \$10,000 or more to the CRP and all other state or local candidates, PACs, political party committees or ballot measures in a calendar year must file a California "Major Donor Committee" report. Contributions may not be accepted from federal government contractors, or from foreign nationals without permanent residency (Green Card holders may contribute). Campaign finance laws prohibit reimbursing donors for their contributions. CRP does not accept any contribution that is earmarked for a specific candidate, and will return any such earmarked contribution.

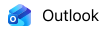
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DX372-0025



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**Fw: 251103 Minutes**

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**From:** Sayrs Morris <sayrs@hotmail.com>

**Date:** Sun 12/7/2025 12:07 PM

**To:** Amber Hulse (Dhillon Law) <AHulse@DHILLONLAW.COM>; Domenic Aulisi (Dhillon Law) <DAulisi@DHILLONLAW.COM>; Rania Fahim (Dhillon Law) <RFahim@dhillonlaw.com>

 3 attachments (307 KB)

251103 Special Meeting Roll Call.pdf; 251103 Special Meeting BOD Minutes (Redacted).pdf; \_251103 Special Meeting BOD Minutes (FULL) (1).pdf;

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**External Email**

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**From:** Sayrs Morris <sayrs@hotmail.com>

**Sent:** Monday, November 3, 2025 8:18 PM

**To:** Danielle Richards <drichards@cagop.org>

**Subject:** 251103 Minutes



CRP Board of Directors Roll Call Meeting

Date: November 3, 2025

Time: 6:00 p.m.

Special Meeting

Office	Name	Time	Alternate	Time	2 <sup>nd</sup> Alternate				
Vice Chair	John Park	X							
Secretary	Sayrs Morris	X							
Treasurer	Jack Guerrero	X							
RNC Committeeman	Shawn Steel	X							
RNC Committeewoman	Connie Conway	X							
Regional VC- Northwest	Michael Greer	X							
Regional VC- North	Mark Wright	X							
Regional VC- Bay Area	Thomas Weissmiller	X							
Regional VC- Central Coast	Bobbi McGinnis	6:09							
Regional VC- Central Valley	Joseph Day	X							
Regional VC- Los Angeles	David Hernandez	6:09							
Regional VC- Inland Empire	David Marko	X							
Regional VC- South	Mari Barke	X							
County Chairs Assoc.	John Dennis	X							
State Senate	Brian Jones		Haiden Drake	X					
State Assembly	Heath Flora		Joshua Whitfield		Nghia Nguyen X				
California Ranking Republican	Ted Gaines		Matt Cox		Bill Cardoza X				
Congressional Caucus	Doug LaMalfa		Mark Spannage X		David Reade				
Budget Chair	Gregory Gandrud	X							
Team Cal Chair	Kevin Faulconer								
Finance Chair	Ron Nehring								
Past Chair	Jessica Millan Patterson								
Chairman	Corrin Rankin	X							
23 members-									

20 members present

## **Exhibit 373**

**Vern Costa**

October 19 · 🌐

[https://m.facebook.com/story.php?](https://m.facebook.com/story.php?story_fbid=1361079328718576&id=100044495646846&mibextid=wwXlfr)[story\\_fbid=1361079328718576&id=100044495646846&mibextid=wwXlfr](https://m.facebook.com/story.php?story_fbid=1361079328718576&id=100044495646846&mibextid=wwXlfr)**California Republican Party** ✓

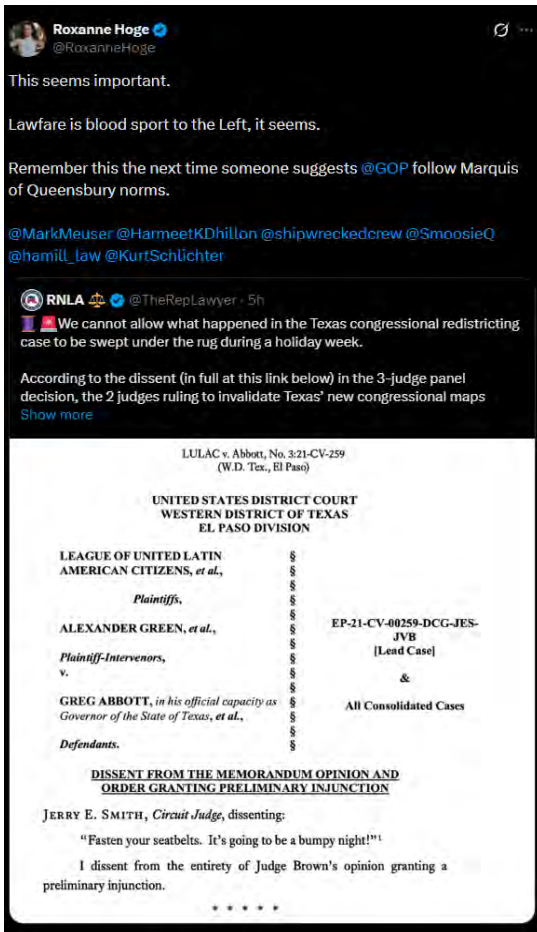
October 18 · 🌐

Assemblywoman Ali Macedo is in Hanford going door-to-door, making sure voters know the truth about Prop 50 and reminding them to vote early and vote NO!n

**Tangipa v. Newsom****DX373**

2:25-cv-10616-JLSWLH-KKL

## **Exhibit 374**



Tangipa v. Newsom

DX374

2:25-cv-10616-JLSWLH-KKL



## **Exhibit 375A**

**Roxanne Hoge** ✓ • 3rd+Quarterback And Head Cheerleader  
3w • 🌐[+ Follow](#) ...

It is so important to participate in elections, even when they seem like a waste of time or money or you happen to lose the ballot that arrived by mail. (No judgment if that happened to you!)

You have until 8:00 pm Tuesday 11/4 to show up at a Los Angeles vote center and vote NO in order to keep the one thing California did well—having an independent citizens redistricting commission enshrined in our state constitution.

Every two years, we get to vote the bums out, so there's no need to toss the commission.



29

2 comments • 1 repost

Reactions

Tangipa v. Newsom

**DX375A**

2:25-cv-10616-JLSWLH-KKL

**Exhibit 375B – multimedia exhibit submitted to the  
Court electronically.**

## **Exhibit 376**

[About \(https://dccc.org/about/\)](https://dccc.org/about/)[Actions \(https://secure.actblue.com/contribute/page/dcccactblue?refcode=dccc.org\\_action-menu&amount:](https://secure.actblue.com/contribute/page/dcccactblue?refcode=dccc.org_action-menu&amount:)

(//)

[News \(https://dccc.org/news/\)](https://dccc.org/news/) [Districts in Play \(https://districtsinplay.dccc.org\)](https://districtsinplay.dccc.org)

NEWS (/NEWS) • PRESS RELEASE (/PRESS-RELEASE)

# DCCC Chair Statement on Passage of Proposition 50 in California

English

[Español \(/noticias?langs=sp\)](/noticias?langs=sp)

WEDNESDAY, NOVEMBER 5, 2025



*DCCC Chair Suzan DelBene released the following statement after California voters passed Proposition 50, affirming a new congressional map:*



"Today, California voters have sent a strong and clear message that they will not stand by while Republicans try to rig the 2026 election. By overwhelmingly voting to pass Proposition 50, Californians are fighting back against the GOP's disastrous record of raising costs and ripping away health care from millions, all to give tax breaks to the ultra-wealthy.

"We applaud California's leaders for giving voters the opportunity to elect a Congress next year that will work for the people, not the wealthiest few, and level the playing field in the face of corrupt Republican gerrymandering efforts across the country. The path to the Democratic majority includes flipping critical seats throughout California, and Democrats are on offense to hold newly vulnerable Republicans accountable.

"Republicans know they can't win on the issues. After tonight, it's clear voters won't let them cheat their way to a win either. Proposition 50 is a victory for free and fair elections and every Californian who believes their voice should be heard and their vote should count."





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I-PASSAGE-OF-PROPOSITION-5



SHARE VIA EMAIL

Enter your email



(//)



(https://facebook.com/electdemocrats)



(https://twitter.com/dccc)



(https://youtube.com/user/dcccvideo)

430 S. Capitol Street S.E.

Washington, D.C. 20003

(https://www.google.com/maps/place/430%20S.%20Capitol%20Street%2C%20S.E.%20Washington%2C%20DC%2020003)

(202) 863-1500

(tel:12028631500)

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Contributions or gifts to DCCC are not tax-deductible



## **Exhibit 377**

No. 25A608

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**In the Supreme Court of the United States**

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GREG ABBOTT, GOVERNOR OF TEXAS, ET AL., APPLICANTS

*v.*

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, ET AL.

---

**BRIEF FOR THE UNITED STATES AS AMICUS CURIAE  
IN SUPPORT OF APPLICANTS**

---

D. JOHN SAUER  
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*Counsel of Record*  
*Department of Justice*  
*Washington, D.C. 20530-0001*  
*SupremeCtBriefs@usdoj.gov*  
*(202) 514-2217*

---

**Tangipa v. Newsom**

**DX377**

2:25-cv-10616-JLSWLH-KKL

DX377-0001

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# In the Supreme Court of the United States

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No. 25A608

GREG ABBOTT, GOVERNOR OF TEXAS, ET AL., APPLICANTS

*v.*

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, ET AL.

---

## **BRIEF FOR THE UNITED STATES AS AMICUS CURIAE IN SUPPORT OF APPLICANTS**

---

### **INTEREST OF THE UNITED STATES**

The Solicitor General, on behalf of the United States, respectfully submits this brief as amicus curiae in support of the application for a stay of the November 18, 2025, order issued by the United States District Court for the Western District of Texas. The district court preliminarily enjoined Texas officials from using a congressional map adopted by the Texas legislature for the 2026 election cycle, on the ground that certain districts likely constitute unconstitutional racial gerrymanders. The United States has a strong interest in protecting citizens from race discrimination in voting, and it has an equally strong interest in ensuring that federal courts do not erroneously interfere with federal elections and usurp the constitutional primacy of States in the drawing of congressional districts. The United States also has a particular interest in this case in correcting the district court's misinterpretation and misuse of a letter sent to the Texas Governor and Attorney General by a senior official in the United States Department of Justice (DOJ).

## INTRODUCTION AND SUMMARY OF ARGUMENT

“The Constitution entrusts state legislatures with the primary responsibility for drawing congressional districts, and redistricting is an inescapably political enterprise.” *Alexander v. South Carolina State Conference of the NAACP*, 602 U.S. 1, 6 (2024). This case involves an openly avowed partisan gerrymander: earlier this summer, the Texas legislature enacted a new congressional map for the express purpose of “improv[ing] Republican political performance” (in the words of the bill’s sponsor), Op. 77 n.274, by creating “five districts that Republicans could gain that [they] did not currently hold” (in the words of the Republican operative who drew the map), Op. 93 n.334. Objections to such partisan gerrymandering are not justiciable in federal court. *Rucho v. Common Cause*, 588 U.S. 684, 718 (2019).

Respondents challenged the Texas redistricting as an unconstitutional racial gerrymander. Because “federal-court review of districting legislation represents a serious intrusion on the most vital of local functions,” and “a legislature’s redistricting calculus” involves a “complex interplay of forces,” this Court has held that plaintiffs bringing a racial-gerrymander claim have the heavy burden “to show that race was the predominant factor motivating the legislature’s decision to place a significant number of voters within or without a particular district.” *Alexander*, 602 U.S. at 7 (brackets and quotation marks omitted). Respondents thus had to “prove that the State ‘subordinated’ race-neutral districting criteria,” such that race “was the criterion that, in the State’s view, could not be compromised” when the district lines were drawn. *Ibid.*

Critically, because “race and partisan preference are highly correlated” in parts of Texas, respondents “must disentangle race and politics” to refute the State’s partisan-gerrymandering defense. *Alexander*, 602 U.S. at 6. In *Alexander*, this Court

set forth two related principles governing the inquiry. First, in determining whether plaintiffs have shown that race predominated in the redistricting process, courts must “start with a presumption that the legislature acted in good faith.” *Ibid.* Courts must “draw the inference that cuts in the legislature’s favor when confronted with evidence that could plausibly support multiple conclusions.” *Id.* at 10. Second, to overcome that presumption, plaintiffs generally must produce “an alternative map showing that a rational legislature sincerely driven by its professed partisan goals [c]ould have drawn a different map” that achieved those goals without the challenged racial demographics. *Ibid.* Courts “should draw an adverse inference from a plaintiff’s failure to submit” such a map since one would not be “difficult to produce” if the State in fact had relied on race rather than party, and that adverse inference is effectively “dispositive” absent “direct evidence or some extraordinarily powerful circumstantial evidence” that race predominated in the drawing of district lines. *Id.* at 35. Those principles apply with particular force here, where there is overwhelming evidence—both direct and circumstantial—of partisan objectives, and any inference that the State inexplicably chose to use racial means is implausible.

Yet the district court violated both of those principles. As Judge Jerry Smith emphasized in his dissent, the judges in the majority “flout[ed] *Alexander*’s presumption of good faith,” Dissent 47, and “ma[de] excuses for plaintiffs \* \* \* for failing to produce an *Alexander* [alternative] map,” Dissent 17. Despite extensive testimony from the mapmaker and the chairs of the legislative redistricting committees that they did not consider race when drawing and adopting the 2025 congressional map on partisan grounds, the district court concluded that race predominated in the creation of certain districts, relying on an uncharitable view of that testimony and tenuous inferences from other, extrinsic evidence. In particular, the court first miscon-

strued a letter from DOJ as having demanded that Texas redraw its map in order to racially gerrymander certain districts, even though the letter denounced racial gerrymandering and asked Texas to rectify alleged racial gerrymanders in the prior map. The court then proceeded to treat any mention of DOJ by a state official as compelling evidence of racial predominance, even though none of those officials said that they needed to engage in *race-based* redistricting to address DOJ's concerns. The court compounded those errors by holding that, in light of the DOJ letter and the creation of certain districts where racial minorities are a numerical majority, respondents had produced sufficient direct evidence of racial predominance to overcome their failure to produce an alternative map, notwithstanding that everything the court cited was, at best, weak circumstantial evidence. And the court further held that an alternative map is unnecessary at the preliminary-injunction stage, notwithstanding that respondents had ample time to produce one and that the adverse inference from their failure to do so precludes them from establishing any likelihood of success.

In sum, respondents “seek to transform federal courts into weapons of political warfare that will deliver victories that eluded them in the political arena,” *Alexander*, 602 U.S. at 11 (quotation marks omitted), and the district court erroneously allowed them to do so by “repackag[ing] a partisan-gerrymandering claim as a racial-gerrymandering claim [and] exploiting the tight link between race and political preference,” *id.* at 21. Because the district court's legal errors under *Alexander* are clear, and the harm to Texas from enjoining the use of its congressional map is irreparable and substantial, this Court should stay the district court's order.

## ARGUMENT

A stay of a preliminary injunction pending appeal is warranted where the applicant establishes a reasonable probability that the Court will note probable jurisdiction, a fair prospect of success on the merits, and a likelihood of irreparable harm. *Indiana State Police Pension Trust v. Chrysler LLC*, 556 U.S. 960, 960 (2009) (per curiam). In “close cases,” the Court will also balance the equities and weigh the relative harms. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam).

This is not a close case. “Any time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury.” *Maryland v. King*, 567 U.S. 1301, 1304 (2012) (Roberts, C.J., in chambers) (brackets omitted). That irreparable injury is especially significant here because enjoining use of the State’s congressional map “represents a serious intrusion on the most vital of local functions.” *Alexander v. South Carolina State Conference of the NAACP*, 602 U.S. 1, 7 (2024). Texas is also highly likely to succeed on the merits. While that is true for many reasons, the United States focuses in this amicus brief on respondents’ failure to offer an “alternative map” under *Alexander*. *Id.* at 35. That failure is “dispositive” here, *ibid.*, because it means that respondents in turn failed to disentangle race from party, overcome the presumption that the Texas legislature enacted the 2025 congressional map in good faith, or demonstrate that race predominated in the drawing of district lines, see *id.* at 10. Where, as in *Alexander* and this case, a “trial court bases its findings upon a mistaken impression of applicable legal principles”—such as whether an alternative map is unnecessary and how the presumption of legislative good faith operates—“the reviewing court is not bound by the clearly erroneous standard.” *Id.* at 18.



Indeed, the record here affirmatively shows that the 2025 map was drawn in a race-blind manner. The mapmaker, Adam Kincaid, “testified unequivocally that he drew the 2025 Map completely blind to race” and based “entirely on partisan, political, and other race-neutral criteria.” Op. 91-92; see *id.* at 92-95 (listing criteria). His testimony, provided “totally without notes,” offered a “district by district—sometimes line by line—expla[nation]” of “his decisions at every step of the mapdrawing process,” which the district court acknowledged “was compelling.” Op. 95-96 & n.349. Likewise, the chair of the state House redistricting committee (Cody Vasut), the chair of the state Senate redistricting committee (Phil King), and the state representative who introduced the redistricting bill (Todd Hunter) all repeatedly insisted that the map was “primarily driven by non-racial partisan motivations.” Op. 77; see Op. 80, 89. Given the extensive record evidence that race did not predominate in the drawing of the 2025 map—to say nothing of the presumption of good faith—respondents were required under *Alexander*, at a bare minimum, to provide an alternative map that would satisfy the State’s partisan goal of adding five Republican seats but that would not have the racial demographics challenged by respondents.

Yet the district court relieved respondents of that burden for two reasons, both of which lack merit. Op. 130-134. First, the court held that an alternative map was unnecessary because respondents had sufficient direct evidence of racial predomination. Op. 132. But, as in *Alexander*, respondents offered at most weak circumstantial evidence that cannot overcome the presumption of legislative good faith absent an alternative map. Second, the court held that an alternative map is unnecessary at the preliminary-injunction stage. Op. 132-134. But precisely because it is so easy and quick for experts to create alternative maps—as *Alexander* recognized and the record in this case confirms—respondents’ failure to offer one at the preliminary-in-

junction stage warrants an equally fatal adverse inference as to their likelihood of success on the merits.

**A. When A State Raises A Partisan-Gerrymandering Defense To A Racial-Gerrymandering Claim, An Alternative Map Generally Is Required To Disentangle Race From Party And To Overcome The Presumption Of Legislative Good Faith**

This Court has “repeatedly emphasized that federal courts must ‘exercise extraordinary caution in adjudicating claims that a State has drawn district lines on the basis of race.’” *Alexander*, 602 U.S. at 7 (citation omitted). “Such caution is necessary because federal-court review of districting legislation represents a serious intrusion on the most vital of local functions,” as “[r]edistricting constitutes a traditional domain of state legislative authority.” *Ibid.* (brackets and quotation marks omitted). Accordingly, federal courts addressing racial-gerrymandering claims must apply a “starting presumption that the [state] legislature acted in good faith.” *Id.* at 10. That presumption “reflects the Federal Judiciary’s due respect for the judgment of state legislators,” avoids “declaring that the legislature engaged in offensive and demeaning conduct,” and prevents “transform[ing] federal courts into weapons of political warfare that will deliver victories [to plaintiffs] that eluded them in the political arena.” *Id.* at 11 (quotation marks omitted).

To overcome the presumption of legislative good faith, plaintiffs bringing racial-gerrymandering claims must “untangle race from other permissible considerations” by showing that race was the “predominant factor motivating the legislature’s decision to place a significant number of voters within or without a particular district.” *Alexander*, 602 U.S. at 7. A plaintiff can make that showing “through some combination of direct and circumstantial evidence.” *Id.* at 8. “Direct evidence” is akin to “a relevant state actor’s express acknowledgment that race played a [predominant]

role in the drawing of district lines,” which can be revealed through discovery or even conceded by the State. *Ibid.* “Such concessions are not uncommon because States often admit to considering race for the purpose of satisfying” the perceived mandate of Section 2 of the Voting Rights Act of 1965 (VRA), Pub. L. No. 89-110, 79 Stat. 437 (52 U.S.C. 10301). *Alexander*, 602 U.S. at 8; see, e.g., U.S. Supp. Br. at 7-8, *Louisiana v. Callais*, No. 24-109 (Sept. 24, 2025).

“Proving racial predominance with circumstantial evidence alone is much more difficult,” and “especially difficult when,” as here, “the State raises a partisan-gerrymandering defense.” *Alexander*, 602 U.S. at 8-9. Because of the “high correlation between race and partisan preference,” a “map that has been gerrymandered to achieve a partisan end can look very similar to a racially gerrymandered map.” *Id.* at 9. While the State cannot use voters’ “race as a proxy” for their partisan affiliation, *id.* at 7 n.1, the State may place voters in a district based on political data “even if it so happens that [those voters] happen to be [a particular race] and even if the State were *conscious* of that fact,” *id.* at 9. Accordingly, “disentangl[ing] race from politics” requires a plaintiff to prove that race “drove a district’s lines” and to “rul[e] out the competing explanation that political considerations dominated the legislature’s redistricting efforts.” *Id.* at 9-10. “If either race or politics *could* explain a district’s contours,” a federal court must accept the latter explanation, because the “presumption of legislative good faith directs district courts to draw the inference that cuts in the [state] legislature’s favor when confronted with evidence that could plausibly support multiple conclusions.” *Id.* at 10 (emphasis added).

*Alexander* thus recognized that a plaintiff generally cannot overcome the presumption of legislative good faith without providing “an alternative map showing that a rational legislature sincerely driven by its professed partisan goals [c]ould have

drawn a different map” that achieved those goals without the challenged racial demographics. 602 U.S. at 10. Such a map “can perform the critical task of distinguishing between racial and political motivations.” *Id.* at 34. And such maps are not “difficult to produce” because “[a]ny expert armed with a computer can easily churn out redistricting maps that control for any number of specified criteria.” *Id.* at 35 (quotation marks omitted). Indeed, “[a] plaintiff’s failure to submit an alternative map—precisely because it can be designed with ease—should be interpreted by district courts as an implicit concession that the plaintiff cannot draw a map that undermines the legislature’s [partisan-gerrymandering] defense.” *Ibid.*

Accordingly, district courts should “draw an adverse inference from a plaintiff’s failure to submit” an alternative map satisfying the State’s partisan goals without the challenged racial demographics. *Alexander*, 602 U.S. at 35. And that adverse inference “may be dispositive in many, if not most, cases where the plaintiff lacks direct evidence or some extraordinarily powerful circumstantial evidence” that race predominated in the drawing of district lines. *Ibid.* Such a map is not required when the relevant state actors expressly “announced” and “admitted” that they “purposefully established a racial target” in drawing district boundaries and “subordinated other districting criteria” to that target. *Cooper v. Harris*, 581 U.S. 285, 299-300, 322 (2017). But absent such “direct evidence,” “‘only an alternative map of that kind’ can ‘carry the day.’” *Alexander*, 602 U.S. at 34-35 (quoting *Cooper*, 581 U.S. at 322) (emphasis added; brackets omitted). Respondents produced no such map here. Op. 132.

**B. Respondents Produced No Direct Evidence Of Racial Predominance That Could Remove Their Burden To Provide An Alternative Map**

The district court erroneously held that respondents did not need to provide an alternative map because the court believed that they “ha[d] produced substantial di-

rect evidence indicating that race was the predominant driver in the 2025 redistricting process.” Op. 132. The court relied on four alleged categories of such evidence: a letter from DOJ; statements by the Texas Governor; the creation of three majority-minority districts in the 2025 map with just over 50% minority CVAP (citizen voting age population); and various statements of Texas state legislators. Op. 59-104. But *none* of those constitutes “[d]irect evidence” akin to “a relevant state actor’s express acknowledgment that race played a [predominant] role in the drawing of district lines.” *Alexander*, 602 U.S. at 8. At most, they are weak “circumstantial evidence” that “could plausibly support multiple conclusions,” *id.* at 10—especially given that partisan and racial gerrymanders “are capable of yielding similar oddities in a district’s boundaries,” *id.* at 9—thereby requiring an “alternative map” to overcome the “starting presumption that the legislature acted in good faith,” *id.* at 10.

**1. The district court misconstrued both the DOJ letter and its relevance to the challenged redistricting**

The district court heavily emphasized its finding that the Texas legislature was persuaded to engage in racial gerrymandering by a July 7, 2025, letter to the Texas Governor and Attorney General sent by the head of DOJ’s Civil Rights Division. See Op. 17-19 (reproducing text of letter). The court, however, misinterpreted the letter’s meaning; and more importantly, the court misunderstood the letter’s significance to the legislature’s adoption of the 2025 map.

a. The DOJ letter expressed “serious concerns regarding the legality of four of Texas’s congressional districts” (Districts 9, 18, 29, and 33) under the 2021 map. Op. 17. The letter stated that those districts were “unconstitutional ‘coalition districts’” that had been created using “race-based considerations.” *Ibid.* A “coalition district,” in voting-rights vernacular, is a district where no single racial minority

group constitutes an effective voting majority, but where “two minority groups form a coalition to elect the candidate of the coalition’s choice.” *Bartlett v. Strickland*, 556 U.S. 1, 13 (2009) (plurality opinion). Although a State’s creation of such a district is not necessarily unconstitutional, it does trigger strict scrutiny if race predominated in the drawing of the district lines. See *id.* at 21-24. And that is what the DOJ letter asserted: namely, that Districts 9 and 18 “sort[ed] Houston voters along strict racial lines to create two coalition seats, while creating [District 29 as] a majority Hispanic district; and that District 33 was “another racially-based coalition district that resulted from a federal court order years ago.” Op. 18; see Op. 19 (urging the State “to rectify the racial gerrymandering of” these districts).

The DOJ letter acknowledged that longstanding circuit precedent had interpreted Section 2 of the VRA to require coalition districts under certain circumstances, but the letter emphasized that the Fifth Circuit’s recent en banc decision in *Petteway v. Galveston County*, 111 F.4th 596 (2024), had overruled that precedent. Op. 18. Accordingly, the letter deemed these districts to be “nothing more than vestiges of an unconstitutional racially based gerrymandering past, which must be abandoned, and must now be corrected by Texas.” Op. 18.

The district court, however, mischaracterized DOJ’s letter as itself “direct[ing] Texas to engage in racial gerrymandering.” Op. 58. That mischaracterization was based on two related errors.

First, the district court asserted that the DOJ letter adopted an erroneous “reading of *Pettaway*” that coalition districts are “*per se* unconstitutional,” when *Pettaway* held only that Section 2 of the VRA does not require the creation of coalition districts. Op. 20; see Op. 19-20 (characterizing the letter as saying that “whenever a legislature enacts a map that happens to contain one or more coalition districts, that



legislature has necessarily and unconstitutionally engaged in ‘racial gerrymandering’”); Op. 59 (asserting that “the districts [were] objectionable to DOJ solely because of their racial composition”). But while the letter contained a single sentence stating that “so-called ‘coalition districts’ run afoul [of the] Voting Rights Act and the Fourteenth Amendment,” that sentence must be read in light of the immediately preceding sentence, which objected only to districts “[w]hen race is the predominant factor above other traditional redistricting considerations.” Op. 18. The letter thus did not claim that, as a legal matter, coalition districts are always unconstitutional even when created using race-neutral principles. Rather, it claimed that, as a factual matter, the four identified districts had been created using “race-based considerations” that “sort[ed] \* \* \* voters along strict racial lines” in order “to comply with” VRA precedent that had since been abrogated by *Petteway*. Op. 17-18. Whether or not that factual assertion is correct—and the United States acknowledges that Texas disputes it, see D. Ct. Doc. 1380-25, at 3; Op. 14-15, 24—DOJ never asserted that the four districts would have been unconstitutional even if they had not been created by racial gerrymandering in the first place.

Second, the district court viewed the DOJ letter as claiming that the only “remedy” was “to change the offending districts’ racial makeup so that they no longer qualify as coalition districts,” Op. 20, by “redraw[ing] [them] so a single racial group constitutes a 50% majority by CVAP,” Op. 59. But again, the letter said no such thing. It did not urge any particular course of action “to rectify the racial gerrymandering of” the identified districts. Op. 19; see Op. 17-18. It did not, for instance, insist that the districts be converted into ones where a single racial group constitutes a 50% majority—after all, a “coalition” district can be eliminated, without any racial group’s being a majority, so long as the three or more racial groups present have *different*

“candidate[s] of \* \* \* choice.” *Bartlett*, 556 U.S. at 13. Likewise, the letter did not insist that the districts be converted into ones that were majority-*minority* rather than majority-*white*. And the letter certainly did not demand that Texas redraw the districts in a manner that was race-predominant rather than race-neutral: racial gerrymandering was itself the problem that the DOJ letter asserted regarding the districts, and a State obviously can remedy racial gerrymandering without engaging in more racial gerrymandering. In short, the court badly misinterpreted DOJ’s letter as urging Texas to make race predominant in eliminating the identified districts, when in fact the letter urged Texas to eliminate race from consideration when redrawing those four districts (and all other districts as well).

b. Even if the district court’s mischaracterization of the DOJ letter were correct—that is, even if the letter had directed Texas to engage in racial gerrymandering to eliminate the identified districts—that still would not constitute direct evidence that the *Texas legislature* actually engaged in racial gerrymandering when redrawing the congressional map. That is so for three reasons.

First, as the district court itself acknowledged, “[w]hat ultimately matters is the Legislature’s motivation for devising and enacting the 2025 Map—not the motivations of [other] actors outside the legislative branch.” Op. 65; see *Brnovich v. DNC*, 594 U.S. 647, 689 (2021) (“The ‘cat’s paw’ theory has no application to legislative bodies” because “legislators have a duty to exercise their judgment.”). The DOJ letter is thus at most circumstantial evidence of the legislative motive, not direct evidence.

Second, the district court failed to cite any direct evidence that its flawed interpretation of the DOJ letter was even shared by, let alone acted on by, the Texas legislature. The court did not identify a single legislator who understood DOJ to be demanding that the State engage in race-predominant districting to eliminate the

four specified districts. Instead, the court merely cited some legislators who characterized the new map as addressing DOJ's concerns. See Op. 66-68. But their statements are equally consistent with an effort to placate DOJ by resolving its gerrymandering concerns—whether or not they agreed with those concerns—by redistricting the entire electoral map using race-blind methods to achieve partisan goals. See *ibid.* At minimum, that construction of equivocal evidence is compelled by the presumption of legislative good faith. See *Alexander*, 602 U.S. at 10-11.

Third, contrary to the district court's assertion (Op. 35, 105), the record shows that Texas did not actually follow any purported DOJ directive to engage in racial gerrymandering. Most obviously, District 33 in the 2025 map remains a coalition district. Op. 39. If Texas were truly responding to a DOJ directive to eliminate coalition districts because they are per se unconstitutional, it would not have preserved one of the four districts DOJ had specifically identified in its letter. Moreover, while Districts 9 and 18 are no longer coalition districts in the 2025 map, they have become majority-Hispanic (50.3% CVAP) and majority-black (50.5% CVAP) districts, respectively. Op. 35-36, 38. It would be nonsensical for Texas to have responded to a DOJ directive "to rectify the racial gerrymandering" of two coalition districts, Op. 17-18, by intentionally gerrymandering two majority-minority districts instead. As for District 29, that was not a coalition district in the first place, as the DOJ letter itself recognized. Op. 18 (describing District 29 as "a majority Hispanic district"). Yet in the 2025 map, District 29's Hispanic CVAP dropped to 43.3%, *creating* a potential coalition district, see Op. 38—precisely the opposite of what the district court claimed DOJ ordered the State to do. The court speculated that Texas may have been "perplexed," *ibid.*, but the only perplexing thing is how the court could have concluded that Texas was doing DOJ's bidding when DOJ (in the court's view) asked it to elim-

inate four coalition districts—and in response, Texas ignored the request as to one district, acted on two by purportedly considering race (the very thing DOJ had complained about), and created a potential coalition district in the fourth.

In sum, the evidence clearly demonstrates that Texas was *not* doing DOJ's supposed bidding—much less in a race-conscious way—but instead was engaged in a race-blind partisan gerrymander that happened to affect the districts DOJ identified (along with every other district in the State but one). In fact, that is precisely what the *actual* direct evidence shows: namely, the consistent testimony of the chairs of the legislative redistricting committees and the sponsor of the bill that they paid no heed to the DOJ letter. See Op. 77, 80, 89. At minimum, nothing about the Texas legislature's response to the DOJ letter constitutes “direct evidence” or even “extraordinarily powerful circumstantial evidence” that would obviate the need for respondents to produce an alternative map. *Alexander*, 602 U.S. at 35.

**2. The district court's reliance on the governor's statements was misplaced**

The district court next relied on the governor's July 9, 2025, proclamation adding redistricting to the legislative agenda and comments he made to the press touting the creation of majority-Hispanic districts in the 2025 map. Op. 62-64. But as explained, the governor's statements, like DOJ's letter, are not direct evidence of the Texas legislature's motive. See p. 13, *supra*. Moreover, the governor's statements are especially weak circumstantial evidence of racial gerrymandering.

The July 9 proclamation added to the legislative agenda consideration of “[l]egislation that provides a revised congressional redistricting plan in light of constitutional concerns raised by the U.S. Department of Justice.” D. Ct. Doc. 1326-1, at 3. From that single sentence (one of eighteen similarly terse line items in the proclama-

tion), the district court concluded that the governor “was asking the Legislature to give DOJ the racial rebalancing it wanted.” Op. 31; see Op. 61-62. Again, however, that conclusion is doubly wrong: (1) the DOJ letter asserted that Districts 9, 18, 29, and 33 had been racially gerrymandered, but did not purport to dictate any particular remedy to that problem, much less a “racial rebalancing” that would replicate the very flaw that DOJ identified with those districts in the first place, see pp. 10-13, *supra*; and (2) nothing in the governor’s proclamation suggests that he wanted the legislature to address DOJ’s perceived concerns by enacting a racial gerrymander, as opposed to the race-blind map pursuing partisan goals that the legislature actually enacted, see pp. 13-15, *supra*.

Likewise, the governor’s “contemporaneous” press statements (Op. 62) touting the majority-Hispanic districts in the 2025 map do not suggest that the legislature engaged in racial gerrymandering. The only such statements the district court identified were from August 2025, see Op. 62-64 & nn.207-209 (citing August 7 and August 11 interviews), even though the 2025 map was completed in July, see Appl. App. 473. Especially given the timing, “there is nothing nefarious about [the Governor’s] awareness of the [map’s] racial demographics.” *Alexander*, 602 U.S. at 37. That he personally viewed the majority-Hispanic districts as a “sellable” feature of the map does not come close to being direct evidence that the “legislators use[d] race as their predominant districting criterion” in creating those districts. See *Cooper*, 581 U.S. at 308 n.7. Indeed, unless “the legislature subordinated traditional race-neutral districting principles,” even the “intentional creation of majority-minority districts” would not trigger strict scrutiny (and the governor’s statements are not even direct evidence of that). *Bush v. Vera*, 517 U.S. 952, 958 (1996) (plurality opinion).

In short, the district court again flouted *Alexander*'s directive to presume legislative good faith. 602 U.S. at 10-11. The court adopted the least charitable reading of the governor's statements and then assumed that the legislature shared that reading without citing a single legislator who actually said so. That illogic cannot possibly excuse respondents' failure to produce an alternative map under *Alexander*.

**3. The district court's reliance on three majority-minority districts with just over 50% minority CVAP was also misplaced**

The district court similarly treated as a smoking gun the fact that the 2025 map creates three majority-minority districts with minority CVAP percentages just over 50%. See Op. 97-98, 105. Specifically, the court observed that District 9 is a majority-Hispanic district with 50.3% Hispanic CVAP, and Districts 18 and 30 are majority-black districts with 50.5% and 50.2% black CVAPs, respectively. Op. 97. According to the court, "it is very unlikely" that a purely partisan gerrymander "would have hit a barely 50% CVAP *three times* by pure chance." Op. 98. But the court offered no basis (statistical or otherwise) for that layman's conjecture. Op. 97-98. Nor did it identify any flaw in the mapmaker's detailed explanation of the race-neutral line-drawing decisions that, in fact, happened to result in those racial percentages. *Ibid.*; see Dissent 31-32, 34-36, 55 (detailing the mapmaker's testimony about those three districts). In all events, this Court already has rejected the proposition that supposedly suspicious minority CVAP percentages themselves constitute direct evidence that race predominated in the redistricting process.

In *Alexander*, this Court observed that "where race and partisan preferences are very closely tied, as they are here, the mere fact that [a challenged district's] BVAP stayed more or less constant proves very little." 602 U.S. at 20. The same is true with respect to the mere fact that Districts 9, 18, and 30 happened to wind up



containing Hispanic or black CVAPs slightly above 50%, which is in no way inconsistent with a purely partisan gerrymander. In fact, some districts wound up with white CVAP percentages within a fraction of a percentage point from 50% as well, yet the district court (correctly) did not view those CVAP percentages as suspicious. See D. Ct. Doc. 1326-12 (CVAP table for 2025 map) (Districts 8, 22). The bottom line is that Texas engaged in a statewide redistricting effort with the ambitious goal of shifting five seats from Democrats to Republicans; given the correlation between race and party, it is unsurprising that a few districts ended up with minority CVAP percentages just above 50%. See *Alexander*, 602 U.S. at 9 (noting that partisan and racial gerrymanders “are capable of yielding similar oddities in a district’s boundaries”).

Thus, contrary to the district court’s suggestion (Op. 96-97), this case is a far cry from *Cooper*, where the “on-the-nose attainment of a 50% BVAP,” 581 U.S. at 313, was the “purposefully established,” “announced racial target” of key legislators, *id.* at 299-300. Indeed, the court committed precisely the same error that the district court in *Alexander* committed: “inferring bad faith based on the racial effects of a political gerrymander in a jurisdiction in which race and partisan preference are very closely correlated”—an error that “would, if accepted, provide a convenient way for future litigants and lower courts to sidestep [the] holding in *Rucho* that partisan-gerrymandering claims are not justiciable in federal court.” *Id.* at 21. As in *Alexander*, particular minority CVAP percentages are not direct evidence of a racial gerrymander absent additional evidence showing those percentages were the intended target rather than the incidental and correlative effects of a partisan gerrymander, 602 U.S. at 20-21; and as in *Alexander*, without such additional evidence, an alternative map is needed to disentangle race from party, *id.* at 35.

**4. The district court erred in its evaluation of statements and testimony from the mapmaker and legislators**

This Court has recognized that testimony and statements of legislators who voted on an electoral map and the individuals who drew the map can constitute direct evidence for purposes of a racial-gerrymandering claim. See, *e.g.*, *Alexander*, 602 U.S. at 13-14; *Cooper*, 581 U.S. at 299-300. But the district court here improperly treated ambiguous statements of legislators with minimal involvement in the redistricting process as direct evidence of a racial gerrymander, while erroneously disregarding unequivocal statements of the mapmaker and legislators who led the redistricting efforts that race played no role in the process.

a. This Court has recognized that among the most probative direct evidence of racial gerrymandering is the testimony of the mapmaker. See, *e.g.*, *Cooper*, 581 U.S. at 299-300. After all, the “plaintiff must prove that race was the predominant factor motivating the legislature’s decision *to place a significant number of voters within or without a particular district.*” *Id.* at 291 (emphasis added; quotation marks omitted). The decision to “place” voters “within or without a particular district” is made in the first instance by the person actually drawing the district lines.

The person who drew those lines here, Adam Kincaid, did not consider race at all in making those placement decisions. A Republican operative, Kincaid “testified unequivocally that he drew the 2025 Map completely blind to race”; “testified that he instead based his districting choices entirely on partisan, political, and other race-neutral criteria”; and “went district by district—sometimes line by line—explaining the logic behind each of the redistricting choices he made,” giving “political or practical—*i.e.*, non-racial—rationales for his decisions at every step of the mapdrawing process.” Op. 93-96. The district court itself acknowledged that Kincaid’s testimony—

delivered “‘totally without notes’”—was “compelling.” Op. 96 & n.349. In fact, the court recognized that “nothing that Mr. Kincaid said at the preliminary-injunction hearing was self-contradictory,” Op. 97 n.356—underscoring that the court could not identify even a single thing Kincaid said that belied the credibility of his race-neutral account of how he drew the challenged lines.

Nevertheless, the district court entirely discounted Kincaid’s testimony as not credible for four reasons. Three of them have already been refuted above: (1) Districts 9, 18, and 30 wound up being majority-minority districts with CVAPs close to 50%, Op. 96-98; but see pp. 17-18, *supra*; (2) the 2025 map purportedly followed the supposed directive in the DOJ letter to engage in racial gerrymandering, Op. 98; but see pp. 10-15, *supra*; and (3) the 2025 map achieved Governor Abbott’s alleged goal of creating majority-Hispanic districts, Op. 99; but see pp. 15-17, *supra*. As for the fourth reason, the district court noted “significant inconsistencies between Mr. Kincaid’s testimony and [Senator] King’s testimony and his contemporaneous statements on the Senate floor.” Op. 99. In particular, Kincaid testified that he and King, who chaired the Senate redistricting committee, discussed details of the redistricting efforts at a conference in mid-July 2025, whereas King initially testified that they had not discussed those efforts in detail before “conced[ing] that either he was misremembering or Mr. Kincaid’s testimony was incorrect.” Op. 84; see Op. 83-84. In late August 2025, King also told a colleague on the Senate floor that “he didn’t know” “‘who physically drew the maps’” or whether “the mapdrawer had looked at race.” Op. 85-86. The court viewed those memory lapses as reasons to discredit *King*, Op. 87; but that does not remotely justify finding *Kincaid* non-credible because someone else misremembered their conversations—especially given Kincaid’s concededly “compelling” ability to recount his redistricting decisions line by line (without notes), Op. 96.

b. This Court also has considered statements and testimony of legislators involved in the redistricting process as direct evidence of the legislature’s intent. See, *e.g.*, *Cooper*, 581 U.S. at 299. Here, the three most important legislators—the chairs of the House and Senate redistricting committees and the legislator who introduced and championed the redistricting bill—repeatedly testified that the 2025 map was drawn with only partisan goals in mind and without considering race.

The House chair (Vasut) “insisted that the 2025 Map was motivated by partisan rather than racial considerations,” that “the DOJ Letter did not influence the Legislature in the redistricting process,” and that “he wasn’t influenced by the Governor’s media statements conveying a desire to eliminate coalition districts.” Op. 89. The Senate chair (King) “insisted that the DOJ Letter did not motivate his votes and actions during the 2025 redistricting process,” that “he did not look at racial data at all,” and that “to his knowledge, the 2025 Map was drawn blind to race.” Op. 80. And the bill’s sponsor (Hunter) “stated repeatedly that the bill was primarily driven by non-racial partisan motivations,” that “he was ‘not guided’ by the DOJ Letter in the redistricting process,” and that “he ‘didn’t go at’ any coalition districts.” Op. 77-78.

Yet the district court discounted that evidence on the flimsiest of grounds. The court discredited Hunter’s statements because he employed “value-laden” language praising the majority-Hispanic districts, Op. 73, and referred to *Petteway* in addition to *Rucho* as justification for mid-decade redistricting, Op. 79. But as with the governor’s press comments, touting majority-Hispanic districts as a selling point after they have been drawn is not direct evidence of a racial gerrymander because it proves nothing about whether race-neutral principles were subordinated in creating the districts in the first place. See p. 16, *supra*. Moreover, Hunter *correctly* described *Petteway* as holding that “Section 2 does not require” coalition districts and thereby free-

ing the State to redraw such districts on race-neutral grounds, Op. 74, which refutes the court’s theory that the DOJ letter misled Texas legislators into thinking that *Petteway* prohibited coalition districts and compelled race-predominant efforts to eliminate them. As for King’s statements, the court discounted them on the even shakier ground that he misremembered his discussions with Kincaid, Op. 83-87, even though those discussions have no bearing on King’s *own* consideration of race. And the court could not muster any objections whatsoever to Vasut’s statements. Op. 89-90.

c. On the other side of the ledger, the district court highlighted a few statements from legislators who had far less involvement in the redistricting process—and those stray statements also do not remotely qualify as direct evidence of a racial gerrymander, especially when viewed in light of the presumption of legislative good faith. The court emphasized a snippet in a press release from Speaker Burrows stating that the map “*address[ed] concerns raised by [DOJ]*.” Op. 66. For the reasons already discussed, responding to the DOJ letter is not direct evidence of racial predominance, particularly since the same press release is also “peppered with statements that could suggest a partisan motive,” Op. 67. Likewise, isolated snippets from press interviews of Representatives Oliverson and Toth at most suggest that they viewed redistricting as required by *Petteway*. Op. 67-69. That, however, falls far short of direct evidence that they viewed *Petteway* as not just eliminating the justification for the past race-predominant creation of coalition districts, but as further requiring the use of race-predominant means to eliminate all coalition districts (which, to repeat, the 2025 map did *not* do).

\* \* \* \* \*

At bottom, the district court did not identify any direct evidence that race predominated in the redistricting process; the court relied at best on weak circumstantial

evidence that it misconstrued in light of the presumption of legislative good faith. Respondents thus needed to produce an alternative map disentangling race from party because this case bears no resemblance to *Cooper* and is essentially a retread of *Alexander*.

In *Cooper*, the state Senate and House chairs of the relevant committees “repeatedly told their colleagues that [the challenged district] had to be majority-minority.” 581 U.S. at 299; see *id.* at 299-300 (recounting some of the statements). “And that objective was communicated in no uncertain terms” to the mapmaker, who “testified multiple times at trial that [the legislators] instructed him ‘to draw [the district] with a BVAP in excess of 50 percent,’” and who then “followed those directions to the letter.” *Id.* at 300. Indeed, the mapmaker testified that “he sometimes could not respect county or precinct lines as he wished because ‘the more important thing’ was to create a majority-minority district.” *Ibid.*

Contrast that to this case, where the Senate and House chairs of the relevant committees repeatedly and unequivocally testified that they wanted to pursue only partisan goals, and the mapmaker testified at length that he drew the districts in an entirely race-blind manner. See pp. 19-22, *supra*. That echoes the testimony in *Alexander*, where the mapmaker “testified that he used only political data, and his colleagues likewise steadfastly denied using race in drawing the” map. 602 U.S. at 19. Indeed, *Alexander* rejected reliance by the district court on the same sort of evidence on which the district court relied in this case—such as a suspicious BVAP percentage (there, one that stayed the same; here, one that was too close to 50% for the court’s liking), *id.* at 20-21, and testimony from individuals involved in the redistricting process that they were “aware of racial demographics,” *id.* at 22. Just as that was insuf-



ficient to relieve the plaintiffs in *Alexander* of their burden to show an alternative map, so too is the evidence on which the district court relied insufficient here.

**C. The Preliminary-Injunction Posture Does Not Remove Respondents' Burden To Provide An Alternative Map**

Finally, the district court also held that *Alexander*'s alternative-map requirement does not apply because "this case is still at the preliminary injunction phase." Op. 133. But a preliminary injunction is "an extraordinary remedy that may only be awarded upon a *clear showing* that the plaintiff is entitled to such relief." *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 22 (2008) (emphasis added). And absent "direct evidence or some extraordinarily powerful circumstantial evidence," the "adverse inference from a plaintiff's failure to submit [an alternative map]" is effectively "dispositive," *Alexander*, 602 U.S. at 35, which logically forecloses any showing that the plaintiff "is likely to succeed on the merits," *Winter*, 555 U.S. at 20.

The district court, however, reasoned that *Alexander*'s adverse inference is "improper here" based on speculation that respondents' experts "simply didn't have time" to create an alternative map. Op. 134. That reasoning conflicts with a core rationale of the adverse inference, which is that alternative maps are *not* "difficult to produce" since "[a]ny expert armed with a computer can easily churn out redistricting maps that control for any number of specified criteria." *Alexander*, 602 U.S. at 35 (quotation marks omitted). Tellingly, the court cited no testimony by respondents' experts that they lacked sufficient time or data to create an alternative map that would satisfy *Alexander*. See Op. 134 n.498 (citing only testimony about time constraints in performing *other* analyses). Any such testimony would have been utterly implausible: "[t]he parties had approximately one month to prepare for [the] preliminary-injunction hearing," Op. 147; and one of respondents' experts had sufficient time to

generate “approximately 40,000 hypothetical maps” that the State “could have conceivably passed,” Op. 109, yet “didn’t offer any of [them] as an *Alexander* map,” Op. 134. So *Alexander* fully applies to this preliminary-injunction proceeding. Respondents’ “failure to submit an alternative map—precisely because it can be designed with ease—should be interpreted \* \* \* as an implicit concession that [they] cannot draw a map” without the challenged racial demographics that achieves the State’s partisan goals. *Alexander*, 602 U.S. at 35. That concession is fatal to respondents’ claim.

### CONCLUSION

The application for a stay should be granted.

Respectfully submitted.

D. JOHN SAUER  
*Solicitor General*

NOVEMBER 2025

## **Exhibit 378**



Mike Netter  
@nettermike



California's congressional map is already stacked in favor of Democrats. Despite winning 38% of the statewide vote, Republicans hold only 9 of 52 seats. Democrats want to bring it down to four.

This power grab doesn't just affect California- it affects the entire country.

A chart was leaked yesterday that provides details on which GOP seats the Democrats will target:

Statewide Partisan Lean			Statewide Partisan Lean		
District	Current	Submission	District	Current	Submission
1	Safe Republican	Safe Democratic	27	Lean Democratic	Safe Democratic
2	Safe Democratic	Safe Democratic	28	Safe Democratic	Safe Democratic
3	Safe Republican	Safe Democratic	29	Safe Democratic	Safe Democratic
4	Safe Democratic	Safe Democratic	30	Safe Democratic	Safe Democratic
5	Safe Republican	Safe Republican	31	Safe Democratic	Safe Democratic
6	Safe Democratic	Safe Democratic	32	Safe Democratic	Safe Democratic
7	Safe Democratic	Safe Democratic	33	Safe Democratic	Safe Democratic
8	Safe Democratic	Safe Democratic	34	Safe Democratic	Safe Democratic
9	Lean Democratic	Safe Democratic	35	Safe Democratic	Safe Democratic
10	Safe Democratic	Safe Democratic	36	Safe Democratic	Safe Democratic
11	Safe Democratic	Safe Democratic	37	Safe Democratic	Safe Democratic
12	Safe Democratic	Safe Democratic	38	Safe Democratic	Safe Democratic
13	Lean Republican	Safe Democratic	39	Safe Democratic	Safe Democratic
14	Safe Democratic	Safe Democratic	40	Safe Republican	Safe Republican
15	Safe Democratic	Safe Democratic	41	Safe Republican	Safe Democratic
16	Safe Democratic	Safe Democratic	42	Safe Democratic	Safe Democratic
17	Safe Democratic	Safe Democratic	43	Safe Democratic	Safe Democratic
18	Safe Democratic	Safe Democratic	44	Safe Democratic	Safe Democratic
19	Safe Democratic	Safe Democratic	45	Lean Democratic	Safe Democratic
20	Safe Republican	Safe Republican	46	Safe Democratic	Safe Democratic
21	Safe Democratic	Safe Democratic	47	Lean Democratic	Safe Democratic
22	Lean Democratic	Lean Democratic	48	Safe Republican	Lean Democratic
23	Safe Republican	Safe Republican	49	Safe Democratic	Safe Democratic
24	Safe Democratic	Safe Democratic	50	Safe Democratic	Safe Democratic
25	Safe Democratic	Safe Democratic	51	Safe Democratic	Safe Democratic
26	Safe Democratic	Safe Democratic	52	Safe Democratic	Safe Democratic

It circulated to state lawmakers Wednesday and obtained by POLITICO shows changes in the voter map of California's congressional districts under a proposed new map.

11:02 AM · Aug 16, 2025 · 2,812 Views



8



107



199



14



Tangipa v. Newsom

**DX378**

2:25-cv-10616-JLSWLH-KKL

## **Exhibit 379**



**Mike Netter**   
@nettermike



It's a known fact that the road to the House majority in Washington D.C. runs straight through California.

And that's precisely why Gavin Newsom is seeking to rig the Congressional maps via Proposition 50. And it's why there will be a Special Election on November 4th of this year!

Here are the numbers you need to know:

40

The number of days before voters get ballots in the mail for the Nov. 4th Special Election.

38%

The percentage of California voters that supported Donald Trump in 2024.

52

The number of Congressional Districts in California.

9

The number of Republicans in Congress from California.  
(That's a mere 17% -- much less than the 38% who voted for President Trump)

5

The number of Republican Congressional members that Newsom hopes to remove from office with his rigged maps.  
This includes Doug LaMalfa and Kevin Kiley @KevinKileyCA -- and would leave Republicans only representing 7% of CA's Congressional Districts.



10:56 PM · Aug 25, 2025 · 3,072 views



Tangipa v. Newsom

**DX379**

2:25-cv-10616-JLSWLH-KKL

DX379-0001



## **Exhibit 380**



Proposition 50 is nothing more than a partisan power grab by Sacramento Democrats. After years of pretending to support “independent” redistricting, they now want to tear up the rules because they don’t like the political map California voters already approved. Let’s be clear: Prop 50 isn’t about fairness. It’s about stacking the deck to guarantee Nancy Pelosi and Gavin Newsom more Democratic seats in Congress. Sacramento politicians want to seize the authority that rightly belongs to the independent citizens’ commission and use it to gerrymander Republicans out of existence. Voters established the commission to end the backroom deals and protect our democracy from exactly this kind of abuse. Prop 50 would drag us back to the days when politicians picked their voters rather than the other way around. That’s not reform—it’s corruption. Republicans, independents, and honest Democrats should all be outraged. If California joins the national race to the bottom, our elections will become nothing more than cynical contests of who can cheat the hardest. On November 4, we have the chance to say enough is enough. Stand up for accountability, transparency, and the rule of law. Vote No on Prop 50.



11:52 PM · Sep 2, 2025 · 3,131 Views ·



Tangipa v. Newsom

**DX380**

2:25-cv-10616-JLSWLH-KKL

## **Exhibit 381**

 PostMike Netter 

@nettermike



Breaking: Newsom's Gerrymander Will Eliminate 4 of 9 Republican Districts!

NO ON PROP 50



1:51 PM · Sep 4, 2025 · 7,036 Views

Tangipa v. Newsom

**DX381**

2:25-cv-10616-JLSWLH-KKL



## **Exhibit 382**





Mike Netter  
 @nettermike

We have been sharing more and more "No on Prop 50" content lately and wanted to share this simple graphic for anyone who isn't familiar with what Prop 50 is, or who feels unsure about its real implications.

The key thing to know: Prop 50 has nothing to do with Texas. The bill's language is not connected to Texas in any way. Right now, Texas district maps are being challenged in court, and even if those maps get struck down, Prop 50 here in California would remain unchanged.

You might have heard the argument, "Texas is doing it, so we should too." But let's be clear: we aren't Texas, and governance shouldn't be reduced to playground logic. "I'm doing it because they are" is not leadership and it certainly isn't fairness.

SPREAD THIS USE THE GRAPHIC

TXT

POST

PUSH

Attaching this quick guide for clarity

You might have heard the argument, "Texas is doing it, so we should too." But let's be clear: we aren't Texas, and governance shouldn't be reduced to playground logic. "I'm doing it because they are" is not leadership and it certainly isn't fairness.

Attaching this quick guide for clarity:

### Proposition 50 – Quick Voter Guide

Vote YES if...	Vote NO if...
You believe elected officials should be responsible for drawing district maps.	You believe independent citizens should be responsible for drawing district maps.
You think map-drawing should be done secretly, and not part of a public process.	You think map-drawing should be done through a transparent public process with community input.
If you believe that lawmakers should amend the constitution because they want different outcomes.	If you believe the constitution should not be changed because one political party is trying to game the system.
You feel it is equitable that only a small number of seats should be held by Republicans.	You believe district lines should reflect California's real voter balance, not tilt the outcome for one party.
You trust that Newsom has your best interests in mind.	You trust the public process (that California voters already established) and citizen commission more than politicians in Sacramento.

Like

Comment

Share



Barry Lott follows Cloaked Inc.



Cloaked Inc.

Sponsored

Transform your online experience. Wi... See more

There are apps for  
 your body and mind.  
 Finally one for you

Tangipa v. Newsom

**DX382**

2:25-cv-10616-JLSWLH-KKL



## **Exhibit 383**

**"California taxpayers will spend at least \$2 million to correct inaccurate voter guides sent to some registered voters regarding the upcoming special election for Proposition 50. Proposition 50 will ask voters to approve new congressional maps drawn by Democrats to help Democrats" / X**

 [x.com/nettermike/status/1977401566123692515](https://x.com/nettermike/status/1977401566123692515)

October 12, 2025

## Post



[Mike Netter](#)



[@nettermike](#)

California taxpayers will spend at least \$2 million to correct inaccurate voter guides sent to some registered voters regarding the upcoming special election for Proposition 50. Proposition 50 will ask voters to approve new congressional maps drawn by Democrats to help Democrats in future elections. The map on page 11 of the voter information guide incorrectly labeled a congressional district as District 22 when it should have been District 27. Vote No

Tangipa v. Newsom

**DX383**

2:25-cv-10616-JLSWLH-KKL

## **Exhibit 384**



Mike Netter  
@nettermike

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

Document 189-3  
Page ID #:16560

Filed 12/19/25

Page 165 of 414

Prop 50 costs taxpayers \$300 million and rigs elections in Sacramento's favor.

Vote No and find your ballot drop location. @CAGOP



**VOTE NO ON  
PROP 50:**

**GAVIN NEWSOM'S  
\$300 MILLION  
POLITICAL  
POWER GRAB  
TO HELP DEMOCRATS  
RETAKE CONGRESS AND  
IMPEACH TRUMP**

 **RETURN YOUR MAIL  
BALLOT TODAY!**

**SPECIAL ELECTION: NOVEMBER 4, 2025**

PAID FOR BY CALIFORNIA REPUBLICAN PARTY

Ringo Chiu/Shutterstock

8:47 PM · Oct 22, 2025 · 4,151 Views

Tangipa v. Newsom

**DX384**

2:25-cv-10616-JLSWLH-KKL

12

189

422

1



DX384-0001

## **Exhibit 385**

Mike Netter on X: "[OBJ] VOTE NO ON PROP 50 Let me explain why. Newsom wants to gerrymander the state. What does gerrymandering mean? It's a clever trick used in politics to draw the borders of voting areas, called districts. The goal is to give one political group an unfair advantage over <https://t.co/l7mqha1iqz>" / X

 x.com/nettermike/status/1982219221758279727

October 25, 2025



Tangipa v. Newsom

**DX385**

2:25-cv-10616-JLSWLH-KKL



[Mike Netter](#)[@nettermike](#)

VOTE NO ON PROP 50

Let me explain why. Newsom wants to gerrymander the state. What does gerrymandering mean? It's a clever trick used in politics to draw the borders of voting areas, called districts. The goal is to give one political group an unfair advantage over another. It's to make sure their political party wins more elections. It's like drawing lines on a map to make sure your team wins more often.

### A SIMPLE EXAMPLE

Let's imagine two groups, Group A and Group B, are trying to win an election.

In one voting area, Group A has 40 votes and Group B has 50 votes. So, Group B would normally win here.

In another area nearby, Group A knows Group B will definitely win. Now, Group A decides to gerrymander. They redraw the district lines. They move 11 votes from Group B's strong area into the area where Group B was already going to win easily.

By moving just a few votes, Group A changed the outcome of the first district. This is how gerrymandering can change election results without changing how many people voted for each group overall. This is a problem because gerrymandering will make elections unfair.

RIGHT NOW IN THE CALIFORNIA CONSTITUTION ARTICLE XXI, Redistricting of Senate, Assembly, Congressional and Board of Equalization Districts

Section 2 (a) The Citizens Redistricting Commission shall be created no later than December 31 in 2010, and in each year ending in the number zero thereafter.

(c) (1) The selection process is designed to produce a commission that is INDEPENDENT FROM LEGISLATIVE INFLUENCE (RIGHT HERE.. independent from LAWMAKERS , which is Newsom and politicians !!) and reasonably representative of this State's diversity.

(2) The commission shall consist of 14 members, as follows: five who are registered with the largest political party in California based on registration, five who are registered with the second largest political party in California based on registration, and four who are not registered with either of the two largest political parties in California based on registration.

(14 people who are not politicians make the redistricting.... Not Newsom!!)

You can read the rest of this article in the CA Constitution at your leisure.

Newsom's campaign is sticking it to Trump. Well, voting YES will be sticking it to Californians!!<sup>[OBJ]</sup>

If you vote YES, our elections will never be fair again. When people say, "why vote, it doesn't count anyway", well now it really won't count.

So please..... VOTE NO ON PROP 50

Please share





## **Exhibit 386**



Mike Netter

@nettermike



Newsom is lying to you...

@ShannonGroveCA is not

Prop 50 is nothing but a PARTISAN POWER GRAB. Prop 50 takes power away from the people and delivers it to Sacramento.

Valley Legislators need you to Vote NO in person any time until Tuesday. You can also return your ballot at a vote center or at a drop box.

Regardless of how you do it, please GET OUT AND VOTE NO on 50

**VALLEY LEADERS NEED YOU TO  
VOTE NO ON PROP 50**



**DAVID TANGIPA**  
ASSEMBLYMAN, AD-08



**SHANNON GROVE**  
SENATOR, SD-12



**ALEXANDRA MACEDO**  
ASSEMBLYMEMBER, AD-33

**VOTE NO  
PROP 50**

Tangipa v. Newsom

**DX386**

2:25-cv-10616-JLSWLH-KKL

## **Exhibit 387**



# Mike Netter on X: "VOTE NO on Proposition 50! . CA Prop 50 would suspend California Citizens Redistricting Commission's Authority allowing the Democratic-Controlled Legislature to Redraw Maps. . Proposition 50 represents a departure from California's voter-approved redistricting process. It <https://t.co/S85Ht40oWz>" / X

 [x.com/nettermike/status/1976503158051582244](https://x.com/nettermike/status/1976503158051582244)

October 9, 2025



Tangipa v. Newsom

**DX387**

2:25-cv-10616-JLSWLH-KKL

[Mike Netter](#)



[@nettermike](#)

VOTE NO on Proposition 50!

CA Prop 50 would suspend California Citizens Redistricting Commission's Authority allowing the Democratic-Controlled Legislature to Redraw Maps.

Proposition 50 represents a departure from California's voter-approved redistricting process. It would temporarily suspend the Independent Commission's Authority and allow the Democratic-Controlled Legislature to Redraw Maps for three election cycles: 2026, 2028, and 2030.

This shift has raised concerns about partisan gerrymandering, dilution of minority voting power, and undermining voter-approved reforms.

Without CA Proposition 50:

- Redistricting in California normally occurs once every 10 years, following the U.S. Census.
- The last redistricting was completed in 2021 using data from the 2020 Census.
- Without Proposition 50, the next scheduled redistricting would occur after the 2030 Census, with new maps taking effect for the 2032 elections.
- The California Citizens Redistricting Commission, a nonpartisan body approved by voters in 2008, would remain responsible for drawing those maps.

Balance of Current Congressional Districts?:

- California's current congressional map was drawn by the independent Citizens Redistricting Commission in 2021, designed to be nonpartisan and community-focused.

- As of 2025, Democrats hold a majority of California's 52 congressional seats, reflecting the state's overall political leaning. It is argued that the current map still favors Democrats, especially in urban and coastal areas, while Republicans maintain strongholds in rural regions like the Central Valley and Inland Empire. California congressional district representation currently does not proportionally reflect party registration. Democrats make up 44.96% of registered voters but hold 43 out of 52 congressional seats—about 82.7%—suggesting a significant overrepresentation relative to their voter share.
- The 9 Republican-held districts are disproportionately targeted by Proposition 50's proposed changes, which would likely flip 4 to 5 of them to Democratic control.

VOTE NO on Proposition 50; it would allow the legislature to redraw maps for 2026–2030, potentially increasing Democratic control even further. According to Ballotpedia, five Republican-held districts would shift toward Democrats, and Democrats could gain up to 47 seats based on presidential voting patterns.

HR 2025-10-09



## **Exhibit 388**

**Mike Netter on X: "In California, registered Republicans comprise 45% of the state electorate. When you add conservative-leaning independent, or Constitutional Libertarian voters, you're talking about half the state! Prop 50, which passed yesterday, will take Republican representation from 9 https://t.co/GBGVpkVd5d" / X**

 [x.com/nettermike/status/1986318087625519402](https://x.com/nettermike/status/1986318087625519402)

November 5, 2025



[Mike Netter](#)



[@nettermike](#)

**Tangipa v. Newsom**

**DX388**

2:25-cv-10616-JLSWLH-KKL

In California, registered Republicans comprise 45% of the state electorate. When you add conservative-leaning independent, or Constitutional Libertarian voters, you're talking about half the state! Prop 50, which passed yesterday, will take Republican representation from 9 seats, down to 4 seats, compared to the 49 seats it will gift to state Democrats.

This will be accomplished through redrawn maps that will assimilate conservative municipalities, into Democrat voting districts, canceling their voices.

UNLIKE the state of Texas, where redistricting efforts were prompted by a court order, after 6 of 13 border counties flipped from blue to red in the 2024 election, there was NO mandate to SILENCE MORE OF THE OPPOSITION PARTY VOICES, in California. This was a greed-based effort, on behalf of our corrupt governor, to solidify his aspirations for the Oval Office!

So why did Prop 50 pass?

There's no denying the lack of conservative turnout yesterday, but there's also no denying that the rampant voter, and election fraud in California DOES have the power to change outcomes.

While I think both the aforementioned factors were in play during yesterday's election, I believe there's more to the story than that... California isn't just broke. It's been robbed. Robbed of money, robbed of dignity, and it's citizens robbed of their freedom.

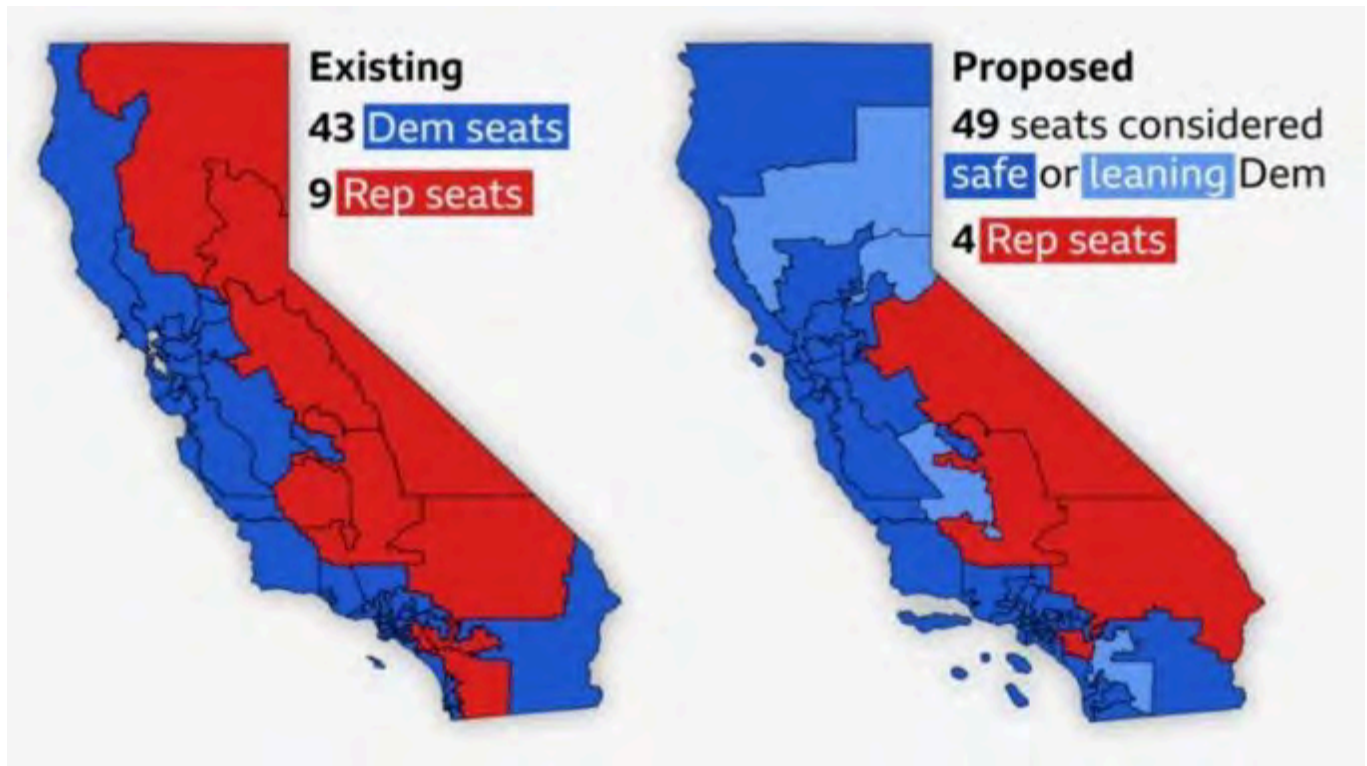
Consider for a moment, there are roughly 3.25 million households in LA County. Over 1 million of them, are dependent upon EBT.

Let that sink in, for a moment, because that's a mind boggling statistic! One in every three homes in LA County, is living off California taxpayers, who are being taxed into oblivion, by the bloated bureaucracy of a state that's now OVER \$1 TRILLION dollars in debt!!!

What's worse, is that LA County, is among multiple California municipalities, in being a microcosm, mirror image of what the government shutdown has revealed to be the current national status of the SNAP program - having 42 million people (some of them admitting on their tik tok videos to receiving benefits for 30 years), who are one EBT deposit away from starvation?!

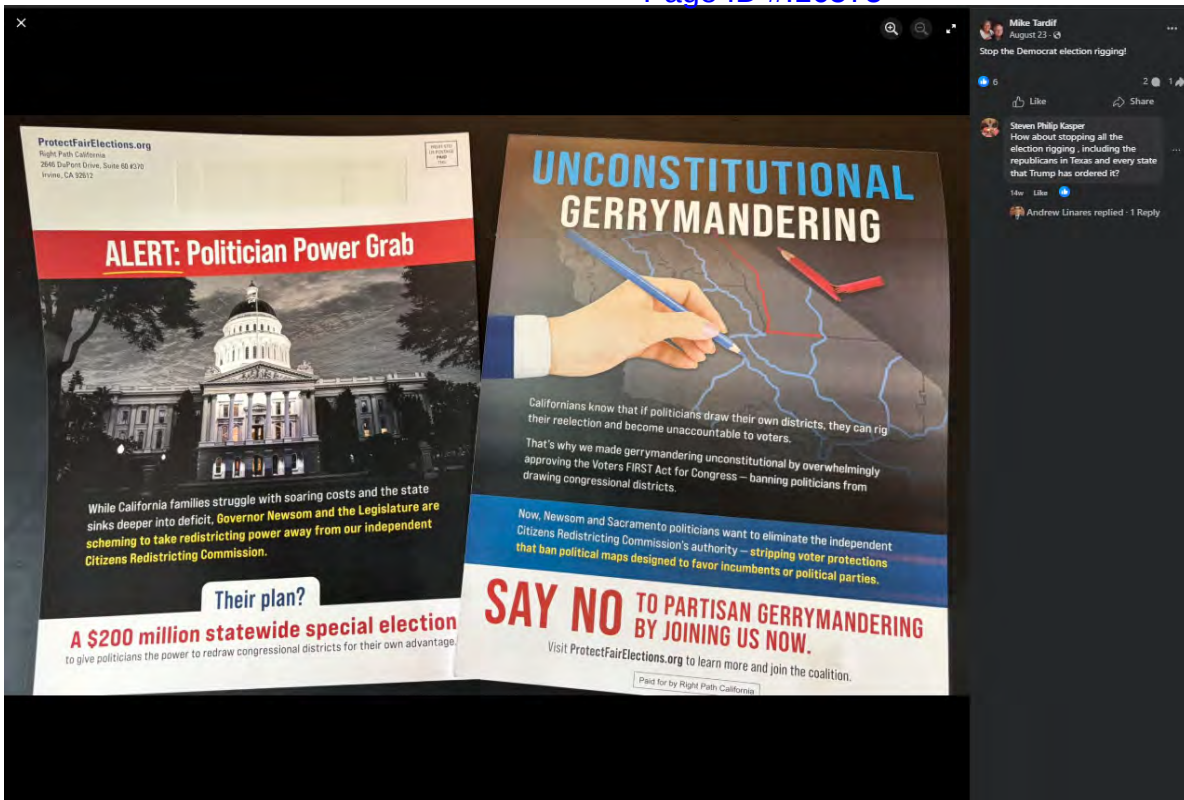
Perhaps that's what they REALLY mean, when they say, "However California goes, so goes the country"?

This is not meant to disparage those who are truly in need. But in the spirit of honest political/economic assessment, that's not a safety net anymore, that's a structural/cultural failure! It is a potential societal collapse, disguised as charity, and it was purposely engineered by power hungry political elites.



## **Exhibit 389**





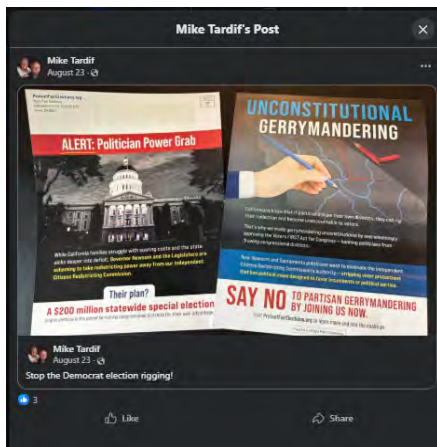
Tangipa v. Newsom

DX389

2:25-cv-10616-JLSWLH-KKL

DX389-0001

## **Exhibit 390**



Tangipa v. Newsom

DX390

2:25-cv-10616-JLSWLH-KKL

DX390-0001

## **Exhibit 391A**



## Post



Sayrs Morris

@SayrsMorris



Californians want to keep the independent citizens redistricting commission. We will not hand the power back to Sacramento polititians. Vote NO on Prop 50 to keep partisan gerrymandering out of our elections!



0:00 / 0:51



2:11 AM · Oct 21, 2025 · 463 Views



Tangipa v. Newsom

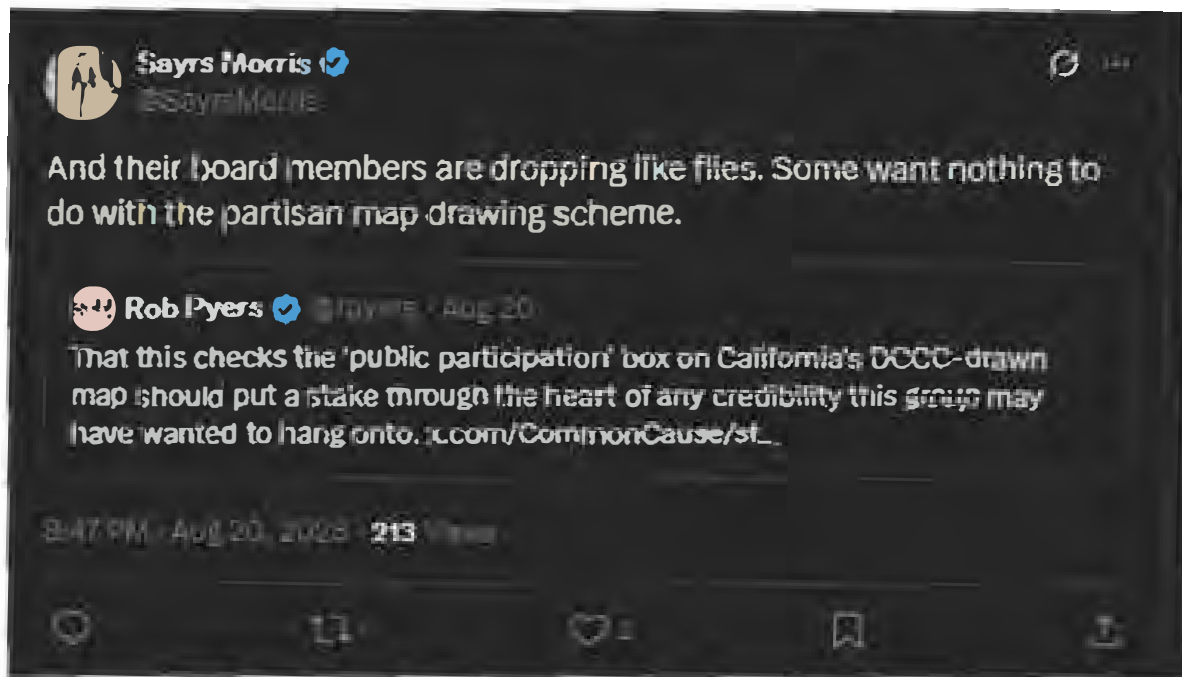
DX391A

2:25-cv-10616-JLSWLH-KKL

**Exhibit 391B – multimedia exhibit submitted to the  
Court electronically.**



## **Exhibit 392**



## **Exhibit 393**



Tangipa v. Newsom

DX393

2:25-cv-10616-JLSWLH-KKL

## **Exhibit 394**

# Instagram

 [instagram.com/p/DPuZKkhktqx](https://www.instagram.com/p/DPuZKkhktqx)

October 12, 2025



**GOVERNOR NEWSOM'S  
POWER GRAB**

**IT IS A  
PARTISAN  
GERRYMANDER**

*-Sacramento Democrats*

**WHY YOU SHOULD VOTE NO ON 50**

- ✗ Flips the Valley from RED to BLUE
- ✗ Eliminates the CA Independent Redistricting Commission
- ✗ Delivers the House of Representatives to Democrats
- ✗ Strips Kings County voter of their voice

**NO** ON PROP  
**50**  
STOP RIGGED ELECTIONS NOW  
(Ad paid for by California Republican Party)

**REPUBLICAN PARTY OF  
KINGS COUNTY**

Tangipa v. Newsom

**DX394**

2:25-cv-10616-JLSWLH-KKL





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*IF YOU'RE IN LINE BEFORE 8:00 PM*

**STAY  
IN LINE**

**YOU HAVE THE  
RIGHT TO VOTE!**











Messages

## **Exhibit 395**

## (20+) Doug Buchanan | Facebook

 facebook.com/Dougems8/posts/pfbid0q5bBqB4yK5DFxZbmriChiggSYsGkQDAUoFBpCRRdk4ftpAdzGgrkd77GwQrAyuLXI

### Proposition 50 – Quick Voter Guide

Vote YES if...	Vote NO if...
You believe elected officials should be responsible for drawing district maps.	You believe independent citizens should be responsible for drawing district maps.
You think map-drawing should be done secretly and not part of a public process.	You think map-drawing should be done through a transparent public process with community input.
If you believe that legislators should amend the constitution because they want different outcomes.	If you believe the constitution should not be changed because one political party is trying to game the system.
You feel it is equitable that only 4–5 seats out of 52 should be held by Republicans.	You believe district lines should reflect California's real voter balance, not tilt the outcome for one party.
You trust that Newsom has your best interests in mind.	You trust the public process (that California voters already established) and citizen commission more than politicians in Sacramento.

Tangipa v. Newsom

**DX395**

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## **Exhibit 396**

## (20+) Doug Buchanan | Facebook

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facebook.com/Dougems8/posts/pfbid02ubas9PREt2rzBtAa5JGSdWFWWhqu8kZAfkG52Xd4YwTZZa5M8TSFLPzFZ7wbLDr6CI

Tangipa v. Newsom

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# How Proposition 50 Affects Californians ...

## A YES vote...

### **Spends taxpayer money on new maps mid-decade**

Imposes new congressional maps before 2030, even though maps are supposed to be redrawn only after each census.

### **Overrides prior voter mandates**

Temporarily suspends the authority of the Citizens Redistricting Commission.

### **Returns map drawing to state legislature (politicians)**

Legislature would draw maps from 2026 through 2030

### **May silence some voices or reduce representation**

May shift district lines to advantage certain parties

### **Estimated cost to taxpayers: \$282 mil**

## A NO vote

### **Keeps current maps until after the next census**

The current maps (drawn by independent commission) remain until new maps are drawn after the 2030 census.

### **Upholds voter-approved redistricting commission authority**

Preserves the independent commission's mapmaking role.

### **Keeps power with independent commission, not legislators**

Helps ensure districts reflect real voters, not politicians.

### **Ensures "one person, one vote" under current system**



Sources; California Legislative Analyst's Office; Voter Information Guide 2024

## **Exhibit 397**

## (20+) Doug Buchanan | Facebook

[facebook.com/Dougems8/posts/pfbid0JBZYpqGDY7Z6PoYU2mY3sGzw6hUj9BdFsSeKU13aqNJjixJ89bxniAsPFxHbUhy7I](https://facebook.com/Dougems8/posts/pfbid0JBZYpqGDY7Z6PoYU2mY3sGzw6hUj9BdFsSeKU13aqNJjixJ89bxniAsPFxHbUhy7I)

This is NOT democracy.

### **GERRYMANDERING**

MA: 36% Republican, 0 seats

CT: 42% Republican, 0 seats

ME: 46% Republican, 0 seats

NM: 46% Republican, 0 seats

NH: 48% Republican, 0 seats

RI: 42% Republican, 0 seats

VT: 32% Republican, 0 seats

HI: 38% Republican, 0 seats

DE: 42% Republican, 0 seats

**IT'S ONLY BAD WHEN  
REPUBLICANS DO IT?**

Tangipa v. Newsom

**DX397**

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## **Exhibit 398**

Doog Buchanan's Post

Doog Buchanan  
November 3 at 6:41 PM

# NO on 50

**Let Voters Choose, NOT POLITICIANS**

- **\$150M** in Wasteful Spending For a Special Election Amid **\$11.8B** Fiscal Crisis
- **Undermines the 2008 Voter Mandate, Dismissing the Will of 8.5M Californians**
- **\$140M** in Dark Money Influence, Orchestrated by the DCCC for Their Agenda
- **Locks in 5 House Seats for Progressive Agenda for Minimum 3 Election Cycles**
- **Severely Flawed Maps, Graded "F", Deemed "Fairness Killer", worst in 60 years**
- **Legislative Hypocrisy, Gavin signs AB 1441 to mandate the Merced County Citizen's Redistricting Committee; Suspends State Law Set by Will of Voters**
- **Authoritarian Power Grab; where Politicians (Kings) Pick Their Voter Districts**
- **No Provision for 10-Year Ban, A Crucial Safeguard To Prevent Self-Serving Bias**

Republican Party Of Merced County  
Political Organization

Send message

Republican Party Of Merced County  
November 3 at 11:58 AM

The Pros & Cons of Prop 50

ATTN: Republican Voters!  
Do Not Sit This Election Out! Here's Why:

Democrat "PROS" in favor of Prop 50:

1. Increases (D) competitiveness in five congressional districts where progressive priorities can be advanced at the national level
2. A high-profile campaign increases national visibility for Governor Newsom
3. Counters mid-decade redraws in other states like Texas (whose 2021 maps faced racial bias lawsuits largely upheld in 2022, prompting the controversial 2025 redraw)

Common Sense Voter "CONS" against Prop 50:

1. Wasteful Spending Amid Fiscal Crisis: Despite a \$11.8 billion state deficit, Democrats allocate \$150 million in taxpayer funds for a special election to advance Prop 50, prioritizing partisan goals over fiscal responsibility.
2. Undermines Voter Mandate: Aims to override the 2008 decision of over 8.5 million Californians who established the independent Citizens Redistricting Commission for fair maps.
3. Dark Money Influence: Funded by \$140 million from DCCC donors, including \$2.5 million from Michael Moritz and Planned Parenthood, to impose gerrymandered maps mid-decade.
4. Seat Theft and Long-Term Lock-In: Nets 5 Democrat House seats now and securing them for three additional election cycles, entrenching Progressive dominance and far from the independent reform established by law in 2008.
5. Severely Flawed Maps: Princeton Gerrymandering Project assigns an "F" grade to the proposal calling it a blatant "fairness-killer"; and CalMatters called the DCCC maps the worst in 60 years because it split more counties, mostly impacting: Los Angeles County (13 districts), Orange (8 districts), Fresno (6 districts), Sacramento (5 districts), and San Joaquin (5 districts).
6. Legislative Hypocrisy: In the same session that Democrats pass AB 1441 to create a "fair" Independent Citizen Redistricting Commission for Merced County Supervisorial districts, Democrats pass ACA 8 to dismantle the voter-approved statewide Redistricting Commission.
7. Authoritarian Power Consolidation: Represents authoritarian rules allowing politicians to act as "KING" and pick their voters—drawing districts to favor themselves—while overturning the independent Citizens Redistricting Commission that ensures voters choose representatives.
8. Negates the 10-Year Cooling-Off Period: Current law bars redistricting commissioners from running for affected offices for 10 years to prevent self-serving bias; Prop 50 removes this critical safeguard, allowing participants to immediately pursue seats in the districts they just influenced.

VOTE NO ON PROP 50 - AND TELL A FRIEND!

#MercedCounty #Merced #LosBanos #DosPalos #Abwater #Livingston #Gustine

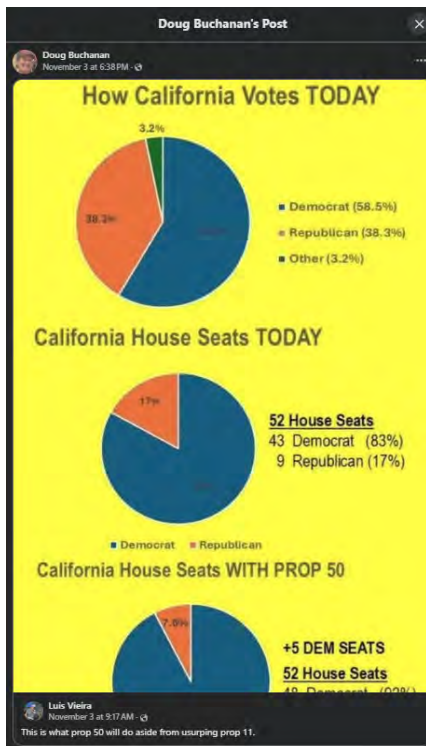
Tangipa v. Newsom

DX398

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## **Exhibit 399**





Tangipa v. Newsom

**DX399**

2:25-cv-10616-JLSWLH-KKL

## **Exhibit 400**



Tangipa v. Newsom

**DX400**

2:25-cv-10616-JLSWLH-KKL

# **Exhibit 401A**



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

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# Transcript of David Tangipa

**Date:** December 5, 2025

**Case:** Tangipa, et al. -v- Newsom, et al.

**Planet Depos**

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**Tangipa v. Newsom**

**DX401A**

2:25-cv-10616-JLSWLH-KKL

Transcript of David Tangipa  
Conducted on December 5, 2025

1 (1 to 4)

<p>1</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION</p> <p>-----x</p> <p>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</p> <p>Videotaped Deposition of DAVID TANGIPA Volume I Conducted Virtually Friday, December 5, 2025 5:14 p.m. PST</p> <p>Job No.: 612155 Pages: 1 - 126 Reported By: Kadi A. Harmon</p>	<p>3</p> <p>A P P E A R A N C E S</p> <p>ON BEHALF OF PLAINTIFFS:</p> <p>MARK P. MEUSER, ESQUIRE DHILLON LAW GROUP INC. 177 Post Street, Suite 700 San Francisco, CA 94108 (415) 433-1700</p> <p>ON BEHALF OF DEFENDANTS CALIFORNIA GOVERNOR GAVIN NEWSOM and SECRETARY of STATE SHIRLEY WEBER:</p> <p>JENNIFER E. ROSENBERG, ESQUIRE HARALD KIRN, ESQUIRE ANYA M. BINSACCA, ESQUIRE CARTER M. JANSEN, ESQUIRE CLINTON WOODS, ESQUIRE CHRISTINA MCCALL, ESQUIRE DEPUTY ATTORNEYS GENERAL STATE OF CALIFORNIA DEPARTMENT OF JUSTICE 1300 I Street, Suite 125 Sacramento, CA 95814 (916) 210-6242</p>
<p>2</p> <p>Deposition of DAVID TANGIPA, conducted virtually by videoconference. All parties attended remotely.</p> <p>Pursuant to notice, before Kadi A. Harmon, Court Reporter and Notary Public in and for the State of New York.</p>	<p>4</p> <p>A P P E A R A N C E S C O N T I N U E D</p> <p>ON BEHALF OF DEFENDANT-INTERVENOR DEMOCRATIC CONGRESSIONAL CAMPAIGN COMMITTEE:</p> <p>CHRISTOPHER D. DODGE, ESQUIRE MAX ACCARDI, ESQUIRE LALITHA D. MADDURI, ESQUIRE ABHA KHANNA, ESQUIRE (Seattle) ELIAS LAW GROUP LLP 250 Massachusetts Ave. NW, Suite 400 Washington, DC 20001 (202) 968-4652</p> <p>ON BEHALF OF DEFENDANT-INTERVENOR LEAGUE OF UNITED LATIN AMERICAN CITIZENS:</p> <p>SOFIA FERNANDEZ GOLD, ESQUIRE DEMOCRACY DEFENDERS ACTION info@democracydefenders.org</p> <p>ALSO PRESENT:</p> <p>Christie Jeon, Videographer Jeremy Dineen, Technician</p>



Transcript of David Tangipa  
Conducted on December 5, 2025

2 (5 to 8)

5	7
1 C O N T E N T S	1 P R O C E E D I N G S
2	2 THE VIDEOGRAPHER: Here begins Media Number 1
3 EXAMINATION OF DAVID TANGIPA PAGE	3 in the videotaped deposition of David Tangipa, in
4 By Attorney Dodge 9	4 the matter of Tangipa, et al. versus Newsom, et al.,
5	5 in the United States District Court for the Central
6	6 District of California, Western Division; Case
7 E X H I B I T S	7 Number 2:25-cv-10616-JLS-WLH-KKL.
8 (Attached to the Transcript.)	8 Today's date is December 5th, 2025. The time
9	9 on the video monitor is 5:14 p.m. The videographer
10 TANGIPA DEPOSITION EXHIBIT PAGE	10 today is Christie Jeon representing Planet Depos.
11 Exhibit 1 Notice of Deposition 13	11 This video deposition is taking place remotely.
12 Exhibit 2 August 19, 2025 39	12 Would Counsel please voice-identify
13 Elections Committee Meeting	13 themselves and state whom they represent?
14 Exhibit 3 August 19, 2025 68	14 ATTORNEY DODGE: Good evening. Christopher
15 Tangipa Tweet	15 Dodge on behalf of Intervenor-Defendant, DCCC.
16 Exhibit 4 August 21, 2025 73	16 ATTORNEY ROSENBERG: Good evening. I am
17 Committee Hearing	17 Deputy Attorney General Jennifer Rosenberg
18 Exhibit 5 Reject50.com 78	18 representing the State Defendants, California
19 Exhibit 6 October 13, 2025 93	19 Governor Gavin Newsom and Secretary of State Shirley
20 Tangipa Tweet	20 Weber.
21 Exhibit 7 November 2, 2025 94	21 ATTORNEY MEUSER: Good evening. Mark Meuser
22 Tangipa Instagram	22 from the Dhillon Law Group, representing Plaintiffs
23 Exhibit 8 November 2, 2025 97	23 in this matter.
24 Tangipa Video	24 ATTORNEY FERNANDEZ GOLD: Hi, there. This is
25 Exhibit 9 Tangipa AgNet Interview 98	25 Sophia Fernandez Gold on behalf of
6	8
1 Exhibit 10 Tangipa AgNet Audio 98	1 Defendant-Intervenor, League of United Latin
2 Exhibit 11 Complaint 107	2 American Citizens.
3 Exhibit 12 November 13, 2025 114	3 ATTORNEY DODGE: I think that should cover
4 Tangipa Tweet	4 everyone who will be speaking, as I understand it.
5 Exhibit 13 November 19, 2025 115	5 THE VIDEOGRAPHER: The Court Reporter today
6 Tangipa Tweet	6 is Kadi Harmon representing Planet Depos.
7 Exhibit 14 PLAINTIFFS_000012 116	7 Would the Reporter please swear in the
8	8 witness?
9	9 THE COURT REPORTER: Okay. First, will
10	10 Counsel please stipulate that in lieu of formally
11	11 swearing in the witness, the Reporter will instead
12	12 ask the witness to acknowledge that their testimony
13	13 will be true under the penalties of perjury, that
14	14 Counsel will not object to the admissibility of the
15	15 transcript based on proceeding in this way, and that
16	16 the witness's identity has been verified?
17	17 Do you all agree?
18	18 ATTORNEY DODGE: Agreed on behalf of DCCC.
19	19 ATTORNEY ROSENBERG: Agreed on behalf of the
20	20 State Defendants.
21	21 ATTORNEY FERNANDEZ GOLD: Agreed on behalf
22	22 of --
23	23 ATTORNEY MEUSER: Agreed on behalf of the
24	24 Plaintiff.
25	25 THE COURT REPORTER: Okay. Thank you.

Transcript of David Tangipa  
Conducted on December 5, 2025

3 (9 to 12)

<p style="text-align: right;">9</p> <p>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. 5 THE COURT REPORTER: Thank you. 6 Whenever you're ready, Counsel. 7 ATTORNEY DODGE: Thank you. 8 Good evening, everyone. 9 My name is Chris Dodge. I'm with the Elias 10 Law Group. I represent the DCCC in this matter, 11 which has intervened as a Defendant. 12 EXAMINATION 13 BY ATTORNEY DODGE: 14 Q Mr. Tangipa, if you could please start by 15 stating your full name for the record, and by 16 spelling your last name? 17 A Yes. David, Jariustokaetulelei Tangipa, and 18 my last name is spelled T-a-n-g-i-p-a. 19 Q I'm sure you can do it, but I will not try to 20 spell your middle name based on that. 21 Have you ever been deposed before? 22 A I have not. 23 Q Well, congratulations. I advise not to make 24 a habit out of it. 25 Given -- given that this is your first one,</p>	<p style="text-align: right;">11</p> <p>1 Sound good? 2 A Yes. 3 Q If I ask a question and you do answer it, I 4 will assume that you understood the question; is 5 that fair? 6 A Yes. 7 Q If at any time you would like to take a 8 break, please let me know. The only rule is that if 9 I've already asked a question, if there's a question 10 pending, please finish that question before asking 11 for a break. 12 Does that work? 13 A Yes. 14 Q The Court Reporter asked you just a moment 15 ago to confirm that your testimony today will be 16 true and accurate; yes? 17 A Yes. 18 Q And you agreed to provide truthful, complete, 19 and accurate testimony to the best of your ability; 20 yes? 21 A Yes. 22 Q Did you bring any materials with you today to 23 your deposition? 24 A I did not. 25 Q Can you just sort of tell me who is in the</p>
<p style="text-align: right;">10</p> <p>1 let me just go over some ground rules, and please 2 ask me any questions you have, or if you don't 3 understand something, please just indicate as much 4 and we can go over it. 5 So first, you understand that we have a Court 6 Reporter here today whose job is to make a complete 7 and accurate record of what we are saying. 8 Does that sound good? 9 A Yes. 10 Q Just to help the Court Reporter with her job, 11 and to make sure that we have an accurate record of 12 everything, can you agree that you'll answer my 13 questions audibly and clearly; so no shaking your 14 head or responding uh-huh or nuh-uh? 15 A Yes. 16 Q Perfect. 17 Can we all agree that you will please wait 18 for me to finish my question before answering so 19 that we don't talk over each, and I will, of course, 20 try to do the same? 21 A Yes. 22 Q As I indicated, if you don't understand a 23 question or if a question is confusing, please let 24 me know and I can either repeat it or try to ask it 25 a different way.</p>	<p style="text-align: right;">12</p> <p>1 room with you right now for the record? 2 A Mark Meuser, who is my attorney. 3 Q But you don't have any documents in front of 4 you, or anything beyond your computer? 5 A I do not. 6 Q And Mark's the only guy in the room, or 7 person -- 8 A Mark is -- 9 Q -- in the room? 10 A Mark is the only person in the room. 11 Q Okay. I'm just going to turn to some 12 background information. 13 You're currently a member of the California 14 Assembly, correct? 15 A Yes. 16 Q And how long have you been a member of the 17 Assembly? 18 A I have been a member of the Assembly for one 19 year, since I swore in. 20 Q And what district do you represent in the 21 Assembly? 22 A I represent District 8. 23 Q And where generally in the state is that? 24 A That is -- it is Northeast Fresno County; it 25 is Eastern Madera County; Mariposa; Tuolumne;</p>

Transcript of David Tangipa  
Conducted on December 5, 2025

4 (13 to 16)

<p>13</p> <p>1 <b>Eastern Calaveras County; and all of Mono and Inyo.</b></p> <p>2 Q And what political party are you a member of?</p> <p>3 <b>A I am a Republican.</b></p> <p>4 Q And can you just briefly describe your</p> <p>5 educational background?</p> <p>6 <b>A Yup. I -- I'm a Bulldog. I went to Fresno</b></p> <p>7 <b>State. My undergrads were political science and</b></p> <p>8 <b>criminology, I got a prelaw certificate, and I got</b></p> <p>9 <b>my master's in business.</b></p> <p>10 Q Sounds like you were busy.</p> <p>11 And what was your line of work before you</p> <p>12 became a member of the Assembly?</p> <p>13 <b>A I worked in both real estate, and I was a</b></p> <p>14 <b>field representative for the Fresno County Board of</b></p> <p>15 <b>Supervisors, under District 5, Nathan Magsig.</b></p> <p>16 (Reporter clarification.)</p> <p>17 ATTORNEY DODGE: And if the Tech could please</p> <p>18 pull up Tab 1, which I'll ask to be labeled as</p> <p>19 Exhibit 1?</p> <p>20 THE AV TECHNICIAN: Please stand by.</p> <p>21 (Tangipa Deposition Exhibit 1 marked for</p> <p>22 identification and attached to the transcript.)</p> <p>23 THE AV TECHNICIAN: All right. So it is</p> <p>24 marked in the chat, and the witness should have</p> <p>25 control.</p>	<p>15</p> <p>1 <b>A Yes.</b></p> <p>2 Q And as we established earlier, you understand</p> <p>3 and have agreed to provide truthful, complete,</p> <p>4 accurate testimony today?</p> <p>5 <b>A Yes.</b></p> <p>6 Q And there's no reason why you can't testify</p> <p>7 fully and truthfully today?</p> <p>8 <b>A Yes. There is no reason.</b></p> <p>9 Q Can you tell me what you did to prepare for</p> <p>10 this deposition?</p> <p>11 <b>A I just reviewed my declaration.</b></p> <p>12 Q Did you meet with your attorneys at all?</p> <p>13 <b>A I talked to my attorneys.</b></p> <p>14 Q Specifically in preparation for this</p> <p>15 deposition?</p> <p>16 <b>A We just talked about what a deposition is,</b></p> <p>17 <b>since this is my first.</b></p> <p>18 Q And ballpark, how long did you speak with</p> <p>19 them about the deposition?</p> <p>20 <b>A Maybe about 30 minutes.</b></p> <p>21 Q And other than your attorneys, did you meet</p> <p>22 with anyone to prepare for the deposition?</p> <p>23 <b>A I did not.</b></p> <p>24 Q Did you speak with any of the other</p> <p>25 Plaintiffs in preparation for the deposition?</p>
<p>14</p> <p>1 ATTORNEY DODGE: If you could just take a</p> <p>2 moment to review this document, Mr. Tangipa.</p> <p>3 THE WITNESS: Did he say I have control? Am</p> <p>4 I able to scroll down?</p> <p>5 ATTORNEY DODGE: I believe you should have</p> <p>6 control to move throughout the document, which is</p> <p>7 not particularly long, this one, if you just want to</p> <p>8 take a look. Let me know if you have any issues</p> <p>9 with that.</p> <p>10 I'd say the next page is where it gets</p> <p>11 interesting.</p> <p>12 THE WITNESS: I was -- am I the one rolling</p> <p>13 that down?</p> <p>14 THE AV TECHNICIAN: Yes, sir. You are.</p> <p>15 THE WITNESS: Okay. Yeah. I just have to</p> <p>16 use the key pad. Sorry about that.</p> <p>17 ATTORNEY DODGE: Oh, I see.</p> <p>18 THE AV TECHNICIAN: And page up and page down</p> <p>19 might work a little faster for you.</p> <p>20 THE WITNESS: Got it.</p> <p>21 BY ATTORNEY DODGE:</p> <p>22 Q Do you recognize this document?</p> <p>23 <b>A Yes.</b></p> <p>24 Q And you understand this is a notice to take</p> <p>25 your deposition today?</p>	<p>16</p> <p>1 <b>A I have not.</b></p> <p>2 Q Did you review any -- beyond your</p> <p>3 declaration, did you review any documents to prepare</p> <p>4 for this deposition?</p> <p>5 <b>A I did not.</b></p> <p>6 Q Did your attorneys ask you to collect any</p> <p>7 documents ahead of this deposition?</p> <p>8 <b>A Just the social media, I think, that I was</b></p> <p>9 <b>asked for, that people wanted my handles for social</b></p> <p>10 <b>media.</b></p> <p>11 Q So -- so specifically you were asked just to</p> <p>12 provide the handles, not any particular materials or</p> <p>13 screenshots or anything like that?</p> <p>14 <b>A And anything else -- emails that I put out</b></p> <p>15 <b>about Prop 50.</b></p> <p>16 Q Okay. So social media handles, emails.</p> <p>17 Anything else?</p> <p>18 <b>A Nope.</b></p> <p>19 Q And did you collect those emails?</p> <p>20 <b>A Yes. I did.</b></p> <p>21 Q Are there any other documents you're still in</p> <p>22 the process of collecting for your attorneys in this</p> <p>23 matter?</p> <p>24 <b>A I don't believe so.</b></p> <p>25 Q Can you tell me how you first became involved</p>

Transcript of David Tangipa  
Conducted on December 5, 2025

5 (17 to 20)

<p>17</p> <p>1 in this litigation?</p> <p>2 <b>A As a -- well, how I first became involved?</b></p> <p>3 Q Yes.</p> <p>4 <b>A Well, I've been involved with this whole</b></p> <p>5 <b>redistricting process since the very beginning.</b></p> <p>6 Q I'm going to focus more specifically, right</p> <p>7 now at least, just on the lawsuit. So you know,</p> <p>8 the -- the matter we're litigating before the Court</p> <p>9 today.</p> <p>10 When did you first express interest in</p> <p>11 participating in litigation over Proposition 50?</p> <p>12 <b>A After the election.</b></p> <p>13 Q And did you reach out to your counsel about</p> <p>14 that, Mr. Meuser and the Dhillon Law Group, or did</p> <p>15 they contact you first?</p> <p>16 <b>A I had spoken to them about -- at the --</b></p> <p>17 <b>pretty much on election night.</b></p> <p>18 Q And you spoke to them about the possibility</p> <p>19 of filing a lawsuit regarding Proposition 50?</p> <p>20 <b>A Yes.</b></p> <p>21 Q And did you tell your counsel at that meeting</p> <p>22 the basis upon which you were interested in</p> <p>23 challenging Proposition 50 as a legal matter?</p> <p>24 <b>A Repeat the question again?</b></p> <p>25 Q Yeah. It wasn't a very good question, was</p>	<p>19</p> <p>1 California Republican Party about this lawsuit?</p> <p>2 <b>A Essentially from the -- the day that we</b></p> <p>3 <b>announced at the press conference, and that's about</b></p> <p>4 <b>it.</b></p> <p>5 Q And can you tell me about what those</p> <p>6 communications were about at the press conference,</p> <p>7 at a high level?</p> <p>8 <b>A They just told me that they were going to</b></p> <p>9 <b>sign on, and everybody else was going to just jump</b></p> <p>10 <b>on.</b></p> <p>11 Q When you say they told you, was there a</p> <p>12 particular person on behalf of the California</p> <p>13 Republican Party you were speaking with?</p> <p>14 <b>A The CA GOP Chairwoman, Corrin Rankin.</b></p> <p>15 Q Thank you.</p> <p>16 Have you seen the Complaint that has been</p> <p>17 filed in this lawsuit?</p> <p>18 <b>A Have I seen the Complaint?</b></p> <p>19 Q Yes.</p> <p>20 <b>A I'm not sure. Some of these documents I'm</b></p> <p>21 <b>not the most familiar with, with what they would</b></p> <p>22 <b>look like.</b></p> <p>23 Q That's fair enough.</p> <p>24 When the case started, did your attorneys</p> <p>25 provide you with any kind of document, a formal</p>
<p>18</p> <p>1 it?</p> <p>2 When you -- when speaking to your attorneys</p> <p>3 on election night about the prospect of suing</p> <p>4 Proposition 50, did you tell your attorneys the</p> <p>5 legal basis on which you wanted to challenge the</p> <p>6 law?</p> <p>7 <b>A Well, this was something that I had talked</b></p> <p>8 <b>about from the very beginning as well, that lawsuits</b></p> <p>9 <b>were more than likely gonna come up, and I had</b></p> <p>10 <b>stated that even when I was on the dais voting on</b></p> <p>11 <b>these maps. So this was something that I had talked</b></p> <p>12 <b>about from the very beginning all the way back in</b></p> <p>13 <b>August.</b></p> <p>14 Q And why did you want to be involved in this</p> <p>15 litigation specifically?</p> <p>16 <b>A Because I witnessed the process, and I</b></p> <p>17 <b>believe that they violated the Constitution.</b></p> <p>18 Q When you say they, who are you referring to?</p> <p>19 <b>A I'm referring to Governor Newsom, and the</b></p> <p>20 <b>members of the Assembly who put this in front of us.</b></p> <p>21 Q Since the litigation was filed, have you</p> <p>22 communicated with any of the other Plaintiffs in</p> <p>23 this case about the lawsuit?</p> <p>24 <b>A I have not.</b></p> <p>25 Q Have you had any communications with the</p>	<p>20</p> <p>1 legal document, that set forth the claims you were</p> <p>2 making in this case?</p> <p>3 <b>A Is that similar to my declaration?</b></p> <p>4 Q It could be your declaration. It could also</p> <p>5 be something that we would call a Complaint that</p> <p>6 sets forth legal allegations.</p> <p>7 <b>A I just wouldn't know how to, like, answer</b></p> <p>8 <b>that, mainly because I'm just not familiar with the</b></p> <p>9 <b>term, I guess. Because there's -- there's a couple</b></p> <p>10 <b>I would say that were put in front of me, and I</b></p> <p>11 <b>reviewed. But most of it, I just -- I thought it</b></p> <p>12 <b>was all part of my declaration.</b></p> <p>13 Q That's fair. That's fair.</p> <p>14 So but this document isn't specifically</p> <p>15 coming to mind right now?</p> <p>16 <b>A No.</b></p> <p>17 Q So let's turn a little bit to your</p> <p>18 involvement with Proposition 50 itself.</p> <p>19 When did you first become aware that</p> <p>20 California Democrats wanted to redraw the State's</p> <p>21 Congressional map?</p> <p>22 <b>A There was some language, somebody was talking</b></p> <p>23 <b>about it back in July. And I mean, to be honest</b></p> <p>24 <b>with you, I thought it was a joke.</b></p> <p>25 Q But July is sort of when you recall this</p>

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6 (21 to 24)

<p>21</p> <p>1 process starting; that's fair?</p> <p>2 <b>A Yes.</b></p> <p>3 Q And how did you first learn about this</p> <p>4 effort?</p> <p>5 <b>A Pretty much people were talking about it on</b></p> <p>6 <b>media, press releases. Some people -- I mean, I</b></p> <p>7 <b>know there was a lot of talks about what had</b></p> <p>8 <b>happened in Texas, and people just kept talking</b></p> <p>9 <b>about redistricting, and then the Governor started</b></p> <p>10 <b>talking about it too.</b></p> <p>11 Q So setting aside Texas for the moment,</p> <p>12 specifically the efforts in the California</p> <p>13 Legislature, when -- who was the first -- what was</p> <p>14 the first source you learned from that this was,</p> <p>15 like, an effort that was actually underway?</p> <p>16 <b>A I mean really, it was only a news thing. And</b></p> <p>17 <b>I -- I truly thought it was a joke. I did not think</b></p> <p>18 <b>that this was gonna happen. So you're --</b></p> <p>19 Q You first -- so you first heard on the news</p> <p>20 that this -- this might happen?</p> <p>21 <b>A Essentially that, or Governor Newsom might</b></p> <p>22 <b>have put something out just talking about it in</b></p> <p>23 <b>some -- you know, we must respond, or something like</b></p> <p>24 <b>that.</b></p> <p>25 Q I mean, at that time, why did you think the</p>	<p>23</p> <p>1 <b>that this was just, again, a moment to throw out the</b></p> <p>2 <b>Redistricting Commission that we have here, and the</b></p> <p>3 <b>gold standard. And I had talked about that often.</b></p> <p>4 Q Was there a motive behind trying to -- in</p> <p>5 your understanding, was there a motive behind</p> <p>6 throwing out the Independent Redistricting</p> <p>7 Commission?</p> <p>8 ATTORNEY MEUSER: Calls for speculation.</p> <p>9 You can answer.</p> <p>10 <b>A I believe they have Trump derangement</b></p> <p>11 <b>syndrome.</b></p> <p>12 Q Sorry. I just want to go back to what my</p> <p>13 question as formulated was, which was: You first</p> <p>14 learned in roughly July of this past summer that</p> <p>15 Democrats in the Legislature wanted to redraw</p> <p>16 California's Congressional map; yes?</p> <p>17 <b>A I believe they wanted to throw out the</b></p> <p>18 <b>Independent Commission.</b></p> <p>19 Q And there was nothing else they wanted to</p> <p>20 achieve beyond that?</p> <p>21 <b>A Well, they've always been against the</b></p> <p>22 <b>Independent Commission.</b></p> <p>23 Q Was throwing out the Independent Commission a</p> <p>24 means to an end, or was that the end itself?</p> <p>25 <b>A I think that was part of the process, was</b></p>
<p>22</p> <p>1 Democrats in the Legislature wanted to redraw the</p> <p>2 Congressional map?</p> <p>3 <b>A At that time, why did I think they wanted to</b></p> <p>4 <b>redraw the maps?</b></p> <p>5 Q Yes.</p> <p>6 <b>A I believe in response to what was going on in</b></p> <p>7 <b>Texas.</b></p> <p>8 Q And what was going on in Texas?</p> <p>9 <b>A Texas received a DOJ letter on July, I</b></p> <p>10 <b>believe, 7th, to -- that it was their final notice</b></p> <p>11 <b>before they were essentially going to get</b></p> <p>12 <b>Court-ordered to redistrict.</b></p> <p>13 Q When you say that the Democrats in the</p> <p>14 Legislature wanted to respond to what was happening</p> <p>15 in Texas, what was your understanding of what they</p> <p>16 were trying to achieve with that response?</p> <p>17 <b>A I believe what they were trying to achieve</b></p> <p>18 <b>was to utilize a moment in time so that they could</b></p> <p>19 <b>seize an opportunity to throw out our Independent</b></p> <p>20 <b>Redistricting Commission.</b></p> <p>21 Q And what did they hope to accomplish by</p> <p>22 throwing out the Independent Redistricting</p> <p>23 Commission?</p> <p>24 <b>A That they would be able to -- well, they've</b></p> <p>25 <b>always combatted that part. So I mean, I believe</b></p>	<p>24</p> <p>1 <b>throwing out the Independent Commission. Because in</b></p> <p>2 <b>California, I believe we had a gold standard on how</b></p> <p>3 <b>we're supposed to do it, and the proper way. And,</b></p> <p>4 <b>you know, this was a means to throw out the</b></p> <p>5 <b>Independent Commission.</b></p> <p>6 Q At the time that the process for enacting</p> <p>7 Proposition 50 was first starting, did you have any</p> <p>8 conversations with your Democratic colleagues in the</p> <p>9 Assembly about Proposition 50?</p> <p>10 <b>A At the time this was starting?</b></p> <p>11 Q In July or August of 2025, did you have any</p> <p>12 conversations with your Democratic colleagues in the</p> <p>13 Assembly about Proposition 50?</p> <p>14 <b>A I did not.</b></p> <p>15 Q So at no time in August of 2025 did you ask</p> <p>16 any of your Democratic colleagues about</p> <p>17 Proposition 50?</p> <p>18 <b>A To the best of my knowledge, I mean, I don't</b></p> <p>19 <b>remember anything when it comes to Prop 50. I --</b></p> <p>20 <b>yeah. I mean, I just couldn't remember back if I</b></p> <p>21 <b>had most of those conversations. Especially, we</b></p> <p>22 <b>were out of session at that time, so I wasn't really</b></p> <p>23 <b>with them.</b></p> <p>24 Q Did you participate in the debate in the</p> <p>25 Legislature over Proposition 50?</p>



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7 (25 to 28)

<p style="text-align: right;">25</p> <p>1 <b>A I did. I was one of the only members who saw</b> 2 <b>it in the Elections Committee, in the Appropriations</b> 3 <b>Committee, and I also spoke about it on the floor.</b> 4 Q And fair to say, you strongly opposed 5 Proposition 50, right? 6 <b>A Well, I strongly opposed the bills that they</b> 7 <b>put in front of us, and the way that they did this</b> 8 <b>entire process.</b> 9 Q Sure. 10 And I guess just to make sure we're on the 11 same page, when I say Proposition 50, I mean to 12 refer to the underlying constituent bills that 13 became Proposition 50. 14 Can we agree on that understanding? 15 <b>A Yes.</b> 16 Q So when I ask: You strongly opposed 17 Proposition 50 in the Legislature, your answer would 18 be? 19 <b>A Yeah. I strongly opposed what they were</b> 20 <b>doing, and -- yeah. I had made that very clear on</b> 21 <b>talking about the process in itself too, and what</b> 22 <b>they were doing.</b> 23 Q And you stated your opposition to 24 Proposition 50 in the Legislature multiple times 25 during the debate over that legislation?</p>	<p style="text-align: right;">27</p> <p>1 in the Legislature, what was your goal? 2 <b>A My goal was for them to say everything that</b> 3 <b>they needed to say, so people could see that. And</b> 4 <b>my goal has always been to put a spotlight of what's</b> 5 <b>happening in California, and how people --</b> 6 <b>minorities, people of color, poor people, and people</b> 7 <b>in rural areas -- are being used by the</b> 8 <b>supermajority in Sacramento.</b> 9 Q And when you say they, you wanted "they" to 10 admit what "they" were doing, who are you referring 11 to? 12 <b>A Anybody that was involved, whether it was the</b> 13 <b>co-authors, the authors, and the Governor included,</b> 14 <b>on this entire process.</b> 15 Q So you're referring to the supporters of 16 Proposition 50; fair? 17 <b>A Any of the authors. Anybody who was involved</b> 18 <b>in that entire process.</b> 19 Q And when you were -- when you were speaking 20 out against Proposition 50 in the Legislature, it's 21 fair to say that one of your goals was to get the 22 sponsors of Proposition 50 to admit what they were 23 doing; fair? 24 <b>A Yes. I wanted them to admit all of the</b> 25 <b>things that they were doing, how they were, again,</b></p>
<p style="text-align: right;">26</p> <p>1 <b>A I did.</b> 2 Q When you speak on the floor in the Assembly, 3 is that under oath? 4 <b>A I -- it is not.</b> 5 Q It is in some states. That's why I asked. 6 But fair to say you speak truthfully during 7 legislative debates? 8 <b>A Yes. I do speak truthfully, and I would love</b> 9 <b>for that to be part of our state if that is</b> 10 <b>happening in other states.</b> 11 Q And when you speak, either in a legislative 12 committee or on the floor, you express your sincere 13 beliefs about the legislation that's under 14 consideration; yes? 15 <b>A Yes. One hundred percent.</b> 16 Q And during the debate over Proposition 50 in 17 the Legislature, what were you hoping to accomplish? 18 <b>A I was hoping that people would see the -- the</b> 19 <b>sham of a process, and how people, I mean, were</b> 20 <b>essentially weaponized and utilized for their end</b> 21 <b>goal of throwing out. I believe that people in</b> 22 <b>California, again, were discarded and used for this</b> 23 <b>entire scheme.</b> 24 Q But a little more specifically, when you were 25 speaking out against Proposition -- Proposition 50</p>	<p style="text-align: right;">28</p> <p>1 <b>standing on the people of California and utilizing,</b> 2 <b>whether it's their identities, their communities,</b> 3 <b>and their areas for their goals.</b> 4 Q And you wanted them to admit on the record 5 what their goals were in pushing Proposition 50; 6 fair? 7 <b>A Yes.</b> 8 Q Is it fair to say you were also trying to 9 persuade your colleagues to vote against 10 Proposition 50? 11 <b>A Yes. I was.</b> 12 Q And you were also hoping to influence what 13 Congressional map would ultimately govern in 14 California; fair? 15 <b>A No. I was hoping my colleagues would do the</b> 16 <b>right thing.</b> 17 Q You mentioned a moment ago how part of your 18 goal was to get sponsors of the bill to admit what 19 they were doing. Do you recall that? 20 <b>A Yes.</b> 21 Q And that was, in part, to raise awareness 22 amongst the public as to why California Democrats 23 were trying to redraw the map; fair? 24 <b>A A big part of it was because I didn't know</b> 25 <b>what was going on, and it bothered me, as member of</b></p>



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8 (29 to 32)

<p style="text-align: right;">29</p> <p>1 the Assembly, that I didn't have any information, 2 and I was voting on a bill that was going to 3 affect 40 million people, and I didn't know what was 4 happening because they wouldn't talk to us. 5 Q So you were trying to get the word out about 6 what Proposition 50 was about? 7 A I was trying to figure out what was 8 happening, because again, we were kept in the dark. 9 We were -- and when I say we, I mean members of the 10 Elections Committee and other Republicans. 11 Because I had asked anybody if they knew what 12 was going on, and a lot of people, the ones that -- 13 at least my colleagues, just didn't know what was 14 going on, or what was happening. So my questions 15 and what I was asking for them, I think was just 16 reasonable questions that anybody would ask to 17 figure anything out. 18 Q And in addition to asking those questions, 19 you were also trying to broadcast to the public what 20 was going on; is that fair to say? 21 A Yes. I believe people should see, you know, 22 things, bills, that could affect their lives. 23 Q And you, in broadcasting what was happening 24 to the public, was trying to convey to them what the 25 Legislature was doing; fair?</p>	<p style="text-align: right;">31</p> <p>1 What was your concern with that? 2 A Yeah. I asked, even on -- in the Elections 3 Committee, I had asked: What did they do about 4 communities of interest? You know, when they were 5 looking at the Voter Rights Act, you know, what were 6 they doing, and a lot of them had stated that they 7 took into account the Voter Rights Act. 8 And actually, while I was questioning, Marc 9 Berman, he stated that -- and it's actually the 10 question that I had asked was about when lawsuits 11 pop up, because of the way that they did this 12 process, what was their, you know, reasoning? Why 13 did they think they were protected? And Marc Berman 14 actually stated that they took very, very -- I'm 15 forgetting what he said specifically, but he said we 16 took into very large account the Voter Rights Act 17 when preparing these maps. 18 Q I just -- I want to go back a little bit to 19 what my question was about, which was this 20 communities of interest issue. 21 You asked about what attention was given to 22 that, and I just -- I'm curious, why? Why were you 23 asking about that? 24 A Because it's in the -- it's in the language 25 of the bill. Communities of interest is defined by</p>
<p style="text-align: right;">30</p> <p>1 A I was really -- again, that might have been 2 part of it, but I was really trying to convince my 3 colleagues simply to just do the right thing. I 4 didn't want them to vote on a bill that they didn't 5 read, that they didn't know, that when they claim 6 that they're protecting communities of interest and 7 minorities, and they're taking that into account, 8 that I would ask them to: One, explain how that 9 happens; and two, why not keep us involved in the 10 process? 11 And so I was more or less trying to really 12 convince my colleagues because I worried that we 13 were putting California in jeopardy with how much 14 they forced this process on us. 15 Q Were you concerned they were giving lack of 16 attention to communities of interest? 17 A I was very concerned on the whole process 18 because we were on break, we had no communications, 19 and I had -- in less than 24 hours, I didn't even 20 know if I was voting on this or not, and the 21 language was barely given to me less than 24 hours. 22 Q Well, you mentioned the term "communities of 23 interest" a moment ago. I just was curious what you 24 were referring to there. You said you were asking 25 your colleagues about communities of interest.</p>	<p style="text-align: right;">32</p> <p>1 communities with race, sex, geographical lines. So 2 that's actually in the bill. 3 Q What reasons did you have for opposing 4 Proposition 50 during the legislative debate? 5 A In the bill, it says that the Assembly and 6 Senate Elections Committee prepared these bills. 7 That means I had a play in writing these, because I 8 sit on the Assembly, and I sit on the Assembly 9 Elections Committee. And I wanted to make sure that 10 everybody knew that I did not play a factor in these 11 maps. 12 I think that that is: One, a wholehearted 13 lie. I -- I mean, I -- the chair of the Elections 14 Committee didn't even know that the maps had 15 changed. And again, I think when we're voting on 16 legislation that takes into account 40 million 17 people, a state that is as valuable as California 18 is, I think the people deserve a whole lot more than 19 that. And if I don't know what I'm voting on, 20 there's no way we should vote on something that 21 takes that away from them. 22 Q So it sounds like one of your concerns was 23 the process by which Proposition 50 was being 24 enacted. Did you have other reasons for opposing 25 Proposition 50?</p>

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9 (33 to 36)

<p style="text-align: right;">33</p> <p>1 A Well, my -- my concern, not only the process 2 of gutting and amending a bill during the break and 3 forcing it on us, was also because in the language, 4 they lied. I did not have -- I did not partake on 5 these maps. And in the legislation, it says: The 6 Assembly and Senate Elections Committee prepared 7 these maps. 8 If that was true, why didn't I get any 9 copies, any maps, anything? I didn't even have the 10 bill language until less than 24 hours before I had 11 to vote on it. So that was my big reason was: One, 12 the language itself in Prop 50 was lying. Because 13 again, I did not play a factor, and yet I had to 14 vote on it. 15 Q So I'm just trying to understand why you 16 opposed the legislation. And you've articulated one 17 reason, which is you didn't like the process by 18 which it was being enacting and you lacked 19 sufficient time to review it; is that fair to say? 20 A I think as a legislator, that is very 21 accurate, is that: One, the process; and two, if a 22 bill contains lies in it, it is very easy to oppose 23 lies. 24 Q So is there any other reason you were opposed 25 to Proposition 50?</p>	<p style="text-align: right;">35</p> <p>1 A I was concerned that it would open up the 2 State of California to lawsuits. 3 Q Because they didn't follow the parameters of 4 the Voting Rights Act? 5 A Because they didn't -- 6 ATTORNEY MCCALL: Oh, thank you. 7 UNIDENTIFIED SPEAKER: Of course. 8 ATTORNEY DODGE: Sorry. 9 Christina McCall, could you please mute 10 yourself? 11 BY ATTORNEY DODGE: 12 Q Let's -- let's go back a little bit before 13 that interruption. 14 A Yes. 15 Q Before -- before that, you were saying 16 that -- you were describing the parameters of the 17 Voting Rights Act, and I asked you: Were you 18 concerned that those parameters were not followed in 19 the process of passing Proposition 50? 20 A Yes. 21 Q Did you have any concern that the DCCC was 22 involved in passing the Proposition 50 map? 23 A I didn't have concerns. We just knew that 24 the -- you know, when nobody would tell us who drew 25 the maps, and then when you see a -- I don't know,</p>
<p style="text-align: right;">34</p> <p>1 A Yes. I -- one, I could see what they, again, 2 were really doing as a systemically dismantle the 3 Independent Redistricting Committee; and, I mean, 4 they used minority groups and stole rural 5 representation away, and utilized that as their 6 justification for why they drew the maps the way 7 that they did. 8 Q When you say justification, what are you 9 referring to? 10 A Their justification for why they changed the 11 maps, and how they drew the lines. 12 Q Sorry. But what is that justification? 13 A Well, they made claims, like, 76 percent of 14 the lines are kept the same. They also made claims 15 that more minority, which they referred to as 16 minority representation, was taken into account. 17 And they actually created more minority districts. 18 So that was their statement. 19 And when I was on the Elections Committee, 20 and I asked them: When you make these 21 justifications, and you talked about the Voter 22 Rights Act, there are very clear parameters that 23 they have to follow for it to be in compliance. 24 Q And you were concerned they didn't follow 25 those parameters?</p>	<p style="text-align: right;">36</p> <p>1 what is it -- a press release, or something comes 2 from KCRA 3, the new organization, that the DCCC was 3 involved in that, and Paul Mitchell was also 4 involved in that, I mean, it's kind of surprising to 5 me that others knew who drew the maps, but I did 6 not. 7 Q Once you saw that press release, did you grow 8 concerns that DCCC may have been involved in drawing 9 the maps? 10 A I was concerned from the very beginning 11 because I just wanted to know information that was 12 not given to me. 13 Q Did you ever express concern that DCCC was 14 involved in drawing the maps? 15 A I'm not sure if I expressed concern. I just 16 wanted them to admit who drew the maps. 17 Q Okay. Let's shift gears a little bit. 18 What does the term partisan gerrymandering 19 mean to you? 20 A Well, the term just means that people have a 21 bias and they are gerrymandering, creating districts 22 to favor them. 23 Q You said "they" and "them" in that answer. 24 Who are you referring to by they and them 25 when you say that?</p>

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10 (37 to 40)

<p style="text-align: right;">37</p> <p>1 A Well, when you ask: What does partisan 2 gerrymandering mean, it means -- I mean, that could 3 be anybody who draws for their own -- their own 4 biases. They draw -- they draw political maps for 5 their biases. 6 Q So if I'm understanding you correctly, it's 7 fair to say that you think partisan gerrymandering 8 is when someone draws a map to benefit their own 9 party; is that fair? 10 A I believe that it could benefit their own 11 biases. So that means if they wanted to draw -- 12 whether it's political, whether it's racial, whether 13 it's their individual beliefs on how they see which 14 communities should be together -- that has to deal 15 with their own -- their own biases. 16 Q What do you mean by biases? 17 A I mean, exactly -- it could be whatever they 18 personally want. 19 Q So to you, a partisan gerrymandering is 20 someone drawing maps to what they personally want? 21 A I believe, yes, that that has to deal with 22 their -- well, partisan gerrymandering to me is 23 almost like a -- it's almost like saying partisan 24 partisan. I think gerrymandering in itself, the 25 term is innately partisan, because you are drawing a</p>	<p style="text-align: right;">39</p> <p>1 A Yes. 2 ATTORNEY DODGE: Okay. If we can bring up 3 Tab 2, please, which I'll ask to be labeled as 4 Tangipa Exhibit 2. 5 (Tangipa Deposition Exhibit 2 marked for 6 identification and attached to the transcript.) 7 BY ATTORNEY DODGE: 8 Q This is a rather large document, so why don't 9 you take just a moment to review it? 10 Do you recognize this document, or do you see 11 what this document refers to? 12 A It looks like the transcript for the 13 Elections Committee. 14 Q That's correct. And I'll represent to you 15 that it is from the August 19, 2025 session of the 16 Elections Committee. Does that sound fair to you? 17 A Yes. 18 Q And do you recall whether or not you 19 participated in that session? 20 A I do recall. 21 Q And during that session, you proposed an 22 amendment to Proposition 50. Do you recall that? 23 A Yes. 24 Q And do you recall the purpose of that 25 amendment?</p>
<p style="text-align: right;">38</p> <p>1 map to favor one or the other. 2 Q One or the other what? 3 A I mean, it could be anything. People could 4 gerrymander for whichever reason that they want to 5 gerrymander. It, again, just depends on who's 6 drawing the maps. 7 Q And what is the term -- you said partisan 8 partisan a moment ago. 9 A Uh-huh. 10 Q What does the term partisan mean to you? 11 A Partisan means it -- an end goal to achieve, 12 through your own individual lens I guess. 13 Q So what makes a map a partisan gerrymander? 14 A When they -- or, when someone creates a 15 political map for their own individual goals. 16 Q Did you ever use the term partisan 17 gerrymandering in the course of the debate over 18 Proposition 50? 19 A I believe so, yes. 20 Q And do you recall whether or not you argued 21 that Proposition 50 was a partisan gerrymander when 22 speaking about it in the Legislature? 23 A I've always referred to it as that. 24 Q And when you say that, you mean a partisan 25 gerrymander?</p>	<p style="text-align: right;">40</p> <p>1 A I believe that amendment was to make it to 2 where anybody who, I believe participated in the 3 map, was not allowed to run for a seat. 4 Q A seat for what? 5 A A seat for their proposed maps. 6 Q In Congress? 7 A Yes. 8 Q And do you recall if it was whether they 9 participated in drawing the map, or if they just 10 voted for the map? 11 A I actually don't remember. I don't know if 12 it had to deal with -- maybe it was a process on 13 drawing the maps, or even if it was voting on them. 14 Q And why did you propose that amendment? 15 A Because I believed the process in what was 16 being done was wrong. 17 Q So you proposed an amendment so that someone 18 involved in Proposition 50 couldn't run for Congress 19 because you thought what was happening was wrong? 20 A Yeah. I mean, I believe that we were voting 21 on something that none of us knew about. And if 22 they, you know, again, wanted to do the right thing, 23 you know, at least they could try to prove that they 24 were. 25 I know that there were other -- there was,</p>

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11 (41 to 44)

<p style="text-align: right;">41</p> <p>1 like, another media or press release that kind of</p> <p>2 came out that had stated that members in the</p> <p>3 Legislature were actively coordinating, and were</p> <p>4 only going to do this if they had seats specifically</p> <p>5 drawn for them. So that is what was reported by,</p> <p>6 again, I believe KCRA 3. And, you know, that again</p> <p>7 to me, is wrong.</p> <p>8 Q You used the term "do the right thing" a</p> <p>9 moment ago. And you said it earlier as well. I'm</p> <p>10 just curious what you mean by that?</p> <p>11 A I mean, if I vote on legislation that</p> <p>12 involves 40 million people, I hope we read the bill.</p> <p>13 I hope we actually take into consideration what</p> <p>14 we're doing.</p> <p>15 I had shared that on the Elections Committee.</p> <p>16 You can see that in this transcript, that I had</p> <p>17 asked them for more time, simply because I didn't</p> <p>18 have the chance to review a bill properly, and I</p> <p>19 believe that that is wrong.</p> <p>20 Q So you've kept referring to this procedural</p> <p>21 concern you've had with how Proposition 50 was</p> <p>22 enacted; is that fair to say?</p> <p>23 A The process?</p> <p>24 Q Yes.</p> <p>25 A Yes.</p>	<p style="text-align: right;">43</p> <p>1 Q So did you understand what the consequences</p> <p>2 of the legislation would be when you opposed it?</p> <p>3 A Did I understand the consequences?</p> <p>4 Q Yeah. What would ensue as a result of the</p> <p>5 legislation?</p> <p>6 A I knew what they were trying to do in front</p> <p>7 of us when it comes to pushing the bills forward; is</p> <p>8 that what you mean?</p> <p>9 Q I mean, sure.</p> <p>10 What were they trying to do in pushing the</p> <p>11 bills forward?</p> <p>12 A They were trying to jam through this process.</p> <p>13 Q And what did they hope to achieve by that</p> <p>14 process?</p> <p>15 A Dismantling the Independent Redistricting</p> <p>16 Committee.</p> <p>17 Q Can we go to Page 35 of Exhibit 2?</p> <p>18 Let me know when you get there.</p> <p>19 A Okay. I'm working on it. All right.</p> <p>20 Q You're there?</p> <p>21 A Yes.</p> <p>22 Q Okay. Take a minute just to review this page</p> <p>23 and the next one.</p> <p>24 Okay. You can stop there.</p> <p>25 A Yeah.</p>
<p style="text-align: right;">42</p> <p>1 Q Was there anything about the content of that</p> <p>2 legislation that you opposed?</p> <p>3 A Was there anything about the content from</p> <p>4 the -- yes. I opposed the content, and a lot of it,</p> <p>5 the main reason why, was because I didn't have a</p> <p>6 reasonable amount of time to review the maps. And</p> <p>7 when the -- my colleagues were using language about</p> <p>8 the Voter Rights Act, when they were talking about</p> <p>9 what they were doing to keep communities together, I</p> <p>10 really preferred to have all of that information.</p> <p>11 And the main reason why, is when I was not an</p> <p>12 Assemblyman, I actually was somebody who was part of</p> <p>13 the Independent Redistricting Commission, as</p> <p>14 somebody who sat in those meetings, made calls to</p> <p>15 make sure that the Central Valley and rural places</p> <p>16 of California had a voice. So I sat in on over, I</p> <p>17 don't know, maybe 20 hours listening in to the</p> <p>18 Independent Redistricting Committee a long time ago,</p> <p>19 listening to what they were doing, what they were</p> <p>20 taking into account.</p> <p>21 And then I saw what we did in less than four</p> <p>22 days, and how we voted on things that was admittedly</p> <p>23 not read, that the chair of the Elections Committee</p> <p>24 didn't even know that the maps changed. I believe</p> <p>25 that that entire thing was a sham and wrong.</p>	<p style="text-align: right;">44</p> <p>1 Q Do you see at the bottom of Page 36, where</p> <p>2 you are right now, you say: DCCC wrote these maps.</p> <p>3 Do you see that?</p> <p>4 A I do.</p> <p>5 Q What is your understanding of DCCC's role in</p> <p>6 this process?</p> <p>7 A Just from the report that KCRA -- if you can</p> <p>8 see the sentence right before -- KCRA had put out</p> <p>9 some leaked emails, I believe.</p> <p>10 Q Right. I'm not asking you about how you</p> <p>11 learned about DCCC's involvement in the process.</p> <p>12 I'm asking you what your understanding of their role</p> <p>13 is?</p> <p>14 A I believe that they paid Paul Mitchell to</p> <p>15 draw these maps.</p> <p>16 Q And you understand that DCCC supports the</p> <p>17 election of Democratic candidates to the House of</p> <p>18 Representatives, right?</p> <p>19 A I do.</p> <p>20 Q And you think the DCCC helped draw these</p> <p>21 maps?</p> <p>22 A I think the DCCC paid Paul Mitchell to draw</p> <p>23 these maps.</p> <p>24 Q Well, you say right here on Page 36: DCCC</p> <p>25 wrote these maps.</p>



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12 (45 to 48)

<p style="text-align: right;">45</p> <p>1 You see that, right?</p> <p>2 <b>A Yes.</b></p> <p>3 Q Okay. So you think DCCC had some hand in</p> <p>4 drawing the maps; fair to say?</p> <p>5 <b>A Well, when I was asking that question, I wish</b></p> <p>6 <b>somebody would say: Who drew the maps? Because</b></p> <p>7 <b>none of them told us who drew the maps.</b></p> <p>8 <b>When I said this, in the legislation, it says</b></p> <p>9 <b>that the Elections -- the Assembly and Senate</b></p> <p>10 <b>Elections Committee prepared these maps. So me</b></p> <p>11 <b>saying this is because I know that that is not true</b></p> <p>12 <b>from the legislation.</b></p> <p>13 <b>So somebody did it. I had no idea who was</b></p> <p>14 <b>doing it. I do know that Paul Mitchell came out,</b></p> <p>15 <b>said that he did it, and there is documents out</b></p> <p>16 <b>there, I believe that KCRA put out, that said DCCC</b></p> <p>17 <b>paid him to draw these maps.</b></p> <p>18 Q So you don't think the Election Committee had</p> <p>19 any hand in drawing the boundaries in these maps?</p> <p>20 <b>A I believe when the author, or the presenter</b></p> <p>21 <b>of the bill, says to me that he did not read it, and</b></p> <p>22 <b>I believe that the Elections Chair, who didn't even</b></p> <p>23 <b>know that the maps had changed the day before until</b></p> <p>24 <b>told by a consultant, I don't believe that they were</b></p> <p>25 <b>being very truthful when they say that they</b></p>	<p style="text-align: right;">47</p> <p>1 Q Right. And if you believed that, you</p> <p>2 wouldn't have asked the question, right?</p> <p>3 <b>A Well, if somebody was telling the truth, I</b></p> <p>4 <b>wouldn't have asked the question.</b></p> <p>5 Q Who is "somebody" in that sentence?</p> <p>6 <b>A Any of the members, whether it's on the</b></p> <p>7 <b>Elections Committee, or anyone that could answer</b></p> <p>8 <b>those questions. And I actually state that in this</b></p> <p>9 <b>transcript: Is there anybody that can tell me who</b></p> <p>10 <b>drew these maps?</b></p> <p>11 <b>And not only that, I asked the lawyer that</b></p> <p>12 <b>was there: Can you tell me how long you had to</b></p> <p>13 <b>review these maps, and because I did not have a</b></p> <p>14 <b>sufficient amount of time to review these maps, and</b></p> <p>15 <b>who is paying for it?</b></p> <p>16 <b>So I was asking for clarity. A lot of the --</b></p> <p>17 <b>a lot of what I was asking for on the Elections</b></p> <p>18 <b>Committee was for clarity. Because there is no way</b></p> <p>19 <b>that I knew for a fact who drew the maps, when the</b></p> <p>20 <b>legislation was telling me one thing; when the chair</b></p> <p>21 <b>was telling me something else; and when the media is</b></p> <p>22 <b>telling me something else.</b></p> <p>23 Q But it's fair to say then that you were</p> <p>24 concerned it wasn't accurate when the legislation</p> <p>25 said the Election Committee had drawn the maps?</p>
<p style="text-align: right;">46</p> <p>1 <b>participated in this map.</b></p> <p>2 Q So that -- that's not quite what I asked.</p> <p>3 My question is: Because the Election</p> <p>4 Committee -- well, strike that.</p> <p>5 It's fair to say that the Election Committee</p> <p>6 did not draw the maps; fair?</p> <p>7 <b>A Not fair. When in the legislation it says</b></p> <p>8 <b>that they drew the maps.</b></p> <p>9 Q And you said you were frustrated because that</p> <p>10 was lie, right?</p> <p>11 <b>A I was very frustrated because somebody was</b></p> <p>12 <b>lying. And I think, actually in this transcript, it</b></p> <p>13 <b>said -- whether it was Paul Mitchell, whether it was</b></p> <p>14 <b>the DCCC, or whether it's in this legislation -- can</b></p> <p>15 <b>somebody please, for the love of God, tell me who</b></p> <p>16 <b>drew the maps?</b></p> <p>17 Q But based on your conversations with your</p> <p>18 colleagues on the Committee, you knew it wasn't the</p> <p>19 Election Committee that had drawn the maps?</p> <p>20 <b>A No. I did not know.</b></p> <p>21 Q Well, you just said they weren't familiar</p> <p>22 with the contents of the legislation, so how could</p> <p>23 they have drawn the maps?</p> <p>24 <b>A Well, that's exactly why I was asking: Why</b></p> <p>25 <b>is it in the legislation that it says that?</b></p>	<p style="text-align: right;">48</p> <p>1 <b>A Repeat that again?</b></p> <p>2 Q It's fair to say that you were concerned it</p> <p>3 was inaccurate when the legislation said the</p> <p>4 Election Committee had drawn the maps?</p> <p>5 <b>A Yes. I am very concerned when legislation</b></p> <p>6 <b>lies.</b></p> <p>7 Q That's not what I asked. I said: You were</p> <p>8 concerned that it was inaccurate when the</p> <p>9 legislation stated the Election Committee had drawn</p> <p>10 the maps?</p> <p>11 <b>A Well, remember, I am on the Elections</b></p> <p>12 <b>Committee, so that would mean that I had an</b></p> <p>13 <b>involvement in that. That is not true.</b></p> <p>14 <b>So, yes. I am concerned when it says a</b></p> <p>15 <b>committee that I sit on had an involvement on these</b></p> <p>16 <b>maps, and I believe that that is a lie.</b></p> <p>17 Q Why were you concerned, in this portion of</p> <p>18 your comments, about DCCC's involvement in drawing</p> <p>19 the maps?</p> <p>20 <b>A Why was I concerned? Because --</b></p> <p>21 Q Well, why were you bringing them up? Why</p> <p>22 were you bringing them up?</p> <p>23 <b>A Because I didn't know who was telling the</b></p> <p>24 <b>truth, and who wasn't. When you have three</b></p> <p>25 <b>different areas telling you three different things,</b></p>

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13 (49 to 52)

<p style="text-align: right;">49</p> <p>1 I think me, voting on a bill that affects 40 million 2 people, I should have clarity. And when KCRA states 3 that the protemp has something, when what was 4 presented to us says something different, and when 5 the chair says something different, that leaves me 6 very confused. 7 Q Were you concerned that DCCC might have been 8 involved in drawing the maps? 9 A I was not concerned. 10 Q So why are you bringing them up here then? 11 A Because I don't like to be lied to. 12 Q So in the same portion in Page 36, you go on 13 to say, quote: There is so much political gains and 14 political partisanship that has been played, that 15 has been lied to the California people. 16 Did I say that accurately? 17 A Yes. 18 Q And you're talking about Proposition 50 here; 19 fair? 20 A I'm talking about the people involved in -- 21 again, how people have been lied to, including me. 22 Q So you weren't talking about Proposition 50 23 here? 24 A I was talking about the entire thing. 25 Q The entire thing, meaning the legislative</p>	<p style="text-align: right;">51</p> <p>1 I don't know. Because nobody was very clear, and 2 you could see that from the frustration in the 3 Elections Committee. I had no idea who was they. 4 So I referred to as they because there's this 5 large apparatus of a bunch of people playing games 6 and weaponizing this entire process. So maybe I 7 stay a little vague on that because I can't tell you 8 a direct name because nobody told me a direct name. 9 Q Well, you say: There's so much political 10 gains. 11 A I think that should say -- 12 Q So I -- 13 A I know it says gains, but I think when they 14 were taking the -- transcript, I say games, 15 typically. 16 Q Well, we'll have to check the video on that. 17 But who was seeking political gains through 18 dismantling the IRC? 19 A Anybody involved in Prop 50. 20 Q And who was involved in Prop 50? 21 A There were a lot of people involved in 22 Prop 50 that I have no idea who was calling the 23 shots officially. 24 Q Members of the legislator -- of the 25 Legislature passed Proposition 50; fair?</p>
<p style="text-align: right;">50</p> <p>1 debate over Proposition 50? 2 A The legislative debate; what was happening in 3 the media; what was I -- what I was being told by 4 the Elections Chair; all of it. It was so 5 confusing, and not only that, I did not have a 6 sufficient amount of time, nor did I receive any 7 material prior to the notice. So that's exactly 8 what I'm talking about is that the people of 9 California have been lied to, and really, 10 weaponized. 11 Q Well, you -- you say political gains. 12 Political gains for whom? Whose political gains are 13 you referring to here? 14 A Again, their end goal to dismantle the 15 Independent Redistricting Commission. They have 16 always hated that. 17 Q So just for clarity, I think just for the 18 record, and for everyone's benefit, you use the term 19 "they" a lot. And the "term" they obscures more 20 than it enlightens. 21 So when you say they, if you could -- 22 otherwise I'm just going to have to keep asking you 23 again and again and again: Who is they? 24 A I really wish I could give you a very clear 25 answer on who is they when it comes to Prop 50, but</p>	<p style="text-align: right;">52</p> <p>1 A Members of the Legislature did pass 2 Proposition 50, but there were others that were 3 involved, like Paul Mitchell, that is not a member 4 of the Legislature, and leaked emails from KCRA that 5 also included people who were not part of the 6 Legislature, but were part of Prop 50. 7 Q Was there one political party in the 8 Legislature that supported passing Proposition 50? 9 A Yes. 10 Q Which political party was that? 11 A The Democrat supermajority in Sacramento. 12 Q Was there one political party in the 13 Legislature that was generally opposed to 14 Proposition 50? 15 A Yes. 16 Q And which party was that? 17 A The Republican minority party. 18 Q So when you say there are political gains 19 involved, is it possible you're saying political 20 gains for Democrats? 21 A Repeat that? 22 Q So you when say political gains here, is it 23 possible you're saying political gains for 24 Democrats? 25 A They were drawing these maps for their gains.</p>



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14 (53 to 56)

<p>53</p> <p>1 Q And they were the members of the Legislature 2 who supported Proposition 50? 3 <b>A Whoever drew the maps.</b> 4 Q So the backers of Proposition 50 were drawing 5 it for gains? 6 <b>A Yes.</b> 7 Q So to put a finer point on it, the backers of 8 Proposition 50 were pushing it for political gains? 9 <b>A They were weaponizing the entire process for 10 their partisan gains.</b> 11 Q You also used the term in that sentence 12 "political partisanship." Do you see that? 13 <b>A Yes.</b> 14 Q Could you scroll down to Page 206 of this 15 exhibit? 16 <b>A 206? Give me a second.</b> 17 Q Yeah. Hopefully, you might be able to -- 18 <b>A Is there a faster way for the Tech to do it?</b> 19 Q Or, do you see at the top where its says -- 20 you know, it say 58 of 335, maybe type in 206? 21 <b>A Yeah, but...</b> 22 ATTORNEY DODGE: Can the Tech take us to 206? 23 THE WITNESS: Thank you. 24 ATTORNEY DODGE: Is that possible? 25 I don't want Mr. Tangipa's fingers to get</p>	<p>55</p> <p>1 <b>A Yes.</b> 2 Q -- and the process of enacting it? 3 (Reporter clarification.) 4 ATTORNEY DODGE: Could we go down to 241? 5 And again, if the Tech needs to take control, 6 that's fine. 7 THE AV TECHNICIAN: We're on 241. If you 8 want to just click the screen, you can retake 9 control. 10 BY ATTORNEY DODGE: 11 Q Is it fair to say that this portion of the 12 transcript reflects some questions you asked Senator 13 Gonzalez about Proposition 50? 14 <b>A Yes.</b> 15 Q And who is Senator Gonzalez? 16 <b>A I think she's a senator from the LA area, but 17 I'm not sure.</b> 18 Q And she's a Democrat? 19 <b>A She is a Democrat, yes.</b> 20 Q If we could go back up to the bottom of 21 Page 241? Okay. Right there. 22 Do you see here you reference a, quote: 23 Study by Jones regarding partisan gerrymandering and 24 turn out? 25 <b>A Yes.</b></p>
<p>54</p> <p>1 sore. 2 THE AV TECHNICIAN: There you go. 3 ATTORNEY DODGE: Okay. Thank you. 4 Take a minute to review, you know, this page 5 and the next one, just so you can sort of see what 6 part of the debate this is. 7 THE WITNESS: I don't know if I can scroll 8 down again, if I can. 9 ATTORNEY DODGE: Oh. Can we give the control 10 back to Mr. Tangipa? 11 THE AV TECHNICIAN: If you just click on the 12 screen again, you should regain control. 13 THE WITNESS: There we go. 14 BY ATTORNEY DODGE: 15 Q And I'd actually like to focus you on what 16 you're looking at right now, starting at Line 15. 17 And you say: It tells us that the State of 18 California can move at lightening speed to handle 19 something when it's for political gain, but we can't 20 do it to take on the cost of living, to take on 21 utilities, to take on everything else. 22 Did I say that correctly? 23 <b>A Yes.</b> 24 Q And you were, again, talking about 25 Proposition 50 here, right --</p>	<p>56</p> <p>1 Q Can you tell me a little bit about that 2 study? 3 <b>A I mean, I believe it had to deal with -- and 4 I don't remember it all the way right now because 5 there were actually quite a few things that I had in 6 my notes at the time -- but I believe that it 7 actually had to deal with detrimental of 8 gerrymandering for -- I don't know if this was 9 the -- the right one, but for minority communities.</b> 10 Q So did you familiarize yourself with the 11 study at all before talking about it in the 12 Legislature? 13 Not, you know, memorizing it, but did you 14 sort of look it over a bit? 15 <b>A Yes. I actually -- I went through quite a 16 few different studies that talked about the 17 detrimental effects of gerrymandering.</b> 18 Q And this Jones study was about partisan 19 gerrymandering; fair? 20 <b>A I believe -- yes. It had to do with 21 gerrymandering.</b> 22 Q And specifically, partisan gerrymandering; 23 fair? 24 <b>A Well, gerrymandering is partisan.</b> 25 Q Well, you said partisan gerrymandering;</p>

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15 (57 to 60)

<p>57</p> <p>1 right?</p> <p>2 <b>A Yes. But like I said earlier, it's like</b></p> <p>3 <b>saying partisan partisan. Gerrymandering is</b></p> <p>4 <b>partisan.</b></p> <p>5 Q So there's no other kind of gerrymandering,</p> <p>6 except for partisan gerrymandering, in your view?</p> <p>7 <b>A No. I believe there are multiple forms of</b></p> <p>8 <b>gerrymandering.</b></p> <p>9 Q One of which is partisan; fair?</p> <p>10 <b>A All forms of gerrymandering is partisan,</b></p> <p>11 <b>so --</b></p> <p>12 Q Then why did you feel the need to say</p> <p>13 partisan gerrymandering? Why didn't you just say</p> <p>14 gerrymandering?</p> <p>15 <b>A I think it's just a term sometimes people</b></p> <p>16 <b>use. But like I said before, it's just like saying</b></p> <p>17 <b>partisan partisan. You know, gerrymandering itself</b></p> <p>18 <b>is partisan. I mean, you're doing it for a biased</b></p> <p>19 <b>reason and we talked about that earlier.</b></p> <p>20 Q Well, we'll get to this later, but do you</p> <p>21 know if the Complaint you filed in this lawsuit uses</p> <p>22 the term partisan gerrymandering?</p> <p>23 <b>A It's racial gerrymandering.</b></p> <p>24 Q So the Complaint uses racial gerrymandering,</p> <p>25 in your understanding?</p>	<p>59</p> <p>1 <b>A The detrimental effects, yes. I believe so.</b></p> <p>2 <b>And like I said, there were multiple studies that I</b></p> <p>3 <b>wanted to bring up, but they interrupted me fairly</b></p> <p>4 <b>often.</b></p> <p>5 Q Let's go down just a couple pages to 243.</p> <p>6 And do you see you asked her about another</p> <p>7 study about gerrymandering, right?</p> <p>8 <b>A Yes. I believe so, yes. The BMC Starkey I</b></p> <p>9 <b>believe.</b></p> <p>10 Q Right.</p> <p>11 <b>A Yes. And I think that had to do --</b></p> <p>12 Q And --</p> <p>13 <b>A -- with infant mortality.</b></p> <p>14 Q And you didn't call it racial gerrymandering</p> <p>15 here either, did you?</p> <p>16 <b>A Again, I don't know if I had the chance to.</b></p> <p>17 <b>If you can see in the transcript, I get through</b></p> <p>18 <b>half a sentence most of the time.</b></p> <p>19 Q Okay. So whether you were given a chance or</p> <p>20 not, you did say gerrymandering in reference to this</p> <p>21 study, but not racial gerrymandering; fair?</p> <p>22 <b>A The study implies that, yes.</b></p> <p>23 <b>Yeah. I believe the studies that I was</b></p> <p>24 <b>working on had to deal with how it could be</b></p> <p>25 <b>detrimental to communities.</b></p>
<p>58</p> <p>1 <b>A It has to do with gerrymandering; yes, and</b></p> <p>2 <b>the use of the Voter Rights Act.</b></p> <p>3 Q But you just said racial gerrymandering; yes?</p> <p>4 <b>A Racial gerrymandering.</b></p> <p>5 Q Right. So the Complaint says racial</p> <p>6 gerrymandering in your understanding; fair?</p> <p>7 <b>A Yes.</b></p> <p>8 Q And you here said partisan gerrymandering;</p> <p>9 fair?</p> <p>10 <b>A It can be a racial partisan gerrymander, or</b></p> <p>11 <b>you can just say racial gerrymander.</b></p> <p>12 Q Did you say racial partisan gerrymander here?</p> <p>13 <b>A In this transcript, I did refer to race.</b></p> <p>14 Q Did you say partisan racial gerrymandering</p> <p>15 here?</p> <p>16 <b>A No. I did not. But I was referring to a</b></p> <p>17 <b>study that had to deal with race.</b></p> <p>18 Q In discussing this Jones study, did you make</p> <p>19 any mention of race?</p> <p>20 <b>A Specifically in the Jones study, I actually</b></p> <p>21 <b>believe that if we go down in the transcript, I</b></p> <p>22 <b>think they stop me.</b></p> <p>23 Q Okay. So the only thing you were able to say</p> <p>24 about the Jones study was that it's regarding</p> <p>25 partisan gerrymandering and turn out; fair?</p>	<p>60</p> <p>1 Q Sorry. Sorry. There's not a question</p> <p>2 pending.</p> <p>3 Could you scroll down to 245, the middle of</p> <p>4 that page? And specifically Line 14 of 245.</p> <p>5 <b>A Is this 245? Let's see.</b></p> <p>6 Q I think you may have gone a smidge too far.</p> <p>7 <b>A Yeah.</b></p> <p>8 Q There you go.</p> <p>9 <b>A Yeah.</b></p> <p>10 Q Maybe scroll down just a little bit, so you</p> <p>11 have the full length of the page.</p> <p>12 Do you see, beginning at Line 14, you ask</p> <p>13 Senator Gonzalez a question?</p> <p>14 <b>A Yes.</b></p> <p>15 Q And you say: You know, there are just so</p> <p>16 many empirical studies that are done on this. We're</p> <p>17 looking at maps. How did we take into consideration</p> <p>18 communities of interest? You know, were they done</p> <p>19 to protect race, religion, all the ideologies that</p> <p>20 we have right now to make sure that we're protecting</p> <p>21 the voters of California. Was that done in that</p> <p>22 consideration?</p> <p>23 Did I read that accurately?</p> <p>24 <b>A Yes.</b></p> <p>25 Q Can you read aloud Senator Gonzalez's answer</p>

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16 (61 to 64)

<p style="text-align: right;">61</p> <p>1 to your question?</p> <p>2 <b>A It's a partisan gerrymander. That's what</b></p> <p>3 <b>we're talking about.</b></p> <p>4 Q Why were you asking Senator Gonzalez this</p> <p>5 question?</p> <p>6 <b>A Because Assembly Member Marc Berman had</b></p> <p>7 <b>talked about the VRA, and the use to make sure that</b></p> <p>8 <b>they were utilizing race as their justification for</b></p> <p>9 <b>how they drew lines.</b></p> <p>10 <b>And Senator Cervantez before that also had</b></p> <p>11 <b>talked about what they were doing for communities of</b></p> <p>12 <b>interest, and how they were protecting -- I believe</b></p> <p>13 <b>her numbers were 76 percent of the district lines</b></p> <p>14 <b>were staying the same, and only 24 percent was</b></p> <p>15 <b>changing -- and actually how they first took into</b></p> <p>16 <b>account the Voter Rights Act and minority voices</b></p> <p>17 <b>when making these maps.</b></p> <p>18 <b>So that's why I was asking Senator Gonzalez</b></p> <p>19 <b>if she agreed with the other authors.</b></p> <p>20 Q You used the term protect twice in your</p> <p>21 question. You say: Protecting race, religion.</p> <p>22 Was it important to you that California's</p> <p>23 Congressional maps protect those things?</p> <p>24 <b>A In the legislation, it says communities of</b></p> <p>25 <b>interest. So in communities of interest, the</b></p>	<p style="text-align: right;">63</p> <p>1 order to avoid a lawsuit?</p> <p>2 <b>A It was important to me that California was</b></p> <p>3 <b>following the law so that way we didn't open</b></p> <p>4 <b>ourselves up to lawsuits.</b></p> <p>5 Q And when you say follow the law so as to not</p> <p>6 open yourself up to lawsuits, are you referring to</p> <p>7 the Voting Rights Act?</p> <p>8 <b>A I am referring to the Voter Rights Act.</b></p> <p>9 Q If we can scroll down to Page 246, just the</p> <p>10 next page, this is Senator Gonzalez's more complete</p> <p>11 response to your question, right?</p> <p>12 <b>A Yes. This is her answer.</b></p> <p>13 Q Do you see in that first full paragraph, she</p> <p>14 says -- well, actually, let's strike that.</p> <p>15 Let's start of the top of this.</p> <p>16 She goes: This is partisan politics is what</p> <p>17 we're talking about here.</p> <p>18 Do you see that?</p> <p>19 <b>A Yes.</b></p> <p>20 Q And that was in response to your question?</p> <p>21 <b>A Yes.</b></p> <p>22 Q And do you think Senator Gonzalez was being</p> <p>23 honest when she said that this is about partisan</p> <p>24 politics?</p> <p>25 <b>A It was conflicting with some of the comments</b></p>
<p style="text-align: right;">62</p> <p>1 <b>definition is about race, religion, again,</b></p> <p>2 <b>geographical lines, so is it --</b></p> <p>3 Q Well, sir, I'm not asking you -- I'm not</p> <p>4 asking you about any terms in the legislation. I'm</p> <p>5 asking about your question right here.</p> <p>6 And you ask: Were they done to protect race,</p> <p>7 religion, all the ideologies we have right now to</p> <p>8 make sure that we're protecting the voters of</p> <p>9 California.</p> <p>10 So my question to you is: Was it important</p> <p>11 to you that California's Congressional maps protect</p> <p>12 voters by protecting things like race and religion?</p> <p>13 <b>A It was important for me to ask this question</b></p> <p>14 <b>because I believe that the way that they were doing</b></p> <p>15 <b>it was going to open California up to lawsuits. And</b></p> <p>16 <b>so --</b></p> <p>17 Q Do you mention lawsuits in your question?</p> <p>18 <b>A I do mention lawsuits in this transcript.</b></p> <p>19 Q Well, the transcript is 335 pages long.</p> <p>20 Do you -- do you mention lawsuits in this</p> <p>21 question?</p> <p>22 <b>A I believe I mention lawsuits before this</b></p> <p>23 <b>question, yes.</b></p> <p>24 Q So were you -- was it important to you then</p> <p>25 that the legislation protect race and religion in</p>	<p style="text-align: right;">64</p> <p>1 <b>from the other authors.</b></p> <p>2 Q Well, I'm asking about Senator Gonzalez.</p> <p>3 Do you think she was telling the truth when</p> <p>4 she said that this is about partisan politics?</p> <p>5 <b>A If I'm going to be honest with you, I don't</b></p> <p>6 <b>know who was telling the truth that day.</b></p> <p>7 Q But that's not my question, sir.</p> <p>8 My question is about Senator Gonzalez, who</p> <p>9 you were questioning. You ask her a question. She</p> <p>10 says, quote: This is partisan politics, right?</p> <p>11 That's what she says; yes?</p> <p>12 <b>A That is what she says. Yes.</b></p> <p>13 Q Do you think she was lying when she said that</p> <p>14 it's about partisan politics?</p> <p>15 <b>A The track record on that day, there was a lot</b></p> <p>16 <b>of lying. So that, I could not speak to.</b></p> <p>17 <b>Do I think she was lying? I do believe she</b></p> <p>18 <b>was lying.</b></p> <p>19 Q You think Senator Gonzalez was lying when she</p> <p>20 said: This is partisan politics?</p> <p>21 <b>A I believe a lot of the authors were lying.</b></p> <p>22 Q Sir, I really -- I want to get you home</p> <p>23 tonight, and I don't want to go into tomorrow, but</p> <p>24 to do that, you have to answer my questions</p> <p>25 directly.</p>

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17 (65 to 68)

<p>65</p> <p>1 And my question was: Do you think Senator 2 Gonzalez -- not anyone else, Senator Gonzalez -- do 3 you think Senator Gonzalez was lying when she said, 4 in response to your question: This is about 5 partisan politics? 6 <b>A I believe, no. I don't believe that she was</b> 7 <b>lying about that part.</b> 8 Q Thank you. 9 Okay. So turning to the next paragraph of 10 her response, she says: If Texas wants to -- again, 11 if Trump gives them a call and says, literally as he 12 did with Governor Abbott, find me five seats. Well, 13 we're not going to sit back and just say, well, it's 14 okay. Find the five seats. And you know what? Six 15 million people will be taken off Medicare in 16 California. 17 Did I read that correctly? 18 <b>A You read that correctly.</b> 19 Q See. I can do some things right. 20 She references five seats. Do you know what 21 she's referring to there when she says five seats? 22 <b>A Just five political seats that were drawn.</b> 23 <b>Or -- yeah. Five seats from the maps. That, I mean</b> 24 <b>I couldn't tell you at that point what the five</b> 25 <b>seats were because the lines had changed on the maps</b></p>	<p>67</p> <p>1 that. 2 So she thought it was obvious that 3 Proposition 50 is about partisan politics; fair? 4 <b>A She said that, yes.</b> 5 Q And she voted for Proposition 50; yes? 6 <b>A Yes. She did.</b> 7 Q So it's fair to say she's a member of the 8 Legislature who supported Proposition 50 and thought 9 it was obviously about partisan politics; fair? 10 <b>A She believed -- yes. She believed that.</b> 11 Q What did you think about Senator Gonzalez's 12 comments at the time? 13 <b>A I believe that they were very conflicting all</b> 14 <b>across the board with the other authors that were in</b> 15 <b>front of us, other members of the Elections</b> 16 <b>Committee. I mean, everything was fairly scattered.</b> 17 <b>Again, I couldn't tell you who was telling the</b> 18 <b>truth.</b> 19 Q Could you tell me what Senator Gonzalez's 20 roll was with the Legislature? 21 <b>A I believe she was either a co-author or</b> 22 <b>presenting a bill. I don't remember. Maybe -- I</b> 23 <b>don't remember which one she was specifically</b> 24 <b>presenting.</b> 25 Q But she was heavily involved in it; fair?</p>
<p>66</p> <p>1 <b>when we were voting for them.</b> 2 Q And in the next paragraph, she says: We are 3 not going to stand by for that. So, no. This is 4 completely partisan politics here. Obviously that 5 is happening. 6 Did I read that correctly? 7 <b>A You read that correctly.</b> 8 Q So again, in response to your question, 9 Senator Gonzalez says it's about partisan politics. 10 And did you believe her when she said it that 11 second time? 12 <b>A Again, it was very conflicting with what the</b> 13 <b>other authors were saying.</b> 14 Q Well, again. I'm just asking about Senator 15 Gonzalez. 16 <b>A Senator Gonzalez did say that. Yes.</b> 17 Q And did you take her at her word that she 18 thought this was completely about partisan politics 19 here? 20 <b>A Listening to her, even when she says partisan</b> 21 <b>politics, I'm trying to understand, yes. I guess.</b> 22 Q And she says: Obviously that is happening. 23 Do you see that? 24 <b>A Yes.</b> 25 Q So was it obvious that she was -- strike</p>	<p>68</p> <p>1 <b>A I believe she was a co-author.</b> 2 Q So she was one of the primary sponsors of the 3 legislation? 4 <b>A Yes. I believe so.</b> 5 Q Did you ever quote Senator Gonzalez's answer 6 or broadcast it in any way? 7 <b>A I believe so, yes.</b> 8 Q And how did you do that? 9 <b>A Trying to show people what had been pushed</b> 10 <b>through, through the entire process.</b> 11 Q And when you say show people, you mean, you 12 know, voters and the public, right? 13 <b>A Put it on social media.</b> 14 ATTORNEY DODGE: Could we bring up Tab 3, 15 which I'll ask to be labeled as Tangipa Exhibit 3? 16 (Tangipa Deposition Exhibit 3 marked for 17 identification and attached to the transcript.) 18 ATTORNEY DODGE: At least for me, there's 19 kind of a black bar at the top. 20 Can we -- yeah. Thank you. 21 BY ATTORNEY DODGE: 22 Q Can you just take a moment to look at this 23 document, Mr. Tangipa? 24 Do you recognize this? 25 <b>A Yes. I do.</b></p>

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18 (69 to 72)

<p>69</p> <p>1 Q And is it fair to say that this was something 2 you posted to your personal -- strike that. 3 Is it fair to say this was something you 4 posted to your Assemblyman X profile on August 19th, 5 2025? 6 <b>A Yes.</b> 7 Q And that would have been the very same day 8 you were questioning Senator Gonzalez, right? 9 <b>A Yes. I believe so.</b> 10 Q And the Legislature was still debating 11 Proposition 50 at that point, right? 12 <b>A Yes. We had just gotten done voting on it in</b> 13 <b>the Elections Committee only. I believe so.</b> 14 Q And this tweet is referring to your back and 15 forth with Senator Gonzalez; yes? 16 <b>A Yes.</b> 17 Q And it's discussing Proposition 50, right? 18 <b>A Yes.</b> 19 Q And you quote her as saying: It's a partisan 20 gerrymander, right? 21 <b>A Yes. I quote her.</b> 22 Q And you mentioned a few times this evening 23 about how a lot of what you did was trying to, you 24 know, broadcast things to the public so they would 25 sort of understand what was going on with this</p>	<p>71</p> <p>1 been going. 2 THE WITNESS: I mean... 3 ATTORNEY DODGE: If Counsel would like to 4 take a break, you know, five minutes, not -- it's up 5 to you guys. 6 It's customary to sort of take a break around 7 an hour and 15 minutes, but I -- I defer to you. 8 ATTORNEY ROSENBERG: Five -- five minutes 9 would be great. 10 ATTORNEY DODGE: Great. Okay. For the Court 11 Reporter as well. 12 We'll take five minutes. We'll be back at 13 6:47 Pacific, please. 14 ATTORNEY ROSENBERG: We'll go off the record 15 now, right? 16 ATTORNEY DODGE: Please. 17 THE VIDEOGRAPHER: Stand by. 18 We're going off the record. The time is 19 6:42. 20 (Recess from 6:42 p.m. until 6:52 p.m.) 21 THE VIDEOGRAPHER: We are back on the record. 22 The time is 6:52. 23 ATTORNEY DODGE: Before we get started, I 24 just want to put on the record, just so it's clear 25 on the record, that the witness's Counsel is not</p>
<p>70</p> <p>1 process; is that fair? 2 <b>A Yes.</b> 3 Q So is it fair then that this post, you were 4 trying to broadcast to voters and the public that, 5 you know, people like Senator Gonzalez were trying 6 to pass a partisan gerrymander? 7 <b>A I believe people needed to see what was going</b> 8 <b>on.</b> 9 Q And in this post, you say that what was going 10 on was a partisan gerrymander; yes? 11 <b>A Well, in this post I'm talking about, again,</b> 12 <b>communities of interest, and I wanted people to see</b> 13 <b>what, again, Senator Gonzalez said.</b> 14 Q Does -- does this post have the term 15 communities of interest in it? 16 <b>A Well, that's what it's talking about,</b> 17 <b>protections for California voters. That is what I</b> 18 <b>was referring to.</b> 19 Q Well, that's your question. And then what 20 does Senator Gonzalez answer? 21 <b>A She says that it's a partisan gerrymander.</b> 22 ATTORNEY DODGE: I think we can probably take 23 a break. We've been going about a -- close to an 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</p>	<p>72</p> <p>1 visible on camera, but is in the room with the 2 witness. It is my understanding that the parties 3 had previously reached an agreement for remote 4 depositions that Counsel would appear separately on 5 camera. And I'm just putting that on the record so 6 it's noted. 7 ATTORNEY MEUSER: And on behalf of the 8 Plaintiffs, I do not believe there was an agreement. 9 I believe that there was a request. And because of 10 how we had to do this in order to get David's 11 deposition done around his schedule, I was not able 12 to do it in a means that I was able to have two 13 computers. So we understood that the request was 14 made. In good faith we tried to take care of it, 15 but you wanted your deposition. I had to, to do it 16 in a way that you can get your deposition. 17 ATTORNEY DODGE: I don't want to belabor it. 18 I'll just finally note for the record that the time 19 meeting of this particular deposition was at 20 Plaintiff's Counsel's insistence. 21 BY ATTORNEY DODGE: 22 Q Turning back to something we discussed at the 23 beginning of the deposition, Mr. Tangipa, you said 24 that you were a political science major in college; 25 is that fair?</p>



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19 (73 to 76)

<p style="text-align: right;">73</p> <p>1 <b>A Yes.</b></p> <p>2 Q Did you study gerrymandering at all in</p> <p>3 college?</p> <p>4 <b>A A little bit.</b></p> <p>5 ATTORNEY DODGE: Could we pull up Tab 4 and</p> <p>6 label it Tangipa 4?</p> <p>7 THE AV TECHNICIAN: Please stand by.</p> <p>8 (Tangipa Deposition Exhibit 4 marked for</p> <p>9 identification and attached to the transcript.)</p> <p>10 BY ATTORNEY DODGE:</p> <p>11 Q And I'll represent to you, Mr. Tangipa, that</p> <p>12 this is an August 21, 2025 transcript from the</p> <p>13 Assembly floor session. Feel free to take a moment</p> <p>14 just to confirm that fact for yourself, if you would</p> <p>15 like.</p> <p>16 Do you recall participating in the August 21</p> <p>17 floor session?</p> <p>18 <b>A This -- was this that Thursday, the last day</b></p> <p>19 <b>to vote on this?</b></p> <p>20 Q August 21 was a Thursday.</p> <p>21 <b>A It was a Thursday. Okay. That was the last</b></p> <p>22 <b>day. Yes. I recall.</b></p> <p>23 Q And during that floor session, you continued</p> <p>24 to speak out against Proposition 50; fair?</p> <p>25 <b>A Yes.</b></p>	<p style="text-align: right;">75</p> <p>1 <b>politics. This was a direct response to the</b></p> <p>2 <b>question about protecting voters in underserved</b></p> <p>3 <b>communities. Not a word about fairness, not a word</b></p> <p>4 <b>about transparency, and open admission to partisan</b></p> <p>5 <b>gain. So how can we stand in this chamber and</b></p> <p>6 <b>criticize Texas, Florida or other states for</b></p> <p>7 <b>gerrymandering, when we've joined them in the same</b></p> <p>8 <b>practice? How can we demand fairness --</b></p> <p>9 Q That's good, sir. I appreciate that. I</p> <p>10 don't want to make you read the whole transcript,</p> <p>11 sir.</p> <p>12 In these portions of your remarks, you're</p> <p>13 referring to Senator Gonzalez's comments from the</p> <p>14 Election Committee hearing; yes?</p> <p>15 <b>A Yes.</b></p> <p>16 Q So I want to shift gears a little bit. As</p> <p>17 you know, the Legislature ultimately ratified</p> <p>18 Proposition 50, correct?</p> <p>19 <b>A Yes.</b></p> <p>20 Q And at that point, it was submitted to the</p> <p>21 voters for approval; yes?</p> <p>22 <b>A Yes.</b></p> <p>23 Q And you took part in the public debate in</p> <p>24 campaigning about the vote on Proposition 50; yes?</p> <p>25 <b>A Yes.</b></p>
<p style="text-align: right;">74</p> <p>1 ATTORNEY DODGE: Could we turn to 97 of the</p> <p>2 transcript?</p> <p>3 And again, I'll ask the Trial Tech to take</p> <p>4 control if that will help.</p> <p>5 THE AV TECHNICIAN: We are on Page 97. You</p> <p>6 can click to regain control, sir.</p> <p>7 BY ATTORNEY DODGE:</p> <p>8 Q And do you see that these pages reflect your</p> <p>9 remarks regarding Proposition 50?</p> <p>10 <b>A Yes.</b></p> <p>11 Q And could you scroll down to the top of</p> <p>12 Page 28 [sic]?</p> <p>13 <b>A Did you say 28 or 98?</b></p> <p>14 Q 98. You're -- you're in a good spot.</p> <p>15 And these are still your remarks; yes?</p> <p>16 <b>A Yes.</b></p> <p>17 Q And beginning at -- at the top line and going</p> <p>18 down through Line 8, could you just read aloud your</p> <p>19 statement on the floor?</p> <p>20 <b>A You said from Line 1?</b></p> <p>21 Q Yes.</p> <p>22 <b>A Okay.</b></p> <p>23 <b>During committee hearings, one of our</b></p> <p>24 <b>colleagues brazenly admitted this entire thing was</b></p> <p>25 <b>about partisan gerrymandering, admitted partisan</b></p>	<p style="text-align: right;">76</p> <p>1 Q And is it fair to say that one of your</p> <p>2 purposes in speaking out against it was to try and</p> <p>3 convince voters to reject Proposition 50?</p> <p>4 <b>A Yes.</b></p> <p>5 Q How did you go about engaging with voters</p> <p>6 about defeating Proposition 50?</p> <p>7 <b>A I was talking about how people's voices were</b></p> <p>8 <b>being silenced; how the process was being</b></p> <p>9 <b>weaponized; what the Legislature had done through</b></p> <p>10 <b>that process, essentially weaponizing their --</b></p> <p>11 <b>weaponizing this entire, again, process, and</b></p> <p>12 <b>weaponizing the emotion.</b></p> <p>13 <b>Actually, I talked about that fairly often,</b></p> <p>14 <b>how people were weaponizing emotion, grandstanding</b></p> <p>15 <b>on, you know, what they were doing for minorities</b></p> <p>16 <b>of -- minorities, communities of interest. I was</b></p> <p>17 <b>telling people how they were -- they were being lied</b></p> <p>18 <b>to.</b></p> <p>19 Q So my question was a little different, sir.</p> <p>20 And maybe I -- maybe I didn't put it clearly enough.</p> <p>21 I was asking about the method by which you</p> <p>22 engaged with voters. So for example, do you use</p> <p>23 social media to engage with voters about</p> <p>24 Proposition 50?</p> <p>25 <b>A Yes. I did social media. I did door-to-door</b></p>



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20 (77 to 80)

<p>77</p> <p>1 <b>campaign. I was speaking to other members</b> 2 <b>throughout the community and just talking to them</b> 3 <b>about what was being done.</b> 4 Q Did you make any kind of a website for 5 purposes of opposing Proposition 50? 6 <b>A Yes. Reject50.com was my website.</b> 7 Q And what was your role in creating that? 8 <b>A I mean, I had worked with a couple others to,</b> 9 <b>again, put information out so I was working with a</b> 10 <b>team to -- for that website.</b> 11 Q Did you create any kind of a committee to 12 build that website? 13 <b>A Yes.</b> 14 Q Can you tell me about that a little bit? 15 <b>A I believe the committee was Tangipa for</b> 16 <b>California -- if I remember the name correctly --</b> 17 <b>was my ballot committee measure.</b> 18 Q So you created a -- 19 (Reporter clarification.) 20 <b>A I think that's the proper term.</b> 21 Q Did you coordinate with the California 22 Republican Party at all in the campaign against 23 Proposition 50? 24 <b>A Yes.</b> 25 Q How did you coordinate with them?</p>	<p>79</p> <p>1 committee? 2 <b>A Yes.</b> 3 Q And where did those funds come from? 4 <b>A The general public.</b> 5 Q Can we go to Page 2 of this document? 6 And on Page 2, you say, quote: Governor 7 Gavin Newsom and Sacramento Democrats prioritized 8 political power over the will of the people. 9 Do you see that? 10 <b>A Did I miss...</b> 11 Q It's right in the middle of the screen right 12 now. 13 <b>A Yes.</b> 14 Q And I'll just say it again just so it's 15 clear, here on this page of this exhibit of your 16 website, it says: Sacramento Democrats, lead by 17 Governor Gavin Newsom, have prioritized political 18 power over the will of the people. 19 Did I get that right? 20 <b>A Yes.</b> 21 Q And then in the next paragraph, you say: In 22 August, they rammed through the biggest power grab 23 yet, Prop 50, a unilateral decision to redraw 24 Congressional maps, eliminate five Republican 25 districts, and strengthen Democrat held seats.</p>
<p>78</p> <p>1 <b>A I -- just on walk events, I guess. I</b> 2 <b>would -- and some social media. So general</b> 3 <b>political stuff, political campaigning.</b> 4 Q And you mentioned a bit ago about 5 communicating with voters over Proposition 50. Is 6 it fair to say that when you speak with voters, you 7 do your best to the truthful? 8 <b>A Yes.</b> 9 ATTORNEY DODGE: Could we pull up Tab 5 and 10 label it Tangipa Exhibit 5? 11 (Tangipa Deposition Exhibit 5 marked for 12 identification and attached to the transcript.) 13 BY ATTORNEY DODGE: 14 Q Do you recognize this document? 15 <b>A Yes.</b> 16 Q Can you tell me what it is? 17 <b>A I believe it's my website.</b> 18 Q The -- specifically the website opposing 19 Proposition 50? 20 <b>A Yes.</b> 21 Q And you mentioned that you established a 22 ballot committee to oppose Proposition 50; yes? 23 <b>A Yes.</b> 24 (Reporter clarification.) 25 Q Did you solicit funds for that ballot</p>	<p>80</p> <p>1 Did I say that right? 2 <b>A Yes.</b> 3 Q Did you believe that statement when you made 4 it? 5 <b>A Yes.</b> 6 Q So you understood that one of the effects 7 that Proposition 50 would have would be eliminating 8 five Republican districts? 9 <b>A Yes.</b> 10 Q You also understood that one of the 11 consequences of Proposition 50 would be to help 12 protect Democratic congress members; yes? 13 <b>A Well, I understood that, and that's why I</b> 14 <b>made sure in the following line I talked about how</b> 15 <b>they bypassed public input, and they ignored the</b> 16 <b>independent redistricting process that Californians</b> 17 <b>fought to establish.</b> 18 Q So I'm focusing on the second paragraph, and 19 you say: Proposition 50 strengthened Democrat held 20 seats. 21 Did I get that right? 22 <b>A Yes.</b> 23 Q And did you believe that statement when you 24 made it? 25 <b>A Yes. I believe that statement.</b></p>

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21 (81 to 84)

<p>81</p> <p>1 Q And you believe that statement to this day?</p> <p>2 <b>A I believe this entire page that I had talked</b></p> <p>3 <b>about. Yes.</b></p> <p>4 Q Why did you think it was important to</p> <p>5 highlight on this page for the public that</p> <p>6 Proposition 50 would eliminate five Republican</p> <p>7 districts?</p> <p>8 <b>A Well, I believe that it was important that</b></p> <p>9 <b>the people needed to know that, again, it's actually</b></p> <p>10 <b>my justification is the next line, where it says:</b></p> <p>11 <b>That they rammed through this mid-decade</b></p> <p>12 <b>redistricting scheme --</b></p> <p>13 Q Sir, sir.</p> <p>14 <b>A -- in a matter of days --</b></p> <p>15 Q I do want to -- sir, I do want to let you</p> <p>16 finish your answer, but you also do have to answer</p> <p>17 my questions if we're going to get through this</p> <p>18 deposition.</p> <p>19 I am not asking you -- you've said you</p> <p>20 believe everything on this page. Noted.</p> <p>21 My question is: You wrote on your website</p> <p>22 opposing Proposition 50, that Proposition 50 would</p> <p>23 eliminate five Republican districts. And I want to</p> <p>24 focus on that specific language.</p> <p>25 Why did you think it was important on your</p>	<p>83</p> <p>1 <b>A Yes.</b></p> <p>2 Q How do I say that Congressman's name?</p> <p>3 <b>A Valadao.</b></p> <p>4 Q I appreciate that. Thank you.</p> <p>5 You mention CD13 in that part of your</p> <p>6 website; yes?</p> <p>7 <b>A Yes.</b></p> <p>8 Q And you indicate that Proposition 50 will</p> <p>9 make it harder for Republicans to retake CD13; yes?</p> <p>10 <b>A Yeah. CD13 is a VRA district, and Prop 50</b></p> <p>11 <b>changed that VRA district.</b></p> <p>12 Q Do you use the term VRA anywhere on this</p> <p>13 website?</p> <p>14 <b>A I often talked about it.</b></p> <p>15 Q Do you use the term VRA anywhere on this</p> <p>16 website?</p> <p>17 <b>A I'm not sure.</b></p> <p>18 Q Take as much time as you need to review this</p> <p>19 page and all the other pages in the exhibit, and</p> <p>20 tell me if you use the term VRA or Voting Rights</p> <p>21 Act.</p> <p>22 <b>A I don't believe so on this exhibit, but I do</b></p> <p>23 <b>know when we show these districts, those are VRA</b></p> <p>24 <b>districts.</b></p> <p>25 Q So going back to Page 3, you say: We risk</p>
<p>82</p> <p>1 website opposing Proposition 50 to say that the law</p> <p>2 would eliminate five Republican districts?</p> <p>3 <b>A I believe that was part of the end goal.</b></p> <p>4 Q Can we go to the next page, Page 3 to be</p> <p>5 specific?</p> <p>6 And on this page -- sorry. Is this the full</p> <p>7 page? I'm not sure that it is.</p> <p>8 <b>A Yeah. I think the -- if I go down a little</b></p> <p>9 <b>bit, it should show both. But I don't know if they</b></p> <p>10 <b>can have both on there.</b></p> <p>11 Q Let me see. Give me just a minute. I'm</p> <p>12 focusing on Page 3 right now.</p> <p>13 Okay. This is good.</p> <p>14 Do you see the text in the middle of this</p> <p>15 page?</p> <p>16 <b>A Yes.</b></p> <p>17 Q And it says, quote: Power [sic] 50 is a</p> <p>18 power grab. Put simply, if this initiative passes</p> <p>19 on November 4th, we risk losing Congressman Valadao</p> <p>20 and not being able to retake CD13 or CD21, two of</p> <p>21 the best pick-up options for Republicans in the</p> <p>22 country.</p> <p>23 Did I read that correctly?</p> <p>24 <b>A Yes.</b></p> <p>25 Q Did I mispronounce the Congressman's name?</p>	<p>84</p> <p>1 losing Congressman Valadao; yes?</p> <p>2 <b>A Yes.</b></p> <p>3 Q Congressman Valadao is a Republican; yes?</p> <p>4 <b>A Yes. He's a representative of the Central</b></p> <p>5 <b>Valley.</b></p> <p>6 Q Who is the "we" in that part of that text?</p> <p>7 <b>A The Central Valley.</b></p> <p>8 Q And you say: Retake CD13 or CD21; yes?</p> <p>9 <b>A Yes.</b></p> <p>10 Q And you're referring to Republicans retaking</p> <p>11 it; yes?</p> <p>12 <b>A For those, yes.</b></p> <p>13 Q And you say that those districts are two of</p> <p>14 the best pick-up options for Republicans in the</p> <p>15 country; yes?</p> <p>16 <b>A Yes.</b></p> <p>17 Q And is it fair to say that before</p> <p>18 Proposition 13 [sic], CD13 was a swing seat?</p> <p>19 <b>A CD13 was a swing seat. Yes.</b></p> <p>20 Q Proposition 50 would make it easier for</p> <p>21 Democrats to win that seat; yes?</p> <p>22 <b>A Yes.</b></p> <p>23 Q Let's go to the next page.</p> <p>24 This page on your website shows the before</p> <p>25 and after maps of certain districts under</p>

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22 (85 to 88)

<p>85</p> <p>1 Proposition 50; yes?</p> <p>2 <b>A Yes.</b></p> <p>3 Q Why did you include them on your website?</p> <p>4 <b>A So people could see how their districts were</b></p> <p>5 <b>changing.</b></p> <p>6 Q And specifically, each of these maps shows</p> <p>7 how they change in terms of partisanship; yes?</p> <p>8 <b>A Yes. They show the election results.</b></p> <p>9 Q Well, they show a little more than that,</p> <p>10 right?</p> <p>11 <b>A They show how the election played out, yes.</b></p> <p>12 Q Well, so let's look at CD13.</p> <p>13 Do you see the CD13 map?</p> <p>14 <b>A Yes.</b></p> <p>15 Q Okay. What color is the CD13 map in the</p> <p>16 before picture?</p> <p>17 <b>A Purple.</b></p> <p>18 Q And what color is the CD13 map in the after</p> <p>19 picture?</p> <p>20 <b>A Blue.</b></p> <p>21 Q And you see a table next to the CD13 maps;</p> <p>22 yes?</p> <p>23 <b>A Yes.</b></p> <p>24 Q Okay. What does the first line of the CD13</p> <p>25 table show?</p>	<p>87</p> <p>1 <b>A Red.</b></p> <p>2 Q And red is associated in this context with</p> <p>3 the Republican party; yes?</p> <p>4 <b>A It's Valadao's seat.</b></p> <p>5 Q I'll ask my question again.</p> <p>6 Red, in this context, is referring to the</p> <p>7 Republican party; yes?</p> <p>8 <b>A Yes.</b></p> <p>9 Q Okay. And the after picture, what color is</p> <p>10 District 22?</p> <p>11 <b>A It's blue.</b></p> <p>12 Q And in this context, blue is referring to the</p> <p>13 Democratic party; yes?</p> <p>14 <b>A I would say that was not a decision that I</b></p> <p>15 <b>had made, so when it comes to the people who made</b></p> <p>16 <b>the website, I mean it's -- they're all blue.</b></p> <p>17 Q So I'll ask my question again. Is it your</p> <p>18 understanding -- well, that wasn't my question, sir.</p> <p>19 <b>A My understanding -- yes. To my</b></p> <p>20 <b>understanding, I did not choose the colors of this,</b></p> <p>21 <b>and so I could -- maybe the accurate phrase is I</b></p> <p>22 <b>could assume that CD20, they put that there as red,</b></p> <p>23 <b>probably representing the Republican district, and</b></p> <p>24 <b>then they probably changed it to blue, showing the</b></p> <p>25 <b>new maps. But I could not tell you, because it was</b></p>
<p>86</p> <p>1 <b>A The registration.</b></p> <p>2 Q Specifically party registration; yes?</p> <p>3 <b>A Yes.</b></p> <p>4 Q Okay. And for the old map, it says: D+10.</p> <p>5 Do you see that?</p> <p>6 <b>A Yes.</b></p> <p>7 Q What does that mean?</p> <p>8 <b>A That means that Democrats have a 10 percent</b></p> <p>9 <b>registration majority.</b></p> <p>10 Q Okay. And then you go to the next column,</p> <p>11 and do you see where it says: D+16?</p> <p>12 <b>A Yes.</b></p> <p>13 Q Okay. What does that mean?</p> <p>14 <b>A That means they -- it's a 16-point advantage.</b></p> <p>15 Q So Proposition 15 [sic] gave Democrats a</p> <p>16 6-point registration advantage improvement -- strike</p> <p>17 that.</p> <p>18 Proposition 15 gave Democrats a 6-point</p> <p>19 improvement in registration advantage; yes?</p> <p>20 <b>A Yes. Prop 50 gave that. Yes.</b></p> <p>21 Q It's cut off a little bit, but the first set</p> <p>22 of maps here is District 22; yes?</p> <p>23 <b>A Yes. I believe so.</b></p> <p>24 Q And in the before picture, what color is that</p> <p>25 district?</p>	<p>88</p> <p>1 <b>not my choice, the colors of those maps.</b></p> <p>2 Q Yeah. And you majored in political science;</p> <p>3 yes, sir?</p> <p>4 <b>A Yes.</b></p> <p>5 Q Now, in American politics today, do the major</p> <p>6 political parties have colors associated with them?</p> <p>7 <b>A They do.</b></p> <p>8 Q Have you ever heard the term red state?</p> <p>9 <b>A I have.</b></p> <p>10 Q Have you ever heard the term blue state?</p> <p>11 <b>A Yes.</b></p> <p>12 Q Okay. What's a blue state?</p> <p>13 <b>A A blue state is a Democrat-controlled state.</b></p> <p>14 Q And what's a red state?</p> <p>15 <b>A A red state is a Republican-controlled state.</b></p> <p>16 Q And what's a purple state?</p> <p>17 <b>A I'm assuming that that is a toss-up state.</b></p> <p>18 Q So is it fair to say that each of these maps</p> <p>19 is showing that Districts 22, 21, and 13, were</p> <p>20 moving from red or purple to blue?</p> <p>21 <b>A Repeat the question?</b></p> <p>22 Q Is it fair to say that the maps on this part</p> <p>23 of your website are showing Districts 22, 21, and 13</p> <p>24 moving from either red or purple to blue?</p> <p>25 <b>A I believe so. That is fair to say.</b></p>

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23 (89 to 92)

<p style="text-align: right;">89</p> <p>1 Q You said earlier that the tables next to 2 these maps show election results and party 3 registration results; yes? 4 <b>A Yes.</b> 5 Q Do those tables say anything about race? 6 <b>A No.</b> 7 Q Does the term Latino appear in any of those 8 tables? 9 <b>A No.</b> 10 Q Does the term Hispanic appear anywhere in 11 those tables? 12 <b>A No.</b> 13 Q Does the term white appear anywhere in those 14 tables? 15 <b>A No.</b> 16 Q Does the term black appear anywhere in those 17 tables? 18 <b>A No.</b> 19 Q Does the term minority appear anywhere in 20 those tables? 21 <b>A No.</b> 22 Q Does the term Trump appear anywhere in those 23 tables? 24 <b>A Yes.</b> 25 Q Does the term Harris appear anywhere in those</p>	<p style="text-align: right;">91</p> <p>1 that says: Come back for the remaining Republicans 2 in Congress? 3 <b>A Yes.</b> 4 Q Do you still believe that? 5 <b>A Yes.</b> 6 Q And you use the term Democrats there; yes? 7 <b>A Yes.</b> 8 Q So is it fair to say here you're saying the 9 Democrats will try to eliminate more Republican 10 seats if given the opportunity? 11 <b>A I believe the entire end goal was to</b> 12 <b>eliminate the Commission's -- to eliminate the</b> 13 <b>Commission for that.</b> 14 Q Sir, I didn't say anything about the 15 Commission in my question. I'm asking you about the 16 portion of this page, your website, that says: 17 Democrats will come back for the remaining 18 Republicans in Congress. 19 And you said you believed that statement when 20 you made it, and I'm asking you: Do you believe 21 that statement now? 22 <b>A I do believe that.</b> 23 Q Does anything on this page say anything about 24 race? 25 <b>A Specifically, no.</b></p>
<p style="text-align: right;">90</p> <p>1 tables? 2 <b>A Yes.</b> 3 Q Does the term Newsom appear anywhere in those 4 tables? 5 <b>A Yes.</b> 6 Q Does the term Biden appear anywhere in those 7 tables? 8 <b>A Yes.</b> 9 Q Is it accurate to say that each one of these 10 tables shows an improvement to Democratic party 11 registration in Districts 22, 21 and 13? 12 <b>A Yes.</b> 13 Q Can we go to the next page? 14 And here you say: Mark my words, if Prop 50 15 passes, and control of redistricting is held by the 16 Legislature, Democrats will come back for the 17 remaining Republicans in Congress. 18 Did I read that part right? 19 <b>A Yes.</b> 20 Q Did you believe that statement when you made 21 it? 22 <b>A Yes. I believe that statement, and</b> 23 <b>especially where it talks about eliminating the</b> 24 <b>Commission's authority over legislative maps.</b> 25 Q Did you believe the part of that statement</p>	<p style="text-align: right;">92</p> <p>1 Q Does anything on this website say anything 2 specifically about race? 3 <b>A No. But that's what I talk about in balanced</b> 4 <b>representation.</b> 5 Q Does the term Latino appear anywhere on this 6 page? 7 ATTORNEY MEUSER: Asked and answered. 8 You may answer. 9 <b>A No.</b> 10 Q Does the term Hispanic appear anywhere on 11 this page? 12 ATTORNEY MEUSER: Asked and answered. 13 You may answer. 14 <b>A No.</b> 15 ATTORNEY DODGE: Can we pull up Tab 7, which 16 I'll ask to be labeled Tangipa 7? 17 THE AV TECHNICIAN: I believe we're on 18 Exhibit 6. 19 ATTORNEY DODGE: You are so correct. 20 Could we pull up Tab 6, and label it Tangipa 21 Exhibit 6? I'm getting ahead of myself. 22 ATTORNEY MEUSER: What, you want to go to 23 bed? 24 ATTORNEY DODGE: I'm on East Coast hours. 25 (Tangipa Deposition Exhibit 6 marked for</p>

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24 (93 to 96)

<p style="text-align: right;">93</p> <p>1 identification and attached to the transcript.) 2 BY ATTORNEY DODGE: 3 Q Do you recognize this? 4 <b>A Yes. I do.</b> 5 Q Is this a post to your personal X profile on 6 October 13th, 2025? 7 <b>A Yes. It is.</b> 8 Q And this post is about Proposition 50? 9 <b>A Yes. It is.</b> 10 Q And on October 13th, this would have still 11 been in the middle of the campaign over 12 Proposition 50, right? 13 <b>A Yes.</b> 14 Q And as we've established, you were very 15 actively engaged in that campaign? 16 <b>A Yes.</b> 17 Q And you were very committed to try to 18 persuade voters to reject Proposition 50? 19 <b>A Yes.</b> 20 Q And as we also established earlier, you 21 always try to be honest and sincere with voters; 22 yes? 23 <b>A Yes.</b> 24 Q In this post, you say: We will not be 25 silenced for partisan gain.</p>	<p style="text-align: right;">95</p> <p>1 defnoodles? 2 <b>A He is a podcaster, I think is the easiest way</b> 3 <b>to describe him. And I think he's also -- yeah.</b> 4 Q He's also what? 5 <b>A He's just a studio podcaster.</b> 6 Q And what's, sort of the gist of his podcast? 7 What's the theme? 8 <b>A I think he talks about politics, and comedy</b> 9 <b>sometimes, I believe.</b> 10 Q And does he generally have a right-wing bend? 11 <b>A If I'm going to be honest with you, I</b> 12 <b>don't -- I haven't really watched a lot of his</b> 13 <b>stuff, so...</b> 14 Q Well, I hope -- I hope defnoodles doesn't see 15 this deposition then. He might -- he might take 16 offense. 17 <b>A That's all right.</b> 18 Q And this is -- this is like a video post, 19 right, or a reel? 20 <b>A Yes.</b> 21 ATTORNEY DODGE: Okay. So can we play Tab 8, 22 which I'll represent is the video file associated 23 with this post? 24 (Tab 8 video played.) 25 BY ATTORNEY DODGE:</p>
<p style="text-align: right;">94</p> <p>1 Did I get that right? 2 <b>A Yes.</b> 3 Q And you say gain here, not game, right? 4 <b>A Gain there. Yes.</b> 5 Q Did you believe this statement when you made 6 it? 7 <b>A I did believe this -- I do believe this</b> 8 <b>statement.</b> 9 ATTORNEY DODGE: Can we pull up Tab 7 for 10 real this time? 11 (Tangipa Deposition Exhibit 7 marked for 12 identification and attached to the transcript.) 13 BY ATTORNEY DODGE: 14 Q And do you recognize this? 15 <b>A Yes.</b> 16 Q And is this something posted to your 17 Instagram profile on November 2, 2025? 18 <b>A Yes.</b> 19 Q And that would have been just two days before 20 Election Day, right? 21 <b>A Did you say --</b> 22 Q That would have been just two -- that would 23 have been just two days before Election Day, right? 24 <b>A Yeah. On November 2nd.</b> 25 Q And I just have to ask, but who is</p>	<p style="text-align: right;">96</p> <p>1 Q The podcast host there referred to a party. 2 Did you understand him to be referring to the 3 Democratic party? 4 <b>A I believe so, yes.</b> 5 Q And you were speaking sincerely when you were 6 on this podcast? 7 <b>A Yes.</b> 8 Q And I think I have the transcription right. 9 I think you said, quote: When asked in order to 10 combat Donald Trump and Texas redistricting, would 11 you pause the Independent Redistricting Commission 12 to put partisan and gerrymander in the State of 13 California. 14 Does that generally sound accurate? 15 <b>A Yeah. I was speaking about a conversation</b> 16 <b>with -- that Paul Mitchell had had.</b> 17 Q And you -- you mentioned partisan 18 gerrymandering here; yes? 19 <b>A That was -- that was a question that -- that</b> 20 <b>Paul Mitchell had done on a poll. So that was their</b> 21 <b>question.</b> 22 Q That may well be the case. 23 But my question to you is: You mentioned, 24 you brought up the topic of partisan gerrymandering 25 here; yes?</p>



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25 (97 to 100)

<p style="text-align: right;">97</p> <p>1 <b>A Yeah. I was referring to a poll that they</b> 2 <b>had talked about.</b> 3 Q Which mentioned partisan gerrymandering? 4 <b>A Yes.</b> 5 Q Did you bring up race on this podcast? 6 <b>A On the podcast, I believe I did. I believe</b> 7 <b>we talked about it.</b> 8 Q In what context? 9 <b>A That is something -- it's been a little bit</b> 10 <b>since that one, but I do believe we talked about</b> 11 <b>however the whole process went on.</b> 12 ATTORNEY DODGE: Can we bring up Tab 9? 13 (Reporter clarification.) 14 THE AV TECHNICIAN: And just to be clear, 15 before we bring up Tab 9, would you like the video 16 marked as Tab 8, marked as Exhibit 8? 17 ATTORNEY DODGE: I think that would be best. 18 THE AV TECHNICIAN: Okay. 19 ATTORNEY DODGE: Thank you for asking. 20 (Tangipa Deposition Exhibit 8 marked for 21 identification and attached to the transcript.) 22 ATTORNEY DODGE: And when -- when you're done 23 with that, if you could bring up Tab 9 and label it 24 Exhibit 9? Thank you. 25 (Tangipa Deposition Exhibit 9 marked for</p>	<p style="text-align: right;">99</p> <p>1 Can we pause, and go back to the 8:20 mark or 2 so, and then play it through the 9:20 mark? 3 (Exhibit 10 audio played.) 4 ATTORNEY DODGE: That's -- that's good right 5 there. 6 BY ATTORNEY DODGE: 7 Q So this part of this interview starts with 8 the host asking you to explain to everybody what 9 Proposition 50 is; yes? 10 <b>A Yes.</b> 11 Q And you respond first by saying 12 Proposition 50 is Governor Newsom's gerrymandered 13 maps that are going to be on the ballot, that they 14 are asking people to approve so they can strip away 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 18 rid of the congressmen in the area that's 19 conservative. 20 Did I more or less get that right? 21 <b>A Yes.</b> 22 Q And in that portion, you say: Get rid of the 23 congressmen in that area that's conservative; yes? 24 <b>A Yes.</b> 25 Q And who are you referring to there?</p>
<p style="text-align: right;">98</p> <p>1 identification and attached to the transcript.) 2 BY ATTORNEY DODGE: 3 Q Do you recognize this? 4 <b>A Yes. I believe so.</b> 5 Q Well, let me -- let me ask it a slightly 6 different way: Do you recall doing an interview 7 with AgNet West Radio Network in September of this 8 year? 9 <b>A I -- I might have done a couple in September,</b> 10 <b>but I -- I do believe, I might have done maybe a</b> 11 <b>couple with them.</b> 12 Q It looks like this one is September 1st. 13 Does that generally sound like when you might 14 have done an interview with them? 15 <b>A Yes.</b> 16 Q And do you remember being asked during the 17 interview to describe Proposition 50? 18 <b>A Slightly, yes.</b> 19 ATTORNEY DODGE: All right. Can we play 20 Tab 10, and label that Exhibit 10, starting at the 21 8:28 mark, and ending around the 9:20 mark? 22 (Tangipa Deposition Exhibit 10 marked for 23 identification and attached to the transcript.) 24 ATTORNEY DODGE: I, at least, am not hearing 25 the audio. Oh, it looks to be off.</p>	<p style="text-align: right;">100</p> <p>1 <b>A I believe I'm referring to Congressman Doug</b> 2 <b>LaMalfa.</b> 3 Q And he's a Republican; yes? 4 <b>A Yes.</b> 5 Q And so your answer to explain to everybody 6 what Proposition 50 is, in part involved telling 7 them that it would get rid of Congressman LaMalfa; 8 yes? 9 <b>A Yes. It had to deal with about stripping the</b> 10 <b>voices away of rural California, and it utilized</b> 11 <b>their -- they utilized their means --</b> 12 Q You've -- you've answered my -- you've 13 answered my question. 14 And you also said that Proposition 50 would 15 get rid of Congressman Kevin Kiley; yes? 16 <b>A Yes.</b> 17 Q And Congressman Kiley is a Republican too; 18 yes? 19 <b>A Yes.</b> 20 Q And you brought back up Senator Gonzalez's 21 statement that Proposition 50 was a partisan 22 gerrymander; yes? 23 <b>A Yes.</b> 24 Q Why did you bring up her statement again? 25 <b>A So that way people could see how their voices</b></p>



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26 (101 to 104)

<p>101</p> <p>1 were being stripped through the games that were 2 being played. 3 Q And then later on you say they want to send 4 more of their representatives back to Washington. 5 Did I get that right? 6 A I believe so. I don't know if we listened to 7 that part, but probably. 8 Q Well, I'll represent to you that it's in the 9 audio file in that exhibit, and it sounds like you 10 agree with me that you would have said that; yes? 11 A Yeah. 12 Q And they want to send more of their 13 representatives back to Washington. The "they" 14 there is California Democrats, right? 15 A Yes. 16 Q So moving on from that interview, I want to 17 ask: During the campaign season for Proposition 50, 18 did you ever make any social media posts that said 19 Proposition 50 benefitted Latinos? 20 A Did I make any social media post that 21 specifically said that? 22 Q Yes. 23 A I don't believe I made any social media posts 24 that specifically said that. 25 Q Did you make any social media posts during</p>	<p>103</p> <p>1 how -- why my District, which is a very white 2 district, voted the most minority in the State of 3 California. I had talked about that often, in both 4 the radio, on the dais. 5 Actually, while questioning one of the 6 Independent Redistricting Commissioners, I even told 7 her that it is an honor to be the first Polynesian 8 ever elected in a district that is: One, very 9 white, but also, to be a part of the process when it 10 came to the Redistricting Committee -- or, 11 Commission, when they were drawing the lines prior. 12 Q You mentioned earlier that you would go to 13 the Independent Redistricting Commission hearings, 14 right? 15 A I would call in. 16 Q You would listen to their proceedings? 17 A Yes. 18 Q Did you gain familiarity with redistricting 19 terms and principles while doing that? 20 A Yes, somewhat. 21 Q Would there be -- sorry. Finish your answer. 22 A Well, I was going to say, as we talked about 23 in the beginning, acronyms like, LULAC. They had 24 CVAPs, all that stuff. So, yes. I'm familiar. 25 Q But you know the term CVAP, for example?</p>
<p>102</p> <p>1 the campaign about Proposition 50 that used the term 2 Voting Rights Act or VRA? 3 A I'm not sure. I don't -- I don't think I 4 did. But I actually have quite a few posts out 5 there about the Voter Rights Act. 6 Q During the campaign? 7 A I'm not sure. I just know that there were 8 some that I had referred to. 9 Q Well, let me ask you this: Did you make 10 social media posts after the filing of this lawsuit 11 that said Proposition 50 was about race? 12 A I had made some, yes. 13 Q Did you make social media posts before this 14 lawsuit that said Proposition 50 was about race? 15 A Well, I was -- the questions that I had asked 16 about protecting communities of interest, that was a 17 social media post about race. Yes. 18 Q What's your understanding of the term 19 community of interest? 20 A As defined under the -- it's in the 21 legislation, communities of interest having to deal 22 with race, sex, geographical lines. 23 And not only that, I often talk about how -- 24 in a lot of those posts, how I'm the first 25 Polynesian ever elected to the Legislature, and</p>	<p>104</p> <p>1 A Yes. But I couldn't tell you what CVAP 2 stands for. But I understand what it means. 3 Q Would they ever talk about gerrymandering 4 during those hearings? 5 A On the Independent Redistricting Commission? 6 Q Yes. 7 A I think maybe people who called in, sometimes 8 the terms, but I'm not -- I'm not too familiar. 9 Q So going back to your social media posts, you 10 agreed with me that since the filing of this lawsuit 11 you've made social media posts that use the word 12 race or racial; yes? 13 A During the entire process, I had talked about 14 race. 15 Q Well, let me -- let me step back, and I'm 16 going to ask very specific questions. 17 Since the filing of this lawsuit, you have 18 made social media posts that use the words race or 19 racial; yes? 20 A I believe so. I do -- actually, I post a 21 lot, so I believe so. I do believe I've used that 22 term, VRA. A couple others. 23 Q Do you recall tweeting yesterday the 24 following, in response to a tweet from Governor 25 Newsom Press Office, quote: You used race to</p>

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<p>105</p> <p>1 justify the Prop 50 maps, end quote. 2 Do you recall that? 3 <b>A Yes.</b> 4 Q That was after the filing of this lawsuit; 5 yes? 6 <b>A Yes.</b> 7 Q Did you ever use the phrase "race to justify 8 the Prop 50 maps" before the filing of this lawsuit? 9 <b>A I believe on the -- on the dais when I was</b> 10 <b>asking the Elections Committee talking about race.</b> 11 Q Well, I'm asking about social media posts 12 during the campaign, or at least prior to Election 13 Day: Did you ever make any post about 14 Proposition 50, social media post, of any kind that 15 used the term race or racial, prior to the filing of 16 this lawsuit? 17 <b>A Well, the one where I questioned Lorena</b> 18 <b>Gonzalez is about race.</b> 19 Q Did you use the term race or racial? 20 <b>A I -- I mean, in that transcript I'm talking</b> 21 <b>about protecting communities of interest, which is</b> 22 <b>defined in California having to deal with race.</b> 23 Q Okay. I'm going to ask my question one last 24 time: Did you make any social media post prior to 25 Election Day that used the term expressly, race or</p>	<p>107</p> <p>1 Can we please pull up Tab 11, and label that 2 Tangipa Exhibit 11? 3 ATTORNEY MEUSER: I don't believe you marked 4 the video 10 as Exhibit 10. Do you want to do that? 5 ATTORNEY DODGE: That's -- yeah. That's my 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: 14 Do we have an Tangipa Exhibit 10 yet? 15 THE AV TECHNICIAN: Well, we do now. You 16 just said it, so... 17 ATTORNEY DODGE: Works for me. Great. 18 Well, in that case, can we pull up Tab 11 and 19 label it Tangipa 11. 20 (Tangipa Deposition Exhibit 11 marked for 21 identification and attached to the transcript.) 22 BY ATTORNEY DODGE: 23 Q Do you recognize this document at all, 24 Mr. Tangipa? 25 Feel free to scroll through it if you need</p>
<p>106</p> <p>1 racial? 2 <b>A To the best of my knowledge, I don't know if</b> 3 <b>I put specifically out there the term just race.</b> 4 Q Prior to election -- strike that. 5 Prior to Election Day, did you ever put out a 6 social media post about Proposition 50 that used the 7 word Latino? 8 <b>A I don't believe so. I'm not sure.</b> 9 ATTORNEY DODGE: I'm about to move on to a 10 slightly different topic. So I just want to offer a 11 break again to either the deponent or the Court 12 Reporter. It's been a little less than an hour 13 so -- but I just, because it's a change in topic, I 14 just want to make that offer. 15 ATTORNEY ROSENBERG: I could use a 16 five-minute break. 17 ATTORNEY DODGE: Great. We'll be back at 18 7:49 Pacific, and if we could go off the record. 19 THE VIDEOGRAPHER: Stand by. 20 We're going off the record. The time is 21 7:44. 22 (Recess from 7:44 p.m. until 7:51 p.m.) 23 THE VIDEOGRAPHER: We're back on the record. 24 The time is 7:51. 25 ATTORNEY DODGE: Welcome back, Mr. Tangipa.</p>	<p>108</p> <p>1 to. 2 <b>A Yes. I do.</b> 3 Q Can you tell me what this exhibit is? 4 <b>A This is the lawsuit, but I think this is the</b> 5 <b>original one before the DOJ signed on.</b> 6 Q And I'll represent to you that in the legal 7 world, this is what's called a complaint. And it's 8 the document that initiates a lawsuit. 9 Does that make sense? 10 <b>A Got it. Yes. So thank you for --</b> 11 Q And I -- oh. I didn't mean to speak over 12 there, sir. What were you saying? 13 <b>A No. I was just saying: Thank you for that</b> 14 <b>clarity.</b> 15 Q Yeah. So when I say the Complaint, I'm 16 referring specifically to this document that starts 17 the lawsuit; fair? 18 <b>A Yes.</b> 19 Q And do you recall if you reviewed this before 20 it was filed with the Court? 21 <b>A Yes.</b> 22 Q And in your review, you presumably wanted to 23 make sure, to the best of your knowledge, it was 24 accurate and correct, right? 25 <b>A Yes.</b></p>

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28 (109 to 112)

<p>109</p> <p>1 Q I'd like to draw your attention to the first 2 numbered paragraph, which is just a little bit below 3 where you are right now. 4 Do you see Paragraph 1? 5 <b>A Yes.</b> 6 Q I'm going to actually move on from this and 7 go on to Page 4 of this document. I think it's PDF 8 Page 5, but it's numbered 4. And if you could keep 9 scrolling up just a little bit. 10 Actually, I apologize. If you could go to 11 the prior page and go to Paragraph 6? It's a little 12 further up. Great. 13 And do you see this paragraph's talking about 14 you? 15 <b>A Yes.</b> 16 Q And it states that you're a registered voter 17 in District 21; yes? 18 (Reporter clarification.) 19 <b>A Yes.</b> 20 Q And I should be specific: That's 21 Congressional District 21? 22 <b>A Yes. Congressional District 21 under the</b> 23 <b>Prop 50 map.</b> 24 Q Perfect. That was my next question. 25 Are you familiar with the racial makeup of</p>	<p>111</p> <p>1 <b>know, realistically I was going off of what the</b> 2 <b>authors were saying when it comes to their use in</b> 3 <b>race-based redistricting.</b> 4 Q So as your website showed, you knew how the 5 party registration metrics of CDs 22, 21 and 13 6 changed, right? 7 <b>A Yes.</b> 8 Q But sitting here today, you can't say how the 9 racial makeup of CD21 changed, right? 10 <b>A Yeah. I don't remember.</b> 11 Q You do know it was a Latino-majority district 12 before Proposition 50; yes? 13 <b>A Yes. I do.</b> 14 Q And it's still a Latino-majority district 15 after Proposition 50; yes? 16 <b>A Yes. I believe so. Yes.</b> 17 Q Turning back to Paragraph 6 here, the last 18 sentence says: The challenged plan assigns him -- 19 meaning David Tangipa -- to a district drawn with 20 race as the predominate factor causing stigmatic and 21 representational injury. 22 Did I get that right? 23 <b>A Yes.</b> 24 Q What do you understand the term stigmatic and 25 representational injury to mean?</p>
<p>110</p> <p>1 Congressional District 21 under the Proposition 50 2 map? 3 <b>A A little bit. I believe it's a</b> 4 <b>Hispanic-majority district.</b> 5 Q And it was a Hispanic-majority district 6 before enactment of Proposition 50; yes? 7 <b>A Yes. It was a VRA district prior to as well.</b> 8 Q Do you know whether the share of Hispanic 9 voters in Congressional District 21 changed 10 substantially as a result of Proposition 50? 11 <b>A Can you repeat that again?</b> 12 Q Do you know if the Hispanic voting share of 13 Congressional District 21 was altered substantially 14 as a result of Proposition 50? 15 <b>A That I -- I'm not too sure. They did not</b> 16 <b>give us the information when it came to making up</b> 17 <b>all of those lines and how they were using the VRA</b> 18 <b>to redistrict.</b> 19 Q And you haven't looked up that information in 20 the three months or so since the Legislature 21 considered Proposition 50? 22 <b>A There was an election that went on, and I</b> 23 <b>really -- you know, we saw what had happened, and</b> 24 <b>from the website that you had seen, you know, it</b> 25 <b>showed kind of the changes to the maps. But, you</b></p>	<p>112</p> <p>1 <b>A That it creates a barrier because they used</b> 2 <b>race in mind for the district.</b> 3 Q So would you tell your constituents in your 4 Assembly district that you are harmed because of 5 race? 6 <b>A What I tell my constituents, pretty much</b> 7 <b>verbatim, is that it is very confusing that I</b> 8 <b>represent a predominantly white district as an</b> 9 <b>Assemblyman, but I now live in a VRA district with</b> 10 <b>no justification on why they drew the maps and the</b> 11 <b>lines the way that they did, using race as the</b> 12 <b>predominant factor.</b> 13 Q We both agree what you live in what you term 14 a VRA district prior to Proposition 50; yes? 15 <b>A No. I did not. I live in a Congressional</b> 16 <b>non-VRA district prior to Proposition 50. I now</b> 17 <b>live in a VRA district with CD21, and that was</b> 18 <b>because the lines had changed.</b> 19 <b>So I used to be in Vince Fong's District, and</b> 20 <b>now I am in Jim Costa's district, but my Assembly</b> 21 <b>District remained the same, which is a predominantly</b> 22 <b>white district.</b> 23 <b>So they are the ones who made these lines.</b> 24 <b>And again, the authors had stated that they were</b> 25 <b>taking in Voter Rights Act. And even the person who</b></p>

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29 (113 to 116)

<p>113</p> <p>1 made the map stated that they made more</p> <p>2 Latino-majority districts, and I'm just taking them</p> <p>3 for their word.</p> <p>4 Q What Congressional District did you live in</p> <p>5 prior to Proposition 50?</p> <p>6 A CD21 -- 22.</p> <p>7 Q I see. And you're saying here that CD22 was</p> <p>8 not a VRA district when you lived in it?</p> <p>9 A CD22 was not a VRA district. All of Clovis</p> <p>10 used to be kept together.</p> <p>11 Maybe 22 is wrong. It might be CD20.</p> <p>12 Whichever district was Vince Fong's district.</p> <p>13 Q Focusing on CD21 -- I appreciate that</p> <p>14 clarification, that you were in Vince Fong's</p> <p>15 district. And it's your best understanding that was</p> <p>16 District 20; yes?</p> <p>17 A Yes. I believe it's -- I believe it's 20</p> <p>18 because Congressman Valadao is 22, as we spoke about</p> <p>19 earlier. Sorry. Just getting all the numbers mixed</p> <p>20 up.</p> <p>21 Q No. That's fair. California's got a lot of</p> <p>22 Congressional Districts.</p> <p>23 A Yeah.</p> <p>24 Q But focusing on CD21, you did testify earlier</p> <p>25 that that was previously Latino-majority; yes?</p>	<p>115</p> <p>1 that.</p> <p>2 You believed in this post when you made it;</p> <p>3 yes?</p> <p>4 A Yes. I believe in this post.</p> <p>5 ATTORNEY DODGE: Could we go to Tab 13, and</p> <p>6 label that Tangipa 13?</p> <p>7 (Tangipa Deposition Exhibit 13 marked for</p> <p>8 identification and attached to the transcript.)</p> <p>9 BY ATTORNEY DODGE:</p> <p>10 Q Do you recognize this document?</p> <p>11 A Yes.</p> <p>12 Q And this is a post to your personal X account</p> <p>13 on November 19, 2025; yes?</p> <p>14 A Yes.</p> <p>15 Q And this is also after the filing of the</p> <p>16 lawsuit; yes?</p> <p>17 A Yes.</p> <p>18 Q And you used the term "partisan gain" in the</p> <p>19 text of this post; yet -- yes?</p> <p>20 A Yes.</p> <p>21 Q And you believed in the truth of this post</p> <p>22 when you made it; yes?</p> <p>23 A Yes.</p> <p>24 ATTORNEY DODGE: Could we pull up Tab 14, and</p> <p>25 label it Tangipa 14?</p>
<p>114</p> <p>1 A Yes. CD21 was a VRA Latino-majority</p> <p>2 district.</p> <p>3 ATTORNEY DODGE: Can we pull up Tab 12, and</p> <p>4 label it Tangipa 12?</p> <p>5 (Tangipa Deposition Exhibit 12 marked for</p> <p>6 identification and attached to the transcript.)</p> <p>7 BY ATTORNEY DODGE:</p> <p>8 Q Do you recognize this document?</p> <p>9 A Yes. I do.</p> <p>10 Q And this is a post to your personal X account</p> <p>11 on November 13, 2025; yes?</p> <p>12 A Yes.</p> <p>13 Q And that would have been about a week or so</p> <p>14 after you filed the lawsuit, right?</p> <p>15 A Yes.</p> <p>16 Q And this tweet is about Proposition 50; yes?</p> <p>17 A It's about the DOJ signing onto our lawsuit.</p> <p>18 Q About Proposition 50?</p> <p>19 A Yes.</p> <p>20 Q And you believed the post to be true when you</p> <p>21 made it --</p> <p>22 A Wait. You cut out for a second there.</p> <p>23 Q I apologize.</p> <p>24 A What was that?</p> <p>25 Q I asked: You believe this post -- strike</p>	<p>116</p> <p>1 (Tangipa Deposition Exhibit 14 marked for</p> <p>2 identification and attached to the transcript.)</p> <p>3 BY ATTORNEY DODGE:</p> <p>4 Q Do you recognize this document?</p> <p>5 A Yes.</p> <p>6 Q And this is a press release you issued on</p> <p>7 November 5, 2025; right?</p> <p>8 A Yes.</p> <p>9 Q That would be the day after California voters</p> <p>10 approved Proposition 50; right?</p> <p>11 A Yes.</p> <p>12 Q And do you understand your lawyers produced</p> <p>13 this document to the parties in this litigation,</p> <p>14 right?</p> <p>15 A Yes. I sent it to them.</p> <p>16 Q Did you send any of the other exhibits we've</p> <p>17 discussed to your lawyers?</p> <p>18 A I sent any -- the requests that were made for</p> <p>19 me for emails that had to deal with Prop 50, and I</p> <p>20 sent that all to them.</p> <p>21 Q Can we go to the next page of this?</p> <p>22 Sorry. I think you might have to scroll</p> <p>23 down, sir.</p> <p>24 A Oh, sorry. I thought we were looking at</p> <p>25 another exhibit. My bad.</p>

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<p>117</p> <p>1 Q No, no, no. Don't worry about it. If you 2 could just go to the next page of this guy. 3 Okay. You say here: The people of 4 California deserve fair maps drawn by law, not by 5 politics. 6 Do you see that? 7 <b>A Yes.</b> 8 Q Okay. You use the term politics there; 9 right? 10 <b>A Yes.</b> 11 Q And then you say, quote: Prop 50 is an 12 unconstitutional power grab that manipulates 13 Congressional boundaries for partisan gain under the 14 false pretense of protecting voter rights. 15 Did I get that part right? 16 <b>A Yes.</b> 17 Q And you use the term partisan gain there 18 again, right? 19 <b>A Yes.</b> 20 Q Is it fair to say you use the term partisan 21 gain a few times in reference to Proposition 50? 22 <b>A Yes. I use partisan gain quite a bit,</b> 23 <b>because partisan can be racial. Partisan can be</b> 24 <b>political. Partisan can be all of that. That's --</b> 25 <b>it's a bias.</b></p>	<p>119</p> <p>1 listened in to IRC hearings, is that the term 2 partisan doesn't mean partisan party politics 3 necessarily -- 4 <b>A It does not only --</b> 5 Q Is that right? 6 <b>A It does not only mean party politics. That</b> 7 <b>is not what partisan -- you can have a racial</b> 8 <b>partisan. You can have a political partisan. You</b> 9 <b>can have geographical partisanship to favor one city</b> 10 <b>over the other. That is found very easily.</b> 11 <b>And again, in some of the exhibits that you</b> 12 <b>pulled up, there are times where I separate, and I</b> 13 <b>say the terms partisan gain and political</b> 14 <b>gerrymandering. I share that multiple times.</b> 15 Q Well, I appreciate -- I appreciate you -- I 16 appreciate you saying that. Because then you would 17 agree with me that throughout the campaign and 18 discussion and public debate over Proposition 50, 19 you told voters that it was about political gain; 20 yes? 21 <b>A The partisan, just like in this email shows,</b> 22 <b>partisan gain --</b> 23 Q Well, sir, was it -- 24 <b>A -- all of it.</b> 25 Q Fair enough.</p>
<p>118</p> <p>1 Q Maybe one final question on this point, just 2 so it's clear. 3 Just so it's clear for the Court, it's your 4 testimony here today that when a person says 5 partisan gain, they may be referring to racial gain; 6 is that your testimony today? 7 ATTORNEY MEUSER: I'm going to object to the 8 point that that calls for speculation. 9 Q Okay. Is it your testimony to the Court that 10 when you use the term partisan gain repeatedly over 11 the course of an election campaign, you, in fact, 12 mean racial gain? 13 <b>A I believe that it could mean multiple</b> 14 <b>reasons, is what partisan stands for. And I think</b> 15 <b>when we -- when we saw other exhibits, I actually</b> 16 <b>separate sometimes between partisan gain and</b> 17 <b>political gain. And I -- I actually share that in</b> 18 <b>some of the exhibits that you show.</b> 19 <b>And when I'm just talking generally what this</b> 20 <b>is, and when I say the terms partisan, it means this</b> 21 <b>entire biased, weaponized, stolen process, that was</b> 22 <b>lied to, to the California people, done by the</b> 23 <b>people in charge.</b> 24 Q So your testimony to the Court, as an 25 Assemblyman who majored in political science, who</p>	<p>120</p> <p>1 It was your testimony I think twice within 2 the last five minutes that you also frequently use 3 the term political gain in reference to 4 Proposition 50; yes? 5 <b>A I have -- I have used that term as well.</b> 6 Q Shifting gears a little bit, during the 7 debate on Proposition 50, you would make reference 8 to the prior map that was drawn by the Redistricting 9 Commission; right? 10 <b>A Yes. The original maps?</b> 11 Q Sure. 12 And you express support for that map, and for 13 the Redistricting Commission; right? 14 <b>A Yes.</b> 15 Q And one of the things you would like out of 16 this lawsuit is to return to that map; fair? 17 <b>A Yes.</b> 18 Q Why do you support the 2021 map? 19 <b>A Well, there was a ballot initiative that put</b> 20 <b>the hands in mapmaking under an Independent</b> 21 <b>Redistricting Commission, here in the State of</b> 22 <b>California from 2010. In the earlier transcript in</b> 23 <b>one of our exhibits, I talked about how that was the</b> 24 <b>gold standard. And instead of, in my opinion, doing</b> 25 <b>the thing that everybody hates, which is just</b></p>



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<p style="text-align: right;">121</p> <p>1 gerrymandering in general, we should put it under a</p> <p>2 Citizens Redistricting Commission, protect the gold</p> <p>3 standard, and actually lead by example for the rest</p> <p>4 of the nation.</p> <p>5 Q So you thought the 2021 map was a lawful map;</p> <p>6 fair to say?</p> <p>7 ATTORNEY MEUSER: I'm going to object to the</p> <p>8 extent that it calls for a legal conclusion.</p> <p>9 Q You can answer, sir.</p> <p>10 A I believe that there was a process in place</p> <p>11 that was done that followed the California</p> <p>12 Constitution that voters put on back in 2010.</p> <p>13 Q During the legislative debate on</p> <p>14 Proposition 50, did you ever ask a witness whether</p> <p>15 the prior map complied with the VRA, as you</p> <p>16 understand it?</p> <p>17 A I might have. I just don't remember.</p> <p>18 ATTORNEY DODGE: Why don't we take about a</p> <p>19 10-minute break, so I can go through my questions.</p> <p>20 But otherwise, I might be ready to pass the</p> <p>21 witness to State Counsel.</p> <p>22 Can we take 10 minutes at this time? Is that</p> <p>23 good with everyone?</p> <p>24 Great. So --</p> <p>25 ATTORNEY MEUSER: We can do that, but I would</p>	<p style="text-align: right;">123</p> <p>1 questions I should have asked you today?</p> <p>2 THE WITNESS: No.</p> <p>3 ATTORNEY DODGE: You'll get by your second</p> <p>4 deposition that that's mostly a joke.</p> <p>5 So I'm going to pass the witness to States'</p> <p>6 Attorneys.</p> <p>7 I'm going to -- given that we are in the</p> <p>8 somewhat unique circumstance of, you know, likely</p> <p>9 splitting this deposition over two days, I'm going</p> <p>10 to, you know, advise the witness -- I'm sure he</p> <p>11 already appreciates this -- that during breaks in a</p> <p>12 deposition, it is not proper to speak with Counsel</p> <p>13 about the contents of the deposition. And that</p> <p>14 obviously applies with particular force given the</p> <p>15 prolonged break we'll be taking going into tomorrow.</p> <p>16 So I just want that to be very clear to the</p> <p>17 witness and on the record, and I have every</p> <p>18 confidence he will adhere to that Court rule.</p> <p>19 With that, I will pass the witness to</p> <p>20 Ms. Rosenberg.</p> <p>21 ATTORNEY ROSENBERG: Thank you very much.</p> <p>22 And hello, David. Nice speaking with you.</p> <p>23 So as Chris alluded to there, we think given</p> <p>24 that we have 23 minutes left for the evening, and</p> <p>25 that's not enough time for the State to get through</p>
<p style="text-align: right;">122</p> <p>1 just ask the question: If we think that we could be</p> <p>2 done by 9:00, so we don't have to all get back up</p> <p>3 and do this tomorrow, would it make sense to have</p> <p>4 the State start theirs while you review your</p> <p>5 questions, and then you would come in and finish</p> <p>6 off?</p> <p>7 But I just don't -- I don't want to rush it</p> <p>8 if the State thinks that they have more than 40</p> <p>9 minutes, and we're going to go into tomorrow</p> <p>10 anyways, then we might as well take the 10-minute</p> <p>11 break.</p> <p>12 ATTORNEY ROSENBERG: We should take the</p> <p>13 10-minute break so that we have an opportunity to</p> <p>14 confer.</p> <p>15 ATTORNEY MEUSER: Okay. Take the 10-minute</p> <p>16 break then.</p> <p>17 ATTORNEY DODGE: I think that will be most</p> <p>18 efficient for everyone.</p> <p>19 THE VIDEOGRAPHER: Stand by.</p> <p>20 We're going off the record. The time is</p> <p>21 8:18.</p> <p>22 (Recess from 8:18 p.m. until 8:36 p.m.)</p> <p>23 THE VIDEOGRAPHER: We're back on the record.</p> <p>24 The time is 8:36.</p> <p>25 ATTORNEY DODGE: Mr. Tangipa, are there any</p>	<p style="text-align: right;">124</p> <p>1 our questioning, we'd like to take a break here, let</p> <p>2 everybody, you know, get some rest, and we'll come</p> <p>3 back at 8:00 tomorrow morning as planned.</p> <p>4 THE WITNESS: Is there -- is there a chance</p> <p>5 that we can go, even if we need to add an extra</p> <p>6 hour, or...</p> <p>7 ATTORNEY ROSENBERG: No. No. That -- that</p> <p>8 won't work. And so we'll need to reconvene tomorrow</p> <p>9 as planned at 8:00.</p> <p>10 THE WITNESS: Okay.</p> <p>11 ATTORNEY ROSENBERG: Okay. Well, thank you</p> <p>12 very much for your time so far, and we will look</p> <p>13 forward to seeing you in the morning.</p> <p>14 And I think, unless there are any objections,</p> <p>15 we can go off the record now.</p> <p>16 THE VIDEOGRAPHER: This marks the end of the</p> <p>17 of deposition of David Tangipa. We're going off the</p> <p>18 record. The time is 8:38.</p> <p>19 ATTORNEY ROSENBERG: Just a clarification</p> <p>20 there. We are not ending the deposition of Assembly</p> <p>21 Member Tangipa. We are pausing it until tomorrow's</p> <p>22 session.</p> <p>23 THE VIDEOGRAPHER: We are pausing the</p> <p>24 deposition at 8:38.</p> <p>25 ATTORNEY ROSENBERG: Thank you.</p>



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32 (125 to 128)

<p>125</p> <p>1 (The videotaped deposition of DAVID TANGIPA 2 recessed at 8:38 p.m.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	
<p>126</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER 2 3 I, Kadi A. Harmon, the officer before whom the 4 foregoing deposition was taken, do hereby certify 5 that the foregoing transcript is a true and correct 6 record of the testimony given; that said testimony 7 was taken by me stenographically and thereafter 8 reduced to typewriting under my direction; that 9 reading and signing was not discussed; and that I am 10 neither counsel for, related to, nor employed by any 11 of the parties to this case and have no interest, 12 financial or otherwise, in its outcome. 13 IN WITNESS WHEREOF, I have hereunto set my hand 14 and affixed my notarial seal this 10th day of 15 December, 2025. 16 17 18 My commission expires: 19 December 18, 2026 20 21  22 _____ 23 NOTARY PUBLIC IN AND FOR THE 24 STATE OF NEW YORK 25</p>	

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# **Exhibit 401B**





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# Transcript of David Tangipa, Volume 2

**Date:** December 6, 2025

**Case:** Tangipa, et al. -v- Newsom, et al.

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**Tangipa v. Newsom**

**DX401B**

2:25-cv-10616-JLSWLH-KKL

Transcript of David Tangipa, Volume 2

1 (127 to 130)

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<p style="text-align: right;">127</p> <p>1                   IN THE UNITED STATES DISTRICT COURT 2                   FOR THE CENTRAL DISTRICT OF CALIFORNIA 3                   WESTERN DIVISION 4                   - - - - -x 5                   DAVID TANGIPA, et al.,                   : 6                   Plaintiffs,                   : 7                   and                   : 8                   UNITED STATES OF AMERICA,                   : 9                   Plaintiff-Intervenor,                   : 10                  v.                   : 2:25-cv-10616- 11                   GAVIN NEWSOM, in his Official                   : 12                   Capacity as the Governor of                   : 13                   California, et al.,                   : 14                   Defendants,                   : 15                   and                   : 16                   DEMOCRATIC CONGRESSIONAL                   : 17                   CAMPAIGN COMMITTEE, et al.,                   : 18                   Defendant-Intervenors.                   : 19                   - - - - -x 20                   Videotaped Deposition of 21                   DAVID TANGIPA 22                   Volume II 23                   Conducted Virtually 24                   Saturday, December 6, 2025 25                   8:11 a.m. PST  26                   Job No.: 612156 27                   Pages: 127 - 157 28                   Reported By: Kadi A. Harmon</p>	<p style="text-align: right;">129</p> <p>1                   A P P E A R A N C E S 2 3                   ON BEHALF OF PLAINTIFFS: 4                   MARK P. MEUSER, ESQUIRE 5                   DHILLON LAW GROUP INC. 6                   177 Post Street, Suite 700 7                   San Francisco, CA 94108 8                   (415) 433-1700 9 10 11                  ON BEHALF OF DEFENDANTS CALIFORNIA GOVERNOR GAVIN 12                  NEWSOM and SECRETARY of STATE SHIRLEY WEBER: 13                  JENNIFER E. ROSENBERG, ESQUIRE 14                  HARALD KIRN, ESQUIRE 15                  ANYA M. BINSACCA, ESQUIRE 16                  CARTER M. JANSEN, ESQUIRE 17                  CLINTON WOODS, ESQUIRE 18                  DEPUTY ATTORNEYS GENERAL 19                  STATE OF CALIFORNIA DEPARTMENT OF JUSTICE 20                  1300 I Street, Suite 125 21                  Sacramento, CA 95814 22                  (916) 210-6242 23 24 25</p>
<p style="text-align: right;">128</p> <p>1                   Deposition of DAVID TANGIPA, conducted 2                   virtually by videoconference. All parties attended 3                   remotely. 4 5 6 7 8 9 10                  Pursuant to notice, before Kadi A. Harmon, 11                  Court Reporter and Notary Public in and for the 12                  State of New York. 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">130</p> <p>1                   A P P E A R A N C E S   C O N T I N U E D 2 3                   ON BEHALF OF DEFENDANT-INTERVENOR DEMOCRATIC 4                   CONGRESSIONAL CAMPAIGN COMMITTEE: 5                   CHRISTOPHER D. DODGE, ESQUIRE 6                   MAX ACCARDI, ESQUIRE 7                   ELIAS LAW GROUP LLP 8                   250 Massachusetts Ave. NW, Suite 400 9                   Washington, DC 20001 10                  (202) 968-4652 11 12 13                  ON BEHALF OF DEFENDANT-INTERVENOR LEAGUE OF UNITED 14                  LATIN AMERICAN CITIZENS: 15                  JOHN FREEDMAN, ESQUIRE 16                  JACOB KOVACS-GOLDMAN, ESQUIRE 17                  DEMOCRACY DEFENDERS ACTION 18                  info@democracydefenders.org 19 20 21                  ALSO PRESENT: 22                  Christie Jeon, Videographer 23                  Jeremy Dineen, Technician 24 25</p>

Transcript of David Tangipa, Volume 2

2 (131 to 134)

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131	133
1 C O N T E N T S	1 testimony.
2	2 Q Okay. Great.
3 EXAMINATION OF DAVID TANGIPA PAGE	3 And to clarify on that, it's just a question
4 By Attorney Rosenberg 132	4 that we always ask in depositions: You haven't had
5	5 anything to drink or ingested any substances that
6	6 would affect your ability to give testimony today;
7 E X H I B I T S	7 right?
8 (Attached to the Transcript.)	8 A None.
9	9 Q Great.
10 TANGIPA DEPOSITION EXHIBIT PAGE	10 Okay. So just a reminder that you are under
11 Exhibit 15 Defendants First Set of 136	11 oath to tell the truth under the penalty of perjury.
12 Requests For Production of	12 My name is Jenni Rosenberg. I'm a Deputy
13 Documents to Plaintiffs and	13 Attorney General with the California Attorney
14 Plaintiff-Intervenor	14 General's Office, and I represent the State
15	15 Defendants here, so California Governor Newsom and
16	16 the Secretary of State Shirley Weber.
17 PREVIOUSLY MARKED EXHIBITS	17 In order for us to proceed today, just like
18 (Copy of Original Attached to the Transcript.)	18 yesterday, some ground rules. Please when you're
19	19 answering questions, no hmm-mmms, shrugs, nodding
20 TANGIPA DEPOSITION EXHIBIT PAGE	20 yes. We would like a yes or no answer, or at least
21 Exhibit 5 Reject50.com 151	21 a full sentence, instead of any -- any nods or
22	22 gestures.
23	23 Of course, we want to make sure that we don't
24	24 talk over each other, and also that we give the
25	25 Court Reporter time to check in if she didn't hear
132	134
1 P R O C E E D I N G S	1 something, or if -- which will probably be the case,
2 THE VIDEOGRAPHER: Here begins Media Number 1	2 if I speak too quickly, she may jump in and tell me
3 in the videotaped deposition of David Tangipa,	3 to slow down.
4 Day 2, in the matter of Tangipa, et al. versus	4 So please make sure to give a little bit of
5 Newsom, et al.	5 time in your responses, or give time for your
6 Today's date is December 6th, 2025. The time	6 attorney to object, if he needs to object.
7 on the video monitor is 8:11.	7 Let's see. Again, just as in yesterday, if
8 All oaths and stipulations still remain in	8 there's a point where you need a glass of water, or
9 place.	9 if you get hungry, if you need to take a five-minute
10 ATTORNEY ROSENBERG: Great.	10 break, that's no problem. We would just ask that we
11 May Counsel proceed?	11 take any breaks after you have completed answering a
12 THE VIDEOGRAPHER: Yes. Thank you.	12 question rather than in the middle of a question.
13 ATTORNEY ROSENBERG: Thank you so much.	13 Any questions about the procedure today?
14 Well, welcome back everybody to our second	14 A Not at all.
15 session today. Thank you for joining us.	15 ATTORNEY ROSENBERG: Okay. Great.
16 E X A M I N A T I O N	16 So I'm just checking with my co-counsel. I
17 BY ATTORNEY ROSENBERG:	17 think we had -- we had a mix up on an exhibit that
18 Q I just wanted to start off at the top here	18 we were going to use first today.
19 with just a couple of reminders about the procedure	19 Harry, are you able to send the exhibit over
20 today. And also a question, I just wanted to make	20 to the Tech, that would be new Exhibit 15?
21 sure: David, you are prepared to proceed today?	21 ATTORNEY KIM: Yeah. It will be there in
22 A Yes.	22 about five seconds.
23 Q And there's no reason that you wouldn't be	23 ATTORNEY ROSENBERG: Great.
24 prepared to give full and honest testimony today?	24 And Jeremy, are you able to pull up that new
25 A No reason I wouldn't give full and honest	25 Exhibit 15?

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<p>135</p> <p>1 THE AV TECHNICIAN: I am waiting for -- is it 2 going to have the same -- oh. Never mind. I've got 3 it now. It's just going to take me a minute to 4 rework everything, so please stand by. 5 ATTORNEY ROSENBERG: Okay. Great. Sorry 6 about that. 7 BY ATTORNEY ROSENBERG: 8 Q All right. In the interim, I'll just say, I 9 know yesterday we touched very briefly on discovery 10 responses, so my next set of questions are going to 11 be about those. 12 And I know we talked about the fact that you 13 were asked to provide your social media handles, and 14 also that you searched for and disclosed emails that 15 you sent out. I wanted to ask if you had the 16 opportunity to check for any emails that you 17 received that would have been responsive to 18 discovery, and we'll talk a little bit more about 19 them in a moment. 20 But did you have a chance to search for 21 emails that you received, in addition to emails you 22 sent out? 23 A Emails that I received from who? 24 Q From anyone. 25 A So in general, responses to those emails?</p>	<p>137</p> <p>1 Q Great. 2 And what is it? 3 A I believe this was referred to as the 4 Complaint for the lawsuit. 5 Q No. Let's scroll to the first page. 6 A Okay. 7 Q Could you read the title of the document for 8 me, please? 9 And I could take you to where the title is. 10 A It's Defendants First Set of Requests For 11 Production of Documents to Plaintiffs and 12 Plaintiff-Intervenor. 13 Q Okay. 14 A Yeah. 15 Q So is this a document that you recall seeing, 16 or is this something new to you? 17 A No. I believe I've seen this. There's just 18 a lot of documents that were sent to me. 19 Q That is how litigation goes. I know -- 20 A Yeah. 21 Q -- in your job too, you see lots of documents 22 too. 23 A I see a lot -- 24 Q So these -- 25 (Reporter clarification.)</p>
<p>136</p> <p>1 Q Responsive to our discovery requests. 2 A So those were, like, emails through a, like a 3 third-party vendor. Are you asking for those as 4 well? Because I don't -- that would be something -- 5 that'd be additional requests from the mass public. 6 ATTORNEY ROSENBERG: No. 7 Okay. So we'll wait until the Tech has had 8 an opportunity to upload those requests, and we'll 9 walk through them then. 10 Jeremy, how are we doing? 11 THE AV TECHNICIAN: Just a few seconds. 12 ATTORNEY ROSENBERG: Great. Thank you. 13 It's Saturday morning. Everything's moving a 14 little slowly. 15 THE WITNESS: I know this is exactly what we 16 all wanted to do on Saturday morning. 17 (Tangipa Deposition Exhibit 15 marked for 18 identification and attached to the transcript.) 19 BY ATTORNEY ROSENBERG: 20 Q Okay. So we are showing you what has been 21 marked as Exhibit 15 here. 22 David, if you would take a moment to take a 23 look through this document and let me know, first of 24 all, whether you have ever seen it before? 25 A Yes. I've seen this before.</p>	<p>138</p> <p>1 Q So these are, as you said, Defendant's first 2 set of requests for production of documents. These 3 are discovery requests. 4 If you can scroll down to the second page, 5 and I'd like you to take a look at Paragraph 6 Number 2 there that starts with: These requests. 7 Could you read that paragraph for us, please, 8 out loud? 9 A Starting from 2? 10 Q Starting from 2. 11 A Yeah. These requests seek all responsive 12 documents in the Challenger's possession, custody or 13 control, or the possession, custody, or control of 14 the Challenger's agents, employees, representatives, 15 accountants, attorneys, unless privileged, and all 16 other persons acting for the Challenger, or on the 17 Challenger's behalf. 18 Q Great. Thank you. 19 And then let's also go down to the fifth 20 page, where there are a set of definitions. 21 Great. 22 And if you could read Paragraph Number 2 23 starting with Challengers there? 24 A Challengers refers to all Plaintiffs and 25 Plaintiff-Intervenor, collectively and individually,</p>

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<p>139</p> <p>1 as well as all current and former employees, agents, 2 representatives, and any other persons acting or 3 purporting on act -- to act on their behalf. 4 Q Great. 5 A Okay. 6 Q We can stop there. Thank you. 7 You are a Plaintiff in this action; is that 8 correct? 9 A Yes. 10 Q Great. So given this definition, do you 11 understand yourself to be one of the Challengers? 12 A Yes. 13 Q Great. 14 Let's also take a look at Paragraph Number 3. 15 Could you read that for me, please? 16 A Communication means the transmittal in any 17 form: Electronic, written, typed -- 18 (Reporter clarification.) 19 A Communication means the transmittal in any 20 form: Electronic, written, typed, spoken, or 21 otherwise, of information, including but not limited 22 to, any email, text message, electronic message, 23 note, fax, memorandum, encrypted messages, or social 24 media post. 25 Q Great. Thank you.</p>	<p>141</p> <p>1 custody, or control relating to both the 2025 2 California Congressional Redistricting and either 3 race or partisanship, including but not limited to, 4 documents and communications relating to the 2025 5 California Congressional redistricting that 6 reference race, politics, racial gerrymandering, 7 partisan gerrymandering, one party role, political 8 gain, political advantage, partisan gain, partisan 9 advantage, a power grab, Democrat, Democrats, 10 Republicans, Republican, Latinos, Latino, Voter 11 Rights Act, VRA, Hispanic or Hispanics, retaliation 12 or a response to districting elsewhere. 13 Q Great. Thank you so much. 14 So let me ask again: Have you read Request 15 for Production Number 1 before today? 16 A I did not read that. No. 17 Q Okay. Was it conveyed to you by anyone on 18 your team? 19 A Yes. I have talked to them about the 20 documents that they have requested from me. 21 Q But this -- the entirety of this request was 22 not conveyed to you; is that correct? 23 A No. They talked to me about the documents 24 that I was needing, and about the amount of anything 25 that had to do with politics, racial gerrymandering,</p>
<p>140</p> <p>1 And then could you also read Paragraph 2 Number 4, starting with document please? 3 A Document means the original and all 4 non-identical copies and drafts of any handwritten, 5 printed, typed, recorded, digital, graphic or 6 photogenic material of any kind and nature, 7 including all drafts thereof, and all mechanical or 8 electronic sound recordings or transcripts thereof, 9 however produced or reproduced, and shall have 10 permitted the broadest possible meaning permitted 11 under Fed R. Civ. P34A. 12 Q Great. 13 And then the last definition to read here, 14 could you please read Paragraph 5, starting with 15 non-privileged? 16 A Yeah. 17 Non-privileged means not protected by a legal 18 privilege, such as the attorney-client privilege. 19 Q Great. Thank you. 20 Let's scroll down to Page Number 6, and could 21 you please read for me the entirety of Request for 22 Production Number 1, starting with: All 23 non-privileged? 24 A All non-privileged documents and 25 communications in any Challenger's possession,</p>	<p>142</p> <p>1 all of that. And I conveyed to them that I -- 2 ATTORNEY MEUSER: I'm going to stop you right 3 now because you're getting into attorney-client 4 communications, so -- 5 ATTORNEY ROSENBERG: Sure. 6 ATTORNEY MEUSER: -- DOJ, tread lightly. 7 ATTORNEY ROSENBERG: Sure. Absolutely. 8 BY ATTORNEY ROSENBERG: 9 Q And I -- I'm not asking you to disclose any 10 counsel that your attorney has given you. So please 11 feel free not to give me any of that. I simply 12 wanted to know if you had received the full universe 13 of the request that we conveyed to you. 14 Is that yes? 15 A Yes. 16 Q Yes. Okay. 17 So did you understand that this request 18 required you to search your emails, personal and 19 public, for any communications, including those you 20 received and those you sent? 21 ATTORNEY MEUSER: And I'm going to object to 22 the extent that his answer requires to divulge 23 attorney-client communications. 24 ATTORNEY ROSENBERG: Right. So I'm not 25 asking for anything that would require disclosure of</p>

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<p>143</p> <p>1 attorney-client communications. I'm asking for 2 David's understanding of the request. 3 THE WITNESS: To the best of my ability, I 4 have provided everything I could. 5 BY ATTORNEY ROSENBERG: 6 Q That's not an answer to my question. 7 Did you understand that you were required to 8 produce emails, whether those were personal emails 9 or public emails, that you both received or sent in 10 response -- 11 ATTORNEY MEUSER: Again -- 12 Q -- to this request? 13 ATTORNEY MEUSER: I'm going to state for the 14 record that there was an objection made, and that 15 there was a very limited request that we told him to 16 do. There was a meet and confer over this issue 17 yesterday, and subsequent communications have been 18 given to the client about what he's to do now, 19 versus what he was to do in -- when he originally 20 saw this. 21 I do not believe my client can answer these 22 questions the way how you are wording them without 23 divulging attorney-client communications, and I'm 24 going to instruct him not to answer. 25 BY ATTORNEY ROSENBERG:</p>	<p>145</p> <p>1 acquaintances? 2 <b>A I don't believe so.</b> 3 Q Okay. Thank you. 4 I want to shift gears and talk a little bit 5 about the discussion about the ERRA, the bills that 6 placed Prop 50 on the map, outside of the context of 7 legislative hearings. 8 Did you receive any communications from 9 fellow legislators about the AB 604 map or about 10 ACA 8 during the courses of the legislative 11 hearings? 12 <b>A I had spoken -- well, yes.</b> 13 Q Okay. What form were those communications? 14 <b>A We're talking to, like, the other members?</b> 15 Q Sure. So let me clarify. 16 Did you receive any emails from fellow 17 legislators in which you discussed AB 604? 18 <b>A Not necessarily. Mainly just communication</b> 19 <b>between each other, either talking on the phone or</b> 20 <b>text messages, maybe a few.</b> 21 Q Okay. So you believe that you had text 22 messages with other legislators about AB 604? 23 <b>A I don't know if it actually includes the term</b> 24 <b>AB 604 at all.</b> 25 Q Sure. So let me clarify.</p>
<p>144</p> <p>1 Q Okay. Have you produced yet any emails that 2 you received, whether public or private, that would 3 cover any of these topics in Request for Production 4 Number 1? 5 <b>A I believe I've produced everything that was</b> 6 <b>asked of me.</b> 7 Q Asked of you by whom? 8 <b>A That was -- that I spoke to -- that was</b> 9 <b>requested for me by my attorneys.</b> 10 Q Okay. Thank you. 11 And am I correct that the only emails that 12 you produced so far were emails that were sent by a 13 third-party vendor to the public? 14 <b>A I believe so.</b> 15 Q Okay. Thank you. 16 You have not produced any communications yet 17 between you and any friends; is that right? 18 <b>A Me and any friends?</b> 19 Q Yes. 20 <b>A I don't believe so.</b> 21 Q And you haven't produced any communications 22 between you and any family members; is that correct? 23 <b>A I don't believe so.</b> 24 Q And you haven't produced any communications 25 that would have been informal between you and any</p>	<p>146</p> <p>1 When I'm saying about AB 604, I mean any 2 topic relating to the drawing of the maps, that were 3 included in AB 604. 4 Did you -- you did not understand the 5 question; is that correct? 6 <b>A I'm trying to -- please ask again.</b> 7 Q Sure. No problem. 8 Did you have any communications with fellow 9 legislators about the drawing of the new maps that 10 were proposed in Prop 50? 11 <b>A Yes.</b> 12 Q And were those during the course of the 13 legislative hearings? 14 <b>A Yes.</b> 15 Q Were those outside of the context of the 16 legislative hearings? 17 And when I say that, I mean outside of the 18 formal proceedings. 19 <b>A I would believe so, yes.</b> 20 Q Okay. So those -- did those include text 21 messages exchanged between you and other 22 legislators, between August 18th and August 21st? 23 <b>A Yes. I believe so.</b> 24 Q Were those Democratic legislators? 25 <b>A There could be some, yes.</b></p>




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<p>147</p> <p>1 Q And did you receive or send any text messages</p> <p>2 with Republican legislators?</p> <p>3 A To the best of my knowledge, I talked about</p> <p>4 it a lot to -- a lot.</p> <p>5 Q Okay.</p> <p>6 A So it --</p> <p>7 Q Did you also have one-on-one or personal</p> <p>8 conversations in person with any fellow legislators</p> <p>9 about the drawing of the maps that would become</p> <p>10 Prop -- Proposition 50?</p> <p>11 A I often said: Why are you doing this?</p> <p>12 Q Okay. And did you receive any responses as</p> <p>13 to why -- why any of those legislators were persuing</p> <p>14 the ERRA?</p> <p>15 A A plethora.</p> <p>16 Q Some examples -- would you provide some</p> <p>17 examples of that plethora of responses?</p> <p>18 A I was, I couldn't tell you. There was so</p> <p>19 many out there that most of them simply said: Well,</p> <p>20 okay. What about Texas? That was their general</p> <p>21 response across the board.</p> <p>22 You know, to others, talking about why -- why</p> <p>23 are we focusing on this when we can take on so many</p> <p>24 more important issues for Californians.</p> <p>25 Q Understood.</p>	<p>149</p> <p>1 A When you say that, you mean like if I'm in</p> <p>2 the building, does that count as legislative</p> <p>3 hearings?</p> <p>4 Q I mean not on the record during legislative</p> <p>5 session. But, sure. It could be in the hallway; it</p> <p>6 could be over the phone; it could be text message;</p> <p>7 it could be an Instagram message.</p> <p>8 Any form of communication outside of the</p> <p>9 legislative hearing.</p> <p>10 A My Democrat colleagues can't stop talking</p> <p>11 about race, so...</p> <p>12 Q So I'm asking about your particular -- thank</p> <p>13 you.</p> <p>14 What I'm asking is whether you had -- I'm</p> <p>15 asking about the communications you had with</p> <p>16 legislators directly about the ERRA.</p> <p>17 So let me ask again: Who were the</p> <p>18 legislators that you communicated with who told you</p> <p>19 that race was a motivating factor, or rather the</p> <p>20 predominate motivating factor in voting for the</p> <p>21 ERRA?</p> <p>22 A See, these conversations were quite a while</p> <p>23 ago, and I spoke to everybody. So the --</p> <p>24 Q Okay.</p> <p>25 A So the race was -- was a major factor for a</p>
<p>148</p> <p>1 Did any of those legislators tell you that</p> <p>2 their main purpose in voting for ACA 8 was racially</p> <p>3 motivated?</p> <p>4 A Yes.</p> <p>5 Q Who told you that?</p> <p>6 A Isaac Bryan.</p> <p>7 Q Did any other legislators tell you that their</p> <p>8 main purpose in voting for Prop 50, or rather for</p> <p>9 the ERRA was racially motivated?</p> <p>10 A They often talked about race.</p> <p>11 Q That's not quite the answer to my question.</p> <p>12 My question was whether there were any other</p> <p>13 legislators who told you that their main purpose in</p> <p>14 voting for the ERRA was racially motivated?</p> <p>15 A There were quite a few that had talked about</p> <p>16 how race was a major factor into the way that they</p> <p>17 created these maps.</p> <p>18 Q And who were those legislators, if you --</p> <p>19 A Marc Berman said that in the Elections</p> <p>20 Committee.</p> <p>21 Q So I'm talking about communications outside</p> <p>22 the context of the legislative hearings.</p> <p>23 A Yes.</p> <p>24 Q Did you have communications with Marc Berman</p> <p>25 outside the context of the legislative hearings?</p>	<p>150</p> <p>1 lot of them, because they had stated that race was a</p> <p>2 major factor for a lot of them.</p> <p>3 And I -- whether it's not on the record or</p> <p>4 not, I mean, I was one of the main people who talked</p> <p>5 about this to everybody.</p> <p>6 Q Did those same legislators you spoke with</p> <p>7 also state that a main purpose of voting for the</p> <p>8 ERRA was to gain more Democratic seats?</p> <p>9 A Yes.</p> <p>10 Q Were there any other -- strike that.</p> <p>11 I want to turn to something that we were</p> <p>12 talking about yesterday, and that was the concept of</p> <p>13 partisan gerrymandering.</p> <p>14 Yesterday, if I'm remembering correctly --</p> <p>15 and please do correct me if I'm wrong -- but you</p> <p>16 said that the term partisan refers to anything done</p> <p>17 for any strong bias. Is that a fair</p> <p>18 characterization of what you said yesterday?</p> <p>19 A Yes.</p> <p>20 Q Okay. So would that include, for example,</p> <p>21 any religious bias?</p> <p>22 A Yes.</p> <p>23 Q And would that include cultural bias?</p> <p>24 A Yes.</p> <p>25 Q Would that include racial bias?</p>

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<p>151</p> <p>1 <b>A Yes.</b></p> <p>2 Q Would that include political bias?</p> <p>3 <b>A Yes.</b></p> <p>4 Q And I'm a Dodgers fan. Would that include</p> <p>5 any sports team fanatic bias?</p> <p>6 Yes. So anything in your view?</p> <p>7 <b>A Yes.</b></p> <p>8 Q Okay. Good to know.</p> <p>9 Would it be fair to say that it's your</p> <p>10 position that Californians are better off when there</p> <p>11 are more Republicans in office?</p> <p>12 <b>A Would it -- would it be my position that</b></p> <p>13 <b>Californians would be better off?</b></p> <p>14 Q Yes.</p> <p>15 <b>A To be honest with you, I actually don't</b></p> <p>16 <b>really care.</b></p> <p>17 ATTORNEY ROSENBERG: Okay. Good to know.</p> <p>18 Why don't we take a look at -- I believe it</p> <p>19 was Exhibit 5 from yesterday.</p> <p>20 Could we pull that up, please?</p> <p>21 THE AV TECHNICIAN: Would you like that in</p> <p>22 the chat as well, or just on the screen?</p> <p>23 ATTORNEY ROSENBERG: Sure. We can have it in</p> <p>24 the chat as well, but on the screen would be best.</p> <p>25 (Previously marked Tangipa Deposition</p>	<p>153</p> <p>1 <b>benefit areas that don't represent the people.</b></p> <p>2 <b>That's what a rigged election is.</b></p> <p>3 Q Okay. Great.</p> <p>4 Let's scroll down to Page 2.</p> <p>5 Would it be fair to say that it was your view</p> <p>6 that Prop 50 was aimed at eliminating five</p> <p>7 Republican districts and strengthening Democratic</p> <p>8 seats?</p> <p>9 <b>A Yes.</b></p> <p>10 Q Yeah. So when you describe Prop 50 as a</p> <p>11 partisan gerrymander, you meant in part that its</p> <p>12 goal was to eliminate Republican seats; right?</p> <p>13 <b>A Part of it, yes.</b></p> <p>14 Q And you also meant that when you describe</p> <p>15 Prop 50 as a partisan gerrymander, that it was</p> <p>16 meant, in part, to gain a Democratic supermajority;</p> <p>17 is that right?</p> <p>18 <b>A Part of it, yes.</b></p> <p>19 Q Would you say that you understood the main</p> <p>20 purpose behind Prop 50 to be eliminating those five</p> <p>21 Republican seats?</p> <p>22 <b>A I believe that the main goal of Prop 50 was</b></p> <p>23 <b>for absolute power.</b></p> <p>24 Q And when you say absolute power, what do you</p> <p>25 mean?</p>
<p>152</p> <p>1 Exhibit 5 introduced and attached to the</p> <p>2 transcript.)</p> <p>3 BY ATTORNEY ROSENBERG:</p> <p>4 Q So we have on the screen what was marked as</p> <p>5 Exhibit 5 yesterday. Do you recall seeing this</p> <p>6 document yesterday?</p> <p>7 <b>A Yes.</b></p> <p>8 Q And what is this document?</p> <p>9 <b>A This is the website for Prop 50.</b></p> <p>10 Q This is your website for no on Prop 50; is</p> <p>11 that right?</p> <p>12 <b>A For no on Prop 50. Yes.</b></p> <p>13 Q Okay. So let's -- as part of your no on 50</p> <p>14 campaign, you told voters to say no to rigged</p> <p>15 elections; right?</p> <p>16 <b>A Yes.</b></p> <p>17 Q Okay. And it's fair to say that what you</p> <p>18 meant by rigged election was a power grab; is that</p> <p>19 right?</p> <p>20 <b>A Yes. It was throwing out the proposition</b></p> <p>21 <b>from 2010.</b></p> <p>22 Q Okay. And that rigged election would also</p> <p>23 encompass prioritizing political power over the will</p> <p>24 of the people; is that right?</p> <p>25 <b>A It's stripping voices from rural areas to</b></p>	<p>154</p> <p>1 <b>A That absolute power corrupts absolutely, and</b></p> <p>2 <b>concentrated power is the worst thing that could</b></p> <p>3 <b>happen.</b></p> <p>4 Q So your understanding of the goal of Prop 50</p> <p>5 was that it was to concentrate Democratic power; is</p> <p>6 that right?</p> <p>7 <b>A That's what a rigged election is, is to</b></p> <p>8 <b>concentrate power under authoritarian rule.</b></p> <p>9 Q So that's not exactly what I asked.</p> <p>10 I asked if it was your view that the goal of</p> <p>11 Prop 50 was to concentrate Democratic power?</p> <p>12 <b>A I believe that was part of it, yes.</b></p> <p>13 Q Okay. And the other part, in your view,</p> <p>14 was --</p> <p>15 ATTORNEY MEUSER: Asked and answered.</p> <p>16 You may answer.</p> <p>17 <b>A Stripping voices from rural areas and</b></p> <p>18 <b>diminishing the votes of portions of California that</b></p> <p>19 <b>they don't like.</b></p> <p>20 Q Okay. And so that's what you meant when you</p> <p>21 described Prop 50 as a partisan gerrymander?</p> <p>22 <b>A What I described as a partisan gerrymander,</b></p> <p>23 <b>it's all-encompassing for what was done when it</b></p> <p>24 <b>comes to striping voices, rural California, the way</b></p> <p>25 <b>that they redistricted, and how they justified their</b></p>

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<p>155</p> <p>1 ways that they did it, to -- to concentrate power 2 under authoritarian rule. 3 ATTORNEY ROSENBERG: I'd like to take a 4 five-minute break here, just to consult with my 5 co-counsel. If everybody's okay with that, we can 6 take a break, get some water, and come back in about 7 five minutes. 8 Maybe go off the record. 9 THE VIDEOGRAPHER: We're going off the 10 record. The time is 8:42. 11 (Recess from 8:42 a.m. until 8:48 a.m.) 12 THE VIDEOGRAPHER: We are back on the record. 13 The time is 8:48. 14 ATTORNEY ROSENBERG: Great. Well, thank you 15 for coming back after that quick break. 16 That's actually all of my questions for 17 today, before -- and for this deposition, at least 18 in my mind. 19 So before I pass it off to my colleague at 20 LULAC, I just wanted to note for the record that 21 Attorney Mark Meuser, who is the Assembly Member's 22 Counsel, is again, off screen today, despite our 23 request that he be on screen. So just noting that 24 for the record. 25 ATTORNEY MEUSER: Noted.</p>	<p>157</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER 2 3 I, Kadi A. Harmon, the officer before whom the 4 foregoing deposition was taken, do hereby certify 5 that the foregoing transcript is a true and correct 6 record of the testimony given; that said testimony 7 was taken by me stenographically and thereafter 8 reduced to typewriting under my direction; that 9 reading and signing was not discussed; and that I am 10 neither counsel for, related to, nor employed by any 11 of the parties to this case and have no interest, 12 financial or otherwise, in its outcome. 13 IN WITNESS WHEREOF, I have hereunto set my hand 14 and affixed my notarial seal this 10th day of 15 December, 2025. 16 17 18 My commission expires: 19 December 18, 2026 20 21  22 23 NOTARY PUBLIC IN AND FOR THE 24 STATE OF NEW YORK 25</p>
<p>156</p> <p>1 But there was technology issues, as I said 2 yesterday. So you got your deposition. I'm right 3 here besides him. 4 ATTORNEY FREEDMAN: For LULAC, we have no 5 questions for this witness at this time. 6 ATTORNEY ROSENBERG: That's all today, if we 7 are ready to conclude. 8 ATTORNEY MEUSER: DCCC, no follow-ups? 9 ATTORNEY ACCARDI: This is Max Accardi. No 10 follow-ups on behalf of DCCC. 11 THE VIDEOGRAPHER: Stand by. 12 This marks the end of the deposition of David 13 Tangipa. We are going off the record. The time 14 is 8:50. 15 (The videotaped deposition of DAVID TANGIPA 16 was adjourned at 8:50 a.m.) 17 18 19 20 21 22 23 24 25</p>	

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# **Exhibit 402**



In the Matter Of:

DAVID TANGIPA

vs

GAVIN NEWSOM

MAXWELL PALMER

December 08, 2025

CERTIFIED COPY

Tangipa v. Newsom

**DX402**

2:25-cv-10616-JLSWLH-KKL

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**

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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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<p style="text-align: right;">Page 2</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 CENTRAL DISTRICT OF CALIFORNIA</p> <p>3</p> <p>4 DAVID TANGIPA; et al,</p> <p>5 Plaintiffs,</p> <p>6 vs. No. 2:25-cv-10616 JLS (KESx)</p> <p>7 GAVIN NEWSOM, in his official</p> <p>8 capacity as the Governor of California;</p> <p>9 et al,</p> <p>10 Defendants.</p> <p>11</p> <p>12</p> <p>13 Zoom deposition of MAXWELL PALMER,</p> <p>14 Volume I, taken on behalf of Plaintiffs,</p> <p>15 beginning at 7:02 a.m. and ending at 7:41</p> <p>16 a.m. on Monday, December 8th, 2025,</p> <p>17 before ANGELA METZ, Certified Shorthand</p> <p>18 Reporter No. 12454.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 For Defendant LULAC:</p> <p>4 Jacob Kovacs-Goodman, jacob@democracydefenders.org</p> <p>5 Tom Rivera</p> <p>6 For Defendant DCCC:</p> <p>7 Lalitha Madduri, lmadduri@elias.law</p> <p>8</p> <p>9</p> <p>10 Audio visual technician</p> <p>11 Nathaniel Avila</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 For Plaintiffs:</p> <p>4 DHILLON LAW GROUP, INC.</p> <p>5 BY: MARK P. MEUSER</p> <p>6 BY: AMBER HULSE</p> <p>7 ATTORNEYS AT LAW</p> <p>8 4675 MacArthur Court, Suite 1410</p> <p>9 Irvine, California 92660</p> <p>10 (415) 433-1700</p> <p>11 mmeuser@dhillionlaw.com</p> <p>12 ahulse@dhillionlaw.com</p> <p>13</p> <p>14 U.S. DEPARTMENT OF JUSTICE UNITED STATES ATTORNEY'S</p> <p>15 OFFICE:</p> <p>16 BY: JOSHUA ZUCKERMAN</p> <p>17 ATTORNEY AT LAW</p> <p>18 300 North Los Angeles Street, Suite 7516</p> <p>19 Los Angeles, California 926690012</p> <p>20 (213) 894-2464</p> <p>21 joshua.zuckerman@usdoj.gov</p> <p>22</p> <p>23 For Defendant California Department of Justice:</p> <p>24</p> <p>25 CALIFORNIA DEPARTMENT OF JUSTICE, OFFICE OF THE</p> <p>ATTORNEY GENERAL</p> <p>BY: DAVID GREEN</p> <p>ATTORNEY AT LAW</p> <p>455 Golden Gate Avenue, Suite 11000</p> <p>San Francisco, California 94102</p> <p>(916) 445-9555</p> <p>david.green@doj.ca.gov</p>	<p style="text-align: right;">Page 5</p> <p>1 INDEX</p> <p>2 WITNESS EXAMINATION</p> <p>3 MAXWELL PALMER</p> <p>4 Volume I</p> <p>5 BY MR. MEUSER 6</p> <p>6 BY MR. ZUCKERMAN 29</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 DEPOSITION PAGE</p> <p>10 Exhibit 1 Palmer Report 10</p> <p>11 Exhibit 2 Document Production 10</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

DAVID TANGIPA vs GAVIN NEWSOM  
Maxwell Palmer on 12/08/2025

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1	Zoom, Monday, December 8th, 2025	1	has been dropped into the chat, so everybody has that.
2	7:02 a.m.	2	The second document I'm going to drop in is the
3		3	documents that we just received from opposing counsel just
4		4	a few minutes ago, which is -- if I can get everything to
5		5	work. There we go. The second document I just dropped in
6		6	is the file titled as Palmer 00001. It's a four-page
7	THE REPORTER: Good morning. My name is Angela	7	document, which is -- appears to be an agreement between
8	Metz, and I am a Certified Shorthand Reporter for the	8	the Elias Law Group and Dr. Palmer.
9	State of California, and my CSR number is 12454. Thank	9	
10	you.	10	EXAMINATION
11		11	
12	MAXWELL PALMER,	12	BY MR. MEUSER:
13	having been first duly sworn, was examined and testified	13	Q. Dr. Palmer, are you familiar with both of these
14	as follows:	14	documents?
15		15	A. Yes.
16	EXAMINATION	16	Q. Okay. Before I start asking you about all these
17		17	documents, can you please tell me, how many times have you
18	BY MR. MEUSER:	18	had your deposition taken?
19	Q. Dr. Palmer, could you please state your full name	19	A. Many. I don't know exactly.
20	and spell it for the record?	20	Q. When was the last time you had your deposition
21	A. Maxwell Benjamin Palmer, M-a-x-w-e-l-l,	21	taken?
22	B-e-n-j-a-m-i-n, P-a-l-m-e-r.	22	A. I definitely had one earlier this year in the
23	MR. MEUSER: And before we go any further in your	23	North Carolina case. I think probably sometime in the
24	deposition, I'm going to go ahead and ask that the	24	winter.
25	attorneys enter their appearance.	25	Q. Do we need to go over the deposition admonitions,

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1	This is Mark Meuser on behalf of the Dhillon Law	1	or are you familiar enough with them that we can proceed?
2	Group and the plaintiffs. With me today is Amber Hulse,	2	A. I think I'm familiar enough with them.
3	also with the Dhillon Law Group, on behalf of the	3	Q. Okay. You've been asked to submit a report in
4	plaintiffs.	4	this case of -- regarding California's Prop 50; is that
5	Will the rest of the attorneys please identify	5	correct?
6	themselves.	6	A. Yes.
7	MR. ZUCKERMAN: Joshua Zuckerman from the U.S.	7	Q. When were you first made aware that a lawsuit had
8	Department of Justice Plaintiff-Intervenor.	8	been filed?
9	MS. MADDURI: Good morning. Lali Madduri from	9	A. I think shortly after the November election.
10	Elias Law Group (phonetic) on behalf of DCCC.	10	Q. How were you made aware that there was a lawsuit
11	MR. GOODMAN: Jacob Kovacs-Goodman on behalf of	11	filed against Proposition 50?
12	LULAC.	12	A. I was contacted by counsel.
13	MR. RIVERA: Thomas Rivera from Arnold & Porter	13	Q. How long was that conversation?
14	(phonetic) also on behalf of LULAC.	14	A. I don't recall.
15	MR. MEUSER: Did David Green identify himself?	15	Q. Do you recall what you -- what the scope of the
16	MR. GREEN: Sorry. There might be a speaker	16	assignment was during that call?
17	issue.	17	MS. MADDURI: Objection to the extent you're
18	David Green with Cal DOJ for Defendants.	18	calling for privileged communications between counsel and
19	MR. MEUSER: Okay. Before we get any further,	19	the expert.
20	I'm going to drop two documents into the chat real quick	20	MR. MEUSER: I'm entitled to know the scope and
21	that will be the two exhibits that we're going to be going	21	all of the assumptions that you gave him, so that is
22	through today. The first exhibit I'm about to drop into	22	within the scope of discovery.
23	the chat will be what is identified as your report.	23	THE WITNESS: I think initially, I was just
24	And identifying for the record right now, this is	24	informed that there was a lawsuit, and I was asked about
25	DCF filing 112-3, Pages 307 through Page 325. And that	25	availability to do work on it.

DAVID TANGIPA vs GAVIN NEWSOM  
Maxwell Palmer on 12/08/2025

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<p>1 BY MR. MEUSER:</p> <p>2 Q. And did you quote them your hourly rate?</p> <p>3 A. I think so. If not then, shortly afterwards.</p> <p>4 Q. What is your hourly rate?</p> <p>5 A. \$500 an hour.</p> <p>6 Q. And how many hours have you spent to produce the</p> <p>7 report that we have marked as Exhibit 1?</p> <p>8 (Exhibit 1 was marked for</p> <p>9 identification.)</p> <p>10 (Exhibit 2 was marked for</p> <p>11 identification.)</p> <p>12 A. I don't know. I'd have to go back and check my</p> <p>13 records.</p> <p>14 Q. Without checking your records, do you have an</p> <p>15 estimate that you can give us?</p> <p>16 A. No. I'd have to check my records.</p> <p>17 Q. Have you submitted a bill on this yet?</p> <p>18 A. I don't think so. I think I haven't yet</p> <p>19 submitted my November invoice, but I'd have to</p> <p>20 double-check.</p> <p>21 Q. Okay. As you sit here today, what is your</p> <p>22 understanding of the scope of the assignment that you were</p> <p>23 asked to do?</p> <p>24 A. I was asked to write a report looking at the</p> <p>25 performance of the 2025 map, the SB-50 map, relative --</p>	<p>1 A. As well as the shape files or the boundaries of</p> <p>2 the congressional districts. I think that came from that</p> <p>3 Statewide Database, as well, or it might have been on the</p> <p>4 California Secretary of State's website for the exact</p> <p>5 files there. Or the California Redistricting Commission,</p> <p>6 I believe, for the 2021 map.</p> <p>7 Q. And where did you get the shape files for the</p> <p>8 Prop 50 maps?</p> <p>9 A. I'm sorry. Not shape file. I used block</p> <p>10 assignment files, which say which census block goes to</p> <p>11 which. I believe that was from the California Secretary</p> <p>12 of State or the legislature. I'd have to double-check,</p> <p>13 but an official California source.</p> <p>14 Q. So you did not receive any of the documents you</p> <p>15 just talked about directly from counsel; is that correct?</p> <p>16 A. That's correct.</p> <p>17 Q. Okay. Did you receive any documents at all from</p> <p>18 counsel that you were asked to review?</p> <p>19 A. I received Dr. Bernel's report and his</p> <p>20 replication materials.</p> <p>21 Q. And did you review Dr. Bernel's report?</p> <p>22 A. I did.</p> <p>23 Q. And do you have any opinions about his report?</p> <p>24 A. I haven't looked at it in several weeks. I took</p> <p>25 a quick read of it when it came in, I believe, the week</p>
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<p>1 the partisan performance relative to the previous map.</p> <p>2 Q. Was that the extent of your assignment?</p> <p>3 A. That is what I was asked to write a report on,</p> <p>4 yes.</p> <p>5 Q. In order to write this report, what did you do?</p> <p>6 A. I collected data on California election results</p> <p>7 from 2016 through 2024 as well as data on the boundaries</p> <p>8 of the congressional districts for the -- each map, the</p> <p>9 2021 and 2025 maps, combined that data together to</p> <p>10 estimate the number of votes cast in different statewide</p> <p>11 elections under each plan and then analyze those results.</p> <p>12 Q. Where did you get your data for election results?</p> <p>13 A. Let me pull up my report and one of the documents</p> <p>14 you just sent me.</p> <p>15 All of the election data came from the Statewide</p> <p>16 Database, which is a California organization that is the</p> <p>17 official source for California precinct level and local</p> <p>18 level election results.</p> <p>19 For the earlier elections, 2016 to 2020, they</p> <p>20 produced a database used by the California Redistricting</p> <p>21 Commission, and I relied on that data. For 2022 and 2024,</p> <p>22 there is equivalent data that they also produced that I</p> <p>23 used.</p> <p>24 Q. So all data that you used came from that</p> <p>25 Statewide Database website?</p>	<p>1 after the election or thereabouts, but I haven't done any</p> <p>2 extensive analysis of it.</p> <p>3 Q. Did you do any analysis of his replication data?</p> <p>4 A. I looked at it briefly, but I didn't run anything</p> <p>5 or work from his data for my report.</p> <p>6 Q. And when you say you looked at it briefly, are</p> <p>7 you saying less than an hour?</p> <p>8 A. I think so, yes.</p> <p>9 Q. When you say you looked at his report, are you</p> <p>10 saying that you spent less than an hour on his report?</p> <p>11 A. Probably I read it, and then I gave some thought</p> <p>12 to, you know, what he was doing and what was in it. So</p> <p>13 maybe a couple hours, but not very many.</p> <p>14 Q. So safe to say that in between looking at</p> <p>15 Bernel's report, thinking about his report, and analyzing</p> <p>16 the replication data, you spent less than five hours?</p> <p>17 A. I think that's right.</p> <p>18 Q. Did you look at Dr. Trende's report?</p> <p>19 A. No.</p> <p>20 Q. Any other documents given to you by counsel?</p> <p>21 A. No.</p> <p>22 Q. Did you see any pleadings in this case?</p> <p>23 A. I don't think so. I don't think I read the</p> <p>24 complaint -- or rather, pleadings.</p> <p>25 Q. As a part of preparing your report, we've gone</p>

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<p style="text-align: right;">Page 14</p> <p>1 through what your counsel has given you when we've</p> <p>2 discussed the data that you received from the Statewide</p> <p>3 Databases and the legislature and the commission.</p> <p>4 Is there any other documents that you reviewed?</p> <p>5 A. I looked at -- I think I saw the legislation that</p> <p>6 was SB-50 that defined everything. I don't think I used</p> <p>7 it for the report, but that was something I saw because it</p> <p>8 defined the districts and all.</p> <p>9 I've seen other documents from the California</p> <p>10 Commission about the 2021 map. Nothing I reviewed</p> <p>11 extensively for this report.</p> <p>12 The Statewide Database has a lot of documentation</p> <p>13 about how they produced their data, and I read some of</p> <p>14 that technical documentation to make sure I was</p> <p>15 understanding exactly how that data was developed.</p> <p>16 Q. Anything else?</p> <p>17 A. I don't believe so.</p> <p>18 Q. So did you look at any press releases regarding</p> <p>19 the Proposition 50?</p> <p>20 A. Not for this report. I'm sure I've seen media --</p> <p>21 definitely seen media stories about Proposition 50 over</p> <p>22 the summer and through the election, but nothing that I</p> <p>23 relied on for this.</p> <p>24 Q. Do you know who the main mapmaker was for</p> <p>25 Prop 50?</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Yes.</p> <p>2 Q. And in that case, you were asked to do -- you</p> <p>3 were to testify on racial predominance and racial</p> <p>4 polarized voting.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Did you do any racial polarized voting analysis</p> <p>8 in this particular case?</p> <p>9 A. Not in my report, no.</p> <p>10 Q. Why not?</p> <p>11 A. I wasn't asked to do so.</p> <p>12 Q. Okay. Thomas v. Bryant, that was a case where</p> <p>13 you were to testify on racial polarized voting; is that</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. Chestnut versus Merrill, that was a case that you</p> <p>17 were testifying on racial polarized voting; correct?</p> <p>18 A. Yes.</p> <p>19 Q. Dwight versus Raffensperger, that is a case that</p> <p>20 you testified on racial polarized voting; correct?</p> <p>21 A. Yes.</p> <p>22 Q. Brunei vs. Cues, that is a case regarding</p> <p>23 straight ticket voting by race and racial polarized</p> <p>24 voting; is that correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 15</p> <p>1 A. No.</p> <p>2 Q. Did you have any conversations with any</p> <p>3 legislatures regarding the drawing of the maps of Prop 50?</p> <p>4 A. No.</p> <p>5 Q. Did you look at any testimony by any of the</p> <p>6 legislatures regarding the drawing of the map for Prop 50?</p> <p>7 A. No.</p> <p>8 Q. Were you given any instruction by counsel as to</p> <p>9 assumptions that you were to make in preparing your</p> <p>10 report?</p> <p>11 A. No.</p> <p>12 Q. Now, your report seems to be pretty</p> <p>13 straightforward -- and we're going to go through that here</p> <p>14 in a minute, but it seems to be pretty straightforward as</p> <p>15 to the data that you analyzed. And before we kind of do</p> <p>16 go through that, I want to go and look at -- in your CV,</p> <p>17 you have prior expert testimony and consulting on Page 8</p> <p>18 of your CV, Page 16 of the PDF that I -- which is marked</p> <p>19 as Exhibit 1.</p> <p>20 Do you see the section called "Expert Testimony</p> <p>21 and Consulting"?</p> <p>22 A. I do.</p> <p>23 Q. Okay. And the very first case on this appears to</p> <p>24 be the Bethune-Hill versus Virginia.</p> <p>25 Do you see that?</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. In this case, did you do any analysis of straight</p> <p>2 ticket voting by race?</p> <p>3 A. No.</p> <p>4 Q. Caster versus Merrill, this is another case where</p> <p>5 you testified on racial polarized voting; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Pendergrass versus Raffensperger, this is another</p> <p>8 case where you testified on racial polarized voting; is</p> <p>9 that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Grant versus Raffensperger, this is another case</p> <p>12 that you testified on racial polarized voting; is that</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. Galmon versus Ardoin, this is another case that</p> <p>16 you testified on racial polarized voting; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. And United States versus Robert Bowers, this is a</p> <p>19 case regarding demographics and voter registration lists.</p> <p>20 In this case, did you do anything regarding demographics</p> <p>21 of the voters registration list?</p> <p>22 A. No, but that case was about a fair jury</p> <p>23 cross-section challenge. It wasn't a voting race case.</p> <p>24 Q. Okay. The next one is also -- the next one is --</p> <p>25 I'm going to butcher this -- Agee versus Benson?</p>

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<p style="text-align: right;">Page 18</p> <p>1 A. I think so.</p> <p>2 Q. Okay. And in that case, you did a racial</p> <p>3 polarized voting and racial predominance regarding maps;</p> <p>4 is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. And then we have Georgia Seinfeld 202, which was</p> <p>7 demographics and racial polarized voting; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. The next two are Vet Voice, which do not appear</p> <p>10 to be redistricting cases; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And Williams versus Hall, which is another racial</p> <p>13 polarized voting case; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Is it fair to say that you've done a lot of</p> <p>16 testimony on -- you've given a lot of expert testimony on</p> <p>17 racial polarized voting?</p> <p>18 A. Yes.</p> <p>19 Q. What does that term "racial polarized voting"</p> <p>20 mean to you?</p> <p>21 A. Racial polarized voting is when voters of</p> <p>22 different race or ethnicities generally support different</p> <p>23 candidates in elections.</p> <p>24 Q. Is that the extent of racial polarized voting?</p> <p>25 A. That is the starting definition, and then it can</p>	<p style="text-align: right;">Page 20</p> <p>1 doing could speak to questions regarding the Voting Rights</p> <p>2 Act.</p> <p>3 BY MR. MEUSER:</p> <p>4 Q. Okay. And you have no opinion whether race</p> <p>5 predominated in drawing of the maps; is that correct?</p> <p>6 MS. MADDURI: Objection; legal conclusion.</p> <p>7 THE WITNESS: I did not do an analysis of racial</p> <p>8 predominance the way I have done in previous cases.</p> <p>9 BY MR. MEUSER:</p> <p>10 Q. And you have no opinions on the legislators'</p> <p>11 intent in drawing the maps?</p> <p>12 A. I didn't speak to any legislators about their</p> <p>13 intent. I focused on the effects of the maps.</p> <p>14 Q. And I understand the distinction there, but I'm</p> <p>15 asking intent.</p> <p>16 So you have no opinions on the legislators'</p> <p>17 intent in how they drew the maps?</p> <p>18 MS. MADDURI: Objection; legal conclusion.</p> <p>19 THE WITNESS: My understanding from news coverage</p> <p>20 of SB-50 is that the intent was a partisan intent to</p> <p>21 improve outcomes for Democratic candidates.</p> <p>22 BY MR. MEUSER:</p> <p>23 Q. But again, you have no information as to the --</p> <p>24 what the mapmaker -- or what the legislature told the</p> <p>25 mapmaker as to how the lines needed to be drawn; correct?</p>
<p style="text-align: right;">Page 19</p> <p>1 be analyzed in different ways.</p> <p>2 Q. Give me an example of how you analyzed racial</p> <p>3 polarized voting in the Bethune-Hill.</p> <p>4 A. In the Bethune-Hill, I believe I relied on</p> <p>5 ecological inference, which is a statistical methodology</p> <p>6 usually called EI, for estimating how groups of different</p> <p>7 voters -- the levels at which groups of different voters</p> <p>8 by race or ethnicity support candidates and elections.</p> <p>9 Q. And of course, you did not do that in this</p> <p>10 particular case; correct?</p> <p>11 A. I did not.</p> <p>12 Q. You have no opinions here today on the</p> <p>13 constitutionality of the Prop 50 maps; is that correct?</p> <p>14 MS. MADDURI: Objection; calling for a legal</p> <p>15 conclusion.</p> <p>16 THE WITNESS: I am not a lawyer. I don't have a</p> <p>17 legal opinion on the maps.</p> <p>18 BY MR. MEUSER:</p> <p>19 Q. And we've already -- you've -- you did not do any</p> <p>20 Voting Rights Act analysis on the Prop 50 maps; is that</p> <p>21 correct?</p> <p>22 MS. MADDURI: Objection; form. Objection; legal</p> <p>23 conclusion.</p> <p>24 THE WITNESS: I'm not sure what you mean by</p> <p>25 Voting Rights Act analysis. I think that the analysis I'm</p>	<p style="text-align: right;">Page 21</p> <p>1 A. I have no specific information about</p> <p>2 communications between the legislature and the mapmaker.</p> <p>3 Q. The only information that you have as to intent</p> <p>4 is general news media coverage; is that correct?</p> <p>5 A. Yes.</p> <p>6 MS. MADDURI: Objection; form.</p> <p>7 THE WITNESS: Yes, news media statements by, you</p> <p>8 know, politicians and the like.</p> <p>9 BY MR. MEUSER:</p> <p>10 Q. In preparing your report, you only looked at 17</p> <p>11 statewide general election results; is that correct?</p> <p>12 A. Yes. There were a few contests which I didn't</p> <p>13 include, which I mentioned in the report, but I only</p> <p>14 looked at statewide election results in this period.</p> <p>15 Q. You didn't look at any congressional election</p> <p>16 data; correct?</p> <p>17 A. No. That wouldn't be appropriate for this</p> <p>18 analysis.</p> <p>19 Q. I understand that, but I'm just going to go ahead</p> <p>20 and ask the question. You didn't look at any state senate</p> <p>21 election results; correct?</p> <p>22 A. No. That would also not be appropriate elections</p> <p>23 for this analysis.</p> <p>24 Q. And you looked at no state assembly house races</p> <p>25 for this report?</p>

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<p>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</p>	<p>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.</p>
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<p>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?</p>	<p>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?</p>



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<p style="text-align: right;">Page 26</p> <p>1 MS. MADDURI: Objection; form. Objection to the</p> <p>2 extent you're calling for a legal conclusion.</p> <p>3 THE WITNESS: I'm not sure of the definition of a</p> <p>4 Voting Rights Act district is, but I also didn't review</p> <p>5 the demographics of these districts or their legal status</p> <p>6 in any way.</p> <p>7 BY MR. MEUSER:</p> <p>8 Q. Of the 52 congressional districts that are part</p> <p>9 of Proposition 50, do you know what the racial breakdown</p> <p>10 is of any of the districts?</p> <p>11 A. No. I could find it, but I don't know that now.</p> <p>12 Q. And you never looked at that in preparing your</p> <p>13 report?</p> <p>14 A. No, I wasn't -- I was focused on party</p> <p>15 performance, not on a race.</p> <p>16 Q. In preparing your report, did you look at the</p> <p>17 political breakdown of the 52 congressional districts that</p> <p>18 are a part of Proposition 50?</p> <p>19 MS. MADDURI: Objection; form.</p> <p>20 THE WITNESS: Can you define "political</p> <p>21 breakdown"?</p> <p>22 BY MR. MEUSER:</p> <p>23 Q. Yes. Would you agree with me that there are 52</p> <p>24 congressional districts in the State of California as a</p> <p>25 result of the 2020 census?</p>	<p style="text-align: right;">Page 28</p> <p>1 each district.</p> <p>2 Q. Are you prepared to testify in this case next</p> <p>3 week in Los Angeles, California?</p> <p>4 A. Yes.</p> <p>5 Q. Between now and then, do you have any plans to do</p> <p>6 any other research that is not contained in your report to</p> <p>7 prepare for your trial testimony?</p> <p>8 A. Not at this time.</p> <p>9 Q. Does this report contain all the conclusions that</p> <p>10 you have reached at this time?</p> <p>11 A. Yes.</p> <p>12 Q. As you sit here today, is there any other</p> <p>13 research that you would love to do on this particular</p> <p>14 case?</p> <p>15 A. No.</p> <p>16 Q. You have no desire to do a racial polarized</p> <p>17 voting analysis on this case?</p> <p>18 A. No.</p> <p>19 Q. Have you ever drawn a map for a legislature or a</p> <p>20 judge?</p> <p>21 A. No.</p> <p>22 Q. Now, quite often when you are testifying, you are</p> <p>23 looking at the relationship between party and race. Is</p> <p>24 that -- when you're doing a racial polarized voting</p> <p>25 analysis, you're looking at the distinctions between race</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Yes.</p> <p>2 Q. Did you ever look at what the Democrat</p> <p>3 registration numbers are for the Commission's map in all</p> <p>4 52 congressional districts?</p> <p>5 A. No, I didn't look at the voter registration data.</p> <p>6 Q. Did you look at the voter registration data for</p> <p>7 any of the Prop 50, 52 congressional districts?</p> <p>8 A. No.</p> <p>9 Q. So you did not look at any racial data regarding</p> <p>10 the congressional districts; is that correct?</p> <p>11 A. That is correct.</p> <p>12 Q. And you did not look at cards and voter</p> <p>13 registration data for any of the 52 districts; correct?</p> <p>14 A. Correct. I did not use the voter registration</p> <p>15 data.</p> <p>16 Q. And is it a fair summary to say that you took the</p> <p>17 block level files and just compared the 17 election</p> <p>18 results to the block level data to complete your analysis?</p> <p>19 A. You're missing the step of going from the block</p> <p>20 level data to district level data. You start with block</p> <p>21 level votes, and you aggregate up for each election and</p> <p>22 plan to get district level votes and then calculate vote</p> <p>23 shares and seats won from that district level data.</p> <p>24 Ultimately, we're going from thousands of blocks</p> <p>25 to 52 districts for each plan and then 17 elections for</p>	<p style="text-align: right;">Page 29</p> <p>1 and politics; is that correct?</p> <p>2 A. No.</p> <p>3 Q. Explain.</p> <p>4 A. Racially polarized voting is about identifying if</p> <p>5 voters of different racial or ethnic groups have the same</p> <p>6 preferred candidates and then if voters of different</p> <p>7 groups support different candidates. And the party that</p> <p>8 they prefer, if that is the case, is not actually</p> <p>9 essential to identifying if racially polarized voting</p> <p>10 exists.</p> <p>11 Q. Okay.</p> <p>12 MR. MEUSER: Josh, do you have any questions?</p> <p>13 MR. ZUCKERMAN: Thanks. Not too many questions</p> <p>14 here.</p> <p>15</p> <p>16 EXAMINATION</p> <p>17</p> <p>18 BY MR. ZUCKERMAN:</p> <p>19 Q. Dr. Palmer, do you want a short break, or are you</p> <p>20 ready to go?</p> <p>21 A. I'm fine.</p> <p>22 Q. Thank you.</p> <p>23 As part of your research for this report, did you</p> <p>24 ever communicate with a California voter about his or her</p> <p>25 decision to vote for Proposition 50?</p>

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<p style="text-align: right;">Page 30</p> <p>1 A. No.</p> <p>2 Q. Did you ever communicate with a California voter</p> <p>3 about his or her decision to vote against Proposition 50?</p> <p>4 A. No.</p> <p>5 Q. Does your report draw any conclusions about why</p> <p>6 California voters may have voted for or against</p> <p>7 Proposition 50?</p> <p>8 A. No.</p> <p>9 Q. And if you were called to testify at trial, could</p> <p>10 you express an opinion as to why California voters decided</p> <p>11 to vote for or against Proposition 50?</p> <p>12 A. Not at this time.</p> <p>13 Q. Okay. Does your report analyze the political</p> <p>14 power that any racial group could exercise under the 2021</p> <p>15 map?</p> <p>16 MS. MADDURI: Objection; form.</p> <p>17 THE WITNESS: Can you repeat the question,</p> <p>18 please?</p> <p>19 BY MR. ZUCKERMAN:</p> <p>20 Q. Yes. Does your report analyze the political</p> <p>21 power that any racial group could exercise under the 2021</p> <p>22 map?</p> <p>23 MS. MADDURI: Objection; form.</p> <p>24 THE WITNESS: No.</p> <p>25 BY MR. ZUCKERMAN:</p>	<p style="text-align: right;">Page 32</p> <p>1 So does your report analyze the political power</p> <p>2 of any racial group within a district under the</p> <p>3 Proposition 50 map?</p> <p>4 A. No, it does not.</p> <p>5 Q. And then same question. Does your report analyze</p> <p>6 the political power of any racial group with regard to the</p> <p>7 map as a whole?</p> <p>8 A. Not specifically. But if there was racially</p> <p>9 polarized voting, groups that support Democratic</p> <p>10 candidates are getting more Democrats elected statewide</p> <p>11 under this map than the 2021 map, and therefore, we could</p> <p>12 think about political power in that sense increasing.</p> <p>13 Q. So in -- so just to make sure I understood that</p> <p>14 correctly, if a racial group were to -- strike that.</p> <p>15 Never mind.</p> <p>16 Actually, I think that is all I've got, then.</p> <p>17 MR. ZUCKERMAN: No further questions.</p> <p>18 MR. MEUSER: Nothing further from me.</p> <p>19 MS. MADDURI: Nothing on behalf of DCCC.</p> <p>20 MR. GREEN: No questions from Cal DOJ.</p> <p>21 MR. RIVERA: Me, either.</p> <p>22 MR. MEUSER: Court reporter, this will conclude</p> <p>23 the deposition on behalf of the plaintiffs.</p> <p>24 We would like a same-day rough and 24-hour</p> <p>25 expedite.</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Sorry. Dr. Palmer, did you say something? There</p> <p>2 was a little cross-talk.</p> <p>3 A. It does not.</p> <p>4 Q. Okay. Thank you.</p> <p>5 What about the Proposition 50 map? Does your</p> <p>6 report analyze the political power that any racial group</p> <p>7 could exercise under the Proposition 50 map?</p> <p>8 MS. MADDURI: Objection; form.</p> <p>9 THE WITNESS: It does not.</p> <p>10 BY MR. ZUCKERMAN:</p> <p>11 Q. And does your report analyze whether the</p> <p>12 Proposition 50 map increases or decreases the political</p> <p>13 power of any racial group relative to the 2021 map?</p> <p>14 MS. MADDURI: Objection; form.</p> <p>15 THE WITNESS: I suppose it's how you define</p> <p>16 political power and political power of a racial group.</p> <p>17 BY MR. ZUCKERMAN:</p> <p>18 Q. So I would define -- let's say that political</p> <p>19 power is the ability of a racial group to elect its</p> <p>20 preferred candidate to Congress.</p> <p>21 Is that an acceptable definition to you?</p> <p>22 A. Yes, though it depends on if we're thinking about</p> <p>23 within a district or in a plan at large.</p> <p>24 Q. You know what? Let's take this one at a time,</p> <p>25 then.</p>	<p style="text-align: right;">Page 33</p> <p>1 THE REPORTER: Thank you.</p> <p>2 Anybody else need a copy?</p> <p>3 MS. MADDURI: We'll take a copy. I don't know</p> <p>4 what your standard delivery time is.</p> <p>5 THE REPORTER: Ten business days.</p> <p>6 MS. MADDURI: Can you do like a three-day</p> <p>7 expedite?</p> <p>8 THE REPORTER: Yes.</p> <p>9 MS. MADDURI: Okay. DCCC will order a three-day</p> <p>10 expedite as final.</p> <p>11 THE REPORTER: Thank you. Anybody else?</p> <p>12 MR. GREEN: Cal DOJ will take the same as DCCC.</p> <p>13 Thank you.</p> <p>14 MR. KOVACS: LULAC will do the same, also.</p> <p>15 Actually, can we do the expedited rough, as well,</p> <p>16 and the three-day final?</p> <p>17 THE REPORTER: Yes.</p> <p>18 MR. KOVACS: Thank you so much.</p> <p>19 MR. MEUSER: Josh, you're muted for DOJ.</p> <p>20 MR. ZUCKERMAN: We'll take the rough, when you</p> <p>21 have it, and the three-day expedite is fine.</p> <p>22 MS. MADDURI: Thank you, everyone.</p> <p>23</p> <p>24 [TIME NOTED 7:42 a.m.]</p> <p>25</p>

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<p>Page 35</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 I, MAXWELL PALMER, do hereby declare under</p> <p>9 penalty of perjury that I have read the foregoing</p> <p>10 transcript; that I have made any corrections as appear</p> <p>11 noted, in ink, initialed by me, or attached hereto; that</p> <p>12 my testimony as contained herein, as corrected, is true</p> <p>13 and correct.</p> <p>14 EXECUTED this ____ day of _____,</p> <p>15 20____, at _____, _____.</p> <p>(City) (State)</p> <p>16</p> <p>17</p> <p>18</p> <p>19 _____</p> <p>MAXWELL PALMER</p> <p>20 Volume I</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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# **Exhibit 403**





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# Transcript of Roxanne Hoge

**Date:** December 9, 2025

**Case:** Tangipa, et al. -v- Newsom, et al.

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**Tangipa v. Newsom**

**DX403**

2:25-cv-10616-JLSWLH-KKL

Transcript of Roxanne Hoge  
Conducted on December 9, 2025

1 (1 to 4)

<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF CALIFORNIA 3 WESTERN DIVISION 4 -----x 5 DAVID TANGIPA, et al., : 6 Plaintiffs, : 7 and : 2:25-cv-10616- 8 UNITED STATES OF AMERICA, : JLS-WLH-KKL 9 Plaintiff-Intervenor, : 10 v. : 11 GAVIN NEWSOM, in his official : 12 capacity as the Governor of : 13 California, et. al., : 14 Defendants. : 15 DEMOCRATIC CONGRESSIONAL : 16 CAMPAIGN COMMITTEE, et al., : 17 Defendant-Intervenors.: 18 -----x 19 Deposition of ROXANNE HOGE 20 Conducted Virtually 21 Tuesday, December 9, 2025 22 6:03 p.m. EST 23 Job No.: 612575 Pages: 1 - 24 Stenographically reported by: Judith E. Bellinger, 25 RPR, CRR, CSR-TX, CCR-WA, CCR-NM</p>	<p>3 1 A P P E A R A N C E S 2 3 ON BEHALF OF THE PLAINTIFFS: 4 MICHAEL COLUMBO, ESQUIRE 5 AMBER HULSE, ESQUIRE 6 DOMENIC AULISI, ESQUIRE 7 DHILLON LAW GROUP INC. 8 177 Post Street 9 Suite 700 10 San Francisco, CA 94108 11 415.433.1700 12 13 ON BEHALF OF THE DEFENDANTS CALIFORNIA 14 GOVERNOR GAVIN NEWSOM AND SECRETARY OF STATE 15 SHIRLEY WEBER: 16 DAVID GREEN, ESQUIRE 17 KATRINA UYEHARA, ESQUIRE 18 DEPUTY ATTORNEYS GENERAL 19 STATE OF CALIFORNIA DEPARTMENT OF 20 JUSTICE 21 1300 I Street 22 Suite 125 23 Sacramento, CA 95814 24 916.210.6242 25</p>
<p>2 1 2 3 Deposition of ROXANNE HOGE, conducted 4 virtually, 5 6 7 8 9 10 Pursuant to notice, before Judith E. 11 Bellinger, Registered Professional Reporter, 12 Certified Realtime Reporter, and E-Notary Public 13 in and for the State of Maryland. 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>4 1 A P P E A R A N C E S C O N T I N U E D 2 3 ON BEHALF OF THE DEFENDANT-INTERVENOR 4 DEMOCRATIC CONGRESSIONAL CAMPAIGN COMMITTEE: 5 MAX ACCARDI, ESQUIRE 6 CHRISTOPHER D. DODGE, ESQUIRE 7 TYLER BISHOP, ESQUIRE 8 ELIAS LAW GROUP LLP 9 250 Massachusetts Avenue NW 10 Suite 400 11 Washington, DC 20001 12 202.968.4652 13 14 ON BEHALF OF THE DEFENDANT-INTERVENOR LEAGUE 15 OF UNITED LATIN AMERICAN CITIZENS: 16 TOM RIVERA, ESQUIRE 17 ARNOLD &amp; PORTER 18 Three Embarcadero Center 19 10th Floor 20 San Francisco, CA 94111-4024 21 415.471.3357 22 23 ALSO PRESENT: 24 Harold Rodriguez, Planet Depos Technician 25</p>

Transcript of Roxanne Hoge  
Conducted on December 9, 2025

2 (5 to 8)

1	CONTENTS	5	1	if you'd try to do the same.	7
2	EXAMINATION OF ROXANNE HOGE	PAGE	2	It's important, also, that you give	
3	By Mr. Accardi	6	3	verbal answers to my questions. So just shaking	
4	EXHIBITS		4	your head or saying uh-huh or huh-uh, it's not	
5	(Attached to the transcript)		5	going to show up clearly on the transcript.	
6	Hoge Exhibits:	PAGE	6	Does that all make sense to you?	
7	Exhibit 1 X profile post	21	7	<b>A Yes, sir.</b>	
8	Exhibit 2 X profile video	23	8	Q And, ma'am, you just took an oath and	
9	Exhibit 3 X profile post	27	9	agreed that you will provide truthful and complete	
10	Exhibit 4 X profile video	35	10	testimony today.	
11	Exhibit 5 Email chain. Top email from Roxanne	38	11	Is there any reason why you can't	
12	Beckford Hoge to Melissa Lundie, Sep		12	provide truthful testimony?	
13	29, 2025, PLAINTIFFS_000443		13	<b>A No.</b>	
14	Exhibit 6 Email chain. Top email from Roxanne	42	14	Q I'd like to talk briefly about what you	
15	Beckford Hoge to Mike Netter, Oct 7,		15	did to prepare for today's deposition.	
16	2025, PLAINTIFFS_000452 - 0453		16	Did you meet with your attorneys in	
17	Exhibit 7 Prop 50 video	45	17	advance of the deposition?	
18			18	<b>A I did.</b>	
19			19	Q And who, specifically, did you meet	
20			20	with?	
21			21	<b>A I'm trying to read. Mike Columbo and</b>	
22			22	<b>Amber and Domenic.</b>	
23			23	Q Understood. How long did you meet with	
24			24	those folks for?	
25			25	<b>A About half an hour, maybe 45 minutes.</b>	
1	PROCEEDINGS	6	1	Q And was that earlier today?	8
2	ROXANNE HOGE,		2	<b>A Yes.</b>	
3	being first duly sworn, was examined		3	Q Did you review any documents to prepare	
4	and testified as follows:		4	for your deposition?	
5	EXAMINATION BY COUNSEL FOR THE DEMOCRATIC		5	<b>A Did I? I had to provide a bunch of</b>	
6	CONGRESSIONAL CAMPAIGN COMMITTEE		6	<b>emails and I also reviewed the Complaint -- or the</b>	
7	BY MR. ACCARDI:		7	<b>filing or whatever it's called.</b>	
8	Q Well, good afternoon. As I said, my		8	Q And you reviewed that to prepare for	
9	name is Max Accardi. Together with my colleague,		9	your deposition today?	
10	Chris Dodge, I represent the DCCC in this matter.		10	<b>A Yes.</b>	
11	Ma'am, could you please say your name		11	Q And did you do anything else to prepare	
12	for the record.		12	for the deposition?	
13	<b>A It's Roxanne Hoge. And that's H-O-G-E.</b>		13	<b>A Well, I made myself look presentable.</b>	
14	Q Thank you. We have a very short time		14	Q Okay. Well, much appreciated.	
15	together today, so I'm just going to quickly go		15	Do you have any documents in front of	
16	over ground rules.		16	you right now?	
17	As you see, we have a court reporter		17	<b>A I do not.</b>	
18	present, who will be taking down everything that		18	Q And is there anybody else who is in the	
19	we say, so it's important that we speak slowly and		19	room with you currently?	
20	clearly so she can get an accurate transcript.		20	<b>A No.</b>	
21	<b>A Yes.</b>		21	Q Understood.	
22	Q For the same reason, it's important		22	I'd like to turn, then, to this	
23	that we not talk over one another. I'll do my		23	litigation. Could you tell me how you first came	
24	best to not interrupt you, and I'd appreciate it		24	to be involved in this case?	
25			25	<b>A I'm the chairman of the Los Angeles</b>	

Transcript of Roxanne Hoge  
Conducted on December 9, 2025

3 (9 to 12)

<p style="text-align: right;">9</p> <p>1 County Republican Party and so I knew about 2 Proposition 50 and I spoke to Mark Meuser at some 3 point and said, yes, I would -- I was interested 4 in being part of this. 5 Q And did Mr. Meuser first reach out to 6 you or did you reach out to him? 7 A We are friendly, so we talk all the 8 time. 9 Q You don't remember whether or not it 10 was he who first reached out about the case or 11 whether you did it? 12 A I do not. But I assume it would be 13 him. 14 Q And do you know when that conversation 15 took place? 16 A I do not. Specifically no, but 17 obviously before it was filed. It's all on a very 18 short timeline, so... 19 Q Late October, early November; is that 20 the right ballpark? 21 A That sounds right. 22 Q And how would you describe your 23 involvement in the litigation so far? What all 24 have you done? 25 A I have been reviewing everything I said</p>	<p style="text-align: right;">11</p> <p>1 LAGOP, we're in sort of constant communication, so 2 I can't -- it's possible that we spoke about the 3 case, but we also spoke about, you know, a million 4 other things. 5 Q And in your capacity with the LAGOP, do 6 you consider yourself to be an agent of the 7 California GOP, or are those two separate 8 entities? 9 MR. COLUMBO: Objection, in terms of 10 calling for a legal conclusion. 11 Q You can answer, ma'am. 12 A What do you mean by agent? No one pays 13 me, I'm a volunteer. And so, as you know, party 14 structure works I guess sort of like Amway. 15 It's -- there's many different levels. So 16 California party, GOP, is the state party, I'm the 17 County party chair. So there's a hierarchy there. 18 Q Would you say that you act on behalf of 19 the California Republican Party? 20 A I don't know what the legal definition 21 of that would be. I can't sign any contracts or 22 make any commitments on behalf of the California 23 GOP. So as I, as a layman, understand it, I don't 24 think so. I do try to speak for California 25 Republicans who live in Los Angeles whenever I'm</p>
<p style="text-align: right;">10</p> <p>1 about Prop 50. I reviewed all the conversations. 2 I have spoken with other plaintiffs, obviously. 3 I've been following the case and getting 4 information from my attorneys, which I'm sure you 5 know is privileged. I'm not a lawyer, so I don't 6 think I have any more involvement than that. 7 Q Understood. 8 Are there specific other plaintiffs who 9 you've been in contact with? 10 A There are plaintiffs who live in 11 Los Angeles who I see and there are -- there is a 12 plaintiff that I'm also acquaintances with and 13 have been able to talk to, and that's 14 David Tangipa, but we were talking about a 15 separate thing. 16 Q Okay. Have you been involved with the 17 California Republican Party at all since this 18 litigation began? 19 A Can you please explain what you mean by 20 "involved with"? 21 Q Have you communicated with anybody 22 employed by the California Republican Party about 23 the case? 24 A I don't believe specifically about the 25 case. Again, because I'm the chairman of the</p>	<p style="text-align: right;">12</p> <p>1 able. 2 Q If -- you mentioned that you had 3 reviewed some of the documents filed in this 4 litigation. Did you review the Complaint before 5 it was filed? 6 A Yes, of course. 7 Q And when -- 8 A I just thought you meant today. 9 Q No. Just in general. 10 Did you read it I guess before this 11 case was filed? 12 A Yes, you have to append your name to 13 something, so, obviously, yes, I read it. 14 Q And do you generally agree with the 15 allegations in the Complaint? 16 A Yes, I do. 17 Q Okay. I'd like, then, to turn to the 18 campaign against Prop 50. Do you remember when 19 you first became aware that California Democrats 20 were planning to redraw California's congressional 21 map? 22 A I do. 23 Q And when was that? 24 A It was sometime this summer and rumors 25 started to fly that there was going to be new maps</p>

Transcript of Roxanne Hoge  
Conducted on December 9, 2025

4 (13 to 16)

<p>13</p> <p>1 coming down which didn't make any sense to me. 2 But I remember hearing it in the summer for sure. 3 Q And so you heard it I guess from the 4 rumor mill; is that how you first became 5 acquainted with the project? 6 A Yes, and people talking about it. 7 Q And what was your understanding of why, 8 as you put it, new maps were going to be coming 9 down? 10 A My personal understanding was that -- I 11 mean, I don't want to be rude but, you know, that 12 we live under what I call -- we live behind the 13 blue curtain here in Los Angeles and in 14 California. And it seemed to me that it was 15 coming down because, you know, 99 percent wasn't 16 enough, and that there was going to be an attempt 17 to get more squeeze out of that lemon. 18 Q And when you say 99 percent wasn't 19 enough, or just to be concrete, are we talking 20 about Democratic party control of the state? 21 A Well, just, really, sort of almost a 22 cabal control, yes. 23 Q The members of that cabal are members 24 of the Democratic party. 25 A To some extent, yes, but it -- it's</p>	<p>15</p> <p>1 media a picture of Gavin Newsom as a puppet master 2 which is why I asked about whether or not he could 3 have been pulling the strings. 4 I want to return to a remark that you 5 just made. You said, I think I'm quoting this, 99 6 percent wasn't enough and there was going to be an 7 attempt to get more squeeze out of that lemon. 8 What did you mean by "squeeze out of that lemon"? 9 A That the democrat -- sorry, my husband 10 just came in the room. Is he allowed to walk 11 through? It's my house so I -- is it okay if 12 someone walks through? 13 Q I have no concern with that, yeah. 14 A Okay. 15 Q Thank you. 16 A I was like go away. I'm sorry, could 17 you repeat your question? 18 Q Sure. 19 You mentioned that 99 percent wasn't 20 enough and that there was going to be an attempt 21 to get more squeeze out of that lemon. And I'm 22 wondering what you meant by that. 23 A That the Democrats had a plan to 24 overwhelm the already overwhelmed, I don't like to 25 use the word rigged, but they've created an</p>
<p>14</p> <p>1 not -- it's not just partisan, it's definitely -- 2 feels a lot like the movie "Forget it, Jake, It's 3 Chinatown." It feels like an oppressive 4 leviathan. 5 Q That reference might have flown over my 6 head but the oppressive leviathan, who is at the 7 helm of the leviathan, from your perspective? 8 A Well, it's just sort of a very -- I'm 9 from the third world, so, you know, we are always 10 very careful to -- how we speak about people. So 11 it would be just power hungry individuals who get 12 their way without ceasing. 13 Q Would Gavin Newsom be one of those 14 individuals? 15 A He might be. 16 Q Would Sacramento Democrats be among 17 those individuals? 18 A I think we feel in California more like 19 there's a puppet master, there's a whole -- 20 there's a whole behind the -- you know, someone 21 behind the curtain in Oz. We get to see people 22 get elected but it does seem that there's 23 wholesale destruction that can't be just due to 24 one person. Respectfully. 25 Q I think you might have posted on social</p>	<p>16</p> <p>1 ecosystem that uses people to get absolute power. 2 And so they were going to go back to that well. 3 Q And the absolute power there would be 4 for the Democratic party who were doing the lemon 5 squeezing? 6 A I imagine so. 7 Q And you participated in the campaign 8 against Prop 50, right? 9 A Can you define "participated in"? 10 Q You posted on social media about 11 Prop 50, you sent emails about Prop 50, generally 12 tried to persuade people that it was a bad idea; 13 is that right? 14 A Yes. I just want to make clear that 15 I -- sorry, something just -- go away. I want to 16 make clear, I don't get paid for anything, I'm 17 just a volunteer. So there are many things that 18 happen in California that I post about or around 19 the states. So when you say "participated in," 20 I've certainly tried to get volunteers and friends 21 and people who listen to me to be active and to 22 turn out to vote, yes. But nobody sent me any 23 money. 24 Q Well, I'm sorry, about that. 25 A Yeah.</p>

Transcript of Roxanne Hoge  
Conducted on December 9, 2025

5 (17 to 20)

<p>17</p> <p>1 Q So you did it only out of a sense of 2 civic duty; is that right? 3 A Yeah. Yeah, I'm a civic duty person. 4 I realized there was a lot of money flowing into 5 the other side. 6 Q Why did your civic duty compel you to 7 speak out against Prop 50? 8 A It just seemed, on its face, even to 9 laypeople immediately to be grossly unfair. 10 Q And in what sense did you find it to be 11 unfair? 12 A Again, I'm a naturalized U.S. citizen. 13 So I had to take a test in order to become one. 14 And from my recollection, redistricting happens 15 after the census, and we were doing this 16 midyear -- mid-cycle redistricting. And by all 17 accounts, when the next census comes, we're going 18 to lose a lot of people. And so it seemed just 19 really gross to be -- to be trying to rearrange 20 maps when we shouldn't be. 21 Q And when you say "we're going to lose a 22 lot of people," who are you referring to? Who's 23 the "we"? 24 A The state of California. Sorry. When 25 I refer to losing people, the state of California</p>	<p>19</p> <p>1 at the new numbers and where populations are and 2 we're going to make representatives and districts 3 for everybody that is based on those new 4 populations. 5 I mean, no one's ever going to do this 6 I know but we're going to give up the one or two 7 congressional seats that we really don't have the 8 population to support anymore. But I know that's 9 a bit of a fantasy. 10 Q And you talk about going back to the 11 well in terms of Prop 50. You used that metaphor. 12 What did you mean by "the well"? 13 A And again I'm not trying to be 14 personally -- I mean, you're a lawyer for the 15 Democrats and all of my friends are Democrats. 16 But the well is -- it feels in California that 17 it's very clear that one party has made the 18 decision years ago to use a racial demographic. 19 You know, it used to be black Americans and then 20 we kind of got kicked to the curb and it became 21 Latinos to be able to justify building the 22 aforementioned cabal and to get power whether it's 23 in Sacramento or in DC. 24 Q And I promise I won't take offense on 25 behalf of myself or any other Democrats, but when</p>
<p>18</p> <p>1 keeps losing population because it's just 2 unaffordable and untenable and unsafe to live 3 here. 4 Q And how did that relate to Prop 50 5 being particularly unfair? I guess I'm just 6 trying to understand that. 7 A By redistricting in the middle of a 8 cycle, using old numbers and populations that 9 aren't going to be there -- they're not there now. 10 We can see, you know, people moving out on a 11 regular basis. It just -- it just looked -- 12 seemed gross. I'm sorry, I can't think of another 13 word. It just seemed gross. 14 Q I guess I'm just trying to understand 15 because it seems like that would result in 16 California getting more representation rather than 17 less representation if it's based on inflated 18 numbers in the past. So why would that be -- why 19 would that strike you as unfair? 20 A Why would it strike me as unfair to 21 inflate the numbers? Because those are lies, I 22 guess. So that's -- so that's why it struck me as 23 unfair. It would have been fair if somebody said 24 you know what, we have lost X percent of our 25 population and we're going to look at the new --</p>	<p>20</p> <p>1 you say that one party has made the decision to 2 try to rig the decision in its favor, that is we 3 are talking about the democratic party; is that 4 right? 5 A Yes, sir. 6 Q Okay. Fully understood. 7 You mentioned that you had posted on 8 social media and you had sent emails and done 9 other things, unfortunately unpaid, you know, on 10 the campaign against Prop 50. 11 When you -- in those communications, 12 were you generally being honest with voters or 13 with the other people that you were connecting 14 with? 15 A I pride myself on generally, to the 16 consternation of many people, saying what I think. 17 If I say something, I'm -- I'll stand behind it. 18 I don't always say what I'm thinking behind that 19 because I also try to not be rude and tacky. 20 Q We certainly appreciate the tact. I 21 guess my question is more you don't recall saying 22 anything that you believe was untrue during the 23 course of the campaign; is that fair? 24 A No. I did say things that I thought 25 would be helpful in turning out voters; in other</p>



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6 (21 to 24)

<p>21</p> <p>1 words, you're not going to say this really affects 2 fat ugly people so fat ugly people, be sure to 3 listen to this. I mean, just you would never do 4 that. 5 Q That's not good marketing to my 6 understanding. Okay. I appreciate that. 7 MR. ACCARDI: Harold, would you mind 8 putting up document 1 on the screen and let's mark 9 this as DCCC's Exhibit 1. 10 PLANET DEPOS TECHNICIAN: Sure thing, 11 Counsel. One second, please. 12 (Hoge Exhibit 1 marked for 13 identification and attached to the transcript.) 14 PLANET DEPOS TECHNICIAN: Counsel, 15 sorry for the discrepancy, you said Exhibit 1 or 16 Hoge 1? 17 MR. ACCARDI: Well, they should all be 18 named with a doc prefix and then 01 through 11. 19 So just the 01. 20 PLANET DEPOS TECHNICIAN: Okay. And 21 what's the prefix? Sorry. 22 MR. ACCARDI: Well, this can be Hoge, 23 the prefix should be Hoge but in the file names 24 that are on the website it's doc. 25 PLANET DEPOS TECHNICIAN: Okay. Thank</p>	<p>23</p> <p>1 power grab? 2 A Clearly. 3 Q And I'm just curious what you meant. 4 Power grab for whom? In other words, who was 5 grabbing the power? 6 A Well, the Republicans don't have the 7 power, so it would be referring to the Democrats. 8 And that's just the shortest hand way to sort of, 9 you know, say to people we're talking about this 10 thing. 11 Q Understood. The post also appears to 12 contain a video; is that right? 13 A It does. 14 MR. ACCARDI: And I'd like to introduce 15 that video as Hoge Exhibit 2. 16 (Hoge Exhibit 2 marked for 17 identification and attached to the transcript.) 18 MR. ACCARDI: And, Harold, could you 19 please play that starting at the 12-second mark 20 going to the 25-second mark. 21 PLANET DEPOS TECHNICIAN: Sure thing, 22 Counsel. Give me one second, please. This is the 23 one that's labeled doc 2? 24 MR. ACCARDI: Yes, sir. 25 PLANET DEPOS TECHNICIAN: Okay. Stand</p>
<p>22</p> <p>1 you. 2 MR. ACCARDI: Do you understand? 3 PLANET DEPOS TECHNICIAN: Sure. Thank 4 you. Stand by, please. 5 Q And Ms. Hoge, can you see that document 6 up on the screen? 7 THE WITNESS: Is there any way you can 8 make it larger, Harold? 9 A Yes, I can see the document. 10 Q And this was posted on your X profile, 11 is that right, formerly known as Twitter? 12 A It appears so, yes. 13 MR. ACCARDI: And if you scroll down, 14 Harold. 15 Q Can you see a date of August 18, 2025? 16 A Oh, me? Yes, I can. 17 Q Yes, ma'am. 18 And the first line of the tweet says, 19 "Confused about the redistricting power grab 20 happening in California?" 21 Did I read that right? 22 A Yes, sir. 23 Q And that is a reference to Prop 50? 24 A Yes, sir. 25 Q And you are referring to Prop 50 as a</p>	<p>24</p> <p>1 by. Give me one moment, please. 2 (Video shown.) 3 MR. ACCARDI: That's good for right 4 now. 5 Q So the clip states your position that 6 the purpose of Proposition 50 is to, quote, strip 7 Republicans from office and send more Democrats to 8 the U.S. House of Representatives. 9 MR. COLUMBO: Objection. Preserving 10 hearsay, that's all. 11 MR. ACCARDI: Oh, understood. Thanks. 12 Q And so I'm -- 13 A I did. 14 Q Go ahead, ma'am, I'm sorry. 15 MR. COLUMBO: You can go ahead. 16 A No, no. Finish your question. 17 Q I just want to repeat my question just 18 to make sure. My question was, did I quote the 19 video right as saying the purpose of 20 Proposition 50 was to strip Republicans from 21 office and send more Democrats to the U.S. House 22 of Representatives? 23 A You quote the reporter saying that I 24 said that. I don't recall saying those exact 25 words.</p>

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7 (25 to 28)

<p>25</p> <p>1 Q Is that an accurate summary of your 2 views? 3 A My view, as an accurate summary, then 4 and now was that it was not partisan. It was 5 completely, you know, power-hungry incumbents. 6 They may happen to be Democrats, but there are 7 already hardly any Republicans elected to Congress 8 in California. 9 So the -- you know, whittling nine down 10 to five isn't exactly a rallying cry nor did it 11 ever make sense to me. 12 Q And just to make sure I understand. 13 Whittling nine down to five is the consequence of 14 Prop 50 redrawing the maps? 15 A That's what was -- that's what people 16 said was being bandied about as the consequence of 17 this complete gerrymander based on race, yes. 18 Q I'm sorry, you just used the phrase 19 "gerrymander based on race." Did you ever mention 20 race to any reporters during the course of the 21 Prop 50 campaign? 22 A Yes. 23 Q Do you recall specific conversations 24 where that occurred? 25 A Don't know which ones. I know</p>	<p>27</p> <p>1 Americans started growing and it's just sad to me 2 to see that as a -- as a, you know, as a Jamaican 3 immigrant. 4 Q Okay. I think let's keep talking about 5 some of your statements during the campaign. 6 MR. ACCARDI: Harold, could you please 7 pull up document 3 and we'll introduce this as 8 Hoge 3. 9 (Hoge Exhibit 3 marked for 10 identification and attached to the transcript.) 11 Q And Ms. Hoge are you able to see that 12 up on the screen there? 13 A Yes, sir. 14 Q And do you recognize this? 15 MR. COLUMBO: Would you mind making 16 that just a little bit bigger? I'm just 17 squinting. I want to see if I can read the words. 18 Sorry. Thanks much. Appreciate it. 19 Q And, ma'am, do you recognize that 20 document? 21 A I do, sir. 22 Q And was this posted on your Twitter/X 23 feed on or around October 29th, 2025? 24 A I can't see the bottom of the screen, 25 but I think that sounds correct. But if you want</p>
<p>26</p> <p>1 definitely on TV, I know -- I know I was on local 2 CBS with the formerly, quote, unquote, nonpartisan 3 head of the nonpartisan citizens redistricting 4 commission. Her name is Sara Sadhwani I think, 5 and I'm not -- S-A-D-W-H-A-N-I [sic]. 6 And I said it felt like so -- it always 7 felt racist to me. I know I said it to someone 8 else. And I did say it in conversation with 9 people in trying to determine why this was 10 happening and how. I said that from the summer 11 when I very first heard about it through -- 12 throughout. 13 Q Okay. I guess I'm just sort of curious 14 about your view. You know, you talked about how 15 Prop 50 is designed to keep corrupt incumbents in 16 power and help the leviathan sustain its presence. 17 In what sense is Prop 50 racist, from your 18 perspective? 19 A It's based on race. It feels to me 20 personally as a woman of color, as an immigrant 21 that California Democrats cynically use racial 22 groups for their own ends and move them around 23 like chess pieces. And so, it's -- it's sad to 24 see that, you know, in America. African Americans 25 completely have lost their power once Hispanic</p>	<p>28</p> <p>1 to scroll down, we can confirm. I'm pretty sure 2 that's when it was. Yes. 3 Q I think that's right. 4 A 29, October 29. 5 MR. ACCARDI: Thanks, Harold. Could 6 you scroll back up? 7 Q I'd like to draw your attention to the 8 first line in the post. Would you mind just 9 reading that out loud for me? 10 A Now I have to get closer. "Is it just 11 a coincidence that as minorities take a step to 12 the right, @Cal Dem wants to dilute their power 13 with Prop 50?" 14 Q And you mentioned earlier that you 15 thought Democrats were racist or using minorities 16 like chess pieces. 17 MR. COLUMBO: Objection. 18 A Correction. I didn't say -- I said it 19 was not that Democrats are racist, that they 20 cynically used racial groups. 21 Q Okay. 22 A There's a difference. 23 Q I appreciate that correction. 24 So I guess you characterize Prop 50 as 25 cynically using racial groups to achieve I guess</p>

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8 (29 to 32)

<p style="text-align: right;">29</p> <p>1 partisan ends; is that a fair summary?</p> <p>2 <b>A I'm sorry, say that again.</b></p> <p>3 Q You sort of -- you characterized</p> <p>4 Prop 50 as using racial groups to achieve partisan</p> <p>5 ends; is that a fair summary?</p> <p>6 <b>A I would say more to achieve, you know,</b></p> <p>7 <b>corrupt, absolute power corrupts absolutely ends</b></p> <p>8 <b>because they're already partisan. Like there's no</b></p> <p>9 <b>better -- you guys have killed it here in</b></p> <p>10 <b>California. There's no -- there's no better --</b></p> <p>11 <b>you know, bigger mountain you can have.</b></p> <p>12 Q And by you guys -- and again I'm not</p> <p>13 taking this personally -- but you're referring to</p> <p>14 the Democratic party?</p> <p>15 <b>A Yes, sir.</b></p> <p>16 Q Okay. Understood.</p> <p>17 And is this tweet about that same point</p> <p>18 that you're making about the manipulation of</p> <p>19 racial groups?</p> <p>20 <b>A I can't remember exactly, but I could</b></p> <p>21 <b>characterize my view of what this clip possibly</b></p> <p>22 <b>could be is me saying that they're using race</b></p> <p>23 <b>thinking they're going to get a result, but we've</b></p> <p>24 <b>seen some strides so maybe they're also not going</b></p> <p>25 <b>to get the result they think they're going to get.</b></p>	<p style="text-align: right;">31</p> <p>1 <b>more of what I was thinking at the time. But my</b></p> <p>2 <b>overall impression -- and, again, I'm a volunteer</b></p> <p>3 <b>with the LA County party. But I just wanted to</b></p> <p>4 <b>point out that the Democrat party uses racial</b></p> <p>5 <b>groups and now there's some movement to the right,</b></p> <p>6 <b>obviously, not enough in California, but there's</b></p> <p>7 <b>movement to the right so maybe they can't take</b></p> <p>8 <b>advantage of us anymore.</b></p> <p>9 Q And when you're talking about racial</p> <p>10 groups or minorities that are moving to the right,</p> <p>11 are there specific groups that you have in mind?</p> <p>12 <b>A I feel like this last election was</b></p> <p>13 <b>everybody took a step to the right. I'd have</b></p> <p>14 <b>to -- I'd have to look at the voter data. But it</b></p> <p>15 <b>did feel like in the last national election</b></p> <p>16 <b>there -- there was a move.</b></p> <p>17 <b>Take a step to the right is sort of my</b></p> <p>18 <b>shorthand, you know, hashtag that we use in the</b></p> <p>19 <b>LA County party, and we -- we noticed that it's --</b></p> <p>20 <b>it would be great if people would do that, you</b></p> <p>21 <b>know, the more crime, the more that you're being</b></p> <p>22 <b>mugged and paying through the nose like it would</b></p> <p>23 <b>be just great if everyone would take a step to the</b></p> <p>24 <b>right here in LA.</b></p> <p>25 Q And when you say "take a step to the</p>
<p style="text-align: right;">30</p> <p>1 Q And I guess I'm struggling to square</p> <p>2 that with the words on the page. I mean, the</p> <p>3 second line there says, The California</p> <p>4 Democratic party or "@CA Dem wants to dilute their</p> <p>5 power with Prop 50"?</p> <p>6 <b>A Yes, by moving them around so that they</b></p> <p>7 <b>can get -- in other words, instead of your power</b></p> <p>8 <b>in a community, you get moved around as a chess</b></p> <p>9 <b>piece to maintain power for, you know, the</b></p> <p>10 <b>perpetual -- the perpetually in power.</b></p> <p>11 <b>And as a reminder, Twitter which no one</b></p> <p>12 <b>calls it X, has -- you can with the verified</b></p> <p>13 <b>account have more lines, but I try not to go</b></p> <p>14 <b>really long because I just find that super</b></p> <p>15 <b>annoying so I like to just cut right -- you know,</b></p> <p>16 <b>do something short and pithy.</b></p> <p>17 Q As a lawyer brevity is much appreciated</p> <p>18 as a underrated quality.</p> <p>19 I do want to sort of spend some time</p> <p>20 here and zero in on what you mean. Is it your --</p> <p>21 was it your understanding when you posted this</p> <p>22 tweet that Proposition 50 was going to dilute the</p> <p>23 power of minority groups that were moving toward</p> <p>24 the right?</p> <p>25 <b>A My -- well, if you play it, I'll know</b></p>	<p style="text-align: right;">32</p> <p>1 right," just to be clear, we're talking about</p> <p>2 voting more Republican than that group did in</p> <p>3 previous elections?</p> <p>4 <b>A Or change your registration. That was</b></p> <p>5 <b>our whole -- like get people to go from Dem to</b></p> <p>6 <b>decline to state and if they're declined to state</b></p> <p>7 <b>then change their registration to R.</b></p> <p>8 Q And you mentioned that your impression</p> <p>9 was that nationally pretty much every I guess</p> <p>10 minority or racial group took a step to the right</p> <p>11 of varying degrees, you know, size of the step.</p> <p>12 Was that your impression?</p> <p>13 <b>A Yeah, except for my -- you know, not I</b></p> <p>14 <b>think African American women.</b></p> <p>15 Q Well, the Latino/Hispanic community</p> <p>16 would fall into that bucket; is that right?</p> <p>17 <b>A I felt like everyone did obviously</b></p> <p>18 <b>because the President won. So clearly there was a</b></p> <p>19 <b>whole bunch of stepping to the right.</b></p> <p>20 Q And that would include, to the best of</p> <p>21 your understanding, the Latino and Hispanic</p> <p>22 community; is that fair to say?</p> <p>23 <b>A Yeah.</b></p> <p>24 Q And so your suggestion here is that</p> <p>25 Prop 50 would dilute those votes; is that right?</p>

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Conducted on December 9, 2025

9 (33 to 36)

<p>33</p> <p>1 A I think what I was saying on the tweet 2 to get people's attention was okay, look out, 3 they're using you as chess pieces, yes. 4 Q And just I'm -- I mean, using you as 5 chess pieces, is it your understanding that their 6 votes were being diluted? 7 A If you end up with no representation 8 that is good and working to actually improve 9 conditions where you are, yes, your votes are 10 being diluted. And if you're just used as a pawn 11 for something that doesn't make sense, in other 12 words, we're a majority/minority state and we 13 already have -- I have a friend who was once a 14 democrat, he's a Latino man, he was once a 15 democrat and he's pointed out that the history of, 16 you know, putting together families who have 17 enjoyed the corruption and used their Hispanic 18 last names to win elections in overwhelmingly 19 Hispanic districts that were drawn by the 20 Democrats in order to keep that power for 21 themselves and for the Democrats, it's been going 22 on for a couple decades, I would say. 23 Q Okay. And so your understanding is 24 that Prop 50 is the latest in this series of 25 events where Democrats draw districts in order to</p>	<p>35</p> <p>1 democrat power, she keeps explaining that's not 2 what she's saying, so -- 3 MR. ACCARDI: I'm not sure I agree with 4 your characterization of the testimony there. And 5 I also only have an hour, so I feel like I can use 6 it as I see fit. But I appreciate the comments. 7 I think that we can move on to document 8 4, Harold, and that's going to be a video and I'll 9 represent that it's the video associated with this 10 tweet. 11 Would you be able to play that starting 12 from the zero mark to the 11 mark, 11-second mark. 13 (Hoge Exhibit 4 marked for 14 identification and attached to the transcript.) 15 PLANET DEPOS TECHNICIAN: Sure thing, 16 Counsel. Just give me one moment. Please just 17 let me know when it's visible on the screen so I 18 can play. 19 THE WITNESS: It's there. 20 PLANET DEPOS TECHNICIAN: Okay. Stand 21 by, please, everyone. 22 (Video shown). 23 Q I just want to cut it off there. 24 Do you remember making that statement 25 in an interview, ma'am?</p>
<p>34</p> <p>1 keep power for themselves and the Democrats; is 2 that right? 3 A I have to say that I don't -- I'm a new 4 person in the political world. So that's -- the 5 past stuff is just based on really hearsay. What 6 I was looking at with Prop 50 was that it was just 7 a grotesque thing to be doing and it felt like 8 they were use -- it just feels like we're being 9 used here. You don't live here in California, do 10 you? 11 Q No, I'm on the East Coast. It's late 12 out here. I just want to make sure, you used the 13 word "grotesque," and the reason is it's 14 grotesque -- I'm trying to quote your words so I 15 don't get anything wrong. The reason that it's 16 grotesque it was an attempt to draw districts in 17 order to keep power for the Democrats, the 18 democrats were drawing districts to keep power for 19 themselves in other words; is that right? 20 A And it's on the backs of we the people. 21 That's the grotesque part to me. 22 MR. COLUMBO: I'm just going to say 23 we've probably asked this question about 18 times 24 now. I don't know how many different ways she can 25 keep saying every time you ask her if it's about</p>	<p>36</p> <p>1 A Sure do. 2 Q And in the clip you say, and I think 3 I'm quoting here, that the average democrat voter 4 would say that Prop 50 is aimed to stop Trump. Is 5 that -- if I didn't get every word right, is that 6 at least a fair summary of what you were saying? 7 A I said that because that was the 8 marketing, yes. 9 Q And is that your understanding as just 10 a California voter and somebody read into the 11 political scene in California, is that your 12 understanding of what you think motivated the 13 average person who voted for Prop 50? 14 A The marketing strategy from the left 15 was -- can we move the screenshot of my horrible 16 face? I'm sorry. 17 The marketing strategy -- thank you, 18 that was terrifying. 19 The marketing strategy of the left was 20 brilliant and cynical and I have to appreciate it 21 as someone who likes marketing. It was literally 22 no kings, stop Trump. And the fact that they made 23 that their pitch doesn't negate anything else I'm 24 saying. It's like new and improved ShamWow, get 25 new knives with every purchase. I mean, that was</p>

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10 (37 to 40)

<p>37</p> <p>1 the sizzle they were selling and dammit if it 2 didn't work. 3 Q Sometimes marketing, marketing just 4 does its job. I just want to make sure I 5 understand what you're kind of impression is of 6 this. 7 So your impression is that the 8 Democrats' marketing in favor of Prop 50 was that 9 this was about stopping Trump; is that right? 10 A Well, you saw -- well, you didn't see 11 the ads because you're not in California. 12 The advertising was a hundred percent 13 lockstep and that's how they do everything here. 14 Stop Trump. Hike the gas tax. Stop Trump, 15 decriminalize crime. Stop Trump. Defund the 16 police. It's really an all-purpose bucket. 17 Q And that included I guess the 18 advertising campaign then to -- in support of 19 Prop 50? 20 A I'm pretty sure that was their 21 hundred -- that's the only message they delivered. 22 Q And you said that that was a successful 23 message, that that convinced the voters even if 24 you don't believe it was true. 25 A Oh, yeah. Yes.</p>	<p>39</p> <p>1 Q It's not going anywhere. 2 A Okay. 3 Q It's not going to be publicized. I 4 just want to confirm that that is, in fact, one of 5 your email addresses. 6 A Yeah. 7 Q And in the top email of the chain you 8 are suggesting some language for I guess copy to 9 be used against Prop 50. Is that what's going on? 10 A I think so but it looks like it's a 11 reply to something. If you can scroll down. Oh, 12 it was about our volunteers. Yeah, yeah, yeah. 13 Yes. 14 Q This was an email that was going to be 15 sent to volunteers who were part of the LAGOP 16 organization. 17 A Yes. 18 Q Is that right? 19 And you say "Suggested final." That's 20 presumably a reference to the final copy to be put 21 in the email; is that right? 22 A Yes. 23 Q And then you have some language that's 24 going to be incorporated into the email. 25 The third line of the, I guess the</p>
<p>38</p> <p>1 Q Perfect. I think we can move on to the 2 next exhibit. 3 MR. ACCARDI: Harold, could you put up 4 doc 05 on the screen, please. And let's introduce 5 this as Hoge Exhibit 5. 6 (Hoge Exhibit 5 marked for 7 identification and attached to the transcript.) 8 Q And, Ms. Hoge, do you recognize this 9 document? 10 MR. COLUMBO: It would be great if he 11 can zoom it in. 12 A Can you make it bigger? But I think 13 so. 14 Q Is that better? 15 A Yes. 16 MR. ACCARDI: Thanks, Harold. 17 Q Do you recognize the top email in this 18 chain dated September 29th, 2025? 19 A Yes. 20 Q And that was sent from the email 21 address roxannehoge@gmail.com. 22 A Yes. 23 Q And that's one of your email addresses. 24 A It's my personal email address which I 25 prefer to not get spammed at, but, yes.</p>	<p>40</p> <p>1 third paragraph is a message, could you please 2 read that out loud to me? 3 A "Newsom's Prop 50 is an attack on our 4 independent redistricting commission, our 5 California members of the Republican House 6 majority and on fairness itself." 7 Q Is that a pretty fair summary of why 8 you oppose Prop 50? 9 A No. It's a fair summary of how I would 10 motivate Republican volunteers to activate 11 themselves with a message from the Republican 12 Party. But the part about it being completely 13 unfair, yes. 14 Q And I just want to make sure. The 15 sentence says, "Newsom's Prop 50 is an attack on 16 our independent redistricting commission." 17 Do you agree that it's an attack on the 18 IRC? 19 A Yeah. 20 Q And you said that you agree that it's 21 an attack on fairness itself. 22 A Yeah. 23 Q Is that right? 24 A And on -- and then to -- it's -- an 25 attack on all of the above, yes, I would -- but</p>



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11 (41 to 44)

<p>41</p> <p>1 it's not -- it's not the complete picture of 2 everything I opposed, but, yes, it is a -- it is a 3 fair statement that I made that I would use to 4 motivate our Republican volunteers. 5 Q And the third thing that's within the 6 all of the above category is our Republican 7 members of the House majority. 8 Is that -- do you agree that Prop 50 is 9 an attack on them? 10 A You said third? I'm confused. What 11 is -- 12 Q Sorry. Bad question by me. 13 The third paragraph lists three things, 14 the independent redistricting commission, fairness 15 itself, and then the California members of the 16 Republican House majority. Those are three things 17 that Prop 50 used an attack on. 18 So I want to just make sure that I'm 19 understanding that you agree that Prop 50 is an 20 attack on the California members of the Republican 21 House majority. 22 A It was an attack on many things, 23 including those poor nine people who could fit in 24 my minivan, yes. 25 Q And those nine people were the</p>	<p>43</p> <p>1 was going out from Mike Netter to, I believe it 2 was all of LA County Republican voters. So they 3 were not volunteers. They were supposed to be 4 Republican voters. 5 Q And so this was just intended to go to 6 Republican voters in the LA area at large; is that 7 right? 8 A Yes. 9 Q And the first line of the email says, 10 "Did you ever think to yourself, 'the problem with 11 California is too many Republicans in office'?" 12 A Yes. 13 Q And how did that line relate to 14 Prop 50? 15 A It relates to everything wrong with 16 California because every time, as I mentioned 17 before, anything goes wrong, the -- the democrat 18 response is oh, the truth is that, you know, the 19 Palisades burned down and there's no Republicans 20 in office there and that homeless people are, 21 like, right outside and there's no Republicans 22 there. So I found it a particularly 23 attention-grabbing first line. 24 Q And just to be clear, the focus of this 25 email is encouraging people to vote against</p>
<p>42</p> <p>1 Republican congressional delegates from 2 California? 3 A Yeah. 4 Q Thank you. I think we can move on. 5 MR. ACCARDI: Harold, could you put up 6 document 06 and let's mark this as Hoge Exhibit 6. 7 (Hoge Exhibit 6 marked for 8 identification and attached to the transcript.) 9 MR. ACCARDI: Harold, could you just 10 kind of scroll through this document just to give 11 everybody a sense of -- I think it stretches on 12 for two pages so I just want to make sure 13 everybody can see the content there. And if you 14 could stop there, please, Harold. 15 Q Ms. Hoge, do you recognize this is an 16 email thread that involves you and includes an 17 email dated October 7th, 2025 at 7:00 p.m.? 18 A Yes, sir. 19 Q And that email is from you. 20 A Yes. 21 Q And it contains what appears to be 22 draft language for I guess an email blast or 23 another communication to volunteers about Prop 50; 24 is that right? 25 A No. No, that was an email blast that</p>	<p>44</p> <p>1 Prop 50, right? 2 A Yes, and just to vote. Just to -- you 3 know, people who are not activated and engaged, we 4 don't have a whole, you know, army so really just 5 saying hi, Republicans, do you know that there's 6 an election happening? 7 Q I mean, the whole body, the rest of the 8 email is about Prop 50. We've got this bulleted 9 list here. 10 A Yeah, Prop 50 was the only thing on the 11 ballot, so, yes. 12 Q And I'd like to draw your attention to 13 the bulleted list in the middle of the page. 14 Do you see where there's a bullet that 15 says, "Learn all you can about Prop 50 by watching 16 this video"? 17 A Yes, sir. 18 MR. ACCARDI: And, Harold, could you 19 please pull up document 7, 07, it's a video file. 20 We'll mark this as Hoge 7. 21 And I'd like you to play the video 22 beginning at four minutes and 59 seconds and going 23 to five minutes and 31 seconds. 24 (Hoge Exhibit 7 marked for 25 identification and attached to the transcript.)</p>



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12 (45 to 48)

<p>45</p> <p>1 PLANET DEPOS TECHNICIAN: Stand by, 2 everyone. Please just let me know when it's 3 visible on your screen, Ms. Hoge. 4 THE WITNESS: It's there. 5 PLANET DEPOS TECHNICIAN: Okay. Stand 6 by, everyone. 7 (Video shown.) 8 MR. ACCARDI: That's good. That's 9 good. Thanks, Harold. 10 BY MR. ACCARDI: 11 Q Do you remember giving an interview for 12 this documentary? 13 A I do. 14 Q And this documentary was intended to 15 oppose Prop 50? 16 A It was, I guess. Yes, no, it was an 17 informational piece and then they put together a 18 thing to -- yeah, we did CAGOP convention. 19 Q And right after the snippet of your 20 interview the video says that if Prop 50 passes 21 Republican seats may be reduced to just three. 22 Am I remembering that right? 23 A That's what the host says, yes. 24 Q And was that your understanding of at 25 least one of the possible consequences of Prop 50?</p>	<p>47</p> <p>1 it. 2 THE WITNESS: Thank you for your time 3 and patience. I think you have a little sticker 4 on the bottom of your mug that you need to remove, 5 the price tag. 6 MR. ACCARDI: It's a QR code. 7 Appreciate it. 8 MR. COLUMBO: Thank you, everybody, 9 appreciate it, Chris -- I'm sorry, Max, and thanks 10 much. Talk to you soon, bye. 11 (Off the record at 7:02 p.m.) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>46</p> <p>1 A Yes, I always thought that was sort of 2 a -- not a dumb argument, but it doesn't matter, 3 like, you have to get to 50 percent to -- plus one 4 to win something. So it's -- the percentages, I 5 thought that the math argument doesn't help move 6 people. But people liked to say it. 7 Q And that was your understanding of what 8 would actually happen if Prop 50 passed or at 9 least a likely scenario? 10 A That could happen. I'm a glass half 11 full girl, so. Maybe not. 12 Q Without your stalwart efforts, that's 13 something that could happen; fair to say? 14 A Yeah. 15 MR. ACCARDI: Counsel, can we go off 16 the record for five minutes? I know I'm running 17 short on time but I would like to confer briefly 18 with my cocounsel. 19 MR. COLUMBO: Yes. 20 (Recess taken from 6:56 p.m. to 21 7:02 p.m.) 22 MR. ACCARDI: DCCC has no further 23 questions for the witness. Ms. Hoge, I would like 24 to thank you for taking the time today. It's not 25 a fun process for anybody so I really appreciate</p>	<p>48</p> <p>1 CERTIFICATE OF REPORTER - NOTARY PUBLIC 2 I, JUDITH E. BELLINGER, RPR, CRR, CSR, 3 the officer before whom the foregoing deposition 4 was taken, do hereby certify that the foregoing 5 transcript is a true and correct record of the 6 testimony given; that said testimony was taken by 7 me and thereafter reduced to typewriting under my 8 direction; that reading and signing was not 9 requested; and that I am neither counsel for, 10 related to, nor employed by any of the parties to 11 this case and have no interest, financial or 12 otherwise, in its outcome. 13 IN WITNESS WHEREOF, I have hereunto set 14 my hand and affixed my notarial seal this 14th day 15 of December, 2025. 16 My Commission Expires: November 3, 2028 17 18 <i>Judith E. Bellinger</i> 19 20 21 E-NOTARY PUBLIC IN AND FOR 22 THE STATE OF MARYLAND 23 24 25</p>

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# **Exhibit 404**



In the Matter Of:

DAVID TANGIPA

vs

GAVIN NEWSOM

JONATHAN RODDEN, PH.D.

December 05, 2025

CERTIFIED COPY

Tangipa v. Newsom

**DX404**

2:25-cv-10616-JLSWLH-KKL

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,	)	
	)	Case No.
Plaintiffs,	)	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

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<p>1 UNITED STATES DISTRICT COURT 2 CENTRAL DISTRICT OF CALIFORNIA 3 4 5 DAVID TANGIPA; et al, ) 6 ) Case No. 7 Plaintiffs, ) 2:25-cv-10616 (KESx) 8 ) 9 vs. ) 10 ) 11 GAVIN NEWSOM, in his official ) 12 capacity as the Governor of ) 13 California; et al., ) 14 ) 15 Defendants. ) 16 ) 17 ) 18 ) 19 ) 20 ) 21 ) 22 ) 23 ) 24 ) 25 )</p> <p>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.</p>	<p>Page 2</p> <p>1 APPEARANCES: (Continued) 2 For Defendant DCCC: 3 ELIAS LAW GROUP 4 BY: TYLER BISHOP, ESQ. 5 1700 7th Avenue 6 Suite 2100 7 Seattle, Washington 98101 8 202.985.0628 9 e: tbishop@elias.law 10 11 LALITHA MADDURI - lmaddurri@elias.law 12 CHRIS DODGE - cdodge@elias.law 13 For Defendant LULAC: 14 JOHN FREEDMAN - john.freedman@arnoldporter.com 15 JACOB KOVACS-GOODMAN - jacob@democracydefenders.org 16 SANA SINHA - sana@democracydefenders.org 17 18 19 20 21 22 23 24 25</p> <p>Page 4</p>
<p>1 APPEARANCES: 2 For Plaintiffs: 3 DHILLON LAW GROUP, INC. 4 BY: MARK P. MEUSER, ESQ. 5 4675 MacArthur Court 6 Suite 1410 7 Irvine, California 92660 8 415.433.1700 9 e: mmeuser@dhillonlaw.com 10 11 U.S. DEPARTMENT OF JUSTICE UNITED STATES ATTORNEY'S 12 OFFICE: 13 BY: MAUREEN S. RIORDAN, ESQ. 14 950 Pennsylvania Avenue 4CON 15 Washington, D.C. 20530 16 202.307.2767 17 e: maureen.riordan2@usdoj.gov 18 19 For Defendant California Department of Justice: 20 CALIFORNIA DEPARTMENT OF JUSTICE, OFFICE OF THE 21 ATTORNEY GENERAL 22 23 CHRISTINA MCCALL - christina.mccall@doj.ca.gov 24 DAVID GREEN - david.green@doj.ca.gov 25 RYAN EASON - ryan.eason@doj.ca.gov CLINT WOODS - clint.woods@doj.ca.gov IRAM HARAN - iram.haran@doj.ca.gov</p>	<p>Page 3</p> <p>1 INDEX 2 3 WITNESS: EXAMINATION 4 JONATHAN RODDEN, PH.D. 5 BY MR. MEUSER 7 6 BY MS. RIORDAN 109 7 8 9 10 11 EXHIBITS 12 NUMBER MARKED 13 EXHIBIT 1 - Document production Bates Rodden 000003-000055 17 14 15 EXHIBIT 2 - Dr. Jonathan Rodden's expert report and CV pages 266-305 17 16 EXHIBIT 3 - Declaration of Sean Trende in support of Plaintiffs' motion for a preliminary injunction, pages 1-42 75 17 18 19 20 21 22 23 24 25</p> <p>Page 5</p>

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<p style="text-align: right;">Page 6</p> <p>1 San Francisco, California, Friday, December 5, 2025</p> <p>2 10:09 a.m.</p> <p>3</p> <p>4</p> <p>5 JONATHAN RODDEN, PH.D.,</p> <p>6 having been administered an oath, was examined and</p> <p>7 testified as follows:</p> <p>8</p> <p>9 MR. MEUSER: Before we get going, Dr. Rodden, let's go</p> <p>10 ahead and have everybody on line introduce themselves. I'll</p> <p>11 start. Mark Meuser on behalf of the plaintiffs.</p> <p>12 MR. BISHOP: Tyler Bishop on behalf of defendant and</p> <p>13 intervener DCCC. DCCC, Democratic Congressional Campaign</p> <p>14 Committee. And I'm joined by co-counsel Lalitha Madduri on</p> <p>15 line and Chris Dodge on line as well.</p> <p>16 MR. MEUSER: Anyone else on line?</p> <p>17 MS. RIORDAN: -- Riordan for the United States.</p> <p>18 MS. MCCALL: And we have Christina McCall on behalf of</p> <p>19 the California state defendants, Governor Newsom and Secretary</p> <p>20 of State Weber</p> <p>21 MR. EASON: Ryan Eason also for state defendants.</p> <p>22 MR. GREEN: David Green also for state defendants.</p> <p>23 MS. HASAN: Iram Hasan also for state defendants.</p> <p>24 MR. WOODS: Clint Woods also for state defendants.</p> <p>25 MR. MEUSER: Did you get the first person or was she</p>	<p style="text-align: right;">Page 8</p> <p>1 thing but if I fail to do so, then please let me know.</p> <p>2 Q If you or I fail to do so there's a person at the</p> <p>3 table who will remind us.</p> <p>4 A Okay.</p> <p>5 Q You are under oath.</p> <p>6 A Yes.</p> <p>7 Q Okay. So let's go ahead and start talking about</p> <p>8 the scope of your assignment. When were you first contacted</p> <p>9 regarding being an expert witness in this case?</p> <p>10 A Not very long ago. I think it was whatever -- I</p> <p>11 don't have my calendar in front of me, but whatever was the</p> <p>12 day that Dr. Trende would have submitted his report. I think</p> <p>13 it was probably the day after that or something.</p> <p>14 Q I believe that was Friday, November 6th if I'm</p> <p>15 remembering right. So you believe you got a call like on</p> <p>16 Saturday the 7th?</p> <p>17 A That sounds about right. It was somewhere around</p> <p>18 there. I was unaware of any litigation.</p> <p>19 Q Strike that. Friday was the 7th. So it would</p> <p>20 have been Saturday the 8th if it was the next day, if that</p> <p>21 sounds about right.</p> <p>22 A That sounds about right.</p> <p>23 Q Okay. Were you aware of this litigation before</p> <p>24 you were contacted by counsel?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 7</p> <p>1 cut off?</p> <p>2 THE REPORTER: She was cut off a little bit.</p> <p>3 MR. MEUSER: Maureen, can you go ahead and re-identify</p> <p>4 yourself, somebody stepped on you.</p> <p>5 MS. RIORDAN: Maureen Riordan on behalf of the</p> <p>6 United States.</p> <p>7 MR. MEUSER: Okay. The court reporter is good now.</p> <p>8 MS. RIORDAN: Great.</p> <p>9</p> <p>10</p> <p>11 EXAMINATION</p> <p>12 BY MR. MEUSER:</p> <p>13 Q Doctor, how many times have you had your</p> <p>14 deposition taken?</p> <p>15 A I'm not sure. That's a good question. It's</p> <p>16 possible it's been seven or eight. Something like that.</p> <p>17 Q When was the last time you had your deposition</p> <p>18 taken?</p> <p>19 A I think I've had one taken in the last year, less</p> <p>20 than a year ago.</p> <p>21 Q Okay. Are you familiar enough with the</p> <p>22 deposition admonitions or do I need to repeat them for you at</p> <p>23 this time?</p> <p>24 A I think I'm familiar. I will make sure that you</p> <p>25 finish asking your question before I speak and that sort of</p>	<p style="text-align: right;">Page 9</p> <p>1 Q You had not heard that there was this litigation</p> <p>2 over the Prop 50 maps?</p> <p>3 A Oh, I was at some events at the Stanford Law</p> <p>4 School in which people discussed various possible legal</p> <p>5 questions that might emerge related to the map. I wasn't</p> <p>6 aware of any specific litigation.</p> <p>7 Q When was that conference you were at?</p> <p>8 A I believe it was right around -- it was in late</p> <p>9 October, I believe.</p> <p>10 Q And do you know who put that on?</p> <p>11 A The Stanford Law -- I think it was called the</p> <p>12 Election Law Student Association had a pizza lunch and invited</p> <p>13 some faculty to come and have pizza with the students and talk</p> <p>14 about election law and restricting. The focus was not</p> <p>15 specifically on California, but it came up in discussion.</p> <p>16 Q Did you make a formal presentation at that?</p> <p>17 A No. It was an informal event in which faculty</p> <p>18 were present and students asked questions and we gave our best</p> <p>19 shot at answering them.</p> <p>20 Q How many faculty were at that meeting?</p> <p>21 A Three or four.</p> <p>22 Q And did any of the faculty expressly talk about</p> <p>23 Prop 50 and the legal challenges that could be brought?</p> <p>24 A Yes, I believe Professor Nate Persily gave just</p> <p>25 some thoughts on what were some possible issues that might</p>



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<p style="text-align: right;">Page 10</p> <p>1 come up, but I don't have a very good recollection of -- I</p> <p>2 think they were more procedural issues. There was a</p> <p>3 discussion about the nature in which the bill that came up in</p> <p>4 the legislature, the legislative process for that. There was</p> <p>5 some discussion about the laws related to the California state</p> <p>6 legislature. That's the part I remember. I don't recall any</p> <p>7 discussion of race and redistricting in that meeting.</p> <p>8 Q What was the professor's name again you just</p> <p>9 mentioned?</p> <p>10 A Yes, Nate Persily.</p> <p>11 Q Nate Persily. Have you had any other</p> <p>12 conversations with the professor since that sit down</p> <p>13 discussion regarding Prop 50?</p> <p>14 A No.</p> <p>15 Q Did anything that he said at that meeting affect</p> <p>16 your testimony today?</p> <p>17 MR. BISHOP: Objection. Vague.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MR. MEUSER:</p> <p>20 Q What were -- strike that.</p> <p>21 When you became aware that you were being asked</p> <p>22 to be an expert witness in this case, what were you told the</p> <p>23 scope of your assignment would be?</p> <p>24 A I was told the scope of my assignment would be to</p> <p>25 provide a response to Dr. Trende's report, to evaluate his</p>	<p style="text-align: right;">Page 11</p> <p>1 claims and provide my evaluation of his claims.</p> <p>2 Q Anything else?</p> <p>3 A No, I don't believe so.</p> <p>4 Q So you were not asked to review Tom Brunell's</p> <p>5 declaration?</p> <p>6 A No.</p> <p>7 Q Have you seen Tom Brunell's declaration?</p> <p>8 A No.</p> <p>9 Q What was the material that you received to</p> <p>10 evaluate Sean Trende's report?</p> <p>11 A I received Dr. Trende's report and then I</p> <p>12 requested to also receive backup materials, which is common in</p> <p>13 this setting to ask for the data and underlying materials. I</p> <p>14 was sent some files that I was told were the totality of the</p> <p>15 backup materials, but that did not include Dr. Trende's</p> <p>16 demonstration maps. So I requested -- and I don't know, it's</p> <p>17 possible that something was lost in translation -- I asked for</p> <p>18 those demonstration maps and then a couple of days later those</p> <p>19 were provided to me as well.</p> <p>20 Q If you want to know, it was my fault.</p> <p>21 A Okay.</p> <p>22 Q He sent me a couple files and then he sent me a</p> <p>23 couple zips and when I gave the information, I just took the</p> <p>24 files and the zips were sitting in my e-mail. So I had to</p> <p>25 pull the zips and put them in a separate e-mail. It wasn't</p>	<p style="text-align: right;">Page 12</p> <p>1 because Sean didn't know what you wanted, it was because the</p> <p>2 lawyer didn't realize that there's two sets of documents.</p> <p>3 A I was prepared to blame the lawyers and not</p> <p>4 Sean.</p> <p>5 Q I take full responsibility for that one. You</p> <p>6 can't blame Sean on that one. I don't think you did.</p> <p>7 A No.</p> <p>8 Q How much time did you spend between getting Sean</p> <p>9 Trende's report and producing your final report?</p> <p>10 A I'm not sure. I had some days when I carved out</p> <p>11 some days that I worked some rather full days and I think</p> <p>12 there was about a week of that of really focusing on this</p> <p>13 report when I set aside other issues. So I think about a week</p> <p>14 of fairly intensive work on the report.</p> <p>15 Q 40 hours, 50 hours?</p> <p>16 MR. BISHOP: Objection. Leading.</p> <p>17 THE WITNESS: That sounds plausible, but it could be a</p> <p>18 little bit more, could be a little less.</p> <p>19 BY MR. MEUSER:</p> <p>20 Q When were you planning on preparing your invoice</p> <p>21 for this case?</p> <p>22 A Sometime after -- probably after this after</p> <p>23 I'm -- either after this deposition or perhaps if there is a</p> <p>24 proceeding in a couple of weeks, I might wait until that's all</p> <p>25 finished.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q Do you have a method of keeping track of your</p> <p>2 hours that you will review at that time that you send your</p> <p>3 invoice?</p> <p>4 A I have a spreadsheet when I work I just enter my</p> <p>5 hours and move on.</p> <p>6 Q Okay. And you don't have access to that</p> <p>7 spreadsheet today to give us a more precise number?</p> <p>8 A No, I don't believe I do.</p> <p>9 Q Okay. So in addition to looking at Sean Trende's</p> <p>10 report and the replicating data, anything else counsel gave to</p> <p>11 you to prepare for this assignment?</p> <p>12 A I don't believe so, no.</p> <p>13 Q Did you look -- did they send you any pleadings</p> <p>14 in this case?</p> <p>15 A Pleadings --</p> <p>16 MR. BISHOP: Objection. Vague. Also legal term of</p> <p>17 art.</p> <p>18 THE WITNESS: I don't believe so. I believe I really</p> <p>19 just focused on and received that report from Dr. Trende.</p> <p>20 BY MR. MEUSER:</p> <p>21 Q Okay. Did counsel give you any assumptions that</p> <p>22 you needed to be made when responding to this report?</p> <p>23 A No.</p> <p>24 Q Now that we've talked about what counsel has</p> <p>25 given you, what are the resources that you went and used to</p>
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<p>Page 14</p> <p>1 prepare for your report?</p> <p>2 A Yes, I will hopefully be able to remember all of</p> <p>3 them. There's a short section early in the report that</p> <p>4 documents the sources that I went to. The United States</p> <p>5 census is -- the decennial census is a place that I went for</p> <p>6 data on voting-age population and used census data on citizen</p> <p>7 voting-age population. I examined data from -- just to get</p> <p>8 the boundaries of the proposed districts, I believe I</p> <p>9 downloaded those from a state web site. The old districts I</p> <p>10 believe I obtained from the Redistricting Commission web site.</p> <p>11 There's also a set of even older districts from 2001 that I</p> <p>12 got from the California statewide database.</p> <p>13 There are also data that I believe Dr. Trende and</p> <p>14 I both received from a kind of collaborative group of scholars</p> <p>15 spearheaded by someone named David Bradley who has developed</p> <p>16 something called Dave's Redistricting App, which has become</p> <p>17 quite a useful on-line tool for redistricting that I believe</p> <p>18 Dr. Trende has also used. It's not only just a web app, it is</p> <p>19 a collaborative data collection exercise. And so both</p> <p>20 Dr. Trende and I used political election results data that the</p> <p>21 team at Dave's redistricting has assembled and those come from</p> <p>22 a number of sources.</p> <p>23 The data I looked at were from 2016 through 2024.</p> <p>24 And those general elections, the sources for those varied</p> <p>25 somewhat. There were different groups of scholars who matched</p>	<p>Page 16</p> <p>1 this declaration -- or to this deposition.</p> <p>2 And then I'm going to go ahead -- and I don't</p> <p>3 have it to give to the court reporter right now -- but for</p> <p>4 everybody on line so you know what we're going to mark as</p> <p>5 Exhibit 2 and give to the court reporter at lunch, we're going</p> <p>6 to give document 112-3 starting at page 266, which is expert</p> <p>7 report of Dr. Jonathan Rodden in support of DCCC's response to</p> <p>8 opposition to plaintiff's and United States motion for</p> <p>9 preliminary injunction. And it's going to be a 40-page PDF</p> <p>10 that ends at 112-3 page number 305. And that entire file has</p> <p>11 332 pages. So Exhibit 2 is only going to be the pages that</p> <p>12 start at page 266 and goes through 305. So everybody on line,</p> <p>13 that is what is going to be marked as Exhibit 2 and I will</p> <p>14 give it to the court reporter at a break.</p> <p>15 MR. BISHOP: Just so he has an opportunity to have it</p> <p>16 in front of him, I would like for him to be able to refer to</p> <p>17 it if you could take a look at that and make sure that matches</p> <p>18 your understanding.</p> <p>19 MR. MEUSER: Go ahead and give -- this stops at 296.</p> <p>20 It does not include the last couple pages, which is his CV.</p> <p>21 MR. BISHOP: I have a copy of that as well.</p> <p>22 MR. MEUSER: It's not the PDF, but it does match. This</p> <p>23 together, if he wants to be looking at it, will be Exhibit 2.</p> <p>24 MR. BISHOP: Thank you.</p> <p>25 THE WITNESS: Thanks.</p>
<p>Page 15</p> <p>1 precinct level election results to geographic boundary files,</p> <p>2 assembled those and then through a desegregation process,</p> <p>3 placed the data -- kind of made some inferences about those</p> <p>4 data at the level of census block groups and so I made use of</p> <p>5 that data. And to my understanding, that's also the data that</p> <p>6 Dr. Trende used, although I'm not entirely sure.</p> <p>7 BY MR. MEUSER:</p> <p>8 Q Okay. So you said you obtained district</p> <p>9 boundaries from the Commission, we draw the lines I'm assuming</p> <p>10 what you're talking about for 2021; correct?</p> <p>11 A Yes.</p> <p>12 Q And then you said you got the Prop 50 maps from a</p> <p>13 government web site you said; correct?</p> <p>14 A Yes. I'm trying to remember what exactly was</p> <p>15 that web site, but I don't recall right now.</p> <p>16 MR. BISHOP: To the extent you intend to keep asking</p> <p>17 him about the report itself, I assume you may be introducing</p> <p>18 the report as an exhibit, I would suggest that we let him do</p> <p>19 that.</p> <p>20 MR. MEUSER: Okay. We will go ahead and enter two</p> <p>21 exhibits into the record. We'll go ahead -- at 9:22 a.m.</p> <p>22 today I got an e-mail from your associate which is marked --</p> <p>23 which is a PDF called Rodden 1 to Rodden 55 PDF, which is the</p> <p>24 responsive documents to our request for document -- for this</p> <p>25 deposition. We will go ahead and mark that as Exhibit 1 to</p>	<p>Page 17</p> <p>1 (Exhibits 1 and 2 were marked for</p> <p>2 identification by the court reporter and are</p> <p>3 attached hereto.)</p> <p>4 BY MR. MEUSER:</p> <p>5 Q Doctor, what has been marked in front of you as</p> <p>6 Exhibit 2, have you seen that before?</p> <p>7 A Yes, this is my report.</p> <p>8 Q And we were going through, I believe, stuff</p> <p>9 that's on page 4 of your report, materials consulted; correct?</p> <p>10 A Yes.</p> <p>11 Q Now, I believe when you were telling me from</p> <p>12 memory what was on your report you mentioned the 2001</p> <p>13 districts, but I don't see that in this paragraph here.</p> <p>14 A Right. So looks like I did not describe the</p> <p>15 source for the AB 604 geographic boundary file. It's possible</p> <p>16 that I used the file from Dr. Trende's backup materials and</p> <p>17 it's possible that I downloaded it from the --</p> <p>18 Q Assembly web site?</p> <p>19 A I believe it's from the assembly web site that I</p> <p>20 received it.</p> <p>21 Q The files were there also and I believe the files</p> <p>22 were in what I gave you. They're going to be the same either</p> <p>23 way.</p> <p>24 A Yes, I don't believe there's going to be any</p> <p>25 dispute about the boundaries.</p>

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<p>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</p>	<p>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?</p>
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<p>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</p>	<p>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.</p>

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<p style="text-align: right;">Page 22</p> <p>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?</p>	<p style="text-align: right;">Page 24</p> <p>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</p>
<p style="text-align: right;">Page 23</p> <p>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</p>	<p style="text-align: right;">Page 25</p> <p>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</p>

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<p style="text-align: right;">Page 26</p> <p>1 surprised by his report because he explicitly argues that the</p> <p>2 transition from the previous district to the new district</p> <p>3 involved the use of race, but there was really not much</p> <p>4 discussion or really any discussion of the previous district</p> <p>5 in his report.</p> <p>6 So that was one thing I needed to start out by</p> <p>7 doing is looking at the previous district and try to</p> <p>8 understand those changes and try to put some numbers on those.</p> <p>9 And there's a section in my report that does that.</p> <p>10 BY MR. MEUSER:</p> <p>11 Q How long did that take, that process that you</p> <p>12 just described?</p> <p>13 A That was a big chunk of the first part of my</p> <p>14 exploration, which I think probably took three days or</p> <p>15 something like that. It's really very hard for me to think</p> <p>16 back about how long various steps in the process took, but it</p> <p>17 was something like that.</p> <p>18 Q Okay. Then what did you do next?</p> <p>19 A Well, the things I did are basically documented</p> <p>20 in the report. There was -- after presenting some simple</p> <p>21 descriptive statistics, I then thought further about the</p> <p>22 inferences that Dr. Trende wanted to draw from his maps and</p> <p>23 try to evaluate those. I think it can't be difficult to</p> <p>24 visualize some things on a map and then draw very conclusive</p> <p>25 inferences. And he draws a very strong inference here, which</p>	<p style="text-align: right;">Page 28</p> <p>1 counted and can be examined and so I went ahead and did that.</p> <p>2 Q Okay. What did you do next?</p> <p>3 A The final thing I did is look at Dr. Trende's --</p> <p>4 his demonstration maps of which there were three. The</p> <p>5 exercise there was really descriptive. I don't do a lot of --</p> <p>6 I would not describe my report as doing a lot of analytical</p> <p>7 heavy lifting. The question was just what is happening --</p> <p>8 what has Dr. Trende done in drawing these districts.</p> <p>9 So I have a section in which I describe how the</p> <p>10 districts were changed. You know, we have this -- clearly he</p> <p>11 started with District 13 in AB 604 and it appears that he made</p> <p>12 some small reconfigurations in a couple of spots and I</p> <p>13 described what those looked like and what impact they had on</p> <p>14 the district and what impact they had on the expected</p> <p>15 political performance of the district.</p> <p>16 Q Okay. I'm going to go ahead and jump back to a</p> <p>17 question I usually ask much earlier. What are your</p> <p>18 conclusions that you have made as a result that are in this</p> <p>19 report?</p> <p>20 A At the highest level, my conclusions are that</p> <p>21 Dr. Trende has not provided any evidence of racial</p> <p>22 predominance. And that I, upon further examination of his</p> <p>23 methods and his claims, also don't see any evidence of racial</p> <p>24 predominance. And, in fact, it's rather clear that especially</p> <p>25 when we focus on the changes from the previous boundary to the</p>
<p style="text-align: right;">Page 27</p> <p>1 is that there is racial predominance in the drawing of the</p> <p>2 districts.</p> <p>3 So I took a closer look at how he formed that</p> <p>4 judgment from those districts, from those visualizations and</p> <p>5 tried to think through -- the task that I was given here was</p> <p>6 to think through Dr. Trende's methodology and to evaluate it.</p> <p>7 So that was the next step was to really think about some of</p> <p>8 the potential inferential difficulties associated with that</p> <p>9 analysis. So I spent some time evaluating those maps and</p> <p>10 learning some things about, for instance, where are the actual</p> <p>11 people located. Rather than just looking at census block</p> <p>12 groups and some colored maps and a census block group, one of</p> <p>13 the things about that type of map that can be misleading is a</p> <p>14 very large area on the map might have color that really</p> <p>15 strikes your eye, but it might be the case that only five</p> <p>16 people live there. And so if we form our judgements from that</p> <p>17 sort of thing, we might be easily misled.</p> <p>18 So there's a period in the report where I work</p> <p>19 through some of the inferential difficulties from that type of</p> <p>20 map. And that's really the heart of the report is really</p> <p>21 thinking through some of those difficulties and then trying to</p> <p>22 examine if Dr. Trende said it's along the border between</p> <p>23 district 5 and District 13 that census blocks were moved</p> <p>24 around in a way that enhanced the Hispanic voting-age</p> <p>25 population of the district, that is something that can be</p>	<p style="text-align: right;">Page 29</p> <p>1 current boundary, that there is a very clear partisan logic to</p> <p>2 the way the district was redrawn. And it is quite clear that</p> <p>3 ethnicity was forethought to the redrawing of the district.</p> <p>4 Q Do you have any other conclusions that you have</p> <p>5 reached?</p> <p>6 A Related to, again, very descriptive analysis of</p> <p>7 the demonstration maps I conclude that these maps change the</p> <p>8 very small parts of the boundary and that they reduce the</p> <p>9 Hispanic voting-age population of the district by relatively</p> <p>10 small amounts. And that associated with those reductions also</p> <p>11 comes some very small reductions in the Democratic vote share</p> <p>12 of the district. Again, that's just a descriptive finding.</p> <p>13 Conclusion, if you will.</p> <p>14 Q Again, I'm just trying to make sure I understand</p> <p>15 all of your conclusions. So I'm going to ask, any other</p> <p>16 conclusions?</p> <p>17 MR. BISHOP: Objection. Asked and answered.</p> <p>18 THE WITNESS: I preface that by saying those are the</p> <p>19 high-level conclusions. As we go through the report, there</p> <p>20 are specific reactions to various claims that Dr. Trende makes</p> <p>21 here and there that are really in service of the broader</p> <p>22 conclusion that I make that I don't see any evidence of racial</p> <p>23 predominance.</p> <p>24 BY MR. MEUSER:</p> <p>25 Q I'm going to go ahead and look at your CV at this</p>



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<p>1 point in time and ask you a few questions about that.</p> <p>2 A Sure.</p> <p>3 Q Let's go ahead and briefly tell me about your</p> <p>4 education.</p> <p>5 A I was an undergraduate at the University of</p> <p>6 Michigan in Ann Arbor where I received a degree in political</p> <p>7 science. After that I spent a year on a Fullbright fellowship</p> <p>8 at the University of Leipzig in Germany. And after that, I</p> <p>9 attended Yale University where I received a Ph.D. in political</p> <p>10 science.</p> <p>11 Q And tell me about your -- have you held any jobs</p> <p>12 outside of academia since getting your Ph.D.?</p> <p>13 A No. I believe I've been an academic since 2000</p> <p>14 when I received my Ph.D.</p> <p>15 Q Okay. What got you into becoming an expert</p> <p>16 witness in redistricting?</p> <p>17 A It was an interest in something quite different</p> <p>18 from redistricting. It was an interest in political</p> <p>19 geography. I had an understanding -- some understandings --</p> <p>20 or some ideas about the way in which the geographic clustering</p> <p>21 of groups in advanced industrial societies shapes</p> <p>22 representation when districts are drawn. And so I became</p> <p>23 interested in countries like former British Colonies,</p> <p>24 including the US, that draw these winner-take-all districts.</p> <p>25 That process became interesting to me and I started to try to</p>	<p>1 Q So what got you into this was simulations?</p> <p>2 A An interest in political geography and the use of</p> <p>3 simulations to get a handle on geography. I should add that</p> <p>4 once we started doing this, the idea of simulations really</p> <p>5 caught on and a lot of other people started working on that.</p> <p>6 People whose background is in computer science and mathematics</p> <p>7 and other fields who I think had a comparative advantage in</p> <p>8 doing that kind of work.</p> <p>9 So my contribution to the advancement of the</p> <p>10 technology of simulation is really, shall we say, stagnated at</p> <p>11 that time and others really took up the mantle and others have</p> <p>12 really been pressing that agenda since then. But my interest</p> <p>13 in political geography and the demographics and the</p> <p>14 arrangement of groups in space and how that interacts with the</p> <p>15 drawing of districts has remained and I work on that in a</p> <p>16 number of ways. And sometimes it's useful to apply</p> <p>17 simulations, but in many settings it's not called for. It's</p> <p>18 not something that I always do.</p> <p>19 Q Did you run any simulations on Congressional</p> <p>20 District 13?</p> <p>21 A No. It's not something that I was asked to do</p> <p>22 and it's not something that seemed relevant for the task of</p> <p>23 simply responding to Dr. Trende's report.</p> <p>24 Q Why did you not think it was relevant?</p> <p>25 A I guess I'd have to ask myself why would I think</p>
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<p>1 understand that.</p> <p>2 For somebody who wanted to understand how that</p> <p>3 works, it was an annoyance in the United States that the</p> <p>4 districts are often drawn for partisan gain by politicians. I</p> <p>5 wanted to understand what would happen if we didn't have</p> <p>6 politicians drawing the districts. And so that got me</p> <p>7 interested in trying to draw alternative redistricting plans</p> <p>8 via computer simulations. And I started working with a</p> <p>9 graduate student of mine and we spent a lot of time doing</p> <p>10 that.</p> <p>11 That happened to become a very -- at some point</p> <p>12 along the line it occurred to us and it occurred to others</p> <p>13 that this is an excellent way of trying to disentangle the</p> <p>14 role of underlying geography and the intentions of map drawers</p> <p>15 in a partisan gerrymandering context. And so I ended up</p> <p>16 working in -- during the 2010 redistricting cycle in a case in</p> <p>17 Florida looking at -- working with Professor Joey Chen who was</p> <p>18 my student at Stanford and then became a professor at the</p> <p>19 University of Michigan, we were working together on drawing</p> <p>20 redistricting simulations in Florida to examine whether the</p> <p>21 Florida enacted plan looked different than its partisanship</p> <p>22 than the simulations.</p> <p>23 So that was something that pulled me into the</p> <p>24 world of redistricting and for better or worse I've been</p> <p>25 bouncing around in that world ever since.</p>	<p>1 it would be relevant. It's just not -- Dr. Trende didn't make</p> <p>2 any -- didn't present any simulations. I was given a very</p> <p>3 short time frame to respond to a report he had written. So</p> <p>4 really going to draw simulations just not something that even</p> <p>5 occurred to me honestly. I didn't think about that until this</p> <p>6 moment.</p> <p>7 Q I was disappointed, I was expecting you to do</p> <p>8 simulations.</p> <p>9 A You would love to have to read pages and pages of</p> <p>10 that I'm sure.</p> <p>11 Q I didn't say that. Have you ever run a</p> <p>12 simulation on the state of California?</p> <p>13 A No, I have not.</p> <p>14 Q So even though you love redistricting, you love</p> <p>15 simulations and you live in California you've never just said</p> <p>16 I wonder what would happen if I did it to California?</p> <p>17 MR. BISHOP: Objection. Argumentative.</p> <p>18 THE WITNESS: I should take a step back and say that in</p> <p>19 collaborating with Joey Chen on some academic papers in the --</p> <p>20 over a decade ago, we collected data from a number of states.</p> <p>21 And we did run simulations on a lot of states and so we have</p> <p>22 some analyses where every state is an observation. I'm quite</p> <p>23 sure California was one of those, but I don't really have any</p> <p>24 recollection about those simulations.</p> <p>25 So I haven't done simulations of California in</p>



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<p style="text-align: right;">Page 34</p> <p>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.</p>	<p style="text-align: right;">Page 36</p> <p>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</p>
<p style="text-align: right;">Page 35</p> <p>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</p>	<p style="text-align: right;">Page 37</p> <p>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</p>

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<p>Page 38</p> <p>1 that explained what they had done and why they had done it and</p> <p>2 what were the various features of the maps that might make</p> <p>3 them desirable. I had drawn a map of that kind in</p> <p>4 Pennsylvania and it was, after this process, selected by the</p> <p>5 Pennsylvania Supreme Court and implemented. So that's my</p> <p>6 experience in drawing a statewide map.</p> <p>7 Q Were there any instructions given to you about</p> <p>8 how you needed to draw a VRA district?</p> <p>9 MR. BISHOP: Objection. Asked and answered.</p> <p>10 THE WITNESS: There were no instructions given to me in</p> <p>11 Pennsylvania about drawing a VRA district. It was not a</p> <p>12 setting -- the conditions I just described were evidently not</p> <p>13 in place at the level of congressional districts in</p> <p>14 Pennsylvania.</p> <p>15 MR. BISHOP: I'm not sure if it's clear your question</p> <p>16 was about the prior work or --</p> <p>17 MR. MEUSER: I'm talking about Pennsylvania.</p> <p>18 MR. BISHOP: Okay. I just want that to be clear.</p> <p>19 MR. MEUSER: I'm talking about Pennsylvania and I'm</p> <p>20 trying to understand what he did.</p> <p>21 BY MR. MEUSER:</p> <p>22 Q And if I understand you correctly, the court did</p> <p>23 not give you any instructions about VRA districts, it was a</p> <p>24 clean map across the board?</p> <p>25 A Right. Neither the court, nor anyone else</p> <p>Page 39</p> <p>1 suggested that was something I had to be concerned about so it</p> <p>2 really was not something I was at all concerned about.</p> <p>3 Q What were the parameters given upon you in</p> <p>4 drawing the map? Were there any traditional redistricting</p> <p>5 guidelines that you had to, you know, keep counties together</p> <p>6 or cities together or was it just you were allowed to do what</p> <p>7 you wanted?</p> <p>8 A Very much this trial -- I guess it was called a</p> <p>9 trial -- this event that happened at the state Supreme Court</p> <p>10 where everyone presented their maps, all of us were presenting</p> <p>11 the traditional redistricting criteria kind of indicators of</p> <p>12 those associated with our map. So it was clear that the court</p> <p>13 would be looking for a map that was maximizing the observance</p> <p>14 of traditional redistricting criteria. So I tried very hard</p> <p>15 to minimize county splits. There were several of the</p> <p>16 alternative maps that minimized the county splits and mine was</p> <p>17 one of them. I paid a lot of attention to avoid split vote</p> <p>18 tabulation districts, avoiding split municipalities and</p> <p>19 maximizing the compactness of the districts. And then the</p> <p>20 other thing that I really focused on was what is often</p> <p>21 referred to as core retention. It was a map that had been</p> <p>22 drawn rather recently as part of another court proceeding.</p> <p>23 And so my focus was on trying to minimize the changes to that</p> <p>24 map, but there was -- I think Pennsylvania did lose a</p> <p>25 congressional district in that time, so some changes were</p>	<p>Page 40</p> <p>1 necessary of course.</p> <p>2 Q In drawing that map, did you do a simulation of</p> <p>3 the state of Pennsylvania?</p> <p>4 A No. That was not something that would seem to</p> <p>5 facilitate the task ahead.</p> <p>6 Q When drawing that map, what software did you</p> <p>7 use?</p> <p>8 A At the time I believe I was using a software</p> <p>9 called Maptitude for Redistricting.</p> <p>10 Q And did you look at politics or partisanship when</p> <p>11 drawing those lines?</p> <p>12 A That was one of the many criteria for evaluation.</p> <p>13 The court was also looking for maps that were considered fair</p> <p>14 from a partisan standpoint; meaning, from my understanding how</p> <p>15 the court was thinking about things that a 50 percent of the</p> <p>16 vote share would yield, an expectation, a party 50 percent of</p> <p>17 the seats. This was in Pennsylvania where there had been a</p> <p>18 history of extremely partisan map drawing that the Supreme</p> <p>19 Court ruled was inconsistent with the Pennsylvania</p> <p>20 Constitution.</p> <p>21 So as part of their effort to uphold that</p> <p>22 decision, the map drawers were encouraged to try to draw</p> <p>23 districts that were fair. And so there's a number of</p> <p>24 indicators of partisan fairness that all of the maps that were</p> <p>25 produced -- all of the experts who produced maps presented</p> <p>Page 41</p> <p>1 those same indicators of partisan fairness.</p> <p>2 Q Were you looking at racial demographics when you</p> <p>3 were drawing your maps?</p> <p>4 A No. In that setting, because I was given no</p> <p>5 instructions about potential voting rights considerations,</p> <p>6 that was not something I looked at at all.</p> <p>7 Q Any other time, other than Pennsylvania, that you</p> <p>8 have drawn maps?</p> <p>9 A Yes. In Ohio I was asked to draw a set of maps</p> <p>10 that conform to the rules in the Ohio Constitution about how</p> <p>11 districts should be drawn. It's a very unusual setting with</p> <p>12 very specific requirements about county splits, municipal</p> <p>13 splits and so forth. It was a setting in which just drawing</p> <p>14 districts that met those criteria was a challenge and that was</p> <p>15 something I spent some time doing. So I drew a complete set</p> <p>16 of maps, I believe, for Congress and for the Ohio state lower</p> <p>17 chamber and the upper chamber.</p> <p>18 Q How long did that take you to do three sets of</p> <p>19 maps?</p> <p>20 A I don't remember, but that one was time-consuming</p> <p>21 because of the difficulty of meeting these requirements. I</p> <p>22 just don't remember how long it took.</p> <p>23 Q Were you allowed to look at race when drawing</p> <p>24 those lines?</p> <p>25 MR. BISHOP: Objection. We may be getting into</p>
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<p>1 privileged conversation, so I'm just going to instruct the</p> <p>2 witness to answer to the extent you're not revealing</p> <p>3 conversations with counsel in prior litigation.</p> <p>4 THE WITNESS: Again, this is not a setting where I</p> <p>5 recall being given any Voting Rights Act constraints. I don't</p> <p>6 have any recollection of examining racial data in drawing</p> <p>7 those maps.</p> <p>8 BY MR. MEUSER:</p> <p>9 Q And in drawing the three sets of Ohio maps, did</p> <p>10 you look at politics while drawing those maps?</p> <p>11 A This was a setting in which the court -- sort of</p> <p>12 similar to Pennsylvania in a way, the requirements of the</p> <p>13 Constitution also called very explicitly for partisan fairness</p> <p>14 and for the pursuit of partisan fairness and so it was</p> <p>15 required. It was part of the task was to look at partisan</p> <p>16 data and to try to, in a way, minimize the unfairness of the</p> <p>17 maps.</p> <p>18 And this is very related to some of the academic</p> <p>19 work that we were talking about earlier. In Ohio Democrats</p> <p>20 are extremely concentrated in space. The arrangement of</p> <p>21 Democrats is such that if one just draws the districts without</p> <p>22 paying any attention, these indicators of partisan fairness</p> <p>23 will provide for substantial bias in favor of the Republican</p> <p>24 party.</p> <p>25 So all of the people who were drawing maps in</p>	<p>1 conducted simulations, one of the things we were concerned</p> <p>2 with that might be viewed as problematic about our</p> <p>3 simulations, if we just took all of the VTEs in Florida and</p> <p>4 just sort of let our computer simulation run and ignored any</p> <p>5 consideration of the Voting Rights Act, that might be a way</p> <p>6 that one could criticize the simulations.</p> <p>7 And our solution, which was not a very high tech</p> <p>8 one at all at the time, was to hold fixed the districts that</p> <p>9 the state of Florida had defended as Voting Rights Act --</p> <p>10 districts that require according to the Voting Rights Act, we</p> <p>11 just held those fixed and conducted our simulations on the</p> <p>12 rest of the state.</p> <p>13 So you might say that is a way in which the</p> <p>14 Voting Rights Act was a factor in a case that I worked on, but</p> <p>15 that's rather different than trying to draw a district and</p> <p>16 then trying to ascertain whether it was compliant with the</p> <p>17 Voting Rights Act. I believe that is the spirit of your</p> <p>18 question and that's not something I've been asked to do.</p> <p>19 BY MR. MEUSER:</p> <p>20 Q Have you ever run simulations in any other state,</p> <p>21 other than Florida, where you held the -- you had to hold the</p> <p>22 VRA district static and let the simulations run on the rest of</p> <p>23 the state?</p> <p>24 MR. BISHOP: Objection. Vague. I'm probably going to</p> <p>25 make that objection anytime you reference a VRA district just</p>
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<p>1 that setting had to pay some attention to partisanship.</p> <p>2 Although I would have to add that the constraints related to</p> <p>3 municipal splits and county splits were quite strong and it</p> <p>4 didn't really allow for that much discretion in the drawing of</p> <p>5 districts.</p> <p>6 Q Other than Pennsylvania and other than Ohio, are</p> <p>7 there any other times that you have been asked to draw maps?</p> <p>8 A There was a brief period in Maryland when I was</p> <p>9 engaged by a commission, like a citizens commission in</p> <p>10 Maryland to work on the districts in Maryland, but I have very</p> <p>11 little recollection about whether I completed drawing any maps</p> <p>12 there. I think I started working and through whatever process</p> <p>13 I was engaged it seemed to have fallen apart and I was never</p> <p>14 really asked to submit a final report. I don't recall if I</p> <p>15 created any complete Maryland redistricting plans.</p> <p>16 Q So you have never been asked to draw a district</p> <p>17 under the Voting Rights Act?</p> <p>18 MR. BISHOP: Objection. Vague.</p> <p>19 THE WITNESS: I believe that's right. I don't have any</p> <p>20 recollection of being asked to draw a district that explicitly</p> <p>21 complied with the Voting Rights Act. That is something that,</p> <p>22 to my recollection, hasn't been a part of any of the things</p> <p>23 that I've been asked to do.</p> <p>24 I would add a caveat to that that in that initial</p> <p>25 Florida case that I described where Professor Chen and I</p>	<p>1 so you're aware.</p> <p>2 MR. MEUSER: You notice I'm not fighting you.</p> <p>3 THE WITNESS: I'm just scanning my brain for things</p> <p>4 I've been asked to do and simulations I've run related to</p> <p>5 redistricting cases. I believe the answer is, no, I don't</p> <p>6 believe there's any other time I've had to do that.</p> <p>7 BY MR. MEUSER:</p> <p>8 Q What other states have you done simulations in as</p> <p>9 a part of expert testimony?</p> <p>10 A Yeah, as part of expert testimony I was recently</p> <p>11 involved in a case in North Carolina in which another expert</p> <p>12 had submitted some simulations. And so I used the data set</p> <p>13 provided by the other expert of all of the simulated districts</p> <p>14 and I did some further analysis of that, but that was -- the</p> <p>15 VRA was not a consideration in that work.</p> <p>16 Also, in North Carolina -- this is very recent --</p> <p>17 there was a set of questions about a particular district in</p> <p>18 North Carolina and I tried some simulations to look at a</p> <p>19 variety of different ways of drawing in that district, but,</p> <p>20 again, the Voting Rights Act was not explicitly or implicitly</p> <p>21 discussed as an issue in that work. But I can't think of -- I</p> <p>22 believe in Michigan there was a case in which I was working</p> <p>23 for the defense in a case where I was working for the Michigan</p> <p>24 Independent Citizens Redistricting Commission.</p> <p>25 And that was a case in which Dr. Trende had</p>

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<p>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.</p> <p>11 Q Okay. Were you aware that Congressional District 12 13 was designated a Voting Rights Act district by the 13 Commission?</p> <p>14 MR. BISHOP: Objection. Vague and confusing.</p> <p>15 THE WITNESS: No, not something I've heard.</p> <p>16 BY MR. MEUSER:</p> <p>17 Q So this is the first time you've heard that CD 13 18 was a Voting Rights Act district by the Commission?</p> <p>19 MR. BISHOP: Objection. Vague and ambiguous.</p> <p>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.</p> <p>23 BY MR. MEUSER:</p> <p>24 Q If you had known that Congressional District 13 25 was a Voting Rights Act district, would there have been any</p>	<p>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.</p> <p>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.</p> <p>19 BY MR. MEUSER:</p> <p>20 Q Which side were you working for?</p> <p>21 A The defense.</p> <p>22 Q What was your assignment regarding racial 23 polarized voting?</p> <p>24 MR. BISHOP: Objection. Privilege. Same thing, I'll 25 instruct the witness to only answer to the extent it doesn't</p>
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<p>1 other analysis that you think you would have needed to have 2 done in analyzing Sean Trende's report?</p> <p>3 MR. BISHOP: Objection. Speculation.</p> <p>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.</p> <p>10 BY MR. MEUSER:</p> <p>11 Q Have you ever been asked to do a voting rights 12 analysis of a district?</p> <p>13 MR. BISHOP: Objection. Form and vague.</p> <p>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.</p> <p>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.</p> <p>20 BY MR. MEUSER:</p> <p>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?</p> <p>23 MR. BISHOP: Same objection, privilege, but the witness 24 can answer to the extent he doesn't reveal conversations with 25 counsel.</p>	<p>1 reveal conversations with counsel in that prior litigation.</p> <p>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.</p> <p>8 BY MR. MEUSER:</p> <p>9 Q And did you conclude whether there was racial 10 polarized voting or was not racial polarized voting?</p> <p>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.</p> <p>25 Q And did you do any racial polarized voting on</p>

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<p style="text-align: right;">Page 50</p> <p>1 Congressional District 13?</p> <p>2 A No.</p> <p>3 MR. MEUSER: I usually like to be kind to my court</p> <p>4 reporter and take a break around about this time. Would that</p> <p>5 be appropriate for the court reporter?</p> <p>6 THE REPORTER: Sure. That would be great. Thank you.</p> <p>7 MR. MEUSER: Would like, what, ten, 15 minute break.</p> <p>8 THE REPORTER: Ten minutes is fine.</p> <p>9 MR. MEUSER: Is that okay with counsel.</p> <p>10 MR. BISHOP: Ten minutes sounds great.</p> <p>11 MR. MEUSER: Everybody on line, we're going to take a</p> <p>12 ten minute break. We'll be back at 11:40 pacific time.</p> <p>13 (Pause in the proceedings.)</p> <p>14 MR. MEUSER: Back on.</p> <p>15 BY MR. MEUSER:</p> <p>16 Q Doctor, you understand you're still under oath?</p> <p>17 A Yes.</p> <p>18 Q Are you prepared to testify at a hearing for the</p> <p>19 preliminary injunction that starts sometime on December 15th?</p> <p>20 A I've been told there will be a hearing and I've</p> <p>21 indicated my availability to be there.</p> <p>22 Q Is there any other research that you feel you</p> <p>23 need to do to prepare for your testimony?</p> <p>24 MR. BISHOP: Objection. Vague.</p> <p>25 THE WITNESS: No. My understanding is that I will be</p>	<p style="text-align: right;">Page 52</p> <p>1 so there's no partisanship. There was just multiple</p> <p>2 individual candidates running for election, used ecological</p> <p>3 inference analysis to gain estimates of the votes for the</p> <p>4 candidates from the mainly black voters and white voters.</p> <p>5 Q So this particular school district there was</p> <p>6 mainly two population groups?</p> <p>7 A That's right. There also was some smaller</p> <p>8 minority groups, but the analysis -- the legal claim was about</p> <p>9 the black voters.</p> <p>10 Q Have you ever reviewed any racial polarized</p> <p>11 analysis regarding Hispanic voters?</p> <p>12 MR. BISHOP: I'm going to object on relevance grounds.</p> <p>13 I'm not going to say you can't run your deposition the way you</p> <p>14 want to do, but this may be getting a little far afield what</p> <p>15 we're here to talk about with his report, but you can</p> <p>16 answer.</p> <p>17 THE WITNESS: If you can repeat the question.</p> <p>18 (Record read back by the court reporter.)</p> <p>19 THE WITNESS: Is the question in reference to in my</p> <p>20 work as an expert witness or kind of a broader question about</p> <p>21 academic studies?</p> <p>22 BY MR. MEUSER:</p> <p>23 Q Let's start with academic studies.</p> <p>24 MR. BISHOP: Objection. Vague.</p> <p>25 THE WITNESS: Whether I've read an academic study about</p>
<p style="text-align: right;">Page 51</p> <p>1 responding to Dr. Trende's analysis and I've completed my</p> <p>2 report successfully, I believe.</p> <p>3 BY MR. MEUSER:</p> <p>4 Q Right before the break we were talking about you</p> <p>5 personally doing racial polarized voting and you said you had</p> <p>6 not done racial polarized voting on Congressional District 13;</p> <p>7 correct?</p> <p>8 A Correct.</p> <p>9 Q And you mentioned one instance where you had to</p> <p>10 do racial polarized voting and that was in a school district;</p> <p>11 correct?</p> <p>12 A Yes.</p> <p>13 Q Any other times that you needed to do a racial</p> <p>14 polarized voting analysis?</p> <p>15 MR. BISHOP: Objection. Asked and answered.</p> <p>16 THE WITNESS: I don't believe so.</p> <p>17 BY MR. MEUSER:</p> <p>18 Q When you did the racial polarized voting, what</p> <p>19 were the steps that you did in order to do it?</p> <p>20 A Collected data from elections to the school board</p> <p>21 at the level of precincts, which I believe were identical to</p> <p>22 VTEs in St. Louis County and then conducted ecological</p> <p>23 inference analysis to get estimates and confidence intervals</p> <p>24 for the voting levels for the various candidates by different</p> <p>25 ethnic and racial groups. These were nonpartisan elections,</p>	<p style="text-align: right;">Page 53</p> <p>1 racial polarized voting regarding Hispanic voters, I believe</p> <p>2 I've read studies on racial polarized voting that were broad</p> <p>3 in nature and discussed in the same rubric race and ethnicity</p> <p>4 in their analyses. So I think the answer to that would be</p> <p>5 yes. But I don't really have any sense of specifics in which</p> <p>6 the focus on race and ethnicity were really very different.</p> <p>7 BY MR. MEUSER:</p> <p>8 Q Okay. Regarding -- we just talked about</p> <p>9 academic. You said legal. Have you ever been involved in any</p> <p>10 racial polarized voting in a case where racial polarized</p> <p>11 voting was involved with Hispanics?</p> <p>12 MR. BISHOP: Objection. Vague and calls for legal</p> <p>13 conclusions.</p> <p>14 THE WITNESS: I believe the answer is no.</p> <p>15 BY MR. MEUSER:</p> <p>16 Q When you did your racial polarized voting</p> <p>17 analysis, how far back did you go on election data?</p> <p>18 MR. BISHOP: Objection. Vague.</p> <p>19 THE WITNESS: In the Ferguson-Florissant School</p> <p>20 District context, this was some years ago. I don't recall. I</p> <p>21 believe I presented data from elections going back several</p> <p>22 years, but how many I just don't have a good memory for that.</p> <p>23 BY MR. MEUSER:</p> <p>24 Q Can you turn to page -- I don't know what page</p> <p>25 number of your report it is -- at the top of the page it's</p>



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<p>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</p>	<p>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</p>
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<p>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 ///</p>	<p>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</p>



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<p style="text-align: right;">Page 58</p> <p>1 percent."</p> <p>2 Q And what was the percentage of the Hispanic</p> <p>3 citizen voting age that was added to the district?</p> <p>4 A For citizen voting-age population it was 62</p> <p>5 percent.</p> <p>6 Q So the district -- I'm going to just focus in on</p> <p>7 Congressional District 13 what was shed. So what was shed was</p> <p>8 60 percent Hispanic CVAP; correct?</p> <p>9 A This is not referring to the entire district.</p> <p>10 This is just discussing kind of -- before getting into that,</p> <p>11 this is a spot where I'm really just discussing a particular</p> <p>12 comparison of this rural area to the south with this other</p> <p>13 area to the north. The full accounting for all of the areas</p> <p>14 that were removed or added to the district is documented in --</p> <p>15 if it's CVAP we want to talk about, that's documented in</p> <p>16 Table 2.</p> <p>17 Q So there's two columns here in Table 2. The</p> <p>18 first one is percent of Hispanic CVAP in 2020 and the second</p> <p>19 column is percent nonHispanic CVAP 2020; correct?</p> <p>20 A Yes.</p> <p>21 Q When you say 2020, you're talking about the</p> <p>22 commission's maps that were drawn in 2021?</p> <p>23 A The 2020 refers to, as we were discussing</p> <p>24 earlier, the decennial census data on CVAP.</p> <p>25 Q So that's where the data is coming from. So</p>	<p style="text-align: right;">Page 60</p> <p>1 BY MR. MEUSER:</p> <p>2 Q The number of people that were removed that you</p> <p>3 are highlighting here as being 60 percent Hispanic, do you</p> <p>4 know how many people were in that section of District 13 in</p> <p>5 Fresno County that you removed?</p> <p>6 A Couple lines before that it says 76,772.</p> <p>7 Q So this initial section, before you got to your</p> <p>8 complete districtwide section, you are comparing the section</p> <p>9 out of Fresno County that had 76,000 people compared to the</p> <p>10 section in San Joaquin County that was 100,000 people. Am I</p> <p>11 understanding you correctly?</p> <p>12 A That's right. After introducing figure 1 and</p> <p>13 demonstrating that there was this large area removed to the</p> <p>14 south and then this small but densely populated area moved to</p> <p>15 the north, I was comparing what kind of places those were.</p> <p>16 But there are of course other small changes being made in</p> <p>17 other parts of the map and so I do that accounting -- the full</p> <p>18 accounting a little bit later. In this spot I'm really just</p> <p>19 focusing in on these kind of -- these areas that leap out when</p> <p>20 you look at figure 1.</p> <p>21 Q So when I'm looking at figure 1 and I'm looking</p> <p>22 at the black line that's kind of the south part of District 13</p> <p>23 and then there's this big red section that's south of the</p> <p>24 black line, is that the 76,000 voter section that you're</p> <p>25 talking about? Is that that entire section down there?</p>
<p style="text-align: right;">Page 59</p> <p>1 we're talking about CD 13. So you're talking about the</p> <p>2 commission map 13 and the core of that is the first line, what</p> <p>3 was added into the district and what was taken out of the</p> <p>4 district; correct?</p> <p>5 A Exactly, yes.</p> <p>6 MR. BISHOP: Objection. Form.</p> <p>7 BY MR. MEUSER:</p> <p>8 Q Do you do -- that's the CVAP numbers for what was</p> <p>9 added and what was taken out; correct?</p> <p>10 A Yes.</p> <p>11 Q Do you see anywhere in your report where you do a</p> <p>12 complete analysis of the Democrat share of what was taken out</p> <p>13 and what was put in?</p> <p>14 MR. BISHOP: Objection. Form.</p> <p>15 THE WITNESS: Yes, that's in Table 3.</p> <p>16 BY MR. MEUSER:</p> <p>17 Q So back at 271 when you're talking about this</p> <p>18 area that was 60 percent Hispanic voting age that was taken</p> <p>19 out of District 13, that was the 100,000 people?</p> <p>20 MR. BISHOP: Objection --</p> <p>21 MR. MEUSER: 100,133 people.</p> <p>22 MR. BISHOP: Objection. Form.</p> <p>23 THE WITNESS: That was the -- yeah, the area around</p> <p>24 Stockton that was added to the district contained that number</p> <p>25 of people, yes.</p>	<p style="text-align: right;">Page 61</p> <p>1 A Well, it's the part of it that's in Fresno</p> <p>2 County. And the map does not include the county boundaries.</p> <p>3 So it's not including the section of it that is around Madera,</p> <p>4 for instance. I believe that is not in Fresno County. So it</p> <p>5 was just kind of an initial analysis by focusing on specific</p> <p>6 counties.</p> <p>7 Q Okay. If my geography knows about where that</p> <p>8 line is pretty much where the top of the city of Fresno -- the</p> <p>9 border of Fresno County just goes slightly above that. So</p> <p>10 kind of that section to the east in the Madera area, that</p> <p>11 section is probably not included in your 76,000?</p> <p>12 A I believe that's right.</p> <p>13 MR. BISHOP: Object to the form.</p> <p>14 BY MR. MEUSER:</p> <p>15 Q I'll let you go ahead and repeat your answer.</p> <p>16 A I would have to look at the county's boundary,</p> <p>17 but that's right. The area that we're looking at here that is</p> <p>18 being discussed in the text is the part of that extracted</p> <p>19 region that is in Fresno County.</p> <p>20 Q Okay.</p> <p>21 A So it's not the entirety of everything in the</p> <p>22 south. For that, we'd need to go to the full accounting a</p> <p>23 couple pages later.</p> <p>24 Q I understand. And then for the 100,000 --</p> <p>25 roughly 100,000 voters you're talking in the Stockton area,</p>

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<p>Page 62</p> <p>1 you're talking about that top little square what is above that</p> <p>2 little red line. Is that what you're predominantly talking</p> <p>3 about when you talk about the 100,000 number?</p> <p>4 MR. BISHOP: Objection to form.</p> <p>5 THE WITNESS: This is -- again, I used counties for</p> <p>6 this analysis. So it's all of the folks in San Joaquin</p> <p>7 County, which is essentially I think -- I believe links up</p> <p>8 with what you described.</p> <p>9 BY MR. MEUSER:</p> <p>10 Q I'm just trying to -- you know, because as you</p> <p>11 said you used numbers but not the full numbers and I'm just</p> <p>12 trying to make sure I understand what areas you're talking</p> <p>13 about.</p> <p>14 A Yeah, I tried to be clear in the text that this</p> <p>15 is based on counties.</p> <p>16 Q Got it. Did you break down the numbers for the</p> <p>17 other counties like Madera County that were left out?</p> <p>18 MR. BISHOP: Objection. Vague.</p> <p>19 THE WITNESS: Later on in the report I do that. I kind</p> <p>20 of come at this from a few different angles. In this section</p> <p>21 I'm just looking at the areas that are in Fresno County versus</p> <p>22 the areas that are added in San Joaquin County. Later on I do</p> <p>23 an analysis where I compare the places that were -- instead of</p> <p>24 doing counties I look at districts. So I look at the places</p> <p>25 that were exchanged between Districts 5 and 13 vis-a-vis</p>	<p>Page 64</p> <p>1 BY MR. MEUSER:</p> <p>2 Q But you took the time to figure out what the CVAP</p> <p>3 number of those districts were, but you did not take the time</p> <p>4 to figure out what the population was of those lines?</p> <p>5 MR. BISHOP: Objection to form.</p> <p>6 THE WITNESS: My job here was to respond to</p> <p>7 Dr. Trende's report. It was making some claims about what the</p> <p>8 impact of these changes were for the CVAP. He did not make</p> <p>9 any claims about the population sizes, so that wasn't</p> <p>10 something I imagined was relevant to the task of examining</p> <p>11 Dr. Trende's conclusions. Dr. Trende focused on some very</p> <p>12 specific areas, so that was one of my approaches was to focus</p> <p>13 on the same areas as Dr. Trende.</p> <p>14 BY MR. MEUSER:</p> <p>15 Q But you did find it important to go look at</p> <p>16 Fresno County and you found it important to look at San</p> <p>17 Joaquin County, but you didn't find it important to look at</p> <p>18 the same exact numbers for Madera County?</p> <p>19 MR. BISHOP: Objection to form.</p> <p>20 THE WITNESS: The early part of the report I was trying</p> <p>21 to make -- give some basic sense of ways in which the</p> <p>22 districts changed and get a sense to the court of how -- where</p> <p>23 the big changes were. I think one can see from District 1</p> <p>24 that there were big changes that involved a lot of people</p> <p>25 around the southern part of the district. And one might not</p>
<p>Page 63</p> <p>1 places that were exchanged between District 9 and 13. So</p> <p>2 effectively the approach to looking at the exchanges between 5</p> <p>3 and 13 achieves what you just asked about.</p> <p>4 BY MR. MEUSER:</p> <p>5 Q What page are you referring to for the analysis</p> <p>6 that I would get on what you did in Madera County?</p> <p>7 A Page -- if we go by the pages on the top</p> <p>8 right-hand corner, it would be page 284. In the third full</p> <p>9 paragraph I say "I have identified all of the census blocks</p> <p>10 removed from District 13 and placed in District 5" and then I</p> <p>11 go on to also do the same thing for blocks that had been moved</p> <p>12 the other direction.</p> <p>13 Q Do you identify the number of voters in a census</p> <p>14 block that would transfer from 5 to 13?</p> <p>15 A I don't see it here.</p> <p>16 Q Do you remember if you looked at that?</p> <p>17 A In calculating the numbers, I'm sure I had it in</p> <p>18 front of me but I didn't -- yeah, I'm sure I looked at it.</p> <p>19 Q Do you recall how many voters were transferred</p> <p>20 from 5 to 13 or 13 to 5?</p> <p>21 MR. BISHOP: Objection. Vague.</p> <p>22 THE WITNESS: No, I don't recall the numbers. But one</p> <p>23 can look at that boundary and see that the changes were small.</p> <p>24 The numbers were not large relative to some of the other</p> <p>25 places on the map.</p>	<p>Page 65</p> <p>1 necessarily be able to visualize it from Stockton, so that's</p> <p>2 why it was important to convey the number of people to get a</p> <p>3 sense of what the big changes in the district were. Later on</p> <p>4 when analyzing Dr. Trende's claims about the boundary between</p> <p>5 District 13 and 5, the overall numbers involved, it didn't</p> <p>6 occur to me to report that, but we can tell from figure 1 that</p> <p>7 the numbers are not especially large.</p> <p>8 BY MR. MEUSER:</p> <p>9 Q So did it appear to you that looking at the</p> <p>10 Hispanics in Fresno County compared to the Hispanics in San</p> <p>11 Joaquin County, which is the Stockton area that was added, one</p> <p>12 was 60 percent, the other was 62 percent, one voted 45 percent</p> <p>13 for Democrats and one voted 71.4 percent for Democrats. Would</p> <p>14 it be fair to say the voting patterns of the Hispanics in</p> <p>15 Fresno County differ from the voting patterns of the Hispanics</p> <p>16 in the Stockton area?</p> <p>17 MR. BISHOP: Object to the form.</p> <p>18 THE WITNESS: That's what those numbers indicate.</p> <p>19 BY MR. MEUSER:</p> <p>20 Q And you put a number of 25.5 percentage points;</p> <p>21 correct?</p> <p>22 A Oh, you're referring to the earlier analysis,</p> <p>23 yes, I believe that's correct.</p> <p>24 Q So the Hispanics that were shed from District 13</p> <p>25 which were 60 percent of that area, which you said was roughly</p>

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<p>1 76,000 people -- or 76,772 people, voted for Democrats 45.9</p> <p>2 percent of the time; correct?</p> <p>3 A Yes.</p> <p>4 Q And the Hispanics that were added in Stockton,</p> <p>5 which was roughly 100,133 people which was roughly CVAP number</p> <p>6 of 62 percent, voted for Democrats 71.4 percent of the time;</p> <p>7 correct?</p> <p>8 A There is a misunderstanding here. I'm not making</p> <p>9 claims about the voting behavior of Hispanics in particular.</p> <p>10 I'm just adding up the data and explaining what the impact was</p> <p>11 of this change on voting behavior. I'm not drawing any</p> <p>12 inferences about voting behavior of Hispanics versus whites or</p> <p>13 anything like that.</p> <p>14 Q So you don't know if that 71.4 percent is what</p> <p>15 the Hispanics are doing or what the whites are doing or any</p> <p>16 other racial group; correct?</p> <p>17 A In presenting those raw statistics, that is</p> <p>18 correct.</p> <p>19 Q But of the 100,133 people that were added, 68</p> <p>20 percent of them were Hispanic and 62 percent of them were</p> <p>21 citizen voting-age Hispanics; correct?</p> <p>22 MR. BISHOP: Objection. Form.</p> <p>23 THE WITNESS: That's correct.</p> <p>24 BY MR. MEUSER:</p> <p>25 Q As for as the 76,772 that were shed from Fresno</p>	<p>1 children and so forth.</p> <p>2 Q Exactly.</p> <p>3 A And the job of a district drawer in trying to get</p> <p>4 down to one single person population equality is to look at</p> <p>5 total population. And so that's why those numbers are</p> <p>6 reported or why they're relevant, but these percentages are of</p> <p>7 the voting-age population and of the citizen voting-age</p> <p>8 population.</p> <p>9 Q What you did is you started with the population</p> <p>10 number, total population. The first percentage you gave is</p> <p>11 the total population, but then you also looked at the number</p> <p>12 of those who were removed and of those removed, you looked at</p> <p>13 what the citizen voting-age population was; correct?</p> <p>14 MR. BISHOP: Object to the form.</p> <p>15 THE WITNESS: Yes. In the areas in question I added up</p> <p>16 all of the citizen voting-age population and added up all of</p> <p>17 the Hispanic voting-age population and divided the second</p> <p>18 thing by the first thing.</p> <p>19 BY MR. MEUSER:</p> <p>20 Q I'm just making sure it's not in this report.</p> <p>21 You have the total population, but you do not actually list</p> <p>22 what the voting-age population for the people -- for the areas</p> <p>23 that were removed out of Congressional District 13; is that</p> <p>24 correct?</p> <p>25 A I don't believe I report that here, but that</p>
<p>1 County, that doesn't include those that were taken out in</p> <p>2 Madera County or any other part of the map but just the 76,772</p> <p>3 people that were taken out of Fresno County, of those 72</p> <p>4 percent of them were Hispanic of which 60 percent of them were</p> <p>5 citizen voting-age Hispanics; correct?</p> <p>6 MR. BISHOP: Object to the form.</p> <p>7 THE WITNESS: I wouldn't use the words "of which." If</p> <p>8 we look at all of the Hispanic voting-age population, 72</p> <p>9 percent were Hispanic and 60 percent were of the citizen</p> <p>10 voting-age population was Hispanic in the census.</p> <p>11 BY MR. MEUSER:</p> <p>12 Q So of the 100,133 people -- that's total</p> <p>13 population, that's not a CVAP number; correct?</p> <p>14 A That's correct.</p> <p>15 Q So when we talk about -- that would be 68 percent</p> <p>16 were Hispanic of the 100,133 people; correct?</p> <p>17 MR. BISHOP: Object to the form.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. MEUSER:</p> <p>20 Q And as to Fresno, it's going to be 72 percent</p> <p>21 were Hispanic of the 76,772?</p> <p>22 A Not exactly, no, because -- just to go back, the</p> <p>23 100,133 is total population --</p> <p>24 Q Yes.</p> <p>25 A -- not voting-age population. So there are</p>	<p>1 would be -- I have no objection that one could have reported</p> <p>2 that way, but that's just -- again, when drawing districts one</p> <p>3 doesn't focus on voting-age population, one focuses on total</p> <p>4 population.</p> <p>5 Q But you took the time to tell us what the citizen</p> <p>6 voting-age percentage was, not the population?</p> <p>7 MR. BISHOP: Object to the form.</p> <p>8 THE WITNESS: That's exactly what Dr. Trende had done,</p> <p>9 yes.</p> <p>10 BY MR. MEUSER:</p> <p>11 Q So just looking at the areas in Fresno County</p> <p>12 that were removed from District 13, 45.9 percent of those</p> <p>13 people removed voted Democrat; correct?</p> <p>14 A No. Not everyone votes. This is just a</p> <p>15 percentage -- this is just looking at the vote share from the</p> <p>16 votes we have from the election information we have. But</p> <p>17 these obviously are the people that show up to vote, so it's</p> <p>18 hard to relate that to the 100,133 without knowing something</p> <p>19 about turnout and registration rates and so forth.</p> <p>20 Q So looking at your footnote you only were looking</p> <p>21 at this data from 2022 and 2024; is that correct?</p> <p>22 A I approached the data a couple of different ways.</p> <p>23 Most of the data in the report, when I talk about politics, is</p> <p>24 a set of statewide elections from 2016 to 2024 that are</p> <p>25 documented in Footnote 3. Dr. Trende in his report presented</p>

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<p style="text-align: right;">Page 70</p> <p>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?</p>	<p style="text-align: right;">Page 72</p> <p>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</p>
<p style="text-align: right;">Page 71</p> <p>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,</p>	<p style="text-align: right;">Page 73</p> <p>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.</p>

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<p>Page 74</p> <p>1 BY MR. MEUSER:</p> <p>2 Q Again, I'm just making sure because -- you know,</p> <p>3 I may be a little slow here. At first I was taking the</p> <p>4 percentages straight off, but, no, I'm missing couple of</p> <p>5 numbers here --</p> <p>6 A Right. Right.</p> <p>7 Q So I'm trying to make sure I understand what</p> <p>8 we're saying. So the first number is the total population.</p> <p>9 These percentages we would need another number of what -- we</p> <p>10 do not have in this report the total population of Hispanic</p> <p>11 voting age that was in Congressional District 13 that were</p> <p>12 removed in Fresno County. That's not in your report?</p> <p>13 A Not in my report, but would be easily calculated</p> <p>14 from my replication materials or from just raw numbers in the</p> <p>15 census.</p> <p>16 Q And we don't have in the report what the Hispanic</p> <p>17 citizen voting age, what that total number was and what was</p> <p>18 removed in Fresno County; correct?</p> <p>19 A That is correct.</p> <p>20 Q And the same -- I'm going to do the same thing</p> <p>21 with you have listed the total population of those people that</p> <p>22 were added in the Stockton area, but you did not produce the</p> <p>23 number of the Hispanic voting-age population; correct?</p> <p>24 MR. BISHOP: Objection to form.</p> <p>25 THE WITNESS: Right. That's, again, not in the report,</p>	<p>Page 76</p> <p>1 BY MR. MEUSER:</p> <p>2 Q Have you had a chance to review that report?</p> <p>3 A Yes.</p> <p>4 Q This is what you were given at the start of your</p> <p>5 assignment of this case; correct?</p> <p>6 A Yes.</p> <p>7 Q The first question I'm going to ask you, are you</p> <p>8 aware of any numbers in Sean Trende's report that are</p> <p>9 inaccurate? Not math, not interpretation, just the fact the</p> <p>10 numbers that were put on the page -- any numbers that were</p> <p>11 incorrect.</p> <p>12 MR. BISHOP: Objection to form.</p> <p>13 THE WITNESS: I'm not aware of any. There are not a</p> <p>14 lot of numbers in the report, but I don't recall having a</p> <p>15 moment where there was a number that I thought was wrong.</p> <p>16 BY MR. MEUSER:</p> <p>17 Q And there are multiple times where Trende does</p> <p>18 some math. At any point in time, do you have a problem with</p> <p>19 the math that Trende did?</p> <p>20 A I don't recall any objections to math in</p> <p>21 particular.</p> <p>22 Q Okay. And Trende drew three demonstration plans;</p> <p>23 is that correct?</p> <p>24 A Yes.</p> <p>25 Q Now, I understand that you quibble with him on</p>
<p>Page 75</p> <p>1 but easily obtainable in the other materials.</p> <p>2 BY MR. MEUSER:</p> <p>3 Q Same question, now asking you Hispanic citizen</p> <p>4 voting age, what that total number is, that number is not in</p> <p>5 your report here; correct?</p> <p>6 MR. BISHOP: Same objection. Form.</p> <p>7 THE WITNESS: That's correct.</p> <p>8 MR. MEUSER: It's 12:30. I think we can break for one</p> <p>9 hour.</p> <p>10 (Lunch recess)</p> <p>11 BY MR. MEUSER:</p> <p>12 Q Okay. Ready to go?</p> <p>13 A Yes.</p> <p>14 Q You understand you're still under oath?</p> <p>15 A Yes.</p> <p>16 MR. MEUSER: Okay. I want to go through some stuff on</p> <p>17 Sean Trende's report that you reviewed. You have in front of</p> <p>18 you what is going to be marked as Exhibit 3 and it is from ECF</p> <p>19 filing 16-5, which is a copy of Sean Trende's report -- or</p> <p>20 declaration, report and CV. Counsel, do you have any</p> <p>21 objections?</p> <p>22 MR. BISHOP: No objection to the entry of the Trende</p> <p>23 report as described.</p> <p>24 (Exhibit 3 was marked for identification</p> <p>25 by the court reporter and is attached hereto.)</p>	<p>Page 77</p> <p>1 those plans, but do you agree that all three of the plans that</p> <p>2 he drew reduce the Hispanic CVAP number?</p> <p>3 MR. BISHOP: Objection to form.</p> <p>4 THE WITNESS: My report provides the data and, yes, one</p> <p>5 of them reduces it by a small amount, the other two by a</p> <p>6 slightly larger amount.</p> <p>7 BY MR. MEUSER:</p> <p>8 Q Would that be on page 31 of your report?</p> <p>9 A Well, the numbers are somewhere else. Page 31 is</p> <p>10 the conclusion and it speaks in sort of generalities about</p> <p>11 this, but the numbers are provided in the report. In fact,</p> <p>12 one can visualize them in figure 15 on the horizontal axis.</p> <p>13 Q So looking at figure 15, what does figure 15 show</p> <p>14 us?</p> <p>15 A We just see on the horizontal axis the amount by</p> <p>16 which the Hispanic voting-age population decreases in</p> <p>17 Dr. Trende's demonstration map vis-a-vis AB 604. So I can</p> <p>18 just describe, the numbers are actually there on page 28 in</p> <p>19 the last paragraph, a decline of 1.6 percentage points from</p> <p>20 map A, 4.5 percentage points for map B and 5.4 percentage</p> <p>21 points for map C. So I believe that is probably something on</p> <p>22 which Dr. Trende and I would agree.</p> <p>23 Q So those numbers -- both of you are in agreement</p> <p>24 that that number -- the alternative maps that he drew, all</p> <p>25 three of them reduce the Hispanic voting-age population;</p>



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<p style="text-align: right;">Page 78</p> <p>1 correct?</p> <p>2 MR. BISHOP: Objection to form.</p> <p>3 THE WITNESS: I don't remember whether he had the</p> <p>4 numbers, but, yes, this is just a straightforward calculation</p> <p>5 from the boundaries to his districts. And that's my</p> <p>6 conclusion is that each of them reduces the Hispanic</p> <p>7 voting-age population.</p> <p>8 BY MR. MEUSER:</p> <p>9 Q In Trende's report he broke out each of these</p> <p>10 districts and explained how they performed better than the --</p> <p>11 performed better for Democrats than the District 13 did under</p> <p>12 Prop 50. Did you look at Sean Trende's numbers of how he</p> <p>13 described the district performing better?</p> <p>14 MR. BISHOP: Objection. Compound question.</p> <p>15 THE WITNESS: He included some data on specific</p> <p>16 elections to my recollection. Yes, so, for instance, he has</p> <p>17 Table 1 where --</p> <p>18 BY MR. MEUSER:</p> <p>19 Q And this is page 24 of his report, page 39 of 42</p> <p>20 of the ECF filing; correct?</p> <p>21 A Yes. So he presents a kind of -- using just some</p> <p>22 selected elections. I don't know how he selected these. Of</p> <p>23 course, as I described, there are lots of statewide elections</p> <p>24 available. He selected in a way that he doesn't describe only</p> <p>25 one of the 2022 elections. His work with the Dave's</p>	<p style="text-align: right;">Page 80</p> <p>1 Q We're going to ask you some other questions but</p> <p>2 just for the sake of this question, did you check his math on</p> <p>3 these three races?</p> <p>4 A I did not.</p> <p>5 Q Now, you're still on Sean Trende's report. Let's</p> <p>6 go to page 26 of his report, which is Table 2. Again, this is</p> <p>7 where he's comparing the Democrat edge from the enacted map</p> <p>8 compared to map B; correct?</p> <p>9 A Yes.</p> <p>10 Q And in all three races that he viewed the -- in</p> <p>11 two of the races he viewed the Democrat edge was better and</p> <p>12 one it remained the same. That was the senate 2024 remained</p> <p>13 the same; is that correct?</p> <p>14 MR. BISHOP: Objection. Vague.</p> <p>15 THE WITNESS: Yes. One of them was almost the same and</p> <p>16 the other one it was exactly the same. And then there was one</p> <p>17 where it was a difference of .4. So .4 of a percentage</p> <p>18 point.</p> <p>19 BY MR. MEUSER:</p> <p>20 Q And you didn't check his math on any of these?</p> <p>21 A No.</p> <p>22 MR. BISHOP: Objection to form.</p> <p>23 BY MR. MEUSER:</p> <p>24 Q And let's turn to the next page, 27, with</p> <p>25 Table 3. In Table 3 when you look at the enacted map versus</p>
<p style="text-align: right;">Page 79</p> <p>1 Redistricting App includes elections for many other 2022</p> <p>2 elections. So he chose some and they look like a mixed bag.</p> <p>3 So the democratic edge, as he calls it, decreased for governor</p> <p>4 2022, but increased a bit for presidential 2024. And then</p> <p>5 there is this big increase for senate 2024. So the democratic</p> <p>6 edge is -- I'm just trying to make sure I understand his --</p> <p>7 enacted map versus A -- I can't remember how to interpret</p> <p>8 this.</p> <p>9 Q So the first column is the race that he's</p> <p>10 comparing; correct?</p> <p>11 A The first --</p> <p>12 Q Governor, president --</p> <p>13 A Yes.</p> <p>14 Q And then there's three columns within the next</p> <p>15 two sets of line; correct?</p> <p>16 A Oh, I see. I think I understand the table now.</p> <p>17 I just have to recall. Yeah, so he's calculating the</p> <p>18 democratic edge in these individual elections in the enacted</p> <p>19 map and finding negative .8; meaning, a Republican edge in</p> <p>20 that election and some positive edge for the Democrats in the</p> <p>21 other two, if I'm understanding that correctly. And then we</p> <p>22 have the enacted map over on the other side where these, what</p> <p>23 he calls the democratic edge is somewhat larger for those</p> <p>24 elections relative to the edge of the enacted map. So, yes,</p> <p>25 that is his conclusion drawn from these selected elections.</p>	<p style="text-align: right;">Page 81</p> <p>1 map C, according to Sean Trende when he looked at these three</p> <p>2 races, he identified that his proposed map C performed better</p> <p>3 for the Democrats than the enacted map; is that correct?</p> <p>4 A I believe so.</p> <p>5 Q Now, in your report did you analyze his map A,</p> <p>6 map B or map C to more races than what Sean Trende did?</p> <p>7 A Yes.</p> <p>8 Q What additional races did you look at? If you</p> <p>9 could let us know what page you're on so I can follow along.</p> <p>10 A This brings us back to those footnotes we were</p> <p>11 discussing earlier. So Footnote 3 describes the races I used,</p> <p>12 which were the 2016 and '20 presidential; 2018 gubernatorial,</p> <p>13 attorney general as well as '22 general elections for</p> <p>14 treasury, secretary of state, lieutenant governor, attorney</p> <p>15 general, governor and US Senator. And then in 2024 US Senate</p> <p>16 and presidential. So this is using all of the data for</p> <p>17 statewide races that I had available to me.</p> <p>18 But then, as we discussed, there's also this</p> <p>19 other footnote where I said, if we'd like to limit ourselves</p> <p>20 to 2022 and 2024, we have a number of elections to use. And</p> <p>21 so just to be clear about what those are, the 2022 elections</p> <p>22 are treasurer, secretary of state, lieutenant governor,</p> <p>23 attorney general, governor and US Senator. And then the 2024</p> <p>24 elections are US Senate and presidential. So by my count,</p> <p>25 that analysis included one, two, three, four, five, six,</p>



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<p style="text-align: right;">Page 82</p> <p>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.</p> <p>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?</p> <p>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.</p> <p>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?</p> <p>23 MR. BISHOP: Objection. Vague. 24 BY MR. MEUSER: 25 Q And we are asking as to, you know --</p>	<p style="text-align: right;">Page 84</p> <p>1 considering the votes for third parties.</p> <p>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?</p> <p>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.</p> <p>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?</p> <p>18 A That is correct.</p> <p>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?</p> <p>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</p>
<p style="text-align: right;">Page 83</p> <p>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.</p> <p>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?</p> <p>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</p>	<p style="text-align: right;">Page 85</p> <p>1 all of the raw votes for Democrats plus all of the raw votes 2 for Republicans.</p> <p>3 Q And then you calculate the percentage between 4 those two?</p> <p>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.</p> <p>8 Q Okay.</p> <p>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.</p> <p>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?</p> <p>20 MR. BISHOP: Objection to form.</p> <p>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</p>

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<p>1 where a turnout is a bit higher will be weighted a bit higher.</p> <p>2 That's really the only thing that might be happening there</p> <p>3 with weighting is if there's a higher turnout election it gets</p> <p>4 a little more weight but that's it.</p> <p>5 BY MR. MEUSER:</p> <p>6 Q Aren't presidential elections significantly more</p> <p>7 higher turnout than state gubernatorial elections?</p> <p>8 MR. BISHOP: Objection to form.</p> <p>9 THE WITNESS: Yes, typically. So they'll be a bit</p> <p>10 higher weight here for the presidential years, but it's also</p> <p>11 the case that we had a lot of races in 2022 that are included</p> <p>12 in the index.</p> <p>13 BY MR. MEUSER:</p> <p>14 Q Having more races in 2022 means that there's a</p> <p>15 lot more total votes being dropped in in 2022 than there are</p> <p>16 votes being dropped in from 2024; is that correct?</p> <p>17 MR. BISHOP: Objection to form.</p> <p>18 THE WITNESS: That is correct.</p> <p>19 BY MR. MEUSER:</p> <p>20 Q So when you added up all of the races that are</p> <p>21 specified in Footnote 3, you added up all of the Democrat</p> <p>22 votes, all of the Republican votes and you looked at it just</p> <p>23 for demonstration map A, you concluded that that had a</p> <p>24 Democrat edge of 54.35; is that correct?</p> <p>25 A Well, the Democratic vote share was 54.35. The</p>	<p>1 B.</p> <p>2 Q Footnote 13.</p> <p>3 A I'm still trying to get my bearings. Okay. I</p> <p>4 was looking too low. So I want to start with -- just to keep</p> <p>5 things in the same order, I'll start with what's in the text.</p> <p>6 So what I've done here is used the encompassing full index in</p> <p>7 the text in 2022 and 2024 only in the footnotes. So the full</p> <p>8 index is in the second paragraph, the fourth line and that is,</p> <p>9 again, 54.41 percent under AB 604 and 53.87 percent under the</p> <p>10 demonstration map B.</p> <p>11 Q But when you do it just on 2022 and 2024 that is</p> <p>12 Footnote 3 and it goes from 51.16 -- or it goes from -- how</p> <p>13 can it go 51.3 to 51.16 -- oh, I'm sorry, yeah.</p> <p>14 A To be clear, this is Footnote 13.</p> <p>15 Q 51.3 is what proposition 50 map Congressional</p> <p>16 District 13 is when you only look at the two recent elections;</p> <p>17 correct?</p> <p>18 A Yes, and then it's 51.3 for that and then for</p> <p>19 Dr. Trende's map B it's 51.16 percent.</p> <p>20 Q Okay. But you're not looking at Democrat edge,</p> <p>21 you are looking -- you've taken different races -- or you've</p> <p>22 added races but you're using a slightly different formula?</p> <p>23 A Yes, if one wanted to see it as an edge since</p> <p>24 this is a two party vote, you could say this is -- compared to</p> <p>25 50/50, you know, 51.16 if you'd rather think of that as 1.16</p>
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<p>1 edge would be, I guess, 4.35 or something, but that's just the</p> <p>2 vote share -- the two party vote share.</p> <p>3 Q So did you create an edge number like Trende did</p> <p>4 or did you just look at it as, you know, what the vote share</p> <p>5 was?</p> <p>6 A I just presented the vote share.</p> <p>7 Q So what you're saying is when you compare all of</p> <p>8 the races for demonstration map A, the vote share goes</p> <p>9 slightly down for map A compared to CD 13 from 54.41 for CD 13</p> <p>10 down to 54.35; correct.</p> <p>11 A Correct.</p> <p>12 Q Let's move to map B. That's page 29 is the map</p> <p>13 itself; correct?</p> <p>14 A Yes.</p> <p>15 Q And your math for map B would be...</p> <p>16 MR. BISHOP: If that's a question, objection to form.</p> <p>17 THE WITNESS: Was there a question outstanding?</p> <p>18 BY MR. MEUSER:</p> <p>19 Q I said where is your math of what the voter share</p> <p>20 is for demonstration map B?</p> <p>21 A I thought you said map which I was confused by.</p> <p>22 Okay. So using the larger partisan in a more encompassing</p> <p>23 partisan index, again, the democratic vote share of the</p> <p>24 district under AB 604 was 54.41 and -- oh, I'm sorry, I'm</p> <p>25 already on demonstration map C. I've got to find the data for</p>	<p>1 edge, it all depends how one likes to think about these things</p> <p>2 or if you want to take it as the difference between the two,</p> <p>3 then one could certainly calculate that number and look at</p> <p>4 that. I just thought it was easiest to compare the actual</p> <p>5 percentages.</p> <p>6 Q And then C for all of the races you say went down</p> <p>7 from 54.41 down to 53.76; correct?</p> <p>8 A Yes.</p> <p>9 Q And if you only look at races from 2022 and 2024,</p> <p>10 it's your position that it went down from 51.3 to 51.17?</p> <p>11 A That's correct.</p> <p>12 Q On page 28, second paragraph you talk about Tracy</p> <p>13 is quite Democratic in reference to demonstration maps B and</p> <p>14 C; correct?</p> <p>15 A Yes.</p> <p>16 MR. BISHOP: Objection to form.</p> <p>17 BY MR. MEUSER:</p> <p>18 Q Isn't that what Trende said he was trying to do</p> <p>19 is find more Democrat areas and -- strike that.</p> <p>20 You agree with Trende when he was adding Stockton</p> <p>21 to demonstration map B and C that he was trying to add more</p> <p>22 Democrats, an area that was more Democratic than Stockton;</p> <p>23 correct?</p> <p>24 MR. BISHOP: Objection to form.</p> <p>25 THE WITNESS: I don't have a very good understanding of</p>

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<p style="text-align: right;">Page 90</p> <p>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</p>	<p style="text-align: right;">Page 92</p> <p>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</p>
<p style="text-align: right;">Page 91</p> <p>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?</p>	<p style="text-align: right;">Page 93</p> <p>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</p>

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<p style="text-align: right;">Page 94</p> <p>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?</p> <p>5 MR. BISHOP: Objection to form.</p> <p>6 THE WITNESS: That sounds right, but I'll try to make 7 sure. I believe that's correct.</p> <p>8 BY MR. MEUSER:</p> <p>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?</p> <p>13 A Yes.</p> <p>14 Q Why did you do one dot per 100? What was your 15 thinking on that?</p> <p>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</p>	<p style="text-align: right;">Page 96</p> <p>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.</p> <p>4 BY MR. MEUSER:</p> <p>5 Q Okay. And the lines that we're seeing on this 6 indicate that they are census blocks; is that correct?</p> <p>7 A These are actually census block groups. Census 8 blocks would be much smaller.</p> <p>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.</p> <p>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.</p> <p>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?</p>
<p style="text-align: right;">Page 95</p> <p>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.</p> <p>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?</p> <p>6 MR. BISHOP: Objection. Speculation.</p> <p>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.</p> <p>15 BY MR. MEUSER:</p> <p>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?</p> <p>20 MR. BISHOP: Objection to form.</p> <p>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</p>	<p style="text-align: right;">Page 97</p> <p>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.</p> <p>5 Q I'm just asking your best recollection. I don't 6 want you to guess.</p> <p>7 A Yeah, I really don't know.</p> <p>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?</p> <p>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.</p> <p>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?</p>

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<p style="text-align: right;">Page 98</p> <p>1 A Yes.</p> <p>2 Q What was the point Sean Trende was trying to make</p> <p>3 with this particular map?</p> <p>4 MR. BISHOP: Objection. Calls for speculation.</p> <p>5 THE WITNESS: I imagine he discussed this map in a</p> <p>6 couple of different places, but I know there was one passage</p> <p>7 in which he was drawing attention to the difference in color</p> <p>8 on the eastern side of that appendage around -- kind of east</p> <p>9 of the city of Ceres and I was pointing out that that is a</p> <p>10 rather sparsely populated area.</p> <p>11 BY MR. MEUSER:</p> <p>12 Q But you would agree that the area in Modesto</p> <p>13 north of the line has a much lower HMAP number than that part</p> <p>14 of Modesto immediately below the line; is that correct?</p> <p>15 MR. BISHOP: Objection to form.</p> <p>16 THE WITNESS: That's the thing about this figure that I</p> <p>17 don't see it that way. There is a very sparsely populated</p> <p>18 area where the Hispanic population looks a bit different on</p> <p>19 either side of the line, but through most of the -- when we're</p> <p>20 looking just kind of at the appendage where much of the</p> <p>21 population actually lies in Dr. Trende's map there's shades of</p> <p>22 green and yellow that look similar on both sides of the</p> <p>23 boundary and most of those are populated areas. And on the</p> <p>24 eastern side of that appendage his map looks similar shades of</p> <p>25 blue on both sides of the boundary.</p>	<p style="text-align: right;">Page 100</p> <p>1 also a place that's rather sparsely populated. But then to</p> <p>2 the north of that there's an area that's also sort of sparsely</p> <p>3 populated where the shades of blue are similar on both sides</p> <p>4 of the boundary. And then as we move west along what might be</p> <p>5 the hair of the person whose forehead and nose you're</p> <p>6 referring to as we go back through that area, I see a lot</p> <p>7 of -- I see a boundary that cuts right through a very</p> <p>8 heterogeneous area that has a mix of Hispanic and white</p> <p>9 residence. And I don't see much of a correspondence to</p> <p>10 ethnicity as we move to the west. Then there's this part that</p> <p>11 moves to the northwest where, again, there's similar shades of</p> <p>12 green on both sides of the boundary.</p> <p>13 So if Dr. Trende means for this to be presenting</p> <p>14 a kind of clean sorting by ethnicity, I guess reasonable</p> <p>15 people can disagree but I don't see it.</p> <p>16 BY MR. MEUSER:</p> <p>17 Q Question, the line at the top left of both images</p> <p>18 is a fairly straight diagonal line; correct?</p> <p>19 A Yes.</p> <p>20 MR. BISHOP: Objection to form.</p> <p>21 BY MR. MEUSER:</p> <p>22 Q And in a way you can kind of see it going</p> <p>23 throughout the whole entire document at least to the neck of</p> <p>24 the face. Would you agree with that, that you can kind of see</p> <p>25 that line all the way through?</p>
<p style="text-align: right;">Page 99</p> <p>1 So this is where I look at the maps that</p> <p>2 Dr. Trende presents and believes provide evidence of ethnic</p> <p>3 sorting and I'm puzzled. Really quite puzzled. If anything,</p> <p>4 along this part of the boundary the change in the district</p> <p>5 boundary only made the district slightly less Hispanic.</p> <p>6 BY MR. MEUSER:</p> <p>7 Q So you're referring to the part immediately north</p> <p>8 of the city and east of the city, those two census block group</p> <p>9 sets -- you're talking about those two particular census block</p> <p>10 sets, is that what you're referring to?</p> <p>11 MR. BISHOP: Objection to form.</p> <p>12 THE WITNESS: I'm not sure which city you're referring</p> <p>13 to. What you mean when you say "the city." What I just</p> <p>14 described is there is a sparsely populated area that is --</p> <p>15 that sticks out to the east where it looks in Dr. Trende's map</p> <p>16 like there is maybe one little spot where it's slightly bluer</p> <p>17 on the District 13 side, if we're just looking at the east</p> <p>18 compared to the west.</p> <p>19 BY MR. MEUSER:</p> <p>20 Q Are you talking about the nose and the forehead</p> <p>21 area?</p> <p>22 MR. BISHOP: Objection to form.</p> <p>23 THE WITNESS: Nice, yes. I see the nose and I see the</p> <p>24 forehead. That's what I'm talking about, yes. So, you know,</p> <p>25 there's a bit of a difference in the color there, but it's</p>	<p style="text-align: right;">Page 101</p> <p>1 MR. BISHOP: Objection to form.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MR. MEUSER:</p> <p>4 Q Do you know if that's highway 99?</p> <p>5 A I was just going to say, I'm pretty sure that's</p> <p>6 99 or the 5. I think it's the 99.</p> <p>7 Q I think it's 99 or the railroad. I don't know</p> <p>8 which one. So you don't know what that diagonal line is?</p> <p>9 A I believe it's the 99, but I'm not 100 percent</p> <p>10 sure.</p> <p>11 Q Okay. The city of Ceres -- I'm not sure if I'm</p> <p>12 saying it right -- it seems to have a high population density,</p> <p>13 according to your dot map, on each side of the 99 or the</p> <p>14 railroad; is that correct?</p> <p>15 MR. BISHOP: Objection to form.</p> <p>16 THE WITNESS: It looks right around what we're thinking</p> <p>17 is the 99. It looks relatively similar on both sides.</p> <p>18 BY MR. MEUSER:</p> <p>19 Q And if you look at the density map, it seems to</p> <p>20 be darkest on the west side of the railroad, but there are</p> <p>21 some very strong Hispanic neighborhoods on the east side of</p> <p>22 the railroad or the freeway; is that correct?</p> <p>23 MR. BISHOP: Objection to form.</p> <p>24 THE WITNESS: It looks that way. Some of the -- you</p> <p>25 know, when we look at dot density, we can see some of the</p>



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<p style="text-align: right;">Page 102</p> <p>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</p>	<p style="text-align: right;">Page 104</p> <p>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</p>
<p style="text-align: right;">Page 103</p> <p>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</p>	<p style="text-align: right;">Page 105</p> <p>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,</p>




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<p style="text-align: right;">Page 106</p> <p>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?</p>	<p style="text-align: right;">Page 108</p> <p>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.</p>
<p style="text-align: right;">Page 107</p> <p>1 MS. RIORDAN: Sure. 2 MR. MEUSER: Okay. 3 BY MR. MEUSER: 4 Q You don't know the subjective 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.</p>	<p style="text-align: right;">Page 109</p> <p>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</p>

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<p style="text-align: right;">Page 110</p> <p>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?</p>	<p style="text-align: right;">Page 112</p> <p>1 DECLARATION UNDER PENALTY OF PERJURY 2 3 4 I hereby declare under Penalty of Perjury that the foregoing 5 is my Statement Under Oath and are the questions asked of me 6 and are my answers hereto; that I have read same and have made 7 necessary corrections, additions, or changes to my answers 8 that I deem necessary. 9 10 11 In witness thereof, I hereby subscribe my name 12 this _____ day of, _____, _____. 13 14 15 16 _____ 17 Witness 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 111</p> <p>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.) 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 113</p> <p>1 CERTIFICATE 2 OF 3 CERTIFIED SHORTHAND REPORTER 4 5 I, the undersigned, a Certified Shorthand Reporter 6 of the State of California do hereby certify: 7 That the foregoing proceedings were taken before me at 8 the time and place herein set forth; that any witnesses in the 9 foregoing proceedings, prior to testifying, were placed under 10 oath; that a verbatim record of the proceedings was made by me 11 using machine shorthand which was thereafter transcribed under 12 my direction; further, that the foregoing is an accurate 13 transcription thereof. 14 I further certify that I am neither financially 15 interested in the action nor a relative or employee of any 16 attorney of any of the parties. 17 IN WITNESS WHEREOF, I have this date subscribed my name. 18 19 20 Dated: December 8, 2025 21 22 23  24 SUZANNE MC KEE 25 CSR No. 12096</p>

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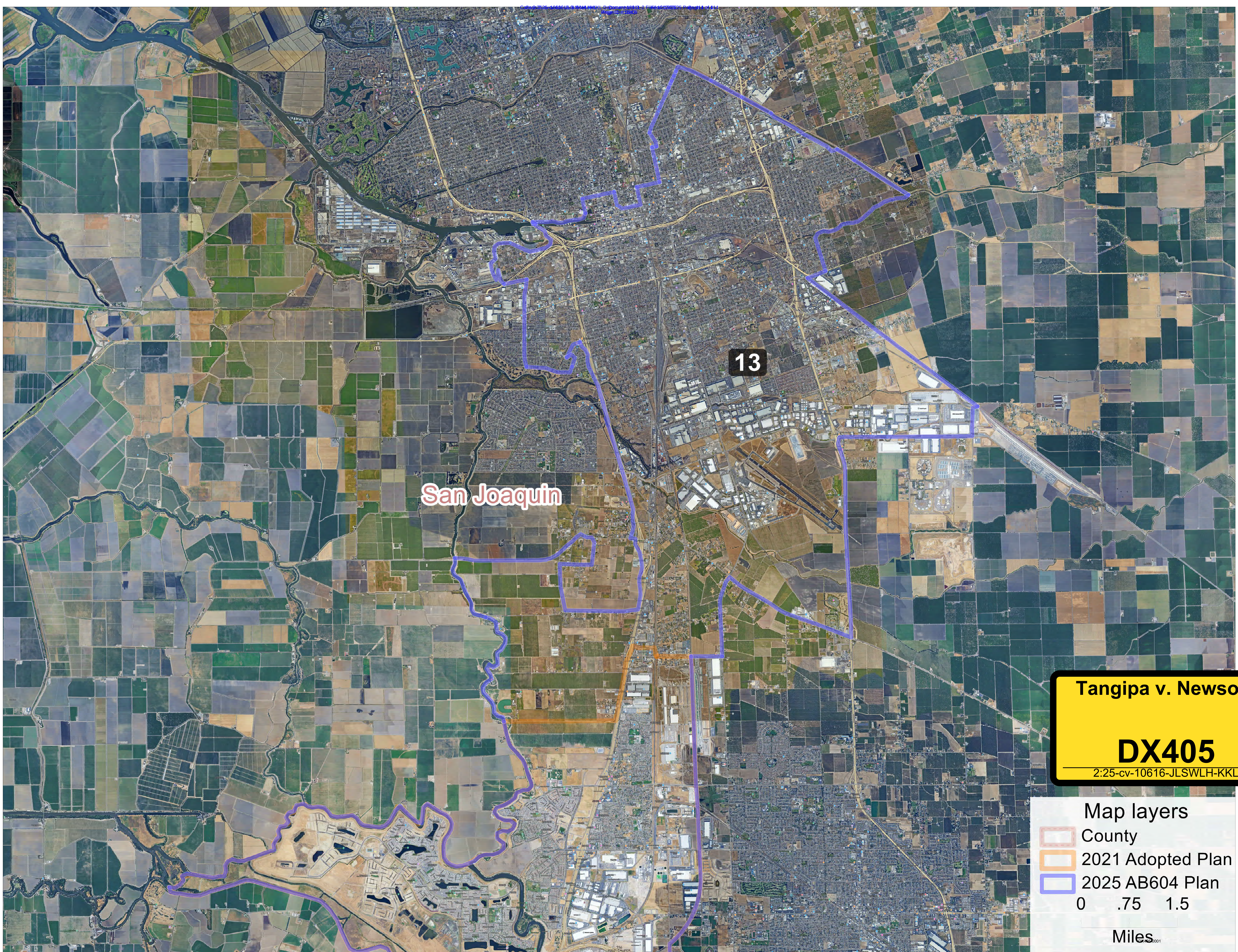
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# **Exhibit 405**





San Joaquin

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**DX405**

2:25-cv-10616-JLSWLH-KKL

Map layers

- County
- 2021 Adopted Plan
- 2025 AB604 Plan

0 .75 1.5

Miles