

# EXHIBIT 25

**In the Matter Of:**  
**HODGES V. PASSIDOMO**

8:24-cv-879

---

**MATTHEW BARRETO, PH.D.**

*November 25, 2024*

---



**ESQUIRE**  
DEPOSITION SOLUTIONS

800.211.DEPO (3376)  
EsquireSolutions.com

MATTHEW BARRETO, PH.D.  
HODGES V. PASSIDOMO

November 25, 2024

1

IN THE UNITED STATES DISTRICT COURT  
TAMPA DIVISION  
CASE NO. 8:24-cv-879

KETO NORD HODGES, et al.

Plaintiffs,

vs.

KATHLEEN PASSIDOMO, et al.,

Defendants.

VIDEOCONFERENCE EXPERT TESTIMONY OF MATTHEW BARRETO, PH.D.

Monday, November 25, 2024  
11:30 a.m. - 3:16 p.m.

Esquire Deposition Solutions  
Zoom Videoconference

Stenographically Reported by:  
Nancy H. Swartz, Court Reporter  
Notary Public, State of Florida at Large  
Appearing Remotely from Hillsborough County, Florida  
Esquire Deposition Solutions - Tampa Office  
Phone - 813.221.2535, 800.838.2814  
Esquire Job No. 11986647

MATTHEW BARRETO, PH.D.  
HODGES V. PASSIDOMO

November 25, 2024

2

1 APPEARANCES :

2  
3 Attorney for Plaintiffs  
(Appeared via Zoom)  
4 DAVID CHEN, ESQUIRE  
DEBORAH ARCHER, ESQUIRE  
5 ABE EVANS, LAW STUDENT  
New York University School of Law  
6 Washington Square Legal Services  
245 Sullivan Street, Fifth Floor  
7 New York, New York 10012  
Phone: 212.998.6430  
8 Email: Davidchen@nyu.edu

9  
10 Attorney for Defendant, Kathleen Passidomo in her  
Official Capacity as President of the Florida Senate  
(Appeared via Zoom)  
11 TARA PRICE, ESQUIRE  
GEORGE MEROS, ESQUIRE  
12 KASSANDRA REARDON, ESQUIRE  
Shutts & Bowen, LLP  
13 215 South Monroe Street, Suite 804  
Tallahassee, Florida 32301  
14 Phone: 850.241.1717  
Email: Tprice@shutts.com  
15  
16  
17  
18

19 ALSO PRESENT: OLIVER THOMAS, FLORIDA SENATE  
20  
21  
22  
23  
24  
25

MATTHEW BARRETO, PH.D.  
HODGES V. PASSIDOMO

November 25, 2024

72

1 this case, not considered for purposes.

2 Similar to the communities of interest, I'm not  
3 outlining, this is a sentence in one of my conclusions, I'm  
4 not outlining a delineated list of all the natural boundaries  
5 in the region. I meant this more to say that it does not  
6 appear that the explanation can be natural boundaries or  
7 communities, such that the main peninsula of Tampa was drawn  
8 into 14 instead of 16. And that, you know, East Tampa was  
9 drawn into 16 and other portions of the city were drawn into  
10 14. Then it goes south and then it jumps across the bay. So  
11 I've seen other maps, including the Bay Area in San Francisco,  
12 where lines much more closely approximate the natural  
13 boundaries. And I'm going to offer the opinion that that does  
14 not appear to be the case here.

15 Q. I heard you mention 14, so I guess as we're talking  
16 about 18 and 16, you see the same issues with 14 and 16?

17 A. Well, just in terms of if somebody said, why is  
18 there a line, you know, in the middle of Tampa and excludes  
19 the main peninsula and even parts of the islands, there are  
20 natural boundary regions why oftentimes mapmakers try to keep  
21 certain parts of a district together or whole, whether it's  
22 ports or shipping channels or all sorts of bridges. And we  
23 already discussed the western portion of Tampa, which goes  
24 between 16 and 14.

25 Q. Mm-hmm.

MATTHEW BARRETO, PH.D.  
HODGES V. PASSIDOMO

November 25, 2024

77

1 It's up to --

2 Q. Is every natural boundary that exists, if you did  
3 analysis -- and I'm trying to talk about anything but the bay,  
4 so if you want to talk about -- we talked about the river. Is  
5 there anything else about the western portion of 16, the  
6 northern portion of 16, the eastern portion of 16, is there  
7 any natural boundaries, that you're aware of as of today, that  
8 were not respected?

9 A. Well, I think if you want to go through this and  
10 zoom in, I mean, we could probably talk about this for hours  
11 would be my guess --

12 Q. I'm asking what analysis you did and what opinion  
13 you're planning to offer, Doctor. I'm not asking for a  
14 hypothetical. I'm not trying to quiz you. I want to know if  
15 that's something you're going to testify about in this case.

16 A. If I'm asked, then I will definitely testify about  
17 it.

18 Q. Sitting here today, can you identify any other  
19 natural boundaries in Figure 4 that were not respected that we  
20 have not already discussed?

21 A. That's what I was attempting to say. That if we  
22 zoom in and we go back to some other figures, Figure 1 even,  
23 and then zoom in on different portions, I think we could find  
24 lots of different examples. Which is why I tried to include  
25 levels of zoom in here where there are boundaries, that we

MATTHEW BARRETO, PH.D.  
HODGES V. PASSIDOMO

November 25, 2024

78

1 might define as natural boundaries, that the red line either  
2 cuts through or could have followed but didn't.

3 And that's the exact type of analysis that would be  
4 done, is to have a map like this, whether it's in Figure 1,  
5 which is more of a wide angle, or Figure 4, which is more of a  
6 zoom, if you're talking about the Tampa region. And you could  
7 even zoom in further in the Esri software.

8 And by doing that, it makes clear that there are  
9 places where natural boundaries could have been offered as the  
10 explanation but, at least according to this map, it does not  
11 appear that they were followed.

12 And I think there's numerous examples. If you want  
13 to go back up to Figure 1, zoom in a lot, we can go through  
14 there and see them.

15 Q. What about manmade boundaries like roads, did you  
16 analyze any of those?

17 A. I think those are typically to be considered parts  
18 of communities, and people will oftentimes consider roads.

19 Q. I'm asking whether you considered roads?

20 A. Only if they were important parts of communities. I  
21 did not do a separate analysis of roads, no.

22 Q. You mentioned before that 16, the enacted 16, was  
23 not physically contiguous. Can you tell me what you mean by  
24 that?

25 A. That all the portions of it don't physically touch

MATTHEW BARRETO, PH.D.  
HODGES V. PASSIDOMO

November 25, 2024

82

1 lines and that they were using that as their metric.

2 Q. Sole metric?

3 A. What's the question? Sorry. I didn't hear that.

4 Q. Are you saying that they were using that as their  
5 sole metric?

6 A. I think I outlined in here in paragraph 10, the one  
7 we were talking about.

8 Q. Mm-hmm.

9 A. I'm just saying that they can be explained by race  
10 and ethnicity, and I think it's up to the court to decide  
11 whether or not that was appropriate.

12 Q. Do you know what it means for race to predominate in  
13 the drawing of district lines?

14 A. I've heard that phrase before.

15 Q. Do you know what it means?

16 A. Probably varies by state and district court and what  
17 the interpretations of that have been. It's mostly a legal  
18 standard.

19 Q. Are you planning on offering an opinion as to  
20 whether race predominated in the drawing of enacted District  
21 16?

22 A. I would say I'm going to stick to the opinions that  
23 I've outlined here. Which is that these lines can be  
24 explained by race and ethnicity. That there are numerous  
25 examples where the district borders follow very closely to



MATTHEW BARRETO, PH.D.  
HODGES V. PASSIDOMO

November 25, 2024

83

1 racial populations. And that the placement of the boundaries  
2 cannot be explained by chance, but rather there is an  
3 overwhelming statistical probability that race was relied on.

4 Q. Are you planning to offer an opinion about the  
5 quantitative amount that race was relied on?

6 A. In my probability analysis, towards the end of the  
7 report, I assess what is the likelihood of the black  
8 population being higher on the included and lower on the  
9 excluded adjacent pairs of VTDs. And I conclude in that  
10 section, with some statistical probability analysis, that  
11 it's, you know, far less than a 100th of a percent probability  
12 that this occurred by chance.

13 Q. Is it your understanding that if it didn't occur by  
14 chance, that it's unlawful?

15 A. I'm not going to offer --

16 MR. CHEN: Object as to form. Excuse me.

17 THE WITNESS: I'm not going to offer any legal  
18 opinions. I'm just going to tell you what my data says  
19 and you and Mr. Chen and the judge can all figure out what  
20 the law says.

21 BY MS. PRICE:

22 Q. So does that mean you are not going to offer an  
23 opinion that race predominated in the drawing of enacted  
24 District 16?

25 MR. CHEN: Objection to form.