IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GEORGIA STATE CONFERENCE OF THE NAACP, *et al.* *Plaintiffs*, v. STATE OF GEORGIA, *et al.* *Defendants.*	CIVIL ACTION FILE NO. 1:21-CV-5338-ELB-SCJ-SDG

DEFENDANTS' RESPONSES AND OBJECTIONS TO PLAINTIFFS' STATEMENT OF ADDITIONAL MATERIAL FACTS

Defendants the State of Georgia; Brian Kemp, in his official capacity as the Governor of the State of Georgia; and Brad Raffensperger, in his official capacity as Secretary of State of Georgia (collectively, "Defendants") pursuant to Federal Rule of Civil Procedure 56 and Local Civil Rule 56.1(B)(3), provide their Responses and Objections to Plaintiffs' Statement of Additional Material Facts [Doc. 152-2] ("SAMF").

As an initial matter, Defendants object to the titles and headings used throughout the SAMF because they do not comply with LR 56.1(B)(1) in that they are argumentative statements unsupported by evidence. They are not repeated in this response. Similarly, Defendants object to Plaintiffs' titles,

characterizations, and/or descriptions of any exhibits cited in the SAMF to the extent that they deviate from the language or evidence contained in those exhibits.

Further, Defendants object to the entirety of Plaintiffs' SAMF because it fails to comply with the Local Rules in that it spans 372 paragraphs over 128 pages. Courts in this district have excluded or declined to consider shorter statements.[1] *See Dinkins v. Leavitt*, No. 1:07-CV-486-TWT, 2008 WL 447503, at *3 (N.D. Ga. Feb. 13, 2008) (declining to consider statement because "Plaintiff's 94-page statement of facts does not meet any of [LR 56.1(B)(1)'s] requirements. Certainly its 94-page length does not meet the conciseness requirement."); *Frazier v. Doosan Infracore Int'l, Inc.*, No. 1:09-CV-187-TCB, 2011 WL 13162052, at *3 (N.D. Ga. Feb. 24, 2011) (statement may be dismissed because "while Local Rule 56.1 may not impose a limit on the number of facts, it does require that the statement of facts be concise and include only material facts. Frazier's original statement of facts does not comply with these requirements, as it is not concise and it is replete with immaterial facts.").

[1] Defendants have not sought a status conference or filed an emergency motion pursuant to L.R. 7.2(B), see *Fair Fight Action v. Raffensperger*, Case No. 1:18-cv-05391-SCJ, Doc. No. 616 (March 31, 2021) because of the sensitive timelines involved in this case and the desire to avoid delay in this Court's consideration of this case.

Defendants' responses and objections to the statements are as follows:

1. The NAACP was founded on February 12, 1909, and is the oldest, largest and most widely recognized grassroots-based civil rights organization. See Declaration of Jacob Canter ("Canter Decl.") ¶ 2 (Gerald Griggs ("Griggs Decl.") at ¶ 3).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

2. The Georgia State Conference of the NAACP ("GA NAACP"), a unit of the National NAACP, is the oldest and one of the largest, most significant organizations promoting and protecting the civil rights of African Americans and other racial and ethnic minorities in Georgia. Id. at ¶ 4.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

3. The GA NAACP is a non-partisan, interracial, nonprofit membership organization with a mission to "eliminate racial discrimination through democratic processes and ensure the equal political, educational, social, and economic rights of all persons, in particular African Americans." Protecting and promoting the voting rights of Black voters, other voters of color, and underserved communities is essential to this mission. Id. at ¶ 5.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

4. The GA NAACP is dedicated to protecting voting rights through legislative advocacy, communication, and outreach, including work to promote voter registration, voter education, GOTV efforts, and election protection. The GA NAACP advocates for census participation and fair redistricting maps. Id. at ¶ 6.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

5. The, the GA NAACP has approximately 10,000 members across approximately 180 local units, residing in at least 120 counties in Georgia. Id. at ¶¶ 7-9; see also Griggs Dep. 34: 4-6.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

6. The GA NAACP has numerous—often hundreds—of members in each district challenged as a racial gerrymander. Griggs Decl. at ¶¶ 10-11.

RESPONSE: Objection. The Griggs declaration is inadmissible to the extent that it varies GA NAACP's 30(b)(6) testimony that the organization only identified one member in a district and was unable to testify as to how many members were affected by redistricting. Deposition of Ga. NAACP [Doc. 136]

("GA NAACP Dep.") 78:1-79:5. Further, the GA NAACP refused to provide testimony regarding how it determined which districts to challenge. *Id.* at 79:14-24. *See Van T. Junkins & Assocs., Inc. v. U.S. Indus., Inc.*, 736 F.2d 656, 657 (11th Cir. 1984) ("When a party has given clear answers to unambiguous questions which negate the existence of any genuine issue of material fact, that party cannot thereafter create such an issue with an affidavit that merely contradicts, without explanation, previously given clear testimony.").

7. In each voting rights cluster analyzed by Plaintiffs' mapping expert, Dr. Moon Duchin, the GA NAACP has numerous—often hundreds—of members who reside in majority-white districts in the enacted cluster, but in majority-minority illustrative districts in the same cluster in one of Dr. Duchin's illustrative maps. Id. at 12. See also Canter Decl. ¶ 3 (Expert Report of Moon Duchin ("Duchin Rep.") at 25-39).

RESPONSE: Objection. The evidence cited does not support the fact stated because there is no indication that Dr. Duchin performed any such analysis or which districts the members live in for each cluster analyzed. Further, the Griggs declaration is inadmissible to the extent that it varies GA NAACP's 30(b)(6) testimony that the organization only identified one member in a district and was unable to testify as to how many members were affected by redistricting. GA NAACP Dep. 78:1-79:5. Further, the GA NAACP refused

to provide testimony regarding how it determined which districts to challenge. *Id*. at 79:14-24. *See Van T. Junkins & Assocs., Inc. v. U.S. Indus., Inc.*, 736 F.2d 656, 657 (11th Cir. 1984) ("When a party has given clear answers to unambiguous questions which negate the existence of any genuine issue of material fact, that party cannot thereafter create such an issue with an affidavit that merely contradicts, without explanation, previously given clear testimony.").

8. GALEO Latino Community Development Fund, Inc. ("GALEO") was founded in 2004 and works to "increase civic engagement and leadership development of the Latinx community across Georgia." See Canter Decl. ¶ 4 (Declaration of Gerardo Gonzalez ("Gonzalez Decl.") at ¶ 3); see also Declaration of Crinesha Berry ("Berry Decl.") at ¶ 14 (Ex. 8).

RESPONSE: State Defendants admit that this as an accurate statement of the mission of GALEO stated on its website as it pertains to the Latino community.

9. Protecting and promoting the voting rights of Georgia's Latinx U.S. citizens is essential to this mission. The organization devotes significant time and resources to conducting voter registration drives, voter outreach, assistance with voter ID and "Get Out The Vote" efforts to increase turnout of

Latinx voters, and advocacy for census participation and fair redistricting maps. See Gonzalez Decl. at ¶ 4; Berry Decl. at ¶ 14 (Ex. 8).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

10. GALEO has over 230 members in Georgia, in over 35 counties and 70 cities. See Gonzalez Decl. at ¶ 5-7.

RESPONSE: Objection. The Gonzalez declaration is inadmissible to the extent that it varies GALEO's 30(b)(6) testimony that the organization has over 250 members. Deposition of GALEO [Doc. 139] ("GALEO Dep.") 81:24-82:4, 82:21-25). *See Van T. Junkins & Assocs., Inc. v. U.S. Indus., Inc.*, 736 F.2d 656, 657 (11th Cir. 1984) ("When a party has given clear answers to unambiguous questions which negate the existence of any genuine issue of material fact, that party cannot thereafter create such an issue with an affidavit that merely contradicts, without explanation, previously given clear testimony.").

11. GALEO has at least one member in certain districts challenged as a racial gerrymander, including enacted Congressional Districts 2, 3, 4, 6, 8, 10, 13, 14; enacted Senate Districts 2, 4, 14, 48; and enacted House Districts 44, 48, 52, 104. Id. at ¶ 8.

RESPONSE: Objection. The Gonzalez declaration is inadmissible to the extent that it varies GALEO's 30(b)(6) testimony regarding the organization's knowledge of its member residences that identified only one member as affected by redistricting. GALEO Dep. 81:24-82:4, 82:21-25. *See Van T. Junkins & Assocs., Inc. v. U.S. Indus., Inc.*, 736 F.2d 656, 657 (11th Cir. 1984) ("When a party has given clear answers to unambiguous questions which negate the existence of any genuine issue of material fact, that party cannot thereafter create such an issue with an affidavit that merely contradicts, without explanation, previously given clear testimony.").

12. The Georgia Coalition for the People's Agenda ("GCPA"), is a Georgia not-for-profit corporation with its principal place of business located in Atlanta, Georgia. See Canter Decl. ¶ 5 (Declaration of Helen Butler ("Butler Decl.") at ¶ 3).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

13. The GCPA encourages voter registration and participation, particularly among Black and other underrepresented communities. The GCPA's support of voting rights is central to its mission. The organization has committed and continues to commit, time, and resources to conducting voter registration drives, voter education, voter ID assistance, election protection,

census participation, fair redistricting maps, other get out the vote ("GOTV") efforts in Georgia, such as "Souls to the Polls," "Pews to the Polls" and other initiatives designed to encourage voter turnout, and impact litigation involving voting rights issues. Id. at ¶ 4; Berry Decl. at ¶ 14 (Ex. 7).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

14. The GCPA is a coalition of more than 30 organizations, which collectively have more than 5,000 individual members across the state of Georgia in various cities and counties. See Butler Decl. at ¶ 5.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and is immaterial to the claims and defenses in this case.

15. The GCPA has at least one member in certain districts challenged as racial gerrymanders, including: Congressional Districts 2, 3, 4, 8, 13 and Senate Districts 2 and 26. Id. at ¶ 8.

RESPONSE: Objection. The Butler declaration is inadmissible to the extent that it varies GCPA's 30(b)(6) testimony regarding the organization's knowledge of its member residences that identified only one member as affected by redistricting. Deposition of GCPA [Dkt. 138] ("GCPA Dep.") 75:7-18. *See Van T. Junkins & Assocs., Inc. v. U.S. Indus., Inc.*, 736 F.2d 656, 657

(11th Cir. 1984) ("When a party has given clear answers to unambiguous questions which negate the existence of any genuine issue of material fact, that party cannot thereafter create such an issue with an affidavit that merely contradicts, without explanation, previously given clear testimony.").

16. The GCPA has at least one member who resides in majority-white Congressional district 3 in the enacted plan but would reside in majority-minority CD 3 in one of Plaintiffs' mapping expert's illustrative plans. Id. at ¶ 9.

RESPONSE: Objection. The Butler declaration is inadmissible to the extent that it varies GCPA's 30(b)(6) testimony regarding the organization's knowledge of its member residences that identified only one member as affected by redistricting. GCPA Dep. 75:7-18. *See Van T. Junkins & Assocs., Inc. v. U.S. Indus., Inc.*, 736 F.2d 656, 657 (11th Cir. 1984) ("When a party has given clear answers to unambiguous questions which negate the existence of any genuine issue of material fact, that party cannot thereafter create such an issue with an affidavit that merely contradicts, without explanation, previously given clear testimony.").

17. On November 14, 2022, counsel for Plaintiffs informed counsel for Defendants via email that "Plaintiffs agree to waive any argument that they can support organizational standing by showing financial diversion, on the

condition that the State withdraws Interrogatory No. 3 and RFPs 10-12 and agrees not to seek similar evidence, i.e. via deposition questions on financial diversion." See Berry Decl. at ¶ 10 (Exhibit 6).

RESPONSE: Objection. The fact is immaterial to the claims and defenses in this case because Plaintiffs' claims regarding their lack of financial diversions of resources are not relevant to the Court's consideration on their standing.

18. Counsel for Plaintiffs further noted that "Plaintiffs still intend to support organizational standing by showing diversion of non-financial resources, such as activities specifically for the redistricting plans that divert time, personnel, and other non-financial resources from Plaintiffs' usual activities." See id. (Exhibit 6).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is stated as argument rather than as a statement of fact.

19. On November 9, 2022, counsel for Defendants agreed to this. See id.

RESPONSE: Objection. The fact is immaterial to the claims and defenses in this case because Plaintiffs' claims regarding their lack of financial diversions of resources are not relevant to the Court's consideration on their standing.

20. Each Plaintiff organization had to divert resources from core projects and activities as a result of the enactment of the redistricting plans. See Canter Decl. ¶ 6 (Deposition of Helen Butler ("Butler Dep.") 23:22-36:14; 50:04-54:09 (describing resources diverted from the GCPA's core activities and projects)); see also Canter Decl. ¶ 7 (Deposition of Cynthia Battles ("Battles Dep.") 16:08-24:11 (same)); Canter Decl. ¶ 8 (Deposition of Gerald Griggs ("Griggs Dep.") 26:03- 33:14; 47:24-48:24 (describing resources diverted from the NAACP's core activities and projects)); Canter Decl. ¶ 9 (Deposition of Gerardo Gonzalez ("Gonzalez Dep.") 41:05-59:24 (describing resources diverted from GALEO's core activities and projects)).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered, it is stated as a legal conclusion, cites evidence that is immaterial, and the evidence cited does not support the stated fact. For example, the cited pages include testimony of GALEO concerning census work performed "every ten years" GALEO has "been in existence . . . 2010 . . . 2020" and not related to 2021 redistricting (GALEO Dep. 43:2-10); education efforts that were not solely about redistricting (GALEO Dep. 45:7-47:7); outreach efforts pertaining to local elections which are not affected by the challenged state-wide redistricting (GALEO Dep. 47:16-21); and their advocacy efforts concerning SB 202 and a "plethora of changes" GALEO claims

are "voter suppression tactics" unrelated to the challenged redistricting maps (GALEO Dep. 56:4-57:22). Further, the citations regarding GCPA are also immaterial, including the organization's 30b6 evidence is that the redistricting work included getting people engaged in the 2020 census (GCPA Dep. 26:21-23), "educating about the census" (GCPA Dep. 26:23-24) "help[ing] people understand the process" (GCPA Dep. 27:6-7) continuously working on "a lot of local maps that were redrawn" (GCPA Dep. 27:11-15), and educating people on SB 202 (GCPA Dep. 27:23-25) which are not the result of the enactment of the maps GCPA is challenging in this litigation. Also, according to GCPA's 30b6 evidence, the organization's town halls conducted in "June and July of 2021" and testimony during the special session of the legislature predated the enactment of the maps GCPA challenges. (Deposition of Cynthia Battles, [Dkt. 137] ("GCPA Battles Dep.") 16:24-17:15; 21:20-22:1.) Moreover, the cited evidence is immaterial to the claims and defenses in this case because adding to the organization's ongoing voter-education efforts or diversion from what the organization "could be" doing does not constitute a diversion of resources generally and would not amount to a diversion from another activity. (GCPA Dep. 31:23-32:6).

21. President Gerald Griggs of the GA NAACP testified during his deposition that "[t]o the best of [his] knowledge, prior to [his] time as the

president and up till now, [GA NAACP has] had to shift [its] organizational philosophy and resources to [make] sure that the impact of the new maps [did] not substantially reduce the voting power of black people in communities of color throughout the State." Griggs Dep. 26: 8-13.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

22. He also testified that the GA NAACP had to "shift [its] resources from [its] main pillars to focus directly on combating the significant impact of [redistricting]." See Griggs Dep. 26: 22-24.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

23. He further testified that the GA NAACP "… had to shift resources from [its] focus, which was racial discrimination, civil rights violations, to focusing on making sure there was no dilution through the [redistricting] plan and implementation." See Griggs Dep. 28: 17-21.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

24. With respect to voter education programs, President Griggs testified that GA NAACP had to "… shift [its] messaging strategy and our overall strategy to get people to understand that[…] many of the congressional

districts that they now live in will be drastically changed, so polling precincts will be changed, their representatives will be changed, and that they need to understand what the impact that would have on them. Voter registration drives, if you were registered to vote, especially with the voting purges, you would have to make sure your registration is still up to date and good, and that you have to make sure that you are still in whatever district you were in or you may have be moved to another district. So [GA NAACP] had to educate people, and […] had to make sure people were aware, and […] had to make sure people understood that they still had the opportunity, through the Town Halls and through the hearings, to be present to give voice to what was about to happen, but also be prepared for the outcome of what would happen. None of that [GA NAACP] would be doing but for the issue of re-districting…" See Griggs Dep. 29:23-30:20; see also 30:20-31:1 (describing activities GA NAACP would have done instead of focusing on redistricting).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

25. President Griggs testified that a "substantial" number of volunteers were diverted from GA NAACP's normal efforts to combating effects of redistricting. See Griggs Dep. 31:9-17.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

26. President Griggs further testified that GA NAACP had employees that "primarily focused on getting the message out and planning the programming around pushing back on [redistricting,] [s]o […] they were working on that more than they were working on anything else that [was] a part of the pillars of [the GA NAACP] strategy to make sure we advance the lives of colored people in the State." See Griggs Dep. 32: 8-14.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

27. Finally, President Griggs testified that without having to engage with redistricting the GA NAACP "… would have dedicated more resources to the actual voter mobilization and get out to vote earlier than [it] did, because [it was] focused on [redistricting] while in the middle of the municipal races. So [the GA NAACP] had to shift significant resources away from GOTV for municipal races to deal with special session as well as voter education of what was happening during that period in 2021." See Griggs Dep. 34: 13-21.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

28. Gerardo Gonzalez, Chief Executive Officer (CEO) of the GALEO, testified during his deposition that after the enactment of the maps GALEO engaged in the effort to "educate and inform [its] community about the Georgia legislative efforts to diminish the voting strength of minority communities across the state of Georgia by unfairly cracking and packing [its] communities to dilute the growth of communities power in the legislative process through the redistricting process." Gonzales Dep. 43: 18-25; see also 44: 19-23 (testifying that GALEO had to educate its members "…about the impact that [the redistricting had] on [its] community with the cracking and packing and why [GALEO] believed that happened." He also testified that GALEO had to "inform and educate [its] community about the new districts in which they were going to be voting").

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered, is stated as a legal conclusion, and cites evidence that is immaterial to the claims and defenses in this case because adding information to the organization's ongoing educational efforts does not constitute a diversion of resources.

29. He further testified that in response to the enactment of the maps GALEO's messaging had to change "adding another topic to what [they] were talking to voters about [was] a diversion of resources that [they were] doing

associated with the work that [they were] doing" because "had the districts not changed, that's not something [GALEO] would have talked about because [its members] would be able to exercise their right to vote without having to understand that there was a new district that they were voting in." Gonzales Dep. 48:3-12.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered, it is stated as a legal conclusion, and cites evidence that is immaterial to the claims and defenses in this case because adding "a topic" to information the organization was already providing does not constitute a diversion of resources.

30. He also testified that following the enactment of the maps, among other hostile legislative actions, GALEO "increase[d] [its] outreach efforts" which was a change or expansion in the number of volunteers GALEO utilizes in outreach efforts. Specifically noting that GALEO "had to increase [its] number of volunteers in [its] targeted outreach to [its] community to ensure that [it was] adequately educating and informing [its] community about the changes in districts, as well as changes in law." Gonzales Dep. 56:1-12; 56:17-21.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered, is stated as a legal conclusion, and cites

evidence that is immaterial to the claims and defenses in this case because adding another topic to information about "changes in law" that the organization was already making available does not constitute a diversion of resources.

31. Finally, he testified that since the 2020 census, GALEO staff has increased from four people to fifteen, and that as a result of efforts by the Georgia legislature to dilute the ability of the minority community to exercise its right to vote GALEO had to "increase … staff resource allocation to ensure [it] can continue to engage and educate [its] community about exercising the right to vote, given the changes in the law…" including, but not limited to, the redistricting process. Gonzales Dep. 58: 13-24.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and is stated as a legal conclusion and cites evidence that does not support the fact because Mr. Gonzalez testified that GALEO expanded staff due to the changes in the laws such as SB 202 and not just redistricting (GALEO Dep. 58:17, 73:15-23).

32. Helen Butler, Executive Director of GCPA, testified during her deposition that GCPA"…[has] a very limited staff…[and] had to assign and prioritize the activities of [its] staff and volunteers that work with [them] to be able to accomplish a lot of things that were impacted by the redistricting[,

which…] took [GCPA's] time and energies away from doing … other activities [like…] trying to get our citizen review boards adopted throughout the state." Butler Dep. 24:15-22.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and cites evidence that is immaterial to the claims and defenses in this case because adding work to the organization's already existing activities to get people engaged in the process does not constitute a diversion of resources and would not amount to a diversion from another activity. (GCPA Dep. 24:23-24.) Further, the evidence cited does not support the fact stated because the activities listed predate the adoption of the maps GCPA is challenging in this litigation.

33. She further testified that GCPA had to "try to prioritize [its] efforts that [it] normally [did] in a normal election cycle with voter registration, education, mobilization, and election protection [while …] trying to accomplish educating the public about the redistricting process, how it was happening, how it would impact the communities [such that GCPA] had to really reorganize and reprioritize [its] limited staff and volunteers that could do the work." Butler Dep. 24:24-25; 25:1-7.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and cites evidence that is immaterial to

the claims and defenses in this case because adding work to the organization's already existing activities to get people engaged in the process does not constitute a diversion of resources and would not amount to a diversion from another activity. (GCPA Dep. 24:23-24.) Further, the evidence cited does not support the fact stated because the activities listed predate the adoption of the maps GCPA is challenging in this litigation.

34. While not able to list a specific percentage, Ms. Butler testified that "a large portion of [GCPA] activities had to be diverted to holding different town hall hearings" and that at least one employee had to "spend most of her time at hearings, trying to get people educated about the process, how they could have an impact, trying to help people know -- get tools to really draw their own maps to be engaged in the redistricting process because [it was] critical." Butler Dep. 25:13-21; see also Battles Dep. 16:08-17:22 (describing changes in responsibilities in light of redistricting).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and cites evidence that is immaterial to the claims and defenses in this case because adding work to the organization's already existing activities to get people engaged in the process does not constitute a diversion of resources and would not amount to a diversion from another activity. (GCPA Dep. 24:23-24.) Further, the evidence cited does not

support the fact stated because the town halls held in "June and July of 2021" and Ms. Battles' work during the Nov. 2021 special session of the legislature predated the adoption of the maps GCPA is challenging in this litigation. GCPA Battles Dep. 17:1-9.

35. She also testified that a "…large portion of that, our time and resources, were diverted to ... [d]oing the meetings, developing materials, all of those things that we [GCPA] had to do, that could have been spent on the other issues that [GCPA does], like criminal justice, like education equity, like improving our economic equity in the [] the state [such that GCPA] could not do those effectively [because GCPA] had to devote more time to the redistricting process." Butler Dep. 26:6-13.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and cites evidence that is immaterial to the claims and defenses in this case because adding work to the organization's already existing activities to get people engaged in the process does not constitute a diversion of resources and would not amount to a diversion from another activity. (GCPA Dep. 24:23-24.) Further, the evidence cited does not support the fact stated because the activities listed predate the adoption of the maps GCPA is challenging in this litigation.

36. She added that while GCPA sometimes host townhalls, since redistricting "[GCPA has] been doing, more frequently, town halls with regards to redistricting to make sure [GCPA] reach[es] the people so that they know who is representing them and how it impacts their communities." Butler Dep. 35:13-17.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and cites evidence that is immaterial to the claims and defenses in this case because adding work to the organization's already existing voter education activities does not constitute a diversion of resources in that Ms. Butler testified that GCPA already held town hall meetings prior to the adoption of the redistricting plans (GCPA Dep. 24:23-24, 35:12-13). Further, the evidence cited does not support the fact stated because GCPA's town hall meetings predate the adoption of the maps GCPA is challenging in this litigation. GCPA Battles Dep. 17:1-9.

37. She further explained that while GCPA generally engages in phone banking and texting "… the messaging has [had] to be diverted to other things, not issues like education equity, not like criminal justice… [g]etting those citizen review boards that [GCPA has] been trying to do or economic justice equity issues, [instead GCPA was] spending more time doing [phone

banking and texting with] regards to polling changes and […] how redistricting has impacted the communities." Butler Dep. 35:23-36:7.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and cites evidence that is immaterial to the claims and defenses in this case because adding work to the organization's already existing phone banking, voter education and activities to "get people engaged in the process" does not constitute a diversion of resources. (GCPA Dep. 24:23-24.) The evidence cited also does not support the fact stated because the activities listed predate the adoption of the maps GCPA is challenging in this litigation.

38. Ms. Butler testified that programs that the GCPA would not be able to commit to due to its work combating the effects of the redistricting maps included "education initiatives, working with parents with regards to schools and involvement in schools getting community schools[,]" "economic empowerment [initiatives]" and "getting Medicaid expansion for health care." Butler Dep. 52:13-53:17.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and cites evidence that is immaterial to the claims and defenses in this case because not being able to commit to other work does not constitute a diversion of resources from another activity.

39. There is a long history of discrimination in Georgia affecting voting. See Canter Decl. ¶ 10 (Expert Report of Dr. Peyton McCrary ("McCrary Rep.") ¶ 11).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

40. Since 1945, numerous redistricting plans in Georgia have been struck down as racially discriminatory. See McCrary Rep. ¶¶ 11, 17-18, 21-26. Canter Decl. ¶ 11 (Expert Report of Dr. Joseph Bagley ("Bagley Rep.") at 13-31, 33-34).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

41. Between 1965 and 2013, the Department of Justice blocked 177 proposed changes to election law by Georgia and its counties and municipalities. Under Section 5 of the Voting Rights Act. McCrary Rep. ¶ 31. Of these Section 5 objections, 48 blocked redistricting plans. Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

42. In 2018, a three-judge panel sitting in the Northern District of Georgia concluded that plaintiffs in a racial gerrymandering action had introduced "compelling evidence" that "race predominated the redistricting

process," through testimonial and documentary evidence related to the conduct of Dir. Wright and others that work at the LCRO. Bagley Rep. 39-40; see also Georgia State Conf. of NAACP v. Georgia, 312 F. Supp. 3d 1357, 1364-65 (N.D. Ga. 2018).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because the cited case was not a final judgment.

43. Dr. Joseph Bagley is an Assistant Professor of History at Georgia State University, Perimeter College. Bagley Rep. at 3.

RESPONSE: Objection. The fact is immaterial to the claims and defenses in this case because Dr. Bagley's expert status is not at issue at the summary-judgment motion stage of this case.

44. Dr. Bagley's specific areas of study are United States constitutional and legal history, politics, and race relations, with a focus on the Deep South. Id.

RESPONSE: Objection. The fact is immaterial to the claims and defenses in this case because Dr. Bagley's expert status is not at issue at the summary-judgment motion stage of this case.

45. Dr. Bagley analyzed, among other things, the sequence of events and legislative history leading to the passage of the redistricting plans. Id. at 6.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

46. During the summer of 2021, the Senate Committee on Reapportionment and Redistricting and the House Committee on Reapportionment and Redistricting formed a joint Reapportionment Committee for the purpose of holding a series of redistricting "Town Halls." Id. at 43-56.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

47. Dr. Bagley reviewed the public testimony given at each of the town halls. Id. at 41-56.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Bagley testified that he did not summarize every individual who testified at the various public hearings. Deposition of Joseph Bagley [Doc. 128] ("Bagley Dep.") 79:25-80:7.

48. Dr. Bagley opined that throughout the town hall process: "The public was widely critical of holding these meetings before the release of the

Census data and the publication of maps. They called for ample time for analysis and feedback and map-submission after the fact." Id. at 41.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Bagley testified that he was not offering opinions about the public hearings but just summarizing information from those hearings. Bagley Dep. 72:25-73:15. Further, the evidence on which the statement relies is inadmissible because it is hearsay. *See Schafer v. Time, Inc.*, 142 F.3d 1361, 1374 (11th Cir. 1998) (emphasis added) (internal citations omitted); *see also Joiner v. Gen. Elec. Co.*, 864 F. Supp. 1310, 1317 (N.D. Ga. 1994), *rev'd on other grounds*, 78 F.3d 524 (11th Cir. 1996), *rev'd*, 522 U.S. 136, 118 S. Ct. 512, 139 L. Ed. 2d 508 (1997).

49. Dr. Bagley opined that throughout the town hall process: "The public was relentless in its call for a more transparent process, in general." Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Bagley testified that he was not offering opinions about the public hearings but just summarizing information from those hearings. Bagley Dep. 72:25-73:15. Further, the evidence on which the statement relies is inadmissible because it is hearsay. *See Schafer v. Time, Inc.*, 142 F.3d 1361, 1374 (11th Cir. 1998) (emphasis added) (internal citations omitted); *see also Joiner v. Gen. Elec. Co.*, 864 F. Supp. 1310, 1317 (N.D. Ga. 1994), *rev'd on other*

grounds, 78 F.3d 524 (11th Cir. 1996), *rev'd*, 522 U.S. 136, 118 S. Ct. 512, 139 L. Ed. 2d 508 (1997).

50. Dr. Bagley opined that throughout the town hall process: "The public and members of the committee wanted more of a dialogue than a one-way-street of taking community comment at hearings." Id. at 42.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Bagley testified that he was not offering opinions about the public hearings but just summarizing information from those hearings. Bagley Dep. 72:25-73:15. Further, the evidence on which the statement relies is inadmissible because it is hearsay. *See Schafer v. Time, Inc.*, 142 F.3d 1361, 1374 (11th Cir. 1998) (emphasis added) (internal citations omitted); *see also Joiner v. Gen. Elec. Co.*, 864 F. Supp. 1310, 1317 (N.D. Ga. 1994), *rev'd on other grounds*, 78 F.3d 524 (11th Cir. 1996), *rev'd*, 522 U.S. 136, 118 S. Ct. 512, 139 L. Ed. 2d 508 (1997).

51. Dr. Bagley opined that throughout the town hall process: "Hearings were not held, according to members of the public and the committees, in the most populous areas of the state where they should have been." Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Bagley testified that he was not offering opinions about the public

hearings but just summarizing information from those hearings. Bagley Dep. 72:25-73:15. Further, the evidence on which the statement relies is inadmissible because it is hearsay. *See Schafer v. Time, Inc.*, 142 F.3d 1361, 1374 (11th Cir. 1998) (emphasis added) (internal citations omitted); *see also Joiner v. Gen. Elec. Co.*, 864 F. Supp. 1310, 1317 (N.D. Ga. 1994), *rev'd on other grounds*, 78 F.3d 524 (11th Cir. 1996), *rev'd*, 522 U.S. 136, 118 S. Ct. 512, 139 L. Ed. 2d 508 (1997).

52. Dr. Bagley opined that, throughout the process, members of the public testified that "[m]aps ought to reflect the growth of Georgia's minority po[p]u[la]tion." Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Bagley testified that he was not offering opinions about the public hearings but just summarizing information from those hearings. Bagley Dep. 72:25-73:15. Further, the evidence on which the statement relies is inadmissible because it is hearsay. *See Schafer v. Time, Inc.*, 142 F.3d 1361, 1374 (11th Cir. 1998) (emphasis added) (internal citations omitted); *see also Joiner v. Gen. Elec. Co.*, 864 F. Supp. 1310, 1317 (N.D. Ga. 1994), *rev'd on other grounds*, 78 F.3d 524 (11th Cir. 1996), *rev'd*, 522 U.S. 136, 118 S. Ct. 512, 139 L. Ed. 2d 508 (1997).

53. Dr. Bagley opined that members of the public asked the Committee not to "engage in packing and cracking [of minority populations] . . . ." Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Bagley testified that he was not offering opinions about the public hearings but just summarizing information from those hearings. Bagley Dep. 72:25-73:15. Further, the evidence on which the statement relies is inadmissible because it is hearsay. *See Schafer v. Time, Inc.*, 142 F.3d 1361, 1374 (11th Cir. 1998) (emphasis added) (internal citations omitted); *see also Joiner v. Gen. Elec. Co.*, 864 F. Supp. 1310, 1317 (N.D. Ga. 1994), *rev'd on other grounds*, 78 F.3d 524 (11th Cir. 1996), *rev'd*, 522 U.S. 136, 118 S. Ct. 512, 139 L. Ed. 2d 508 (1997).

54. Dr. Bagley opined that the Committee's refusal to change the town hall process in the face of these public complaints constitutes evidence of procedural and substantive departures. See Id. See also Bagley Dep. 118:04-118:11.

RESPONSE: Objection. The evidence cited does not support the fact stated. The fact leaves off Dr. Bagley's primary point in the cited portion of his deposition where he indicated that the only departures were from what the public requested, not from what occurred in prior redistricting cycles. Bagley Dep. 117:25-119:4.

55. On September 23, 2021, Governor Brian Kemp ordered a special session of the General Assembly to commence on November 3, 2021. Bagley Rep. at 57.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

56. Five days later, the Legislative Congressional and Reapportionment Office ("LCRO") publicly posted the first draft congressional map—sponsored by Senator Kennedy and Lieutenant Governor Duncan. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

57. On November 2nd, 2021, just one day before the start of the special session, the LCRO published draft House and Senate plans sponsored by Chair Rich and Chair Kennedy, respectively. Id. at 58.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

58. Between September 23 and November 3, 2021, the legislature did not hold any town halls to solicit public feedback. See generally, Bagley Rep. at 43-58.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

59. The Senate Legislative and Congressional Reapportionment Committee held a hearing and solicited public comment just two days after the draft senate plan was released to the public. Id. at 58-62.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

60. The House Legislative and Congressional Reapportionment Committee held a hearing and solicited public comment on the same day it released a revised house map to the public. Id. 66-68.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

61. The Senate Legislative and Congressional Reapportionment Committee held a hearing and solicited public comment on a congressional map that had been released to the public just hours before the meeting. Id. at 73.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

62. SB 2EX—the congressional map—was sent to the Governor for his signature on November 30, 2021, just three weeks after the start of the special session. See Canter Decl. ¶ 12 https://www.legis.ga.gov/legislation/60894,

related to the Congressional map, was passed by the Senate on November 9, 2021.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

63. SB 1EX—the senate map—was sent to the Governor's Office on November 30, 2021, just three weeks after the start of the special session. See Canter Decl. ¶ 13 https://www.legis.ga.gov/legislation/60894/.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

64. HB 1EX—the state house map—was sent to the Governor for his signature on November 29, 2021, just three weeks after the start of the special session. See Canter Decl. ¶ 14 https://www.legis.ga.gov/legislation/60897.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

65. The Governor delayed signing the redistricting plans for almost a month, until December 30, 2021. See Canter Decl. ¶ 15 (Def. Suppl. Resp. to Plaintiffs Second Set of Interrogatories at 4-5).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is stated as argument rather than as a statement of fact because it characterizes the Governor's actions as "delay" when the Governor is entitled

by law to 40 days after the conclusion of a legislative session to sign or veto legislation. Ga. Const. Art. III, Sec. V, Par. XIII(a).

66. Based on his analysis of the legislative history, id. at 58-88, Dr. Bagley opined that "The public made consistent demands for more transparency, but the process was still carried out behind closed doors with staff and counsel," which were ignored. Bagley Rep. at 56. He also opined that Chair Rich's statement that the VRA was "unfair" is contemporaneous evidence relevant to intentional discrimination. Id. at 57.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. The evidence cited also does not support the fact stated because Chair Rich's comment is taken out of context. Her actual quote was "No matter how much anybody here on this committee or in this room thinks that the application is unfair here, this is just not the body that has any authority to change the Federal Voting Rights Act." Bagley Report, pp. 66-67. Further, the evidence cited does not support the fact stated because Dr. Bagley testified that he was not offering opinions in this section of his report. Bagley Dep. 84:24-85:7.

67. The legislature used the 2001 redistricting process as an excuse for ignoring the public's calls for transparency, which Dr. Bagley opined "is both a procedural and substantive departure – substantively, there is nothing

in the committee guidelines that instructs committees or the General Assembly as a whole to fashion its behavior and actions, procedurally, based on previous cycles." Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is stated as argument rather than as a statement of fact because it refers to an "excuse" and "ignoring" calls. Further, the evidence cited does not support the fact stated because Dr. Bagley testified that any departures were from what the public requested, not from prior redistricting cycles, which he testified were procedurally and substantively similar. Bagley Dep. 117:25-118:16, 87:9-19. Further, the evidence cited does not support the fact stated because Dr. Bagley testified that he was not offering opinions in this section of his report. Bagley Dep. 84:24-85:7.

68. Dr. Bagley opined that his analysis revealed the public was concerned with the packing and cracking of populations of color. Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Bagley testified that he was not offering opinions in this section of his report. Bagley Dep. 84:24-85:7. Further, the evidence on which the statement relies is inadmissible because it is hearsay. *See Schafer v. Time, Inc.*, 142 F.3d 1361, 1374 (11th Cir. 1998) (emphasis added) (internal citations omitted); *see also Joiner v. Gen. Elec. Co.*, 864 F. Supp. 1310, 1317 (N.D. Ga.

1994), *rev'd on other grounds*, 78 F.3d 524 (11th Cir. 1996), *rev'd*, 522 U.S. 136, 118 S. Ct. 512, 139 L. Ed. 2d 508 (1997). Further, Dr. Bagley testified that he did not analyze which districts he believed were packed and cracked. Bagley Dep. 139:12-17.

69. Dr. Bagley opined that the public was "concern[ed] that women of color, specifically… congresswoman Lucy McBath, were being targeted." Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Bagley testified that he was not offering opinions in this section of his report. Bagley Dep. 84:24-85:7. Further, the evidence on which the statement relies is inadmissible because it is hearsay. *See Schafer v. Time, Inc.*, 142 F.3d 1361, 1374 (11th Cir. 1998) (emphasis added) (internal citations omitted); *see also Joiner v. Gen. Elec. Co.*, 864 F. Supp. 1310, 1317 (N.D. Ga. 1994), *rev'd on other grounds*, 78 F.3d 524 (11th Cir. 1996), *rev'd*, 522 U.S. 136, 118 S. Ct. 512, 139 L. Ed. 2d 508 (1997).

70. Dr. Bagley opined that members of the public were concerned that "Voters of color were being manipulated again for partisan advantage in places like Henry, Cobb, and Gwinnett counties." Id. at 56.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Bagley testified that he was not offering opinions in this section of his report. Bagley Dep. 84:24-85:7. Further, the evidence on which the

statement relies is inadmissible because it is hearsay. *See Schafer v. Time, Inc.*, 142 F.3d 1361, 1374 (11th Cir. 1998) (emphasis added) (internal citations omitted); *see also Joiner v. Gen. Elec. Co.*, 864 F. Supp. 1310, 1317 (N.D. Ga. 1994), *rev'd on other grounds*, 78 F.3d 524 (11th Cir. 1996), *rev'd*, 522 U.S. 136, 118 S. Ct. 512, 139 L. Ed. 2d 508 (1997).

71. Based on his analysis, Dr. Bagley opined that "Staff in the LCRO and leadership on the respective committees were not as responsive to legislators of color as they were to the majority, which was all-white save for a handful of Latino and East Asian members, and none were Black." Id. at 57.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Bagley testified that he was not offering opinions in this section of his report. Bagley Dep. 84:24-85:7.

72. Between 2010 and 2020 Georgia's population grew, driven almost entirely by an increase in the population of people of color. Duchin Rep. at 8

RESPONSE: Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of various minority groups is not relevant to the issues in this case.

73. The share of Black and Hispanic residents in Georgia expanded from 39.75% to 42.75%; the white population decreased from 5,413,920 to

5,362,156 between the 2010 and 2020 census data releases; and the Georgia population is 31.73% Black. Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the fact is immaterial to the claims and defenses in this case because the rate of growth of various minority groups is not relevant to the issues in this case.

74. Despite the population growth of persons of color in Georgia, the newly enacted Congressional plan reduces the number of performing districts for Black and Latino-preferred candidates from 6/14 to 5/14, and the Senate plan has the same number of performing districts for Black and Latino-preferred candidates. Duchin Rep. at 10, 19.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

75. Gina Wright, the director of the Legislative and Congressional Reapportionment Office ("LCRO"), was primarily responsible for the technical aspects of drawing the legislative maps. Canter Decl. ¶ 16 (Deposition of Gina Wright ("Wright Dep.") 8:24-9:02).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

76. Rob Strangia is the Geographic Information Systems ("GIS") specialist at the LCRO, who participated in the mapdrawing process. Canter Decl. ¶ 17 (Deposition of Robert Strangia ("Strangia Dep." 19:14-20:24).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact because Mr. Strangia did not testify that he participated in the mapdrawing process, only that he provided technical support for the software the office used and built databases of Census and political data.

77. Mr. Strangia created a formula to estimate political data at the block level, but this data is not accurate at the block level. However, the legislature had access to racial data at the block level that is accurate. Id. at 97:17-103:23.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Strangia testified in that portion of his deposition that because Maptitude can allocate political data to blocks, the formula displays political data at the block level. Deposition of Robert Strangia [Doc. 148] ("Strangia Dep.") 96:25-97:3.

78. Director Wright testified that she did not use email to communicate about redistricting maps because she did not want to "create… a record." Wright Dep. 19:16-20:03.

RESPONSE: Objection. The evidence cited does not support the fact stated because Ms. Wright was testifying in that portion of her deposition about her preference for in-person communication, not about not "want[ing]" to create a record.

79. Dir. Wright kept drafts for all three of her maps private in her office until the drafting process was completed, and when Director Wright drew draft Congressional districts at the direction of legislators, racial data was projected onto the computer screens where the map lines were being drawn. Wright Dep. 39:17- 40:1 (private in office); Wright Dep. 10:25-11:21; Wright Dep. 14:11-20 (Rep. Rich); Wright Dep. 27:17-32:4; Wright Dep. 115:25-116:16; Wright Dep. 36:14-24, Wright Dep. 63:18-21; Wright Dep. 145:11-22; Wright Dep. 149:25-150:9.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. The evidence cited also does not support the fact stated because Ms. Wright testified that political and other data was also projected onto the screens, not just racial data, and that the racial and political data was not visible at all times. Further, Ms. Wright testified that

political data was updated immediately as changes were made and that political considerations were important considerations for legislators. Deposition of Gina Wright [Doc. 132] ("Wright Dep.") 257:21-258:14. Ms. Wright also testified that she never used racial themes or shading when drawing redistricting plans. Wright Dep. 259:18-260:8.

80. When Director Wright drew draft Congressional districts with legislators, she and the legislators could immediately see how line changes impacted the racial balance of districts. Wright Dep. 115:25-118:25 (data changed on screen when making changes to maps); 126:03-127:04 (same).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. The evidence cited also does not support the fact stated because Ms. Wright testified that political and other data was also projected onto the screens, not just racial data and that the racial and political data was not visible at all times, nor was Ms. Wright able to be sure about whether legislators could see the racial data. Wright Dep. 116:6-19. Further, Ms. Wright testified that political data was updated immediately as changes were made and that political considerations were important considerations for legislators. Wright Dep. 257:21-258:14. Ms. Wright also testified that she never used racial themes or shading when drawing redistricting plans. Wright Dep. 259:18-260:8.

81. When Director Wright drew draft Senate districts at the direction of legislators, racial data was projected onto the computer screens where the map lines were being drawn. Wright Dep. 37:22-38:20; 40:3-41:19; 42:16-43:1; Wright Dep. 54:3-56:13; Wright Dep. 57:16-21; Wright Dep. 36:14-24, Wright Dep. 63:18-21; Wright Dep. 145:11-22; Wright Dep. 149:25-150:13.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. The evidence cited also does not support the fact stated because Ms. Wright testified that political and other data was also projected onto the screens, not just racial data and that the racial and political data was not visible at all times, nor was Ms. Wright able to be sure about whether legislators could see the racial data. Wright Dep. 116:6-19. Further, Ms. Wright testified that political data was updated immediately as changes were made and that political considerations were important considerations for legislators. Wright Dep. 257:21-258:14. Ms. Wright also testified that she never used racial themes or shading when drawing redistricting plans. Wright Dep. 259:18-260:8.

82. When Director Wright drew draft Senate districts with legislators, she and the legislators could immediately see how line changes impacted the racial balance of districts. Wright Dep. 116:23-118:25; 126:03-127:04.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. The evidence cited also does not support the fact stated because Ms. Wright testified that political and other data was also projected onto the screens, not just racial data and that the racial and political data was not visible at all times, nor was Ms. Wright able to be sure about whether legislators could see the racial data. Wright Dep. 116:6-19. Further, Ms. Wright testified that political data was updated immediately as changes were made and that political considerations were important considerations for legislators. Wright Dep. 257:21-258:14. Ms. Wright also testified that she never used racial themes or shading when drawing redistricting plans. Wright Dep. 259:18-260:8.

83. When Director Wright drew draft House districts at the direction of legislators, racial data was projected onto the computer screens where the map lines were being drawn. Wright Dep. 64:14-66; Wright Dep. 36:14-24, Wright Dep. 63:18-21; Wright Dep. 145:11-22; Wright Dep. 149:25-150:13.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. The evidence cited also does not support the fact stated because Ms. Wright testified that political and other data was also projected onto the screens, not just racial data and that the racial and political data was not visible at all times, nor was Ms. Wright able to be sure

about whether legislators could see the racial data. Wright Dep. 116:6-19. Further, Ms. Wright testified that political data was updated immediately as changes were made and that political considerations were important considerations for legislators. Wright Dep. 257:21-258:14. Ms. Wright also testified that she never used racial themes or shading when drawing redistricting plans. Wright Dep. 259:18-260:8.

84. When Director Wright drew draft House districts with legislators, she and the legislators could immediately see how line changes impacted the racial balance of districts. Wright Dep. 116:23-118:25; 126:03-127:04.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. The evidence cited also does not support the fact stated because Ms. Wright testified that political and other data was also projected onto the screens, not just racial data and that the racial and political data was not visible at all times, nor was Ms. Wright able to be sure about whether legislators could see the racial data. Wright Dep. 116:6-19. Further, Ms. Wright testified that political data was updated immediately as changes were made and that political considerations were important considerations for legislators. Wright Dep. 257:21-258:14. Ms. Wright also testified that she never used racial themes or shading when drawing redistricting plans. Wright Dep. 259:18-260:8.

85. Dan O'Connor, a data analyst with the LCRO, testified during his deposition that a district in Georgia that was roughly 30% black would tend to elect Democrats and that the figure was consistent from 2014 to the present. Canter Decl. ¶ 18 (Deposition of Daniel O'Connor ("O'Connor Dep.") 30:9-33:18).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. O'Connor testified that he did not review that type of data and the cited portion only answers questions from 2014 to 2015. Further, the fact is immaterial to the claims and defenses in this case because Ms. Wright testified unequivocally that Mr. O'Connor had no involvement in the mapdrawing process for the maps challenged in this litigation. Wright Dep. 74:17-19 (overall), 34:1-9 (Senate), 63:3-17 (House), 71:4-7 (data and information on all maps), 234:18-23 ("None of my staff were involved in the statewide map drawing process").

86. He also testified that if a legislator wanted to redraw such a district so that it was more likely to elect a Republican instead of a Democrat it would be necessary to lower the amount of BVAP in that district. Id. at 40:23-41:11.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. O'Connor was answering a question related to BVAP population. Further, the fact is immaterial to the claims and defenses in this case because Ms. Wright testified unequivocally that Mr. O'Connor had no involvement in the mapdrawing process for the maps challenged in this litigation. Wright Dep. 74:17-19 (overall), 34:1-9 (Senate), 63:3-17 (House), 71:4-7 (data and information on all maps), 234:18-23 ("None of my staff were involved in the statewide map drawing process").

87. He further testified that in order to lessen the BVAP in such a district one would need to either move BVAP out of the district and put it in another district or move WVAP into the district to dilute the amount of BVAP in the district. Id. at 41:12-24.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the fact is immaterial to the claims and defenses in this case because Ms. Wright testified unequivocally that Mr. O'Connor had no involvement in the mapdrawing process for the maps challenged in this litigation. Wright Dep. 74:17-19 (overall), 34:1-9 (Senate), 63:3-17 (House), 71:4-7 (data and information on all maps), 234:18-23 ("None of my staff were involved in the statewide map drawing process").

88. Dr. Moon Duchin is a Professor of Mathematics and a Senior Fellow in the Jonathan M. Tisch College of Civic Life at Tufts University, where she is the Director of the MGGG Redistricting Lab, focused on geometric and computational aspects of redistricting. Duchin Rep. at 3.

RESPONSE: Objection. The fact is immaterial to the claims and defenses in this case because Dr. Duchin's qualifications are not at issue at summary judgment.

89. Dr. Duchin has been accepted as an expert in vote dilution cases on the issue of Gingles preconditions by a three judge panels in Alabama, and on racial gerrymandering issues by a three-judge panel in South Carolina. See Canter Decl. ¶ 19 (Deposition of Moon Duchin ("Duchin Dep." Ex. 4 at 8).

RESPONSE: Objection. The fact is immaterial to the claims and defenses in this case because Dr. Duchin's qualifications are not at issue at summary judgment.

90. Dr. Duchin analyzed the Congressional, Senate, and House maps to determine whether there is evidence that race predominated over traditional redistricting principles in the drawing of certain districts. Duchin Rep. at 3-4. See also Duchin. Dep. 166:02-166:17.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin never states that she analyzed "whether there is evidence

that race predominated over traditional redistricting principles in the drawing of certain districts" in those citations.

91. To do so, Dr. Duchin primarily used two methods: First, Dr. Duchin examined core retention and population displacement from the benchmark plan to the enacted plan in order to detect evidence of "racially imbalanced transfer[s] of population in rebalancing the districts," and whether those transfers "impact[ed] the districts' effectiveness for electing Black and Latino candidates of choice." Duchin Rep. at 67-71; Duchin. Dep. 166:02-166:08.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

92. Dr. Duchin opined that racially imbalanced population transfers in and out of a district are evidence that race predominates over traditional redistricting principles. Duchin Dep. 180:18-180:23.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin never offered the opinion that race predominated over traditional districting principles in her report, Duchin Dep. 181:24-182:14. Further, Dr. Duchin only testified in the cited portion of her deposition that racially imbalanced population transfers are "suggestive evidence, not

conclusive evidence" of predominance. Deposition of Moon Duchin [Doc. 134] ("Duchin Dep.") 180:18-181:23.

93. Second, Dr. Duchin looked at political subdivision splits—including precinct splits and county splits—to determine whether those splits provide evidence of "cracking" and "packing" that suggests race predominated over traditional redistricting principles in the drawing of certain districts. Duchin Rep. § 10.2; Deposition of Moon Duchin ("Duchin Dep.") 166:09-12.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

94. Dr. Duchin opined that "[i]t is extremely frequent for precinct splits to show major racial disparity," as well as that "racially distinctive precinct splits provide particularly strong evidence that race has predominated over other principles in the creation of the map." Duchin Rep. at 5, 79.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, Dr. Duchin testified that she qualified her opinion about split jurisdictions because she only saw a "pattern consistent with a packing and cracking strategy," not that race predominated. Duchin Dep. 198:6-200:20.

95. Dr. Duchin also analyzed community testimony to review whether there were community of interest justifications for certain decisions that she

determined were evidence of race-conscious decision-making. Duchin Rep. at 79- 80; Duchin Dep. 166:13-166:17.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that her only opinion regarding community testimony was that changes to congressional districts 6 and 14 lacked justification by community-of-interest reasoning. Duchin Dep. 205:9-206:20.

96. CD 6 "was nearly at ideal size before the redistricting, having 771,431 residents enumerated in the census —less than seven thousand off from the target size." Duchin Rep. at 67.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

97. CD 6 was nevertheless "subjected to major reconfiguration, with at least 40,000 people from the benchmark district reassigned to each of districts 4, 5, 7, and 11, while at least 40,000 different people were drawn in from each of districts 7, 9, and 11." Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that, given the population variations in surrounding districts, one would expect changes in boundaries to all the districts. Duchin Dep. 169:2-172:7.

98. Larger proportions of Black and Hispanic population and neighborhoods were moved out of CD 6, and population from whiter suburban areas were moved into CD 6. Id. at 68.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

99. The largest reassignment of population out of CD 6 went to CD 4, approximately 200,000 Georgians. Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that, given the population variations in surrounding districts, one would expect changes in boundaries to all the districts. Duchin Dep. 169:2-172:7.

100. The transfer of population from CD 6 to CD 4 was 37.5% Black or Latino. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

101. The largest transfer of population into CD 6 was from CD 7, approximately 200,000 Georgians. Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that, given the population variations in

surrounding districts, one would expect changes in boundaries to all the districts. Duchin Dep. 169:2-172:7.

102. The population transferred into CD 6 from CD 7 was 16.1% Black or Latino. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

103. Under the benchmark plan, CD 6 performed for Black and Latino voters. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion. Defendants further note that "performing for Black and Latino voters" means electing Democratic candidates.

104. The changes to CD 6 added whiter suburban/exurban/rural areas to the district. Id. at 68, Figure 31.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

105. Dr. Duchin opined that CD 6 was cracked through "racially distinctive swaps of population" that diluted the voting power of Black and Latino voters. Duchin Dep. 173:1-173:25.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin did not testify about the population being "cracked" in the cited portions of the transcript. Further, Dr. Duchin testified that changes that were "dilutive of voting power" for Black and Latino voters meant the district was no longer electing Democratic candidates in the general election. Duchin Dep. 172:21-174:14.

106. Dr. Duchin opined that the racially distinctive population swaps in CD 6 are evidence that race predominated over traditional redistricting principles in the drawing of CD 6. Duchin Dep. 182:15-182:19.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin said she was only offering the opinion that there was evidence of predominance and that she could not rule out a political goal. Duchin Dep. 181:13-183:6.

107. Dr. Duchin determined that core retention and population displacement in CD 14 were "distinctive in terms of density and racial composition." Id.

RESPONSE: Objection. The evidence cited does not support the fact stated because that quote appears nowhere in the cited section. Dr. Duchin said she was only offering the opinion that there was evidence of predominance and that she could not rule out a political goal. Duchin Dep. 181:13-183:6.

108. CD 14 expanded into Cobb County to include two majority-Black cities: Powder Springs and Austell. Id. at 68, Figure 31 (included below).

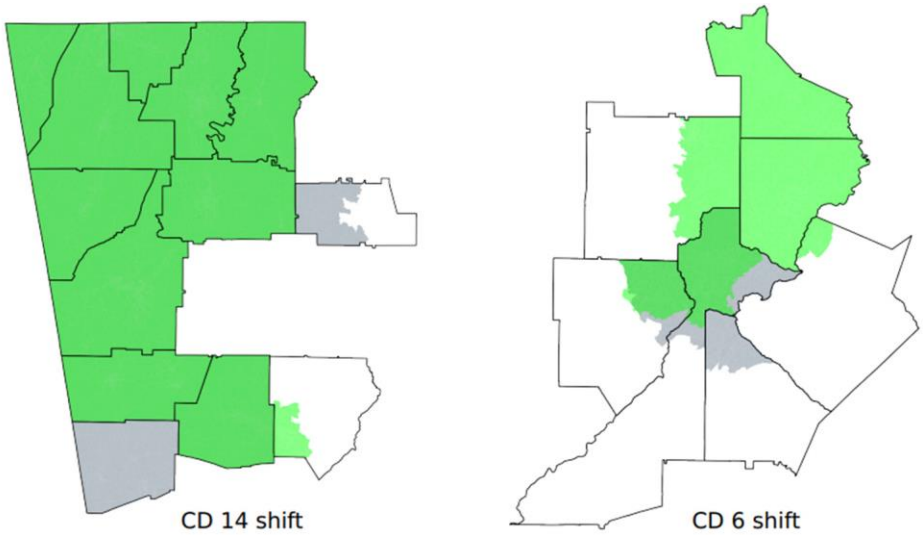


Figure 30: These before-and-after plots show benchmark configurations in gray, while new district placement is in light green. We can see that CD 14 made a new incursion into Cobb County while shedding rural Haralson and part of Pickens County. Meanwhile, CD 6 went sharply the other way, withdrawing from its metro Atlanta coverage and picking up rural counties to the north. Compare to Figure 31.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

109. Dr. Duchin opined that "incursion of CD 14 into Cobb is emphatically not required by adherence to traditional redistricting principles." Id. at 69.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

110. The Duncan-Kennedy map—the first Congressional map released by the Senate Redistricting Committee—did not include Powder Springs and Austell in CD 14. Id. See also Duchin Dep. 177:14-178:15; Canter Decl. ¶ 20 (Deposition of Senator Kennedy ("Kennedy Dep.") 117:25-118:01).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

111. Dr. Duchin determined that "dense African-American neighborhoods" in Powder Springs and Austell were "submerged among more numerous, dissimilar communities [in] CD 14," which could not be justified by compactness concerns. Duchin Rep. at 68; Duchin Dep. 175:11-20.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

112. Dr. Duchin reviewed community testimony and determined that community of interest justifications could not account for including Powder Springs and Austell in CD 14. Duchin Rep. at 79-80.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated. Dr. Duchin testified that her only opinion regarding community testimony was that changes to congressional districts 6 and 14

lacked justification by community-of-interest reasoning. Duchin Dep. 205:9-206:20.

113. Dr. Duchin determined that her core retention and population displacement analysis of CD 14 provided evidence that race predominated over traditional redistricting principles in the drawing of CD 14. Duchin Dep. 182:15-19.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin said she was only offering the opinion that there was evidence of predominance and that she could not rule out a political goal. Duchin Dep. 181:13-183:6.

114. Dr. Duchin analyzed core retention and population displacement in the enacted Senate Plan. Duchin Rep. at 69-70.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

115. Benchmark SD 48 was represented by Michelle Au, who was the candidate of choice of voters of color. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

116. Roughly two-thirds—over 130,000 people—of benchmark SD 48 was moved into enacted SD 7, of whom 37.8% were Black and Latino. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

117. The retained population of SD 48 has only a 17.8% BHVAP share. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

118. No territory moved into SD 48 has a BHVAP share over 23.5%. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

119. Dr. Duchin opined that the new SD 48 is highly ineffective for Black and Latino voters. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

120. Dr. Duchin opined that SD 48's racially imbalanced population displacement could not be explained by a desire to improve SD 48's compactness as compared to the benchmark SD 48. Id. at 70, Figure 32.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

121. Dr. Duchin opined that her core retention and population displacement analysis of SD 48 is evidence that race predominated over

traditional redistricting principles in the drawing of SD 48. Duchin Depo. 180:18-182:14; 189:02-189:24.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that she was only presenting evidence "that shows that decisions with a marked racial character were made in ways that made traditional principles worse" and that she could not rule out a political goal. Duchin Dep. 181:24-182:14, 182:20-183:6.

122. Dr. Duchin analyzed the core retention and population displacement of the enacted SD 17, which had previously been an effective district for Black and Latino voters. Duchin Rep. at 70.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

123. SD 17 retained only about half of its residents even though it was only mildly overpopulated. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

124. Approximately half of the outgoing population from SD 17 was Black and Latino. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

125. The incoming Black and Latino population to SD 17 was much lower than 50% of the incoming population. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

126. The new SD 17 is now ineffective for Black and Latino voters. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

127. Dr. Duchin determined that no district that received population from SD 17 thereby became effective for Black and Latino voters. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

128. Dr. Duchin opined that a desire to create a more compact SD 17 as compared to the benchmark SD 17 cannot explain the racially imbalanced population flows to and from SD 17. Id., Figure 32. See also Wright Dep. 181:21- 183:1 (describing Ex. 9); Wright Dep. Ex. 9.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

129. Dr. Duchin determined that her core retention and population displacement analysis of SD 48 is evidence that race predominated over

traditional redistricting principles in the drawing of SD 48. Duchin Dep. 180:18-182:14; 189:02-189:24.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that she was only presenting evidence "that shows that decisions with a marked racial character were made in ways that made traditional principles worse" and that she could not rule out a political goal. Duchin Dep. 181:24-182:14, 182:20-183:6.

130. Dr. Duchin analyzed the core retention and population displacement of enacted SD 56, which had recently become competitive for Black and Latino voters. Duchin Rep. at 69.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

131. Benchmark SD 56 was almost entirely placed into enacted SD 14. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

132. However, incumbent Republican John Albers was able to remain in the district. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

133. Dr. Duchin opined that the population flow from benchmark SD 56 to enacted SD 14 was racially imbalanced. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

134. Approximately 35.5% of the population moved from benchmark SD 56 to enacted SD 14 was BHVAP. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

135. Each territory moved into SD 56 contained under 19% BHVAP. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

136. The new SD 56 is not competitive for Black and Latino voters. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

137. Dr. Duchin determined that her core retention and population displacement analysis of SD 56 is evidence that race predominated over traditional redistricting principles in the drawing of SD 56. Duchin Dep. 180:18-182:14; 189:02-189:24.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that she was only presenting evidence "that shows

that decisions with a marked racial character were made in ways that made traditional principles worse" and that she could not rule out a political goal. Duchin Dep. 181:24-182:14, 182:20-183:6.

138. Dr. Duchin analyzed core retention and population displacement in the enacted House Plan. Duchin Rep. at 70-71.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

139. Dr. Duchin identified seven house districts that had become competitive for Black and Latino voters because of demographic shifts over the last ten-years: HDs 35, 44, 48, 49, 52, 104, and 109. Id. at 70.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

140. Dr. Duchin determined that five of these districts—HDs 44, 48, 49, 52, and 104—were "rebuilt to be ineffective for Black and Latino voters" because of "racially imbalanced population transfers." Id. at 70.

RESPONSE: Objection. The evidence cited does not support the fact stated. The cited portion of Dr. Duchin's report does not state that the "rebuilding" of those districts occurred "because of" racially imbalanced population transfers, only that racially imbalanced population transfers occurred.

141. Dr. Duchin produced a table that demonstrates the largest district-to- district reassignments for BHVAP for HDs 44, 48, 49, 52, and 104:

Benchmark HD	Outward	Inward
44	.425 (to HD 35)	.226 (from HD 20)
48	.464 (to HD 51)	.201 (from HD 49)
49	.227 (to HD 47)	.127 (from HD 48)
52	.436 (to HD 54)	.245 (from HD 79)
104	.715 (to HD 102)	.363 (from HD 103)

Table 40: This table records the BHVAP share of the largest district-to-district reassignment for the five "dismantled" House districts that were formerly swingy, now made ineffective.

Id. at 71, Table 40.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

142. Dr. Duchin opined that racially imbalanced population flows from and into HDs 44, 48, 49, 52, and 104 could neither be "explained by traditional districting principles like compactness or respect for county lines" nor by "respect for municipal boundaries." Id. at 71, Figure 33.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, Dr. Duchin testified that she was not opining that the districts in Table 40 or Figure 33 were drawn primarily based on race. Duchin Dep. 188:1-189:19.

143. Cobb County is split across four districts, with CD 13 and CD 14 receiving portions of Cobb that are over 60% Black and Latino by VAP, while CD 6 contains a part of Cobb that is about 18.5% BHVAP. Id. at 71.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

144. Dr. Duchin determined this evidence is consistent with a "packing and cracking strategy." Id.

RESPONSE: Objection. The evidence cited does not support the fact stated because there is no reference to a packing and cracking strategy on page 71 of Dr. Duchin's report.

145. CD 2 and CD 8 split Bibb County. Id. at 72.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

146. Dr. Duchin determined that minutely race conscious decisions were "evident along the boundary of CD 2 and CD 8 in Bibb County," as demonstrated by the figure below:

County	District	BVAP	BHVAP
Bibb	CD 2	.6349	.6710
	CD 8	.3098	.3394

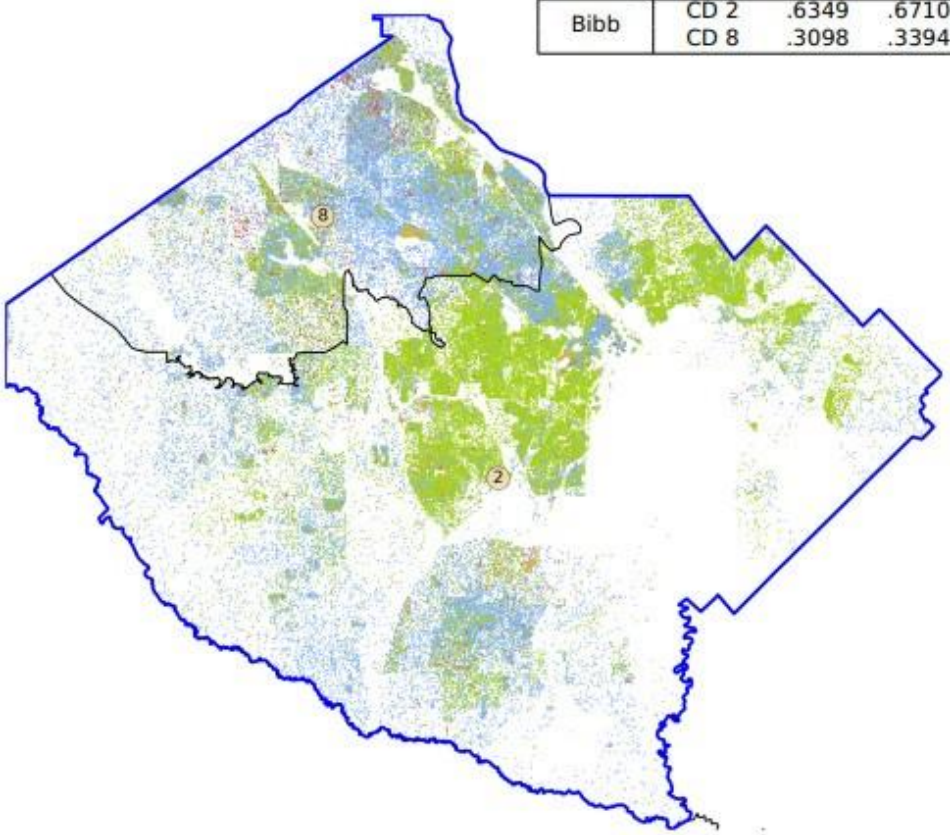


Figure 34: Minutely race-conscious decisions are evident along the boundary of CD 2 and CD 8 in Bibb County.

Id. at 72, Figure 34; see also Figure 2 at 9 (containing key to dot figure.)

RESPONSE: Objection. The evidence cited does not support the fact stated because Dr. Duchin testified that this split of Bibb County was also political, with more Democratic portions of Bibb County in District 2 and more Republican portions of Bibb County in District 8. Duchin Dep. 192:12-24, 195:10-196:13.

147. Dr. Duchin analyzed all county splits involving CD 3, 6, 13, and 14. Id. at 73; Table 41.

RESPONSE: Objection. The evidence cited does not support the fact stated because Dr. Duchin did not "analyze" the splits but reported the racial statistics for each county split for these particular districts.

148. Dr. Duchin determined that all of the splits—with the exception of the Clayton County split-- are "consistent with an overall pattern of cracking in CD 3 and CD 6, packing in CD 13, and submerging a small and diverse urban community in CD 14," as demonstrated below:

County	District	BVAP	BHVAP
Cherokee	CD 6	.0304	.0814
	CD 11	.0817	.1902
Clayton	CD 5	.7280	.8649
	CD 13	.7190	.8266
Cobb	CD 6	.1092	.1848
	CD 11	.2654	.3850
	CD 13	.4458	.6271
	CD 14	.4646	.5644
Douglas	CD 3	.2970	.3719
	CD 13	.5762	.6647
Fayette	CD 3	.2094	.2720
	CD 13	.5762	.6647
Fulton	CD 5	.4769	.5379
	CD 6	.1574	.2568
	CD 7	.1175	.1777
	CD 13	.8829	.9171
Gwinnett	CD 6	.1336	.2645
	CD 7	.3234	.5450
	CD 9	.2061	.3433
Henry	CD 3	.4678	.5259
	CD 10	.4414	.4948
	CD 13	.5710	.6324
Muscogee	CD 2	.5262	.5851
	CD 3	.1909	.2578

Table 41: All county splits involving CD 3, 6, 13, and 14. With the exception of the Clayton split, which is unremarkable in demographic terms, each of these is consistent with an overall pattern of cracking in CD 3 and CD 6, packing in CD 13, and submerging a small and diverse urban community in CD 14. See Appendix C for a complete list of county splits.

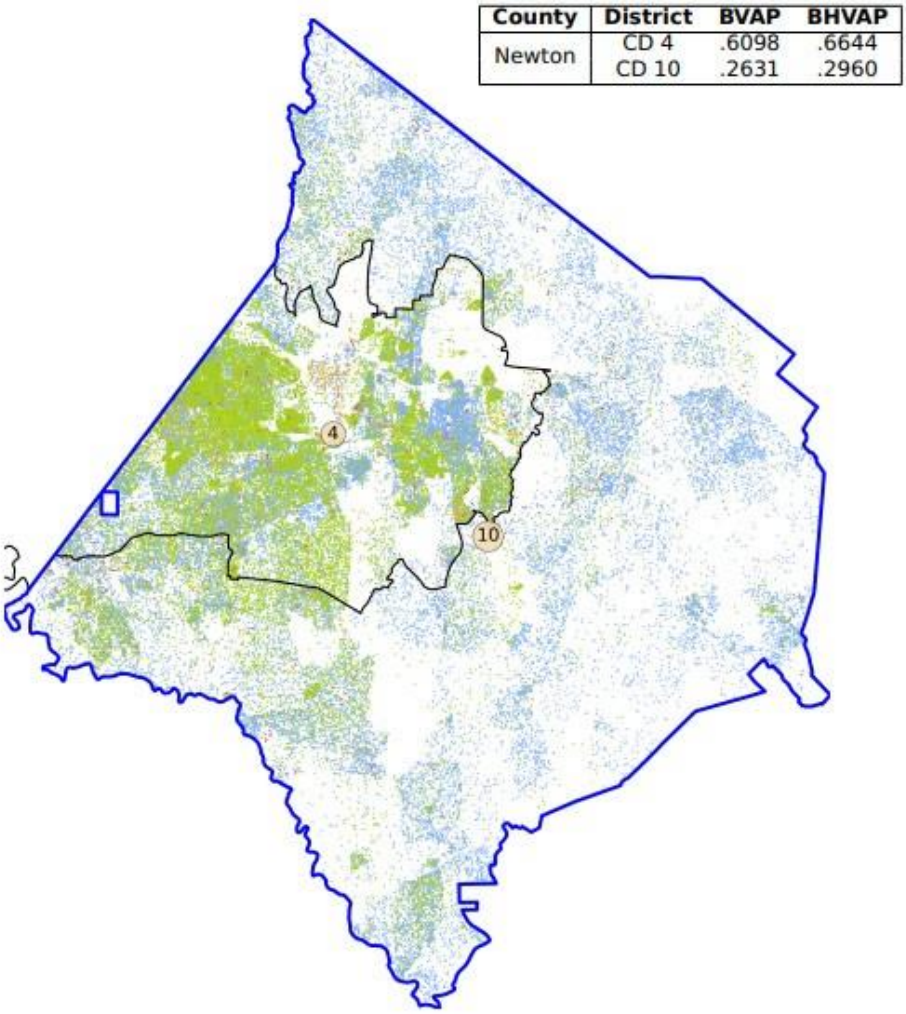
Id.

RESPONSE: Objection. The evidence cited does not support the fact stated because Dr. Duchin testified not that there was a packing and cracking strategy, but only that the patterns were consistent with such a strategy and that she could not rule out a political goal. Duchin Dep. 198:6-21, 195:10-196:13.

149. Dr. Duchin analyzed the Newton County split involving CD 4 and CD 10. Id. at 74.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

150. Dr. Duchin determined that in "Newton County, CD 4 and CD 10 are divided by a line that is consistent with packing the former district and cracking the latter," as demonstrated by the figure below:



County	District	BVAP	BHVAP
Newton	CD 4	.6098	.6644
	CD 10	.2631	.2960

Figure 35: In Newton County, CD 4 and CD 10 are divided by a line that is consistent with packing the former district and cracking the latter.

Id. at 74, Figure 35.

RESPONSE: Objection. The evidence cited does not support the fact stated because Dr. Duchin testified not that there was packing and cracking, but only that the patterns were consistent with such a strategy and that she could not rule out a political goal. Duchin Dep. 198:6-21, 195:10-196:13

151. Dr. Duchin also analyzed precinct splits in the Congressional map. Id. at 75.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

152. Dr. Duchin opined that "for the purposes of investigating racial gerrymandering, the splits to state precincts can be especially revealing: these are the units at which cast votes are reported, so finer divisions are usually made in view of demographics but not voting behavior—that is, these highlight the predominance of race over even partisan concerns." Id; see also Duchin Dep. 186: 17-23.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

153. Dr. Duchin opined that specific precinct splits on the border of CD 6 and CD 11 "show significant racial disparity consistent with an effort to diminish the electoral effectiveness of CD 6," as demonstrated by the table below:

State precinct	District	BVAP	BHVAP
MARIETTA 5A	CD 6	.1975	.4938
	CD 11	.4232	.5803
MARIETTA 6A	CD 6	.1391	.6607
	CD 11	.4738	.5464
SEWELL MILL 03	CD 6	.2225	.3042
	CD 11	.4064	.5548

Table 42: Three examples of split precincts on the CD 6 / CD 11 border that show significant racial disparity, consistent with an effort to diminish the electoral effectiveness of CD 6 for Black voters. (Note that CD 6 receives a higher share of BHVAP in Marietta 6A, but a far lower share of BVAP.)

Duchin Rep. at 75, Table 42.

RESPONSE: Objection. The evidence cited does not support the fact stated because Dr. Duchin testified that she did not know if the split precincts in the chart were contiguous or had noncontiguous portions. Duchin Dep. 199:15-200:10.

154. Dr. Duchin opined that several precinct splits on the CD 4 and CD 10 border "stand out both in demographic and geographic terms," which provide evidence of the "packing of CD 4 and cracking of CD 10," as demonstrated by the table below:

State precinct	District	BVAP	BHVAP
ALCOVY	CD 4	.4010	.4499
	CD 10	.0512	.0620
CITY POND	CD 4	.5912	.6554
	CD 10	.3923	.4192
OXFORD	CD 4	.6444	.6932
	CD 10	.0929	.1213
DOWNS	CD 4	.6429	.7024
	CD 10	.4429	.4930

Table 43: Four examples of split precincts on the CD 4 / CD 10 border, all consistent with packing of CD 4 and cracking of CD 10.

Id. at 75, Table 43.

RESPONSE: Objection. The evidence cited does not support the fact stated because Dr. Duchin testified that she did not know if the split precincts were split along geographic features. Duchin Dep. 200:21-201:7.

155. In the enacted Senate Plan, fourteen counties have at least a 20-point BHVAP disparity in BHVAP across county splits. Id. at 77.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

156. Dr. Duchin analyzed the split of Bibb County involving SD 18, SD 25, and SD 26. Id., Figure 37.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

157. Dr. Duchin determined that the racial disparities in the split of Bibb County involving SD 18, SD 25, and SD 26 are evidence that SD 26 was packed, as demonstrated by the table below:

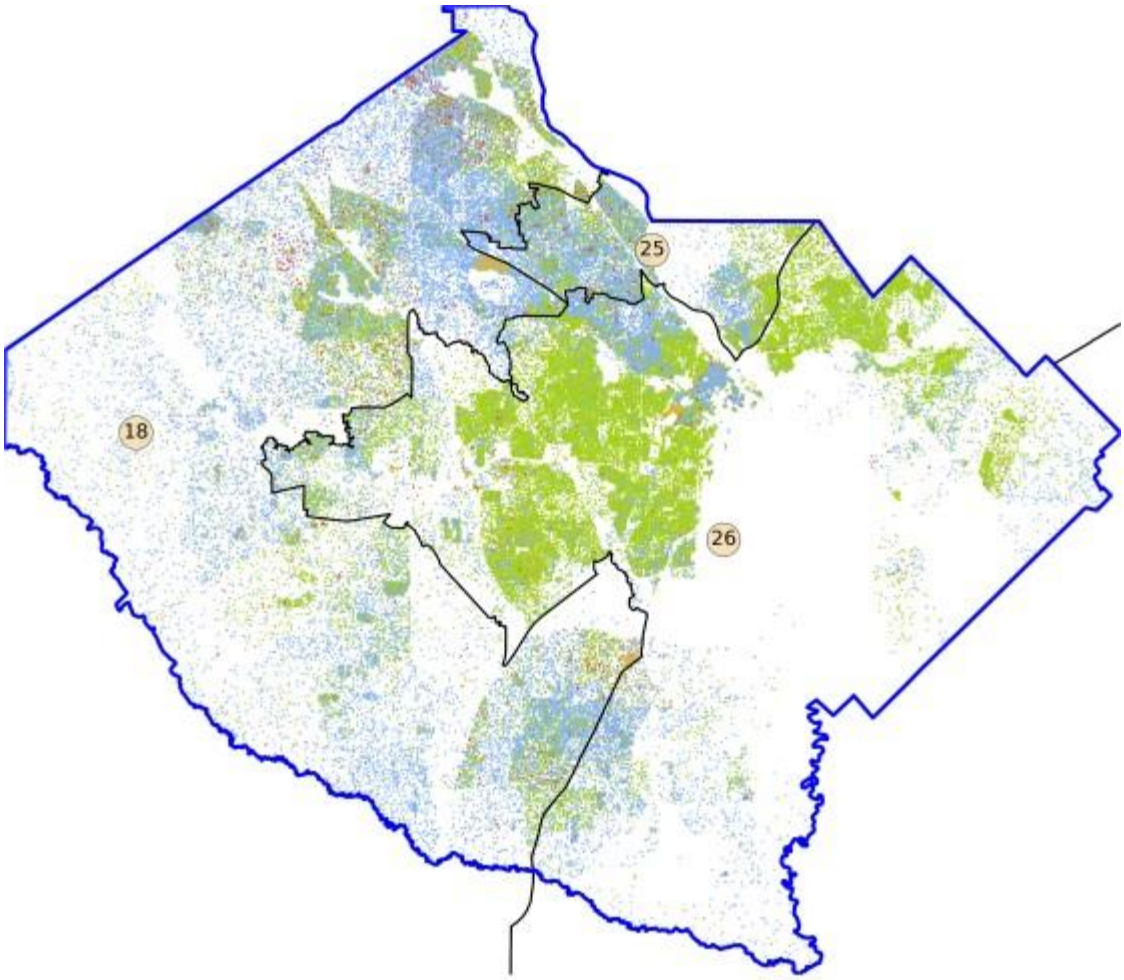


Figure 37: This figure shows the separation of Bibb County in a way that packs SD 26.

Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that she only saw patterns consistent with a packing and cracking strategy in her review of county splits, not that particular districts qualified as packed. Duchin Dep. 198:6-21.

158. Dr. Duchin analyzed the split of Chatham County involving SDs 1, 2, and 4. Id. at 78, Figure 38

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

159. SD 2 is an effective district for Black and Latino Voters, and SDs 1 and 4 are not. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

160. Dr. Duchin determined that the "pieces of Chatham County look to be clearly racially sorted into Senate districts in a way that ensures that Black and Latino voters can only have effective influence in one of the constituent district," as demonstrated below:

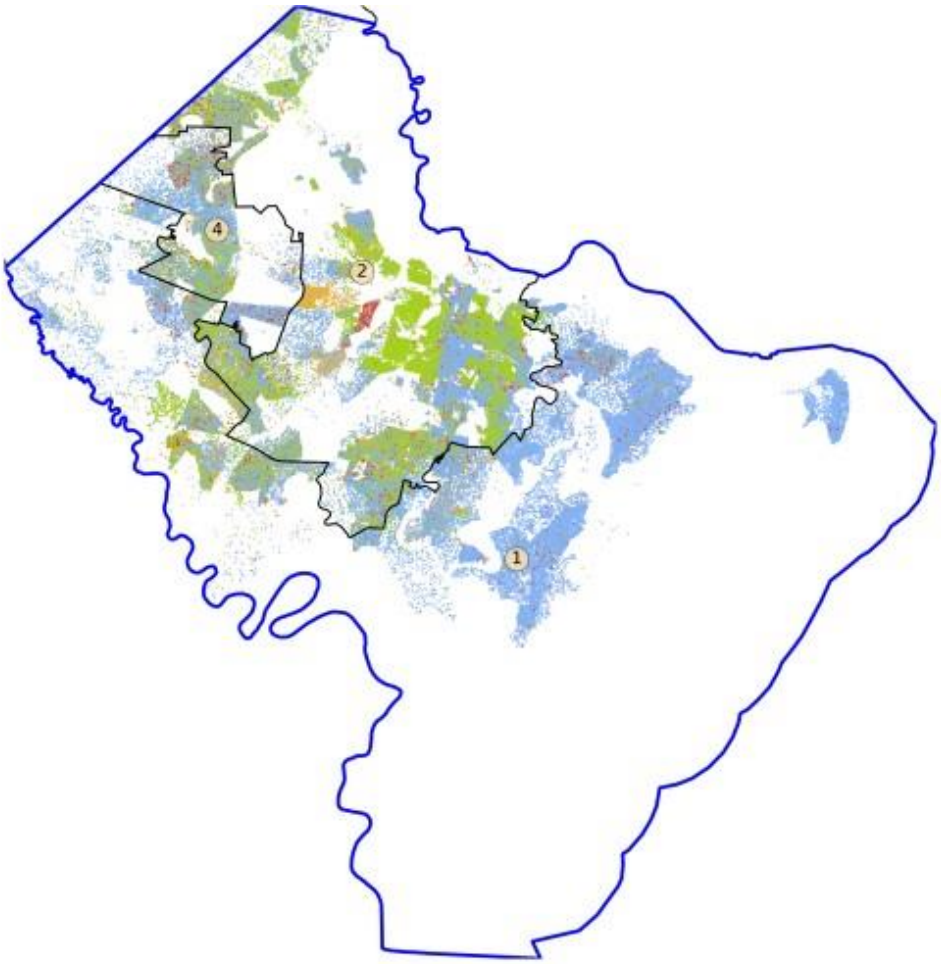


Figure 38: The pieces of Chatham County look to be clearly racially sorted into Senate districts in a way that ensures that Black and Latino voters can only have effective influence in one of the constituent districts. Indeed, SD 2 is an effective district, while SD 1 and SD 4 are not.

Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that she only saw patterns consistent with a packing and cracking strategy in her review of county splits, not that particular districts qualified as packed. Duchin Dep. 198:6-21.

161. Dr. Duchin examined, among other things, the claims from certain Defendant witnesses that partisan politics, and not race, motivated the legislature in drawing certain congressional, senate, and house districts. Canter Decl. ¶ 21 (Duchin Rebuttal & Supplemental Report ("Duchin Rebuttal Rep.") at 6-10).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

162. Dr. Duchin ran algorithmic experiments to test the hypothesis that the legislature drew the congressional, senate, and house maps based not upon race but upon pursuing partisan advantage. Id. at 7-9.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

163. To examine the effects of partisanship, Dr. Duchin "generated 100,000 statewide plans at each level of redistricting with an exploratory algorithm seeking larger numbers of Trump-favoring districts from the 2020 Presidential election." Id. at 7.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

164. These alternative partisan-advantage plans were drawn respectful of traditional districting principles, including compactness, population balance and county preservation, but did not include race data. Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that the alternative plans for this experiment only considered compactness as a traditional districting principle. Duchin Dep. 220:23-221:24.

165. Because Dr. Duchin did not input race data into her algorithm, she was able to explore "whether plans selected for partisanship—but with no race data— tend to have the same hallmarks of racial sorting that [she] found in the enacted plans." Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that the alternative plans for this experiment only considered compactness as a traditional districting principle. Duchin Dep. 220:23-221:24.

166. Dr. Duchin then plotted the Black Voting Age Population in each of the districts in the enacted plans against the sets of partisan advantage districts created by her algorithms. Id. at 8.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

167. Dr. Duchin opined that "if a plan were drawn by using minority racial population to secure partisan advantage in a state with roughly 50-50 partisan support," we would expect to see "cracking" of the minority group in those districts in the middle range of partisan advantage. Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that the alternative plans for this experiment only considered compactness as a traditional districting principle. Duchin Dep. 220:23-221:24.

168. Dr. Duchin's experiment did show that, in the middle range of partisan advantage districts in congressional, state Senate, and state House, the enacted plan's Black VAP showed clear signs or "cracking," i.e., "reduced Black population relative to the comparison plans. Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that the alternative plans for this experiment only considered compactness as a traditional districting principle. Duchin Dep. 220:23-221:24.

169. Dr. Duchin opined that her algorithmic experiment suggests that the legislature did not pursue a "race neutral advantage [in the congressional map], but rather a highly race-conscious pursuit of partisan advantage." Id. at 8, Figure 5.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that the alternative plans for this experiment only considered compactness as a traditional districting principle. Duchin Dep. 220:23-221:24.

170. Dr. Duchin reached the same conclusion as to the Senate and House maps, finding that "The same signature of cracking is visible here as in the Congressional boxplot." Id. at 9.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that the alternative plans for this experiment only considered compactness as a traditional districting principle. Duchin Dep. 220:23-221:24.

171. Dr. Duchin then drew random congressional, Senate, and House plans from the middle-range districts of her Trump-favoring collections and compared the BVAP in those districts to the middle-range districts of the enacted plan. Id. at 10.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that the alternative plans for this experiment only considered compactness as a traditional districting principle. Duchin Dep. 220:23-221:24. Further, Dr. Duchin testified that she did not know the number

of majority BVAP districts on any of the plans she had the computer draw. Duchin Dep. 225:22-226:3.

172. Dr. Duchin concluded that the enacted plan had lower BVAP than all of the randomly selected congressional plans and virtually all of the randomly selected Senate and House plans. Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that the alternative plans for this experiment only considered compactness as a traditional districting principle. Duchin Dep. 220:23-221:24. Further, Dr. Duchin testified that she did not know the number of majority BVAP districts on any of the plans she had the computer draw. Duchin Dep. 225:22-226:3.

173. Dr. Duchin concluded that, based on her experiments, there were many thousands of examples with even greater partisan tilt than in the enacted plan that could have been drawn, but which did "not show the marked signs of racial sorting that are found in the enacted plan." Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that the alternative plans for this experiment only considered compactness as a traditional districting principle. Duchin Dep. 220:23-221:24. Further, Dr. Duchin testified that she did not know the number

of majority BVAP districts on any of the plans she had the computer draw. Duchin Dep. 225:22-226:3.

174. Dr. Duchin calculated that the probability of the enacted plan being as low in BVAP compared to the randomly-selected congressional plans was less than .00007. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

175. Dr. Duchin calculated that the probability of the enacted plan being as low in BVAP compared to the randomly-selected Senate plans was less than .00000004. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

176. Dr. Duchin calculated that the probability of the enacted plan being as low in BVAP compared to the randomly-selected House plans was less than .00000000006. Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

177. Dr. Duchin also found indications corroborating the hypothesis that race was used to achieve partisan outcomes in the state's enacted plans in

the high numbers of split precincts, because vote history is not available at a sub-precinct level. Id.

RESPONSE: Objection. The evidence cited does not support the fact stated. Dr. Duchin testified that the alternative plans for this experiment only considered compactness as a traditional districting principle. Duchin Dep. 220:23-221:24. Further, Dr. Duchin testified that she did not know the number of majority BVAP districts on any of the plans she had the computer draw. Duchin Dep. 225:22-226:3.

178. Dr. Duchin examined whether Plaintiffs could meet the first Gingles precondition. Duchin Dep. 28:07-30:02; Duchin Rep. at 3-4. To do so, Dr. Duchin analyzed whether it was possible to draw additional majority minority districts in Georgia's congressional, senate, and house maps while respecting traditional redistricting principles. Duchin Rep. at 3-4.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and because it is a legal conclusion.

179. In drawing her maps, Dr. Duchin first used a method called "computational redistricting," which uses computer programs to generate various maps. Duchin Dep. 18:15-19:02. Dr. Duchin runs this "algorithmic exploration" to serve as a base for latter mapping in order to "get a sense of what's possible in different parts of" Georgia. Id. 19:03-19:14.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

180. After the "algorithmic exploration" generated base maps, Dr. Duchin hand drew maps in order to balance traditional redistricting principles and create maps that are "remediable." Duchin Dep. 65:06-77:12; 121:01-121:12; 123:13-123:15.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated. Dr. Duchin testified in the cited sections that "remediable" referred to her view of the nature of maps for the first precondition of *Gingles* and not to her drawing process.

181. Dr. Duchin examined quantifiable and unquantifiable traditional redistricting principles. Duchin Dep. 28:12-28:20; 65:10-71:06; 79:13-79:17; 155:12-155:21; Duchin Rep. at 20-24, 79-80.

RESPONSE: Objection. The evidence cited does not support the fact stated because Dr. Duchin only testified to using quantifiable metrics and the limited community testimony that she identified in her first report in the cited sections of her deposition.

182. Dr. Duchin used the redistricting guidelines published by both chambers of the Georgia legislature to select which quantifiable and

unquantifiable redistricting principles to analyze, as reflected by the figure below:

A. GENERAL PRINCIPLES FOR DRAFTING PLANS
1. Each congressional district should be drawn with a total population of plus or minus one person from the ideal district size.
2. Each legislative district of the General Assembly should be drawn to achieve a total population that is substantially equal as practicable, considering the principles listed below.
3. All plans adopted by the Committee will comply with Section 2 of the Voting Rights Act of 1965, as amended.
4. All plans adopted by the Committee will comply with the United States and Georgia Constitutions.
5. Districts shall be composed of contiguous geography. Districts that connect on a single point are not contiguous.
6. No multi-member districts shall be drawn on any legislative redistricting plan.
7. The Committee should consider:
   a. The boundaries of counties and precincts;
   b. Compactness; and
   c. Communities of interest.
8. Efforts should be made to avoid the unnecessary pairing of incumbents.
9. The identifying of these criteria is not intended to limit the consideration of any other principles or factors that the Committee deems appropriate.

Duchin Rep. at 20.

RESPONSE: Objection. The evidence cited does not support the fact stated because Dr. Duchin's report at the cited reference only indicates that these principles were adopted, not that Dr. Duchin used them for selecting which principles to analyze.

183. Some of these principles are mandatory, such as compliance with the population balance for congressional and legislative districts, compliance with the Voting Rights Act, compliance with the U.S. and Georgia Constitutions, contiguity, and ensuring that there are no multi-member districts. Id. Others are not mandatory, such as consideration of the boundaries

of counties, compactness, communities of interest; the last is to make "efforts" to avoid the "unnecessary" pairing of incumbents. Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

184. To determine communities of interest, Dr. Duchin analyzed a voluminous record of public testimony. Duchin Dep. 68:18-69:10. This community of interest testimony informed Dr. Duchin's hand-drawing process. Id. 70:08- 70:71:06; 79:09-79:16; 163:15-163:25.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Dr. Duchin explained that her report only utilized the public testimony regarding the population areas between congressional districts 6 and 14. Duchin Dep. 205:9-206:20.

185. This testimony included public input reflecting concerns that the ultimately-enacted CD 6 would be blending communities that have interests more common in rural communities—such as the Army Corp. of Engineers—with communities that have interests more common in suburban areas—such as public transportation. Duchin Rep. 79-80.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not

support the fact stated because Dr. Duchin explained that her report only utilized the public testimony regarding the population areas between congressional districts 6 and 14. Duchin Dep. 205:9-206:20.

186. This testimony also included public input reflected concerns that the ultimately-enacted CD 14 would be blending communities that have interests more common in rural communities—such as manufacturing and agriculture—with communities that have interests more common in urban areas—such as housing. Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Dr. Duchin explained that her report only utilized the public testimony regarding the population areas between congressional districts 6 and 14. Duchin Dep. 205:9-206:20.

187. For her demonstrative Congressional plan, Dr. Duchin drew an alternative map covering the entire state. Duchin Dep. 21:01-21:13.

RESPONSE: Objection. The evidence cited does not support the fact stated because the cited portion of the deposition only refers to alternative state Senate plans, not an alternative congressional plan.

188. For her demonstrative senate and house plans, Dr. Duchin divided the Enacted Plan into modules. Under this modular approach, Dr. Duchin drew

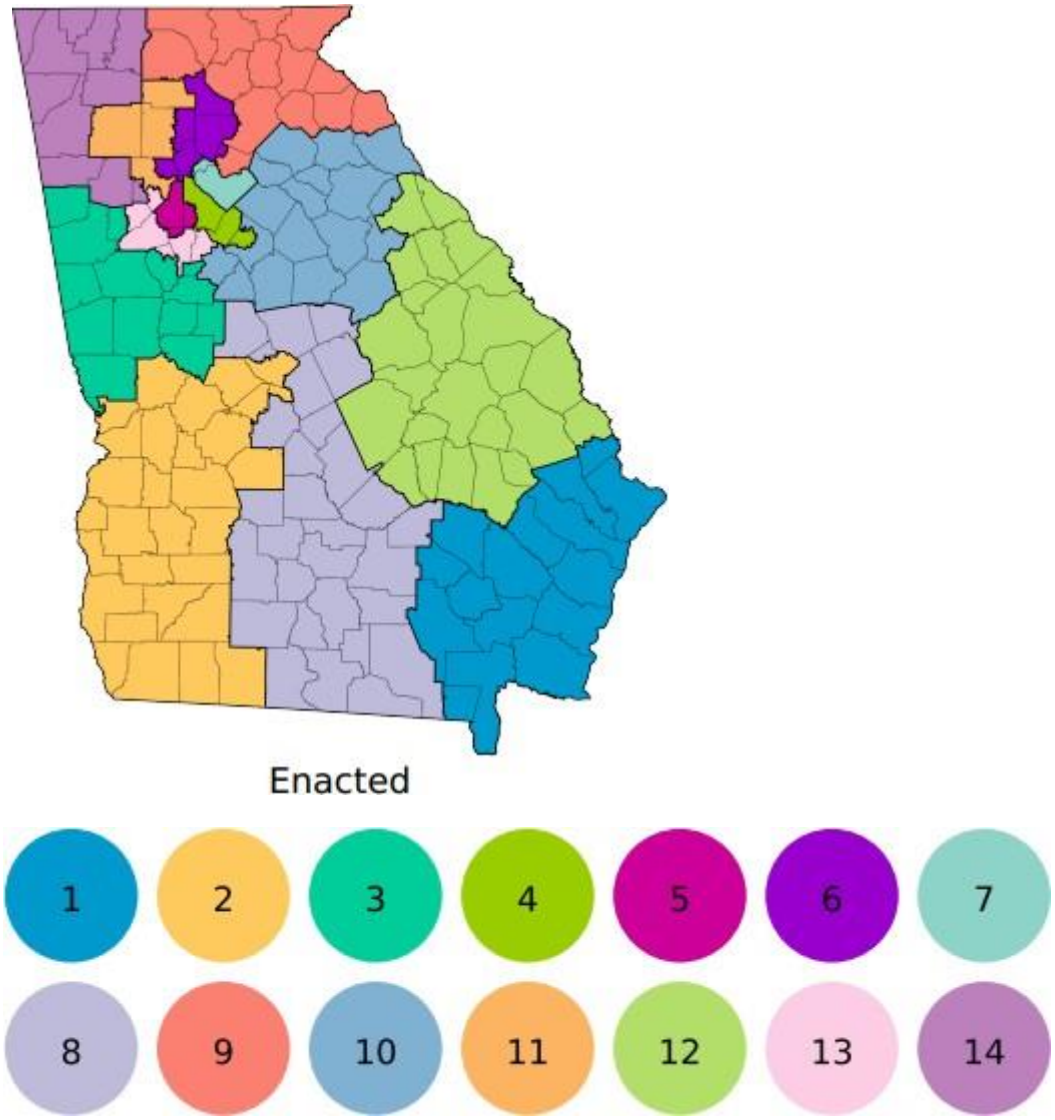
alternative maps in geographic areas covered by certain clusters of districts within certain modules in the enacted plan. Duchin Dep. 60:05-60:22; Duchin Rep. at 13, 14-15.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

189. The enacted congressional plan contained two majority BVAP districts (CD 4 and CD 13). Duchin Rep.at 25 (Table 11).

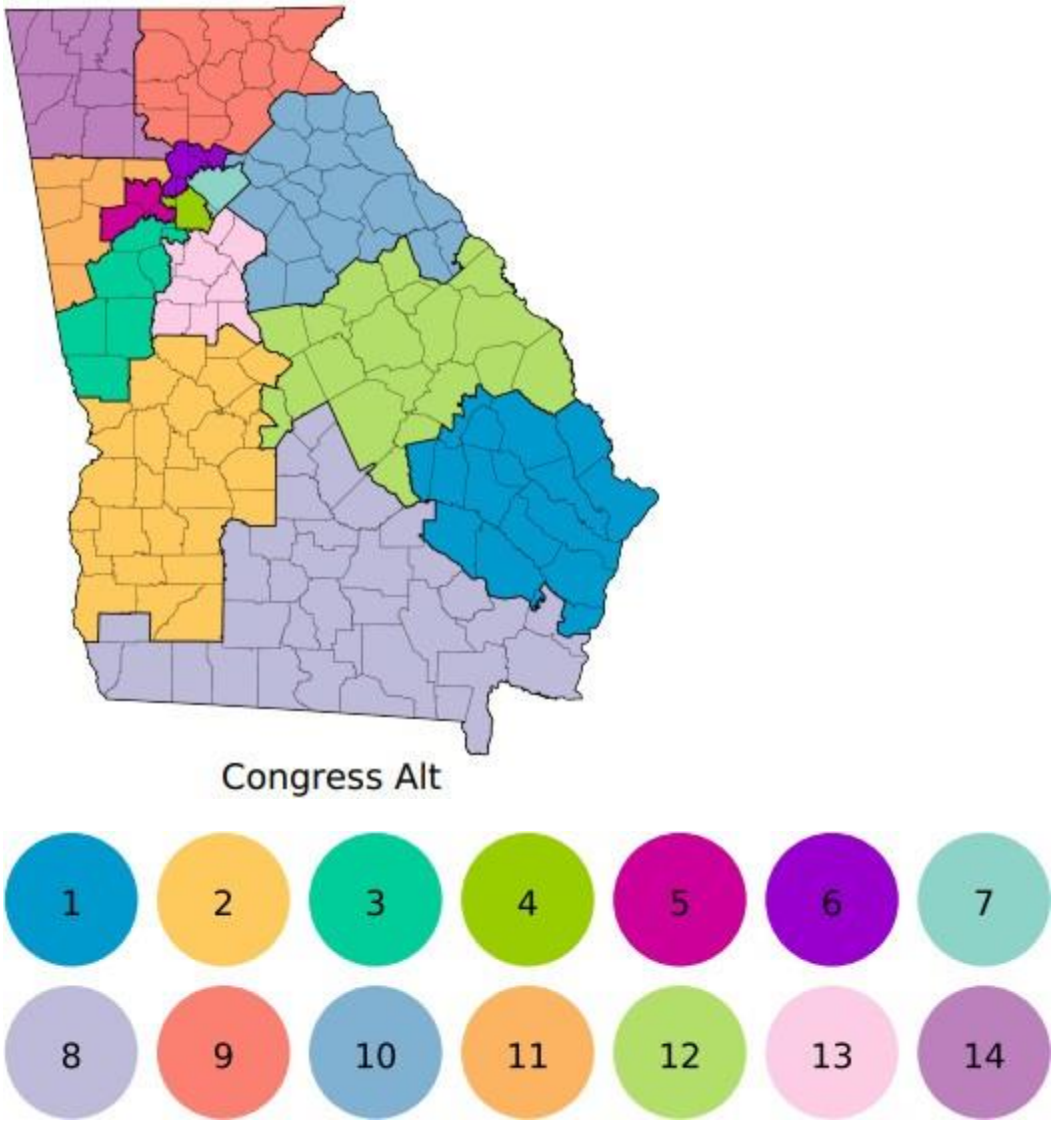
RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

190. Three additional districts in the enacted congressional plan are majority Black and Hispanic voting age population ("BHVAP") (CD 2, CD 5, and CD 7). Id. CD 7 is not majority Black and Hispanic Citizen Voting Age Population ("BHCVAP"). Id. See also id. at 11, Figure 3.



RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

191. Dr. Duchin provided one alternative congressional plan ("Alt 1 CD") that created additional majority-minority districts when compared to the enacted plan. Id. See also id. at 11, Figure 3.



RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

192. Alt 1 CD creates four majority BVAP districts (Alt 1 CDs 3, 4, 5, 13). Duchin Rep.at 25 (Table 11).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

193. Alt 1 CD also creates two majority BHVAP districts, (Alt 1 CDs 2 and 7). Id.

RESPONSE: Objection. The evidence cited does not support the fact stated because the table cited indicates that Alt 1 CD creates six majority BHVAP districts.

194. Each of the majority BHVAP districts in Alt 1 CD are also majority BHCVAP districts. Id.

RESPONSE: Objection. The evidence cited does not support the fact stated because the cited table does not include CVAP data.

195. Alt 1 CD thus creates an additional majority-minority district: Alt 1CD 3, as demonstrated by the chart and figure below. Id.

	CD Enacted (Statewide)						**CD Alt 1**					
CD	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
1	28.2%	6.8%	35.0%	60.4%	0.285	0.456	30.3%	6.9%	37.2%	58.5%	0.312	0.633
2	49.3%	5.1%	54.4%	42.7%	0.267	0.458	47.7%	4.7%	52.4%	44.5%	0.315	0.494
3	23.3%	5.3%	28.6%	66.8%	0.275	0.461	51.2%	7.2%	58.4%	37.4%	0.278	0.411
4	54.5%	10.1%	64.6%	28.3%	0.246	0.307	50.6%	8.2%	58.8%	33.8%	0.295	0.481
5	49.6%	6.7%	56.3%	37.9%	0.322	0.512	50.1%	11.4%	61.5%	33.4%	0.216	0.424
6	9.9%	9.1%	19.0%	66.6%	0.198	0.424	13.7%	10.9%	24.6%	57.1%	0.232	0.346
7	29.8%	21.3%	51.1%	32.8%	0.386	0.496	34.3%	22.4%	56.7%	29.4%	0.351	0.518
8	30.0%	6.1%	36.1%	60.5%	0.210	0.338	27.3%	6.9%	34.2%	63.0%	0.227	0.377
9	10.4%	12.9%	23.3%	68.3%	0.253	0.380	4.6%	11.5%	16.1%	77.9%	0.403	0.512
10	22.6%	6.5%	29.1%	66.2%	0.284	0.558	17.6%	6.9%	24.5%	69.8%	0.335	0.576
11	17.9%	11.2%	29.1%	64.0%	0.207	0.480	17.6%	7.6%	25.2%	68.1%	0.283	0.364
12	36.7%	4.9%	41.6%	54.6%	0.278	0.502	39.2%	4.6%	43.8%	51.9%	0.181	0.489
13	66.7%	10.5%	77.2%	18.8%	0.157	0.380	52.0%	6.8%	58.8%	37.8%	0.276	0.510
14	14.3%	10.6%	24.9%	71.3%	0.373	0.426	7.6%	11.0%	18.6%	77.0%	0.514	0.484
Avg					0.267	0.441					0.301	0.473

RESPONSE: Objection. The evidence cited does not support the fact stated because it does not indicate how Alt 1 CD3 is "additional" in reference to anything else.

196. Defendants' mapping expert, Dr. Morgan, testified he had no basis to dispute that it was possible to draw additional majority-minority districts in the Congressional plan. Canter Decl. ¶ 22 (Deposition of John Morgan ("Morgan Dep.") 20:22-23:25).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

197. This chart, and others like it, reflect voting age population ("VAP") comparisons by district in the enacted plans and Dr. Duchin's created illustrative plans. Duchin Rep. at 25; see also Id. at 81.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number and instead refers to "others like" a particular chart without specifying where those charts are located.

198. This chart, and others like it, compare the enacted and illustrative plans on a variety of metrics including Black voting age population ("BVAP"), Hispanic voting age population ("HVAP"), White voting age population ("WVAP"), citizen voting age population ("CVAP"). Duchin Dep. 22:7-16; 46:6-7; Duchin Rep. at 7, 25, 81.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number and instead

refers to "others like" a particular chart without specifying where those charts are located.

199. This chart, and others like it, compare the enacted and illustrative plans, using the two most common compactness metrics are the Polsby-Popper score and the Reock score. These are both contour-based scores that rely on the outline of the district on a map. Polsby-Popper is a ratio formed by comparing the district's area to its perimeter via the formula 4 πA/P2 Reock considers how much of the smallest bounding circle is filled out by the district's area. Duchin Rep. at 21.

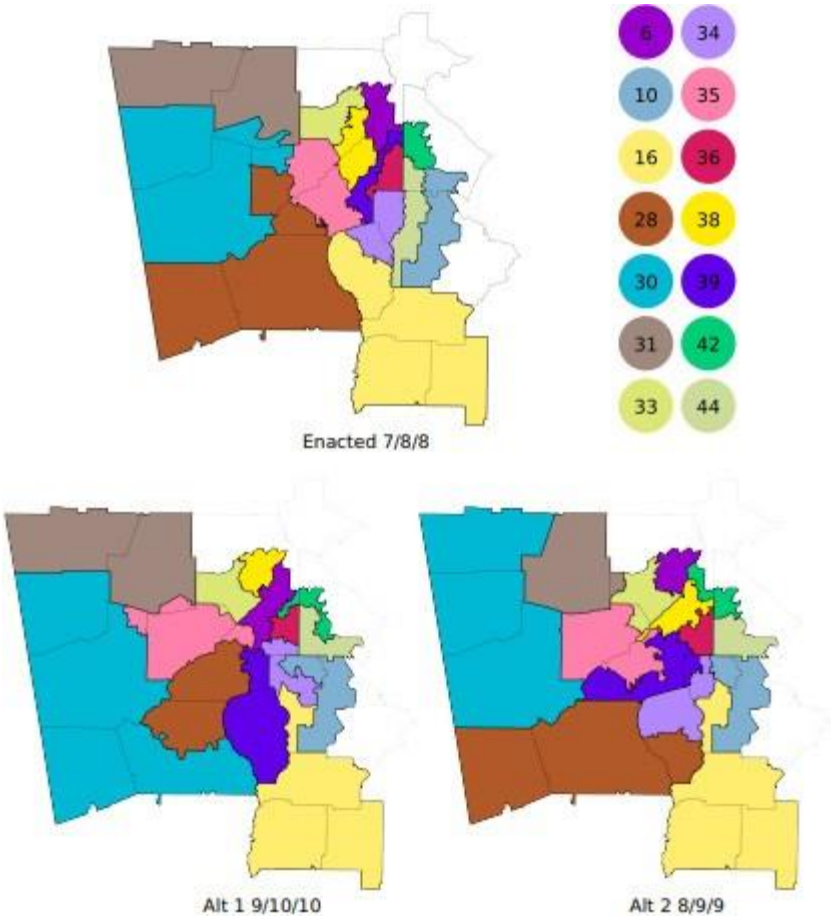
RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and it does not cite to evidence by page or paragraph number and instead refers to "others like" a particular chart without specifying where those charts are located.

200. Dr. Duchin analyzed six clusters of senate districts: SD Northwest, SD Gwinnett, SD Atlanta, SD East Black Belt, SD Southwest, and SD Southeast.

Id. at 13 (Figure 5).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

201. In the SD Atlanta region, Dr. Duchin provides two alternative maps ("SD Alt 1 Atlanta" and "SD Alt 2 Atlanta") that create additional majority-minority districts. Id. at 26-27.



Id. at 26 (Figure 8).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

202. Defendants' expert, Dr. Morgan, testified he has no basis to dispute that Dr. Duchin was able to draw additional majority-minority senate districts. Morgan Dep. 24:02-24; see also Canter Decl. ¶ 23 (Expert Report of John Morgan ("Morgan Rep." at 24, 27 (Charts 5 and 6)); Morgan Dep. 29:10-30:04; Morgan Dep. 79:08-12; Morgan Dep. 82:15-18.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

203. The enacted SD Atlanta cluster contains 7 majority BVAP districts (SDs 10, 34, 35, 36, 38, 39, and 44). Duchin Rep. at 27 (Table 12 and Table 13).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

204. The enacted SD Atlanta cluster contains an additional majority BHVAP district (SD 33). Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number and instead refers to "an additional" district. Further, the evidence cited does not support the fact because it is unclear what the referenced district is "additional" to.

205. SD Alt 1 Atlanta contains 10 majority BVAP districts (SDs Alt 1 Atlanta 6, 10, 16, 28, 33, 34, 35, 36, 39, and 44). Id. (Table 12).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

206. SD Alt 2 Atlanta contains 8 majority BVAP districts (SDs Alt 2 Atlanta 10, 33, 34, 35, 36, 38, 39, 44) and 1 majority BHVAP district (SD Alt 2 Atlanta 16). Id. (Table 13).

RESPONSE: Objection. The evidence cited does not support the fact because Table 13 shows there are 9 majority BHVAP districts on SD Alt 2 Atlanta.

207. The tables below provide a comparison between the enacted senate plan and SD Alt 1 Atlanta and SD Alt 2 Atlanta:

	SD Atlanta Enacted						**SD Alt 1**					
SD	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
6	23.9%	8.2%	32.1%	57.8%	0.236	0.405	50.1%	6.1%	56.2%	39.8%	0.169	0.246
10	71.5%	5.2%	76.7%	19.6%	0.231	0.281	59.5%	11.0%	70.5%	23.4%	0.238	0.420
16	22.7%	5.0%	27.7%	66.9%	0.314	0.368	50.2%	6.2%	56.4%	40.9%	0.254	0.354
28	19.5%	6.4%	25.9%	69.4%	0.246	0.445	50.6%	6.8%	57.4%	39.3%	0.335	0.489
30	20.9%	6.1%	27.0%	69.4%	0.407	0.597	14.3%	5.1%	19.4%	76.9%	0.286	0.361
31	20.7%	7.4%	28.1%	68.3%	0.379	0.366	19.7%	7.2%	26.9%	69.4%	0.470	0.395
33	43.0%	22.9%	65.9%	30.2%	0.215	0.401	50.4%	18.1%	68.5%	27.9%	0.381	0.528
34	69.5%	12.7%	82.2%	13.4%	0.335	0.451	72.2%	11.6%	83.8%	11.5%	0.163	0.326
35	71.9%	7.5%	79.4%	18.8%	0.263	0.472	50.9%	8.0%	58.9%	38.2%	0.347	0.400
36	51.3%	7.1%	58.4%	36.2%	0.305	0.321	50.0%	5.7%	55.7%	38.8%	0.339	0.452
38	65.3%	8.4%	73.7%	21.9%	0.208	0.361	27.9%	15.4%	43.3%	46.1%	0.271	0.487
39	60.7%	5.6%	66.3%	27.9%	0.128	0.166	51.2%	5.4%	56.6%	38.6%	0.277	0.357
42	30.8%	8.6%	39.4%	51.4%	0.321	0.479	35.8%	9.6%	45.4%	43.5%	0.112	0.289
44	71.3%	8.6%	79.9%	15.3%	0.185	0.180	61.6%	3.6%	65.2%	31.0%	0.237	0.356
Avg					0.270	0.378					0.277	0.390

Table 12: SD Atlanta Alt 1 splits 8 counties within the cluster compared to 7 in the enacted plan and has a better discrete compactness score, with 2017 cut edges rather than 2197, to go with comparable Polsby-Popper and superior Reock compactness.

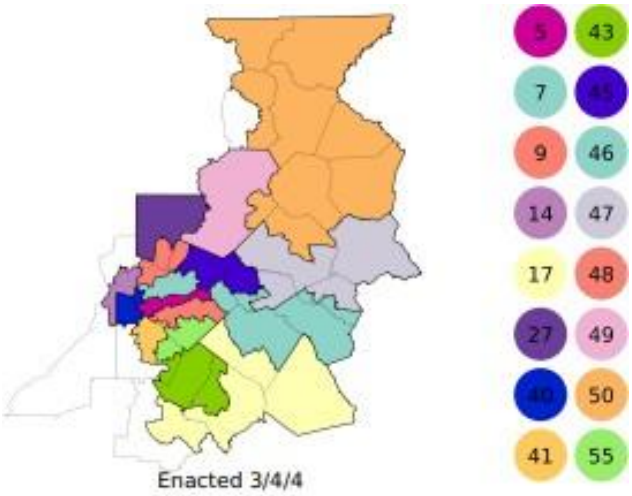
	SD Atlanta Enacted						**SD Alt 2**					
SD	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
6	23.9%	8.2%	32.1%	57.8%	0.236	0.405	28.0%	14.9%	42.9%	46.7%	0.256	0.477
10	71.5%	5.2%	76.7%	19.6%	0.231	0.281	59.7%	9.8%	69.5%	23.3%	0.307	0.416
16	22.7%	5.0%	27.7%	66.9%	0.314	0.368	48.4%	6.1%	54.5%	42.4%	0.258	0.366
28	19.5%	6.4%	25.9%	69.4%	0.246	0.445	15.8%	6.1%	21.9%	72.8%	0.347	0.371
30	20.9%	6.1%	27.0%	69.4%	0.407	0.597	15.7%	6.6%	22.3%	74.2%	0.473	0.508
31	20.7%	7.4%	28.1%	68.3%	0.379	0.366	25.9%	6.7%	32.6%	63.6%	0.591	0.636
33	43.0%	22.9%	65.9%	30.2%	0.215	0.401	50.6%	18.2%	68.8%	27.4%	0.224	0.463
34	69.5%	12.7%	82.2%	13.4%	0.335	0.451	54.4%	11.9%	66.3%	27.9%	0.246	0.381
35	71.9%	7.5%	79.4%	18.8%	0.263	0.472	60.9%	7.5%	68.4%	29.3%	0.206	0.490
36	51.3%	7.1%	58.4%	36.2%	0.305	0.321	54.0%	6.8%	60.8%	33.6%	0.263	0.466
38	65.3%	8.4%	73.7%	21.9%	0.208	0.361	51.0%	5.6%	56.6%	37.6%	0.154	0.260
39	60.7%	5.6%	66.3%	27.9%	0.128	0.166	86.5%	5.5%	92.0%	7.0%	0.118	0.271
42	30.8%	8.6%	39.4%	51.4%	0.321	0.479	17.0%	10.7%	27.7%	61.4%	0.144	0.282
44	71.3%	8.6%	79.9%	15.3%	0.185	0.180	76.3%	3.2%	79.5%	18.7%	0.374	0.456
Avg					0.270	0.378					0.283	0.417

Table 13: SD Atlanta Alt 2 splits 6 counties within the cluster and has just 1985 cut edges, better than the enacted plan's 7 and 2197, while also improving on both contour-based compactness scores.

Id. (Table 12 and Table 13).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

208. Dr. Duchin provided an alternative map in Gwinnett ("SD Alt 1 Gwinnett") that created additional majority-minority districts:



Id. at 28 (Figure 9).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

209. Defendants' expert, Dr. Morgan, testified he has no basis to dispute that Dr. Duchin was able to draw additional majority-minority senate districts. Morgan Dep. 24:02-20; see also Morgan Rep. at 24, 27 (Charts 5 and 6); Morgan Dep. 29:10-30:4; Morgan Dep. 79:08-12; Morgan Dep. 82:15-18.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

210. The enacted SD Gwinnett cluster contains 3 majority BVAP districts (SDs 41, 43, and 55) and 1 additional majority BHVAP district (SD 5). Morgan Rep. at 29 (Table 14).

RESPONSE: Objection. The evidence cited does not support the fact because Mr. Morgan's report has no Table 14 on Page 29.

211. SD Alt 1 Gwinnett creates 5 majority BVAP districts (SDs Alt 1 Gwinnett 17, 40, 41, 43, and 55), and 2 majority BHVAP districts (SDs Alt 1 Gwinnett 5 and 9). Id.

RESPONSE: Objection. The evidence cited does not support the fact because Mr. Morgan's report has no Table 14 on Page 29.

212. The table below compares the enacted SD Gwinnett cluster to SD Alt 1 Gwinnett:

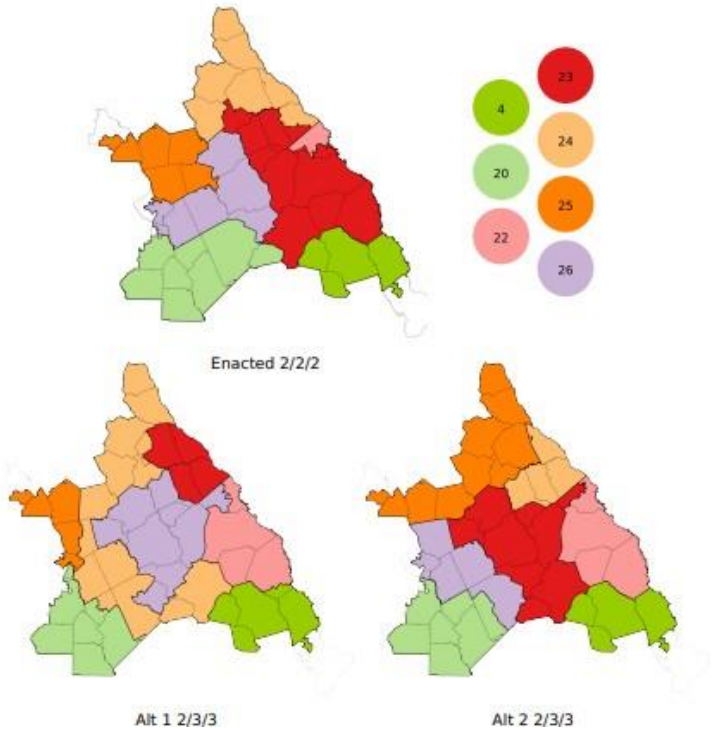
	SD Gwinnett Enacted						**SD Alt 1**					
SD	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
5	29.9%	41.7%	71.6%	15.7%	0.207	0.166	20.3%	34.6%	54.9%	28.0%	0.285	0.384
7	21.4%	16.6%	38.0%	37.8%	0.339	0.344	17.1%	14.3%	31.4%	45.5%	0.278	0.401
9	29.5%	18.8%	48.3%	35.8%	0.213	0.233	29.3%	27.0%	56.3%	26.2%	0.234	0.498
14	19.0%	12.1%	31.1%	57.1%	0.242	0.273	18.1%	11.4%	29.5%	57.6%	0.208	0.296
17	32.0%	5.1%	37.1%	59.4%	0.168	0.342	51.1%	6.6%	57.7%	35.9%	0.113	0.188
27	5.0%	10.2%	15.2%	71.5%	0.456	0.499	4.7%	10.2%	14.9%	70.8%	0.500	0.497
40	19.2%	21.6%	40.8%	46.3%	0.345	0.508	50.1%	17.7%	67.8%	25.1%	0.130	0.208
41	62.6%	6.7%	69.3%	21.4%	0.302	0.509	57.3%	10.0%	67.3%	23.3%	0.149	0.279
43	64.3%	6.9%	71.2%	26.5%	0.346	0.635	52.0%	7.0%	59.0%	38.3%	0.420	0.537
45	18.6%	13.1%	31.7%	55.5%	0.305	0.350	19.8%	12.1%	31.9%	58.8%	0.226	0.380
46	16.9%	7.0%	23.9%	69.9%	0.207	0.365	16.5%	5.0%	21.5%	73.4%	0.416	0.514
47	17.4%	9.6%	27.0%	67.5%	0.187	0.353	16.7%	8.7%	25.4%	68.5%	0.176	0.326
48	9.5%	7.0%	16.5%	52.2%	0.342	0.348	10.1%	6.4%	16.5%	54.8%	0.266	0.387
49	8.0%	21.9%	29.9%	65.6%	0.341	0.461	8.1%	24.6%	32.7%	62.8%	0.382	0.573
50	5.6%	8.8%	14.4%	81.5%	0.228	0.450	5.4%	6.1%	11.5%	84.3%	0.232	0.462
55	66.0%	8.7%	74.7%	20.6%	0.271	0.333	50.0%	13.9%	63.9%	30.0%	0.419	0.451
Avg					0.281	0.386					0.277	0.399

Id.

RESPONSE: Objection. The evidence cited does not support the fact because Mr. Morgan's report has no Table 14 on Page 29.

213. Dr. Duchin provided two alternative maps for the SD East Black Belt cluster ("SD Alt 1 East Black Belt" and "SD Alt 2 East Black Belt") that create additional majority-minority districts.

7.2.3 SD East Black Belt



Id. at 30 (Figure 10).

RESPONSE: Objection. The evidence cited does not support the fact because Mr. Morgan's report has no Figure 10 on Page 30.

214. Defendants' expert, Dr. Morgan, testified he has no basis to dispute that Dr. Duchin was able to draw additional majority-minority senate districts. Morgan Dep. 24:02-20; see also Morgan Rep. at 24, 27 (Charts 5 and 6); Morgan Dep. 29:10-30:04; Morgan Dep. 79:08-12; Morgan Dep. 82:15-18.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

215. The enacted SD East Black Belt region contains two majority BVAP districts (SDs 22 and 26). See Duchin Rep. at 31 (Table 15 and Table 6).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

216. SD Alt 1 East Black Belt contains three majority BVAP districts (SDs Alt 1 East Black Belt 22, 25, and 26). Id. (Table 15).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

217. SD Alt 2 East Black Belt contains two majority BVAP districts (SDs Alt 2 East Black Belt 22 and 26) and one majority BHVAP district (SD Alt 2 East Black Belt 23). Id. (Table 16).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact because Table 16 shows there are 3 majority BHVAP districts on SD Alt 2 East Black Belt.

218. The table below provides a comparison between the enacted SD East Black Belt cluster and SD Alt 1 East Black Belt and SD Alt 2 East Black Belt:

	SD East Black Belt Enacted						**SD Alt 1**					
SD	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
4	23.4%	5.5%	28.9%	66.8%	0.265	0.471	23.5%	5.5%	29.0%	66.7%	0.284	0.495
20	31.3%	3.5%	34.8%	61.7%	0.358	0.404	34.4%	5.1%	39.5%	56.5%	0.231	0.498
22	56.5%	5.3%	61.8%	34.4%	0.288	0.404	50.5%	3.8%	54.3%	42.6%	0.241	0.455
23	35.5%	4.5%	40.0%	56.9%	0.164	0.365	23.0%	5.6%	28.6%	64.6%	0.466	0.497
24	19.9%	4.4%	24.3%	69.8%	0.213	0.366	25.0%	3.5%	28.5%	69.1%	0.083	0.229
25	33.5%	3.7%	37.2%	59.9%	0.241	0.386	50.0%	4.0%	54.0%	43.4%	0.174	0.344
26	57.0%	4.2%	61.2%	36.6%	0.203	0.469	50.1%	3.7%	53.8%	43.4%	0.209	0.472
Avg					0.247	0.409					0.241	0.427

Table 15: SD East Black Belt Alt 1 has more cut edges than the state (1301 vs. 1021 from the enacted plan), paired with a comparable Polsby-Popper and a superior Reock score. This alternative plan splits seven counties while the state splits four within the cluster.

	SD East Black Belt Enacted						**SD Alt 2**					
SD	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
4	23.4%	5.5%	28.9%	66.8%	0.265	0.471	23.4%	5.5%	28.9%	66.8%	0.265	0.471
20	31.3%	3.5%	34.8%	61.7%	0.358	0.404	32.5%	4.9%	37.4%	58.7%	0.304	0.586
22	56.5%	5.3%	61.8%	34.4%	0.288	0.404	50.4%	3.5%	53.9%	42.9%	0.264	0.432
23	35.5%	4.5%	40.0%	56.9%	0.164	0.365	47.4%	4.1%	51.5%	45.8%	0.231	0.441
24	19.9%	4.4%	24.3%	69.8%	0.213	0.366	23.1%	5.6%	28.7%	64.5%	0.327	0.458
25	33.5%	3.7%	37.2%	59.9%	0.241	0.386	28.2%	4.5%	32.7%	64.3%	0.176	0.311
26	57.0%	4.2%	61.2%	36.6%	0.203	0.469	51.2%	3.1%	54.3%	43.5%	0.205	0.331
Avg					0.247	0.409					0.253	0.433

Table 16: SD East Black Belt Alt 2 has just two county splits, compared to four in the state's plan. With just 1008 cut edges, it also executes a clean sweep of compactness scores relative to the enacted plan.

Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

219. Dr. Duchin analyzed seven House clusters: HD Atlanta, HD Cobb, HD DeKalb, HD Gwinnett, HD Southwest, HD East Black Belt, HD Southeast. Id. at 14-15.

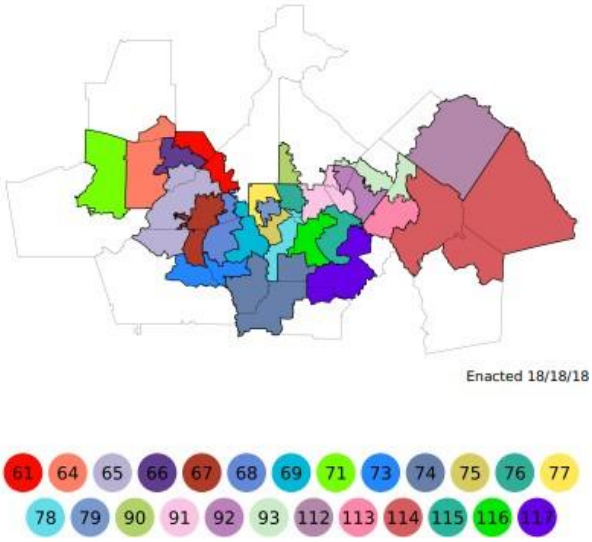
Figure 7: Seven "modular" House clusters made up of groups of enacted districts.

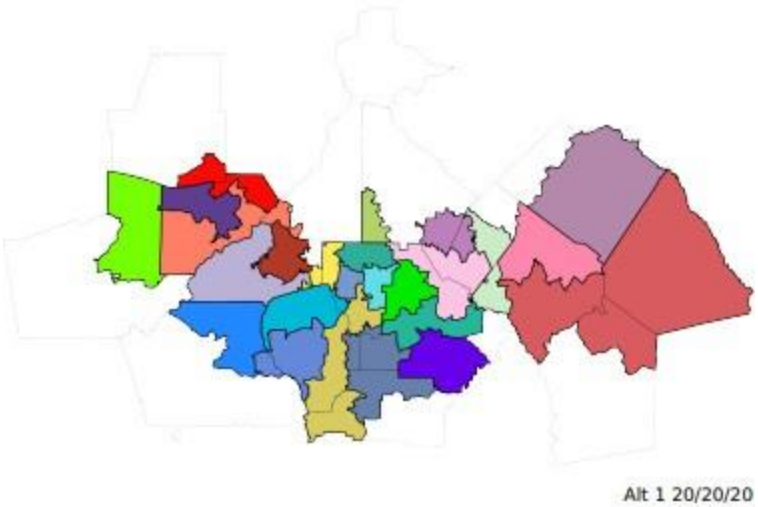
Id. at 15 (Figure 7).

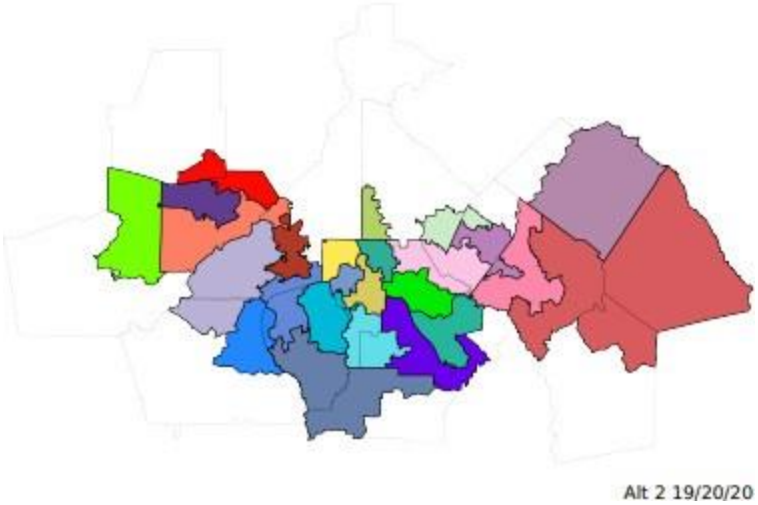
RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

220. Dr. Duchin provided two alternative maps ("HD Alt 1 Atlanta" and "HD Alt 2 Atlanta") for the HD Atlanta cluster that created additional majority- minority districts:

7.3.1 HD Atlanta







Id. at 32-33 (Figures 11 and 12).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

221. Defendants' expert Dr. Morgan testified he has no basis to dispute that it is possible to draw additional majority-minority house districts. Morgan Dep. 24:22-24:09; see also Morgan Rep., 18, 21 (Charts 2 and 3); Morgan Dep. 29:10-30:04; Morgan Dep. 79:4-12; Morgan Dep. 82:15-18.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

222. The enacted HD Atlanta cluster contains 18 majority BVAP districts (HDs 61, 65, 66, 67, 68, 69, 75, 76, 77, 78, 79, 90, 91, 92, 93, 113, 115, and 116). See Duchin Rep. at 34 (Table 17 and Table 18).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

223. HD Alt 1 Atlanta contains 20 majority BVAP districts (HDs Alt 1 Atlanta 61, 64, 65, 66, 67, 69, 74, 75, 76, 77, 78, 79, 90, 91, 92, 93, 113, 115, 116, 117). Id. (Table 17).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

224. HD Alt 2 Atlanta contains 19 majority BVAP districts (HDs Alt 2 Atlanta 64, 65, 66, 67, 68, 69, 75, 76, 77, 78, 79, 90, 91, 92, 93, 113, 115, 116, 117), and one majority BHVAP district (HD Alt 2 Atlanta 61). Id. (Table 18).

RESPONSE: Objection. The evidence cited does not support the fact because Table 18 shows there are 20 majority BHVAP districts on HD Alt 2 Atlanta.

225. The tables below provide comparisons between HD Atlanta enacted and HD Atlanta Alt 1 and HD Atlanta Alt 2.

	HD Atlanta Enacted						HD Alt 1					
HD	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
61	74.3%	7.6%	81.9%	16.8%	0.198	0.247	50.1%	10.0%	60.1%	37.1%	0.229	0.265
64	30.7%	7.4%	38.1%	57.8%	0.361	0.365	50.9%	6.5%	57.4%	40.0%	0.132	0.263
65	62.0%	4.5%	66.5%	31.5%	0.172	0.454	81.7%	4.7%	86.4%	12.5%	0.222	0.350
66	53.4%	9.5%	62.9%	33.9%	0.246	0.356	51.0%	9.0%	60.0%	36.2%	0.256	0.386
67	58.9%	7.8%	66.7%	30.9%	0.122	0.357	89.9%	5.4%	95.3%	4.4%	0.195	0.515
68	55.7%	6.3%	62.0%	33.9%	0.172	0.318	13.7%	6.6%	20.3%	71.5%	0.310	0.518
69	63.6%	5.4%	69.0%	26.9%	0.247	0.403	51.9%	8.8%	60.7%	34.0%	0.339	0.409
71	19.9%	6.2%	26.1%	69.8%	0.352	0.441	19.9%	6.2%	26.1%	69.8%	0.350	0.441
73	12.1%	7.0%	19.1%	72.6%	0.198	0.278	11.8%	6.4%	18.2%	75.9%	0.335	0.417
74	25.5%	5.6%	31.1%	64.4%	0.247	0.496	50.8%	6.9%	57.7%	39.7%	0.205	0.461
75	74.4%	11.3%	85.7%	11.3%	0.285	0.420	54.2%	7.7%	61.9%	34.1%	0.133	0.230
76	67.2%	13.2%	80.4%	10.5%	0.509	0.524	61.6%	20.0%	81.6%	11.2%	0.460	0.409
77	76.1%	12.2%	88.3%	7.6%	0.211	0.396	89.6%	5.0%	94.6%	3.5%	0.211	0.292
78	71.6%	8.9%	80.5%	15.0%	0.194	0.210	64.2%	11.3%	75.5%	15.4%	0.256	0.414
79	71.6%	16.0%	87.6%	7.1%	0.209	0.498	73.3%	14.6%	87.9%	8.0%	0.370	0.444
90	58.5%	4.3%	62.8%	34.0%	0.286	0.359	58.5%	4.3%	62.8%	34.0%	0.286	0.359
91	70.0%	5.9%	75.9%	22.0%	0.202	0.447	50.3%	5.2%	55.5%	40.7%	0.245	0.384
92	68.8%	4.7%	73.5%	24.1%	0.198	0.361	87.6%	3.5%	91.1%	8.3%	0.260	0.543
93	65.4%	9.6%	75.0%	22.9%	0.112	0.260	62.1%	10.4%	72.5%	25.4%	0.160	0.232
112	19.2%	3.3%	22.5%	73.7%	0.522	0.619	19.2%	3.3%	22.5%	73.7%	0.522	0.619
113	59.5%	6.7%	66.2%	31.8%	0.318	0.501	51.0%	5.1%	56.1%	41.2%	0.338	0.425
114	24.7%	3.7%	28.4%	68.8%	0.283	0.502	32.8%	4.4%	37.2%	60.3%	0.267	0.438
115	52.1%	7.0%	59.1%	36.9%	0.226	0.436	50.2%	6.0%	56.2%	38.6%	0.193	0.282
116	58.1%	7.3%	65.4%	27.2%	0.280	0.407	54.8%	8.0%	62.8%	29.6%	0.333	0.478
117	36.6%	5.4%	42.0%	54.5%	0.275	0.408	51.0%	7.2%	58.2%	39.0%	0.409	0.511
Avg					0.257	0.402					0.281	0.403

Table 17: In HD Atlanta, the enacted plan has 10 county splits and 2221 cut edges. Alt 1 maintains 10 county splits and improves to 1988 cut edges.

	HD Atlanta Enacted						HD Alt 2					
HD	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
61	74.3%	7.6%	81.9%	16.8%	0.198	0.247	47.4%	10.1%	57.5%	39.6%	0.290	0.276
64	30.7%	7.4%	38.1%	57.8%	0.361	0.365	50.5%	6.8%	57.3%	40.0%	0.201	0.271
65	62.0%	4.5%	66.5%	31.5%	0.172	0.454	67.6%	4.1%	71.7%	26.6%	0.302	0.458
66	53.4%	9.5%	62.9%	33.9%	0.246	0.356	51.2%	9.1%	60.3%	36.0%	0.336	0.407
67	58.9%	7.8%	66.7%	30.9%	0.122	0.357	90.4%	5.3%	95.7%	4.0%	0.131	0.428
68	55.7%	6.3%	62.0%	33.9%	0.172	0.318	58.2%	6.8%	65.0%	31.0%	0.168	0.329
69	63.6%	5.4%	69.0%	26.9%	0.247	0.403	54.6%	6.3%	60.9%	34.4%	0.310	0.538
71	19.9%	6.2%	26.1%	69.8%	0.352	0.441	19.9%	6.2%	26.1%	69.8%	0.352	0.441
73	12.1%	7.0%	19.1%	72.6%	0.198	0.278	11.9%	7.0%	18.9%	73.6%	0.373	0.498
74	25.5%	5.6%	31.1%	64.4%	0.247	0.496	12.8%	5.7%	18.5%	75.5%	0.192	0.320
75	74.4%	11.3%	85.7%	11.3%	0.285	0.420	61.4%	12.0%	73.4%	17.6%	0.225	0.404
76	67.2%	13.2%	80.4%	10.5%	0.509	0.524	70.4%	13.2%	83.6%	9.6%	0.352	0.416
77	76.1%	12.2%	88.3%	7.6%	0.211	0.396	77.0%	12.6%	89.6%	7.0%	0.491	0.510
78	71.6%	8.9%	80.5%	15.0%	0.194	0.210	68.6%	8.4%	77.0%	21.0%	0.325	0.540
79	71.6%	16.0%	87.6%	7.1%	0.209	0.498	73.1%	15.5%	88.6%	7.5%	0.357	0.549
90	58.5%	4.3%	62.8%	34.0%	0.286	0.359	58.5%	4.3%	62.8%	34.0%	0.286	0.359
91	70.0%	5.9%	75.9%	22.0%	0.202	0.447	53.0%	5.2%	58.2%	38.4%	0.231	0.369
92	68.8%	4.7%	73.5%	24.1%	0.198	0.361	69.6%	6.9%	76.5%	21.3%	0.174	0.330
93	65.4%	9.6%	75.0%	22.9%	0.112	0.260	85.5%	7.2%	92.7%	7.0%	0.201	0.329
112	19.2%	3.3%	22.5%	73.7%	0.522	0.619	19.2%	3.3%	22.5%	73.7%	0.522	0.619
113	59.5%	6.7%	66.2%	31.8%	0.318	0.501	53.9%	5.6%	59.5%	37.9%	0.153	0.355
114	24.7%	3.7%	28.4%	68.8%	0.283	0.502	24.9%	3.8%	28.7%	68.6%	0.235	0.487
115	52.1%	7.0%	59.1%	36.9%	0.226	0.436	50.3%	6.9%	57.2%	39.8%	0.304	0.475
116	58.1%	7.3%	65.4%	27.2%	0.280	0.407	53.2%	7.9%	61.1%	31.0%	0.382	0.452
117	36.6%	5.4%	42.0%	54.5%	0.275	0.408	50.1%	6.5%	56.6%	38.4%	0.155	0.323
Avg					0.257	0.402					0.282	0.419

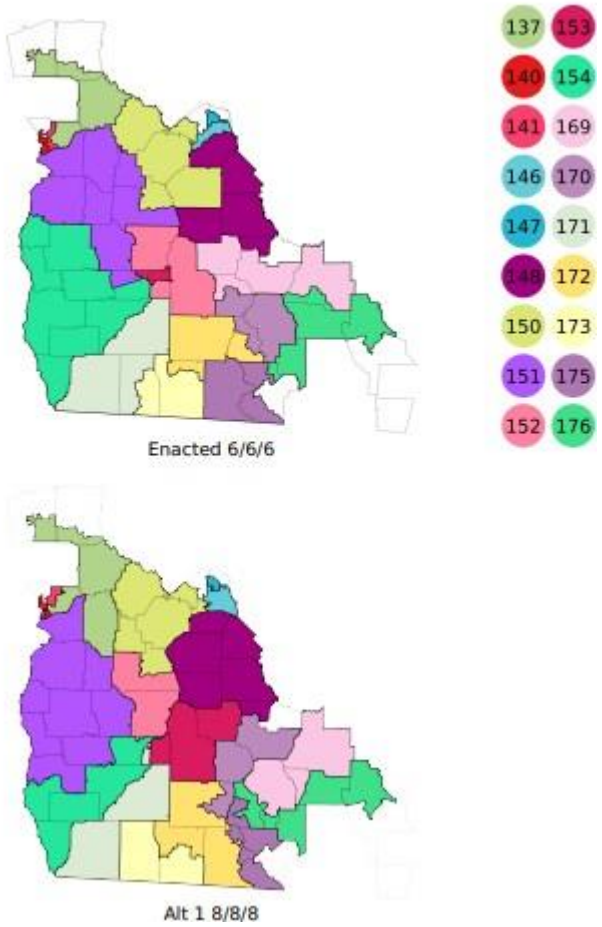
Table 18: With 9 county splits and 1995 cut edges, Alt 2 dominates the enacted plan.

Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

226. Dr. Duchin drew an alternative map for HD Southwest (HD Alt 1 Southwest) that created additional majority-minority districts:

7.3.2 HD Southwest



Id. at 35 (Figure 13).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

227. Defendants' expert Dr. Morgan testified he has no basis to dispute that it is possible to draw additional majority-minority house districts. Morgan Dep. 24:22-24:09; see also Morgan Rep. 18, 21 (Charts 2 and 3); Morgan Dep. 29:10- 30:04; Morgan Dep. 79:08-12; Morgan Dep. 82:15-18.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

228. The enacted HD Southwest contains six majority BVAP districts (HDs 137, 140, 141, 150, 153, and 154). Duchin Rep. at 36 (Table 19).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

229. HD Alt 1 Southwest contains eight majority BVAP districts (HDs Alt 1 Southwest 137, 140, 141, 150, 151, 153, 154, 171). Id. (Table 19).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

230. The table below provides a comparison between the enacted HD Southwest cluster and HD Alt 1 Southwest:

	HD Southwest Enacted						**HD Alt 1**					
HD	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
137	52.1%	4.5%	56.6%	40.8%	0.165	0.328	51.7%	3.7%	55.4%	42.0%	0.143	0.259
140	57.6%	8.0%	65.6%	31.7%	0.192	0.289	57.1%	7.9%	65.0%	32.4%	0.197	0.257
141	57.5%	6.6%	64.1%	31.8%	0.200	0.261	53.6%	6.7%	60.3%	35.5%	0.299	0.423
146	27.6%	4.7%	32.3%	61.8%	0.195	0.257	23.3%	4.9%	28.2%	64.4%	0.208	0.468
147	30.1%	7.2%	37.3%	55.3%	0.261	0.331	31.8%	7.2%	39.0%	55.1%	0.220	0.341
148	34.0%	3.1%	37.1%	60.4%	0.235	0.438	38.6%	3.4%	42.0%	56.1%	0.388	0.590
150	53.6%	6.1%	59.7%	38.3%	0.275	0.439	51.2%	5.3%	56.5%	41.5%	0.250	0.544
151	42.4%	7.3%	49.7%	47.2%	0.222	0.528	51.0%	7.5%	58.5%	38.6%	0.275	0.424
152	26.1%	2.3%	28.4%	67.9%	0.297	0.394	34.2%	3.2%	37.4%	58.7%	0.314	0.473
153	67.9%	2.5%	70.4%	27.7%	0.297	0.298	52.9%	2.7%	55.6%	43.0%	0.400	0.536
154	54.8%	1.7%	56.5%	42.2%	0.332	0.410	50.1%	2.1%	52.2%	45.7%	0.175	0.261
169	29.0%	7.7%	36.7%	61.0%	0.226	0.283	24.0%	9.0%	33.0%	64.6%	0.296	0.456
170	24.2%	8.7%	32.9%	64.2%	0.342	0.531	26.8%	12.5%	39.3%	57.9%	0.223	0.285
171	39.6%	4.6%	44.2%	53.9%	0.368	0.347	51.0%	4.0%	55.0%	43.4%	0.249	0.275
172	23.3%	13.4%	36.7%	61.0%	0.316	0.437	25.1%	9.4%	34.5%	63.1%	0.217	0.375
173	36.3%	5.4%	41.7%	55.7%	0.378	0.564	35.4%	5.6%	41.0%	56.4%	0.412	0.424
175	24.2%	5.0%	29.2%	66.5%	0.374	0.472	21.0%	5.7%	26.7%	68.7%	0.143	0.273
176	22.7%	8.2%	30.9%	66.2%	0.160	0.335	23.8%	6.2%	30.0%	67.1%	0.116	0.227
Avg					0.269	0.386					0.252	0.383

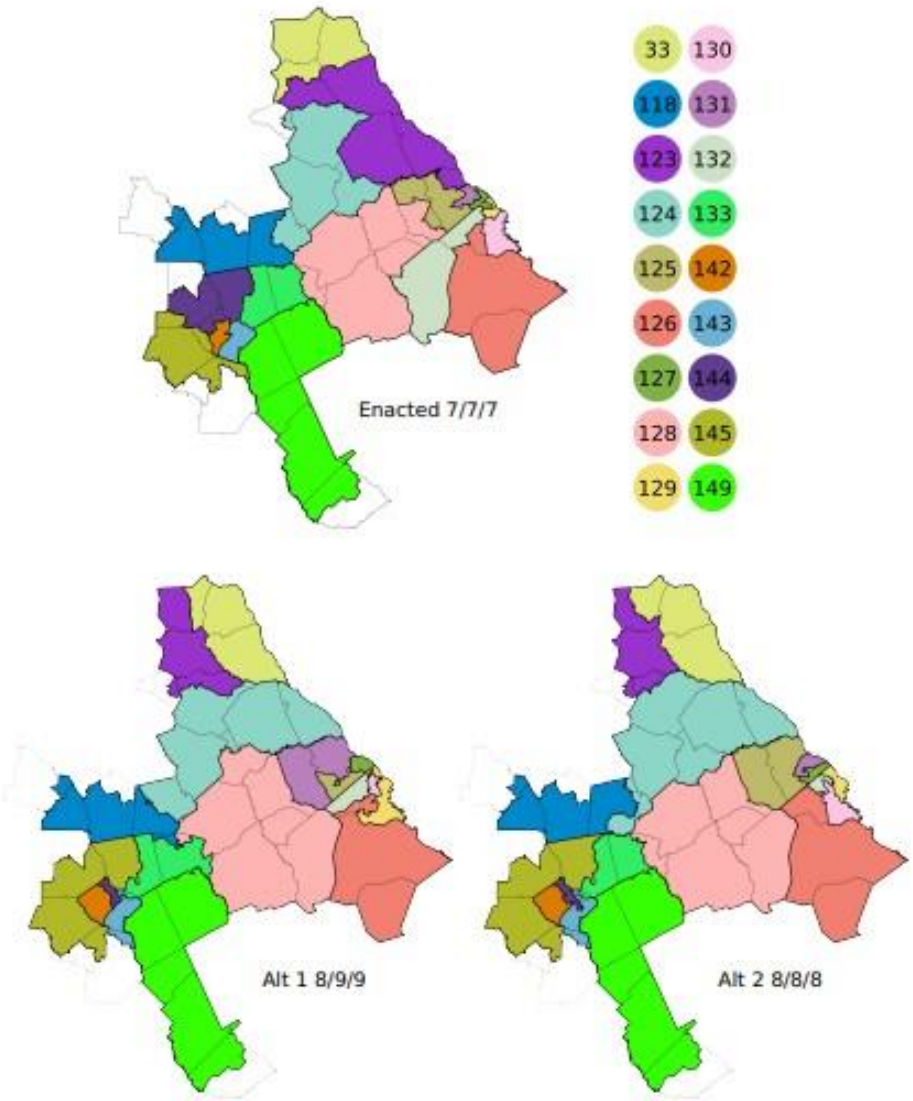
Table 19: HD Southwest Alt 1 splits 12 counties within the cluster, to the state's 10 split counties. Its 2290 cut edges are more than the state's 2094, though the Reock scores are nearly identical.

Id.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

231. Dr. Duchin provided two alternative HD East Black Belt maps ("HD Alt 1 East Black Belt" and "HD Alt 2 East Black Belt") that created additional majority-minority districts:

7.3.3 HD East Black Belt



Id. at 37 (Figure 14).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

232. Defendants' expert Dr. Morgan testified he has no basis to dispute that it is possible to draw additional majority-minority house districts. Morgan

Dep. 24:22-24:09; see also Morgan Rep. 18, 21 (Charts 2 and 3); Morgan Dep. 29:10-30:04; Morgan Dep. 79:08-12; Morgan Dep. 82:15-18.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

233. The enacted HD East Black Belt contains seven majority BVAP districts (HDs 126, 128, 129, 130, 132, 142, and 143). Duchin Rep. at 38 (Table 20 and Table 21).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

234. HD Alt 1 East Black Belt contains eight majority BVAP districts (HDs Alt 1 East Black Belt 126, 128, 129, 130, 132, 142, 142, and 144). HD Alt 1 East Black also contains a majority BHVAP district (HD Alt 1 East Black Belt 133). Id. (Table 20)

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact because Table 20 shows there are 9 majority BHVAP districts on HD Alt 1 East Black Belt.

235. HD Alt 2 East Black Belt also contains eight majority BVAP districts (HD Alt 2 East Black Belt 126, 128, 129, 130, 132, 142, 142, 144). Id. (Table 21).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

236. The tables below compare the enacted East Black Belt clusters with HD Alt 1 East Black Belt and HD Alt 2 East Black Belt:

	HD East Black Belt Enacted						**HD Alt 1**					
HD	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
33	11.2%	3.1%	14.3%	82.3%	0.371	0.487	18.7%	3.8%	22.5%	74.6%	0.405	0.343
118	23.6%	3.7%	27.3%	69.7%	0.223	0.350	23.2%	3.1%	26.3%	70.6%	0.218	0.329
123	24.3%	4.3%	28.6%	68.1%	0.178	0.295	13.3%	5.8%	19.1%	76.3%	0.281	0.357
124	25.6%	6.2%	31.8%	65.0%	0.233	0.442	28.4%	4.7%	33.1%	64.4%	0.224	0.362
125	23.7%	7.7%	31.4%	63.0%	0.173	0.409	24.1%	8.0%	32.1%	61.5%	0.255	0.328
126	54.5%	3.2%	57.7%	40.0%	0.414	0.516	52.5%	3.5%	56.0%	41.6%	0.322	0.534
127	18.5%	4.8%	23.3%	68.1%	0.201	0.351	14.6%	4.9%	19.5%	70.1%	0.585	0.546
128	50.4%	1.7%	52.1%	46.5%	0.319	0.601	50.1%	1.6%	51.7%	46.7%	0.357	0.628
129	54.9%	4.3%	59.2%	37.2%	0.254	0.482	51.9%	3.5%	55.4%	40.7%	0.108	0.314
130	59.9%	3.9%	63.8%	33.7%	0.255	0.508	54.4%	4.3%	58.7%	38.7%	0.253	0.451
131	17.6%	5.9%	23.5%	68.2%	0.283	0.377	27.1%	5.1%	32.2%	63.3%	0.285	0.604
132	52.3%	7.8%	60.1%	35.6%	0.296	0.270	53.6%	8.2%	61.8%	33.1%	0.293	0.243
133	36.8%	2.1%	38.9%	58.4%	0.415	0.543	48.7%	2.0%	50.7%	47.2%	0.178	0.385
142	59.5%	3.7%	63.2%	34.8%	0.229	0.353	50.8%	3.7%	54.5%	42.3%	0.539	0.605
143	60.8%	4.7%	65.5%	32.3%	0.299	0.502	52.4%	6.3%	58.7%	38.4%	0.176	0.332
144	29.3%	2.6%	31.9%	63.0%	0.325	0.510	50.4%	4.3%	54.7%	41.3%	0.299	0.298
145	35.7%	5.9%	41.6%	55.1%	0.194	0.376	23.1%	2.8%	25.9%	71.1%	0.204	0.422
149	32.1%	5.7%	37.8%	61.0%	0.223	0.325	32.1%	5.7%	37.8%	61.0%	0.223	0.325
Avg					0.271	0.428					0.289	0.411

Table 20: The Alt 1 map has 10 split counties within the HD East Black Belt cluster, while the enacted plan has 9. Its 1775 cut edges improves on the state's 1887, while also being more compact by Polsby-Popper.

	HD East Black Belt Enacted						**HD Alt 2**					
HD	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
33	11.2%	3.1%	14.3%	82.3%	0.371	0.487	18.3%	3.5%	21.8%	75.2%	0.370	0.323
118	23.6%	3.7%	27.3%	69.7%	0.223	0.350	27.0%	4.1%	31.1%	65.9%	0.229	0.342
123	24.3%	4.3%	28.6%	68.1%	0.178	0.295	13.7%	6.0%	19.7%	75.8%	0.293	0.395
124	25.6%	6.2%	31.8%	65.0%	0.233	0.442	25.5%	3.8%	29.3%	68.1%	0.234	0.381
125	23.7%	7.7%	31.4%	63.0%	0.173	0.409	30.2%	6.1%	36.3%	60.1%	0.396	0.670
126	54.5%	3.2%	57.7%	40.0%	0.414	0.516	50.7%	4.2%	54.9%	42.3%	0.394	0.494
127	18.5%	4.8%	23.3%	68.1%	0.201	0.351	17.6%	6.2%	23.8%	67.2%	0.267	0.264
128	50.4%	1.7%	52.1%	46.5%	0.319	0.601	50.2%	1.5%	51.7%	46.8%	0.409	0.672
129	54.9%	4.3%	59.2%	37.2%	0.254	0.482	50.4%	3.6%	54.0%	41.8%	0.248	0.323
130	59.9%	3.9%	63.8%	33.7%	0.255	0.508	57.1%	4.7%	61.8%	35.4%	0.231	0.325
131	17.6%	5.9%	23.5%	68.2%	0.283	0.377	17.6%	5.7%	23.3%	67.8%	0.318	0.373
132	52.3%	7.8%	60.1%	35.6%	0.296	0.270	54.4%	7.1%	61.5%	34.1%	0.219	0.278
133	36.8%	2.1%	38.9%	58.4%	0.415	0.543	46.6%	2.1%	48.7%	49.0%	0.296	0.438
142	59.5%	3.7%	63.2%	34.8%	0.229	0.353	50.1%	3.8%	53.9%	42.9%	0.436	0.605
143	60.8%	4.7%	65.5%	32.3%	0.299	0.502	52.9%	6.3%	59.2%	38.0%	0.143	0.316
144	29.3%	2.6%	31.9%	63.0%	0.325	0.510	51.0%	4.2%	55.2%	40.8%	0.226	0.243
145	35.7%	5.9%	41.6%	55.1%	0.194	0.376	23.1%	2.8%	25.9%	71.1%	0.190	0.359
149	32.1%	5.7%	37.8%	61.0%	0.223	0.325	32.1%	5.7%	37.8%	61.0%	0.223	0.325
Avg					0.271	0.428					0.285	0.396

Table 21: Alt 2 eliminates one county split relative to the enacted plan and has a sharply improved 1604 cut edges.

Id. (Table 20 and Table 21).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

237. Dr. Duchin also provided alternative maps for the HD Southeast cluster ("HD Alt 1 Southeast") that contains additional majority-minority districts:

7.3.4 HD Southeast

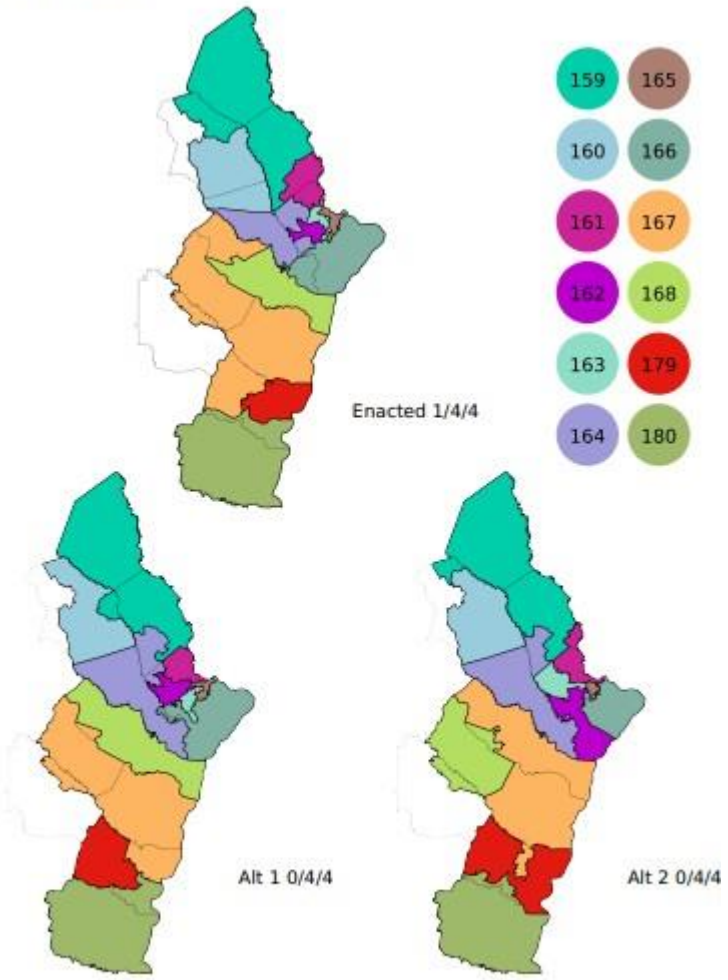


Figure 15: HD Southeast (12 districts).

Id. at 39 (Figure 15).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

238. Defendants' expert Dr. Morgan testified he has no basis to dispute that it is possible to draw additional majority-minority house districts. Morgan Dep. 24:22-24:09; see also Morgan Rep. at 24, 27 (Charts 2 and 3); Morgan Dep. 29:10-30:04; Morgan Dep. 79:08-12; Morgan Dep. 82:15-18.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

239. Enacted HD Southeast contains one majority BVAP district (HD 165) and three majority BHVAP districts (HDs 162, 163, 168). Duchin Rep. at 40 (Table 22 and Table 23).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact because Tables 22 and 23 show there are 4 majority BHVAP districts on Enacted HD Southeast.

240. HD Alt 1 Southeast contains five majority BHVAP districts (HDs Alt 1 Southeast 161, 162, 163, 165 and 168). Id. (Table 22).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

241. HD Alt 2 Southeast also contains five majority BHVAP districts (HDs Alt 2 Southeast 161, 162, 163, 165 and 168). Id. (Table 23).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

242. The table below provides a comparison of the enacted HD Southeast cluster and HD Alt 1 Southeast and HD Alt 2 Southeast:

	HD Southeast Enacted						**HD Alt 1**					
HD	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
159	24.5%	2.9%	27.4%	69.4%	0.219	0.345	22.2%	3.7%	25.9%	70.5%	0.204	0.358
160	22.6%	5.0%	27.6%	68.5%	0.369	0.483	26.6%	5.1%	31.7%	64.7%	0.242	0.373
161	27.1%	6.8%	33.9%	60.2%	0.306	0.511	42.1%	8.8%	50.9%	42.7%	0.359	0.475
162	43.7%	9.6%	53.3%	40.6%	0.211	0.366	39.9%	10.5%	50.4%	42.6%	0.147	0.372
163	45.5%	7.4%	52.9%	41.9%	0.175	0.271	44.0%	6.9%	50.9%	43.7%	0.244	0.335
164	23.5%	8.5%	32.0%	60.6%	0.167	0.299	12.9%	5.1%	18.0%	76.5%	0.143	0.309
165	50.3%	5.3%	55.6%	39.2%	0.162	0.230	47.3%	4.7%	52.0%	42.9%	0.189	0.380
166	5.7%	4.1%	9.8%	84.7%	0.364	0.429	7.2%	4.7%	11.9%	82.4%	0.245	0.459
167	22.3%	7.4%	29.7%	66.0%	0.192	0.417	20.0%	6.2%	26.2%	70.1%	0.266	0.327
168	46.3%	10.3%	56.6%	39.3%	0.258	0.243	45.9%	10.7%	56.6%	39.2%	0.236	0.246
179	27.0%	6.4%	33.4%	63.7%	0.417	0.451	32.0%	7.5%	39.5%	56.9%	0.433	0.539
180	18.2%	5.6%	23.8%	71.2%	0.396	0.606	17.0%	5.4%	22.4%	72.8%	0.348	0.594
Avg					0.270	0.388					0.255	0.397

Table 22: HD Southeast Alt 1 has fewer county splits (5 vs. 6) and a better cut edges score (1122 vs. 1245) than the enacted plan.

	HD Southeast Enacted						**HD Alt 2**					
HD	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock	Black VAP	Hisp VAP	BH VAP	White VAP	Polsby Popper	Reock
159	24.5%	2.9%	27.4%	69.4%	0.219	0.345	22.0%	3.6%	25.6%	70.7%	0.192	0.356
160	22.6%	5.0%	27.6%	68.5%	0.369	0.483	26.3%	5.1%	31.4%	64.9%	0.333	0.515
161	27.1%	6.8%	33.9%	60.2%	0.306	0.511	41.6%	10.0%	51.6%	42.2%	0.180	0.332
162	43.7%	9.6%	53.3%	40.6%	0.211	0.366	43.0%	8.5%	51.5%	42.5%	0.191	0.341
163	45.5%	7.4%	52.9%	41.9%	0.175	0.271	42.7%	7.7%	50.4%	43.1%	0.282	0.411
164	23.5%	8.5%	32.0%	60.6%	0.167	0.299	13.4%	5.5%	18.9%	75.6%	0.168	0.290
165	50.3%	5.3%	55.6%	39.2%	0.162	0.230	45.5%	5.0%	50.5%	44.4%	0.229	0.501
166	5.7%	4.1%	9.8%	84.7%	0.364	0.429	7.2%	4.1%	11.3%	83.0%	0.391	0.653
167	22.3%	7.4%	29.7%	66.0%	0.192	0.417	36.5%	7.4%	43.9%	52.5%	0.204	0.331
168	46.3%	10.3%	56.6%	39.3%	0.258	0.243	40.9%	10.8%	51.7%	44.3%	0.327	0.555
179	27.0%	6.4%	33.4%	63.7%	0.417	0.451	18.7%	6.0%	24.7%	71.6%	0.196	0.454
180	18.2%	5.6%	23.8%	71.2%	0.396	0.606	18.6%	5.7%	24.3%	70.7%	0.346	0.577
Avg					0.270	0.388					0.253	0.443

Table 23: Alt 2 also has just 5 county splits, to go with 1263 cut edges.

Id. (Table 22 and Table 23).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

243. Dr. Duchin concluded that it is possible to draw these additional majority-minority districts in the congressional, senate, and house plans while comporting with traditional redistricting principles. Duchin Rep. at 5; Duchin Dep. 65:06-66:09.

RESPONSE: Objection. The evidence cited does not support the fact because the cited sections of Dr. Duchin's report and testimony do not offer the conclusion that she drew alternative plans "while comporting with traditional redistricting principles."

244. Defendants' expert Dr. Morgan testified that he has no basis to dispute that Dr. Duchin's illustrative majority-minority districts are "reasonably configured." Morgan Dep. at 21:12-28:08; see also Morgan Rep. at 18, 21-22, 24, 27-28 (Charts 2, 3, 5, 6, and 7).

RESPONSE: Objection. The evidence cited does not support the fact because the cited sections of Mr. Morgan's report and testimony do not demonstrate an opinion about the reasonable configuration of any district and refer to topics far beyond the fact.

245. Dr. Duchin testified that throughout the map-drawing process, she balanced these redistricting principles. Duchin Dep. 122:08-18.

RESPONSE: Objection. The evidence cited does not support the fact because the cited sections of Dr. Duchin's deposition refer only to her decision to connect south Fulton with all of Fayette County on one of her Senate alternative plans.

246. Dr. Duchin examined several of the qualitative and quantitative redistricting principles codified by the Georgia legislature. Duchin Rep. at 20-24.

RESPONSE: Objection. The evidence cited does not support the fact because the cited sections of Dr. Duchin's report only reference numerical counts or calculations of redistricting principles.

247. All of the districts in all of Dr. Duchin's illustrative congressional, senate, and house district are contiguous. Duchin Rep. at 20.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

248. As demonstrated by the chart below, Dr. Duchin tightly balanced the populations of each of her illustrative congressional, senate, and house maps:

	Maximum positive deviation	Maximum negative deviation	Top-to-bottom deviation
EnactedCD	+1	−1	2
DuncanKennedy	+2	−1	3
CD Alt	+1	−1	2
EnactedSD	+1879	−1964	3843 (2.01%)
SD Alt Eff 1	+2457	−2598	5055 (2.64%)
SD Alt Eff 2	+2547	−2490	5037 (2.63%)
SD Alt Eff 3	+3200	−3305	6505 (3.40%)
EnactedHD	+797	−833	1630 (2.74%)
HD Alt Eff 1	+1194	−1176	2370 (3.98%)
HD Alt Eff 2	+1222	−1097	2319 (3.90%)
HD Alt Eff 3	+1173	−1026	2199 (3.70%)

Id. at 20 (Table 7).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and is stated as argument rather than a statement of fact give the use of the term "tightly balanced." Further, the evidence cited does not support the fact because the term "tightly balanced" is undefined.

249. Dr. Duchin compared the overall average district compactness scores of the enacted plans and each of her illustrative plans under the Polsby-Popper, Reock, and "cut edges" approach, as demonstrated by the chart below:

	avg Polsby-Popper (higher is better)	avg Reock (higher is better)	Block cut edges (lower is better)
BenchmarkCD	0.238	0.452	5775
EnactedCD	0.267	0.441	5075
DuncanKennedy	0.295	0.471	4665
CD Alt	0.301	0.473	4665
BenchmarkSD	0.250	0.421	12,549
EnactedSD	0.287	0.418	11,005
SD Alt Eff 1	0.287	0.427	10,897
SD Alt Eff 2	0.296	0.440	10,349
SD Alt EFf 3	0.295	0.431	10,479
BenchmarkHD	0.244	0.382	24,001
EnactedHD	0.278	0.391	22,014
HD Alt Eff 1	0.261	0.391	21,843
HD Alt Eff 2	0.263	0.399	21,907
HD Alt Eff 3	0.279	0.403	20,917

Table 8: Compactness scores for each plan submitted with January 13 Report.

Canter Decl ¶ 28 (Moon Duchin Notice of Errata ("Duchin Errata") at 2 (April 26, 2023)).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

250. Dr. Duchin opined that overall compactness scores of her illustrative districts are comparable or better than the enacted plan, as demonstrated by the tables above. Duchin Rep. at 6 (Figure 1) and 21 (Table 8); Duchin Dep. 103:09-106:05; Duchin Rep. at 25 (Table 11); Duchin Rep. at 27 (Table 12); Id. (Table 13); Id. at 29 (Table 14); Id. at 31 (Table 15); Id. (Table 16); Id. (Table 17); Id. (Table 18); Id. at 36 (Table 19); Id. at 38 (Table 20); Id. (Table 21); Id. at 40 (Table 22); Id. (Table 23).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because the citation of multiple tables is unrelated to opinions about overall compactness scores.

251. Dr. Duchin also compared the compactness scores of each of the individual districts in the district clusters she examined as part of her Gingles 1 analysis and determined that each of the clusters were as compact or comparable, and that each of the districts in those clusters were as compact or comparable. Duchin Rep. at 25- 40 (Tables 11-23).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number and instead refers to 15 pages and 12 different tables.

252. Dr. Morgan testified that Dr. Duchin's illustrative plans were as compact or comparable. See Morgan Dep. 79:13-82:18.

RESPONSE: Objection. The evidence cited does not support the fact stated because the fact does not reference to what the illustrative plans were being compared to.

253. Dr. Duchin also opined that her alternative plans respect the integrity of political subdivisions such as counties, cities, and voting precincts. Duchin Rep. 5, 22.

RESPONSE: Objection. The evidence cited does not support the fact stated because the cited portions of Dr. Duchin's report only offer opinions about respecting counties and cities and only reference being "more cognizant" of precincts, not respecting them.

254. The chart below compares the number of political subdivisions splits in the enacted plans with Dr. Duchin's illustrative plans:

	County Splits (out of 159)	County Pieces	Muni Splits (out of 538)	Muni Pieces	Precinct Splits (out of 2685)	Precinct Pieces
BenchmarkCD	16	38	67	141	67	134
EnactedCD	15	36	64	136	86	172
DuncanKennedy	15	36	53	114	66	132
CD Alt	13	30	58	127	47	95
BenchmarkSD	37	100	114	269	154	309
EnactedSD	29	89	109	266	144	289
SD Alt Eff 1	33	95	112	275	110	221
SD Alt Eff 2	26	78	108	264	97	196
SD Alt Eff 3	29	84	108	264	106	213
BenchmarkHD	72	284	169	506	303	630
EnactedHD	69	278	166	494	352	724
HD Alt Eff 1	73	276	164	492	279	570
HD Alt Eff 2	69	266	168	494	276	567
HD Alt Eff 3	69	265	165	478	277	567

Id. at 22 (Table 9). See also Duchin Errata at 3.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

255. Although Dr. Duchin did not have access to incumbent addresses, she did examine incumbency through analyzing core retention. Id. at 24.

RESPONSE: Objection. The evidence cited does not support the fact stated because the portion of Dr. Duchin's report cited for this fact says she had incumbent addresses supplied by counsel.

256. Defendants' mapping expert explained that "protecting incumbents, including preserving cores of districts, is a traditional redistricting principle. Continuity of district representation is a traditional districting factor. Voters and residents establish relationships with their elected representatives." Morgan Rep. at 8-9.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

257. Dr. Duchin determined that the legislature "placed a low priority on core retention, i.e., on maintaining voters in the same districts as they belonged to in the benchmark "congressional, senate, and house plans. Duchin Rep. at 24; Duchin Dep. 115:06-119:10. Dr. Duchin determined that core retention was particularly poor in the enacted house plan. Duchin Rep. at 24.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

258. Dr. Duchin reviewed a voluminous record of public testimony. Duchin Dep. 68:18-69:10. This community of interest testimony informed Dr. Duchin's hand-drawing process. Id. 70:08-70:71:06; 79:09-79:16; 163:15-163:25. See also Duchin Rep. at 79-80. See also Bagley Rep. at 48, 50, 52, 53.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated. Dr. Duchin testified in the cited references that her only opinion regarding community testimony was that changes to congressional districts 6 and 14 lacked justification by community-of-interest reasoning. Duchin Dep. 205:9-206:20. Further, Dr. Bagley's report has nothing to do with Dr. Duchin's hand-drawing process and does not support the fact.

259. Plaintiffs' expert Dr. Benjamin Schneer completed a racially polarized voting ("RPV") analysis. See generally Canter Decl. ¶ 24 (Expert Report of Benjamin Schneer ("Schneer Rep.")).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

260. "To identify instances of RPV in Georgia," Dr. Schneer "examine[d] (1) whether members of a minority group of interest appear to be cohesive in their electoral support for a candidate of choice (Specifically, does more than half of a given minority group support the same candidate?); and, (2) whether

White voters oppose this candidate (Specifically, do more than half of White voters oppose the minority candidate of choice?)." Schneer Rep. at 6.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

261. Dr. Schneer's analysis relied on historical voting data in Georgia going back to 2012. Id. at 6-7.

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

262. Dr. Schneer opined that "Black and Hispanic voters' past behavior in statewide elections reveals that these groups had a clear candidate of choice in each election, with large majorities of these voters supporting the same candidate in each election and voting cohesively." Id. at 17; id. at 18 (Figure 1).

RESPONSE: Defendants admit that the Court may consider this evidence for purposes of the summary judgment motion.

263. Defendants' expert Dr. Alford does not dispute any of these individual findings. In Dr. Alfords report he noted that Dr. Schneer "… provide[d] analysis that demonstrates that Black voters provide uniformly high levels of support for Democratic candidates and white voters provide uniformly high levels of support for Republican candidates." Canter Decl. ¶ 25 (Expert Report of John Alford ("Alford Rep.") at 4).

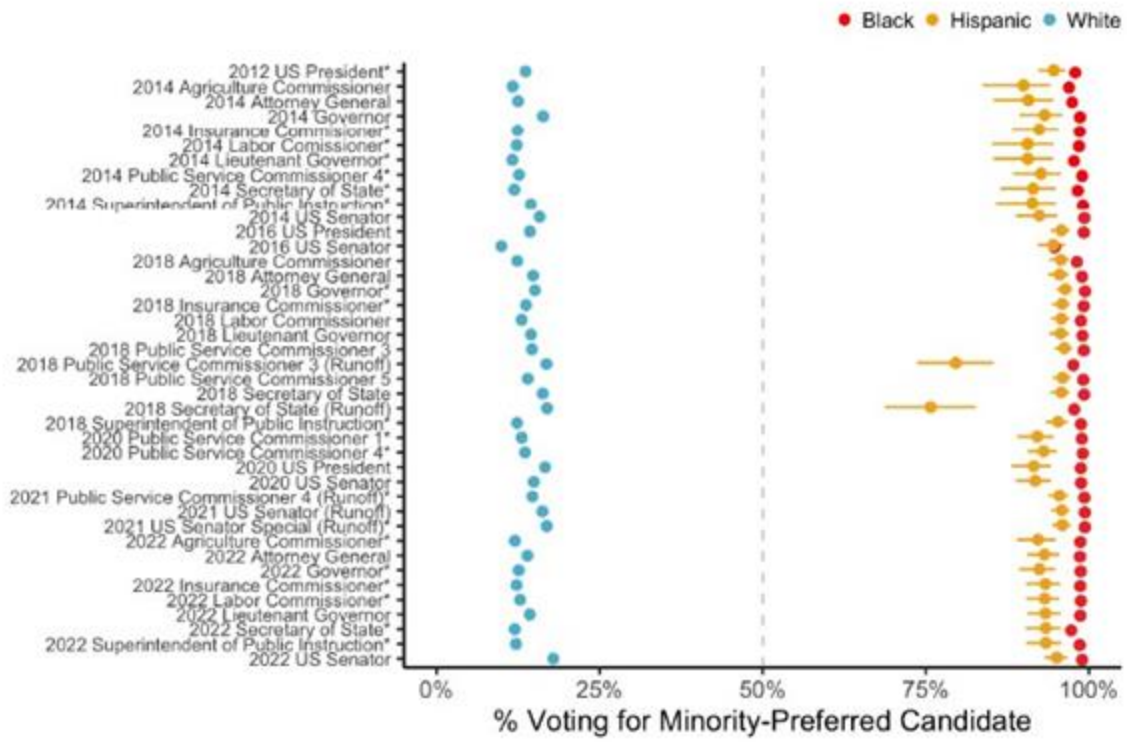


Figure 1: Ecological Inference Results — Statewide (Historical Elections, Two-Party Vote Shares), 3 Racial Groups

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

264. During his deposition, Dr. Alford, further testified, "I reach the same conclusion [as Dr. Schneer and Dr. Brunell] with regard to if the standard is simply that two racial groups are voting in opposite directions then it abundantly clear from everything that's in evidence in this case." See Canter Decl. ¶ 26 (Deposition of John Alford ("Alford Dep.") 126:22-127:21).

RESPONSE: Objection. The evidence cited does not support the fact stated because Dr. Alford never reviewed anything with respect to Dr. Brunell and it is unclear whether Plaintiffs are properly characterizing the statements or reports of Dr. Brunell because they do not cite to any documents regarding Dr. Brunell. Deposition of John Alford [Doc. 150] ("Alford Dep.") 127:2-9.

265. Dr. Schneer concluded that "[a]cross [SD Atlanta, SD Gwinnet, and SD East Black Belt, there is] RPV between White and Black voters. For each cluster, Black voters cohesively support a candidate of choice." Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and because it does not cite to evidence by page or paragraph number. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

266. Dr. Schneer also concluded that "in the Atlanta and Gwinnett clusters, Hispanic voters cohesively support the same candidate of choice as Black voters and the lower confidence interval on the vote share estimate does not overlap with[] the 50% threshold in all elections where a minority candidate runs against a non- minority candidate." Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

267. Dr. Schneer also concluded that in the East Black Belt cluster, Hispanic voters… systematically support the same candidates of choice as Black voters," although the "estimates for elections before 2016 tend to be more uncertain, with the confidence including the 50% threshold." Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

268. The figure below reflects the results of Dr. Schneer's racially polarized voting analysis for each of these clusters.

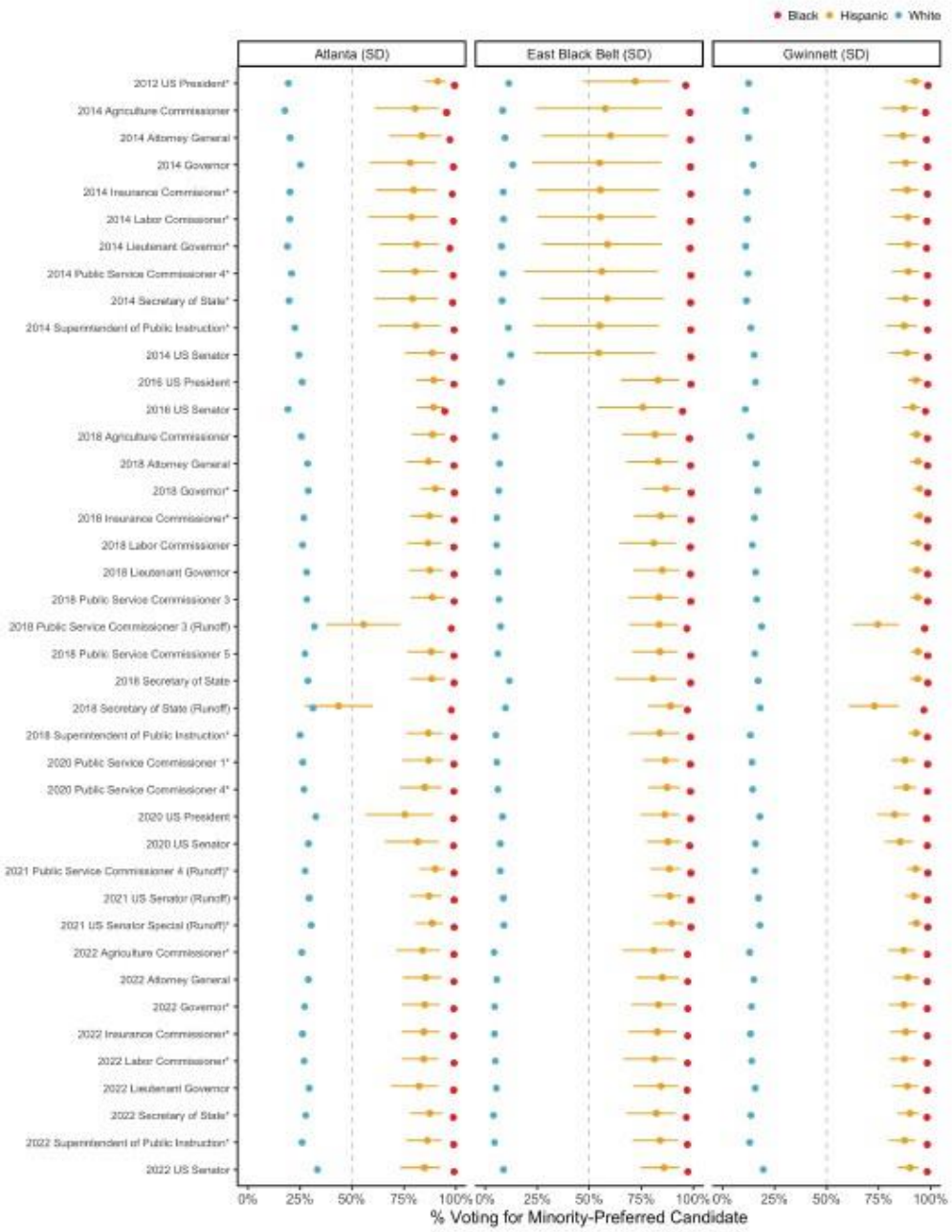


Figure 19: Ecological Inference Results — State Senate Clusters (Historical Elections, Two-Party Vote Shares)

Id. at 47 (Figure 19).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

269. Dr. Schneer concluded that there is "evidence of RPV between White and Black voters across all state House clusters I examine[d]. Black voters cohesively support a candidate of choice[.]" Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

270. Dr. Schneer also concluded that "Hispanic voters join black voters in supporting the same candidate of choice in each [house district] cluster." Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number. Defendants

further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

271. The figure below reflects the results of Dr. Schneer's racially polarized voting analysis for HD Atlanta, HD Southwest, HD East Black Belt, and HD Southeast. Id. at 48 (Figure 20).

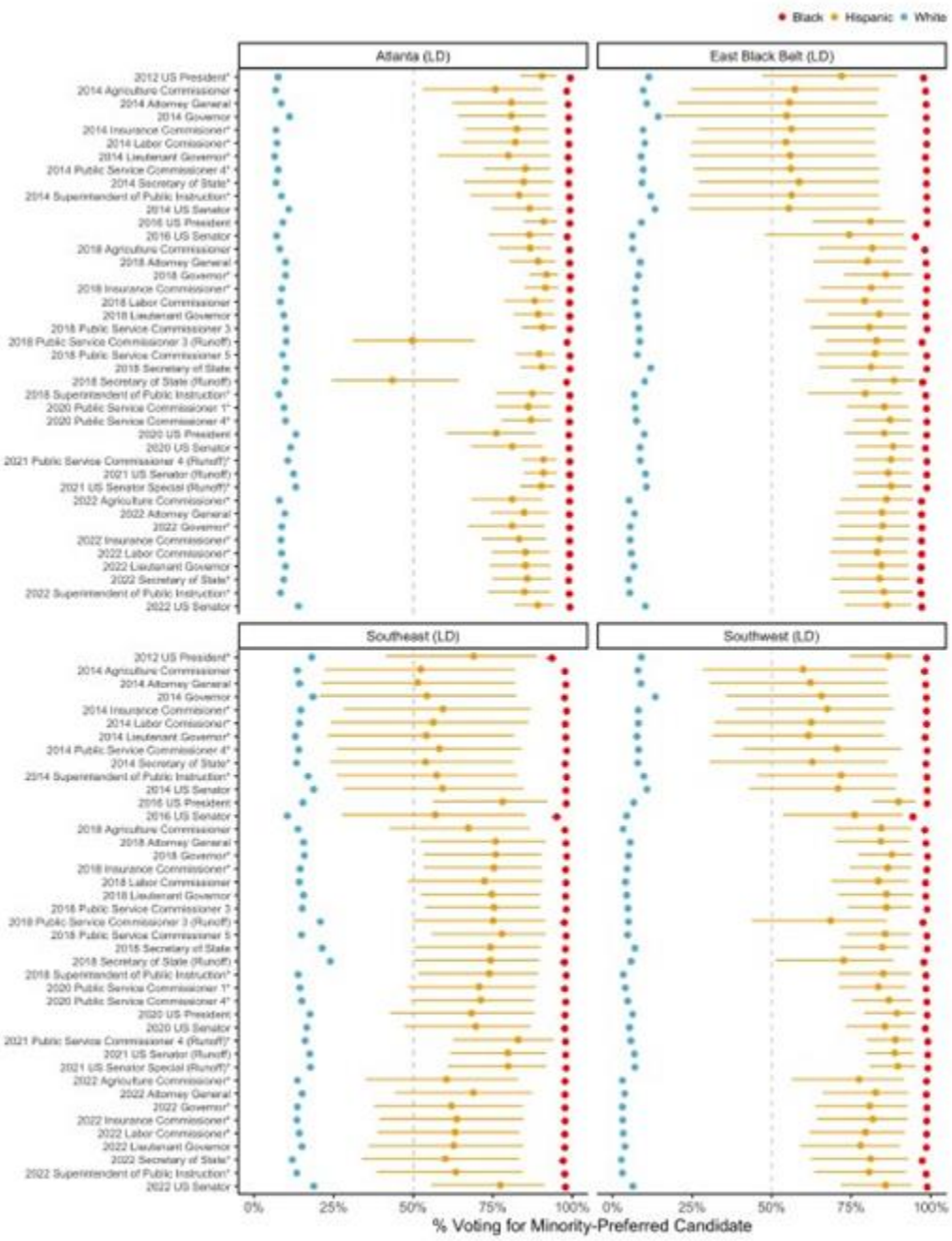


Figure 20: Ecological Inference Results — State House Clusters (Historical Elections, Two-Party Vote Shares)

Id. at 48 (Figure 20)

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

272. Dr. Schneer concluded that there is "RPV between Black voters on the one hand and White voters on the other hand when pooling across all [of the districts in the Enacted Congressional Map] (e.g., statewide) as well as specifically for all [districts in the Enacted Congressional Map] other than CD 5." Id. at 21.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

273. Dr. Schneer stated that "[i]n [enacted Congressional districts] 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Black voters supported, by an overwhelming margin, the minority candidate in all historical elections in which they ran." Id. at 19.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are

excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

274. Dr. Schneer stated that "CD 3 demonstrates clear evidence of RPV between White and Black voters for all elections that I examine[d]. For Black voters, I never estimate[d] a minority-preferred candidate vote share below 92.8%." Id. at 20.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

275. Dr. Schneer stated that "CD 7 presents [a] strong example among the congressional districts of RPV, with Black voters cohering around minority candidates (and other minority-preferred candidates) . . . In every election with a minority candidate running against a non-minority candidate, minority voters supported the minority candidate, often overwhelmingly." Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr.

Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

276. Dr. Schneer also produced five figures that reflect the results of his racially polarized voting analysis for all of the districts in the Enacted Congressional Map. Id. at 24 (Figure 3); 25 (Figure 4); 26 (Figure 5); 27 (Figure 6); 28 (Figure 7).

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

277. The figures reflect that Black voters in each district in the Enacted Congressional Map vote cohesively for the same candidate of choice. Id. at 24 (Figure 3); 25 (Figure 4); 26 (Figure 5); 27 (Figure 6); 28 (Figure 7).

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

278. The five figures from Dr. Schneer's report reflecting this information are presented on the following five pages.

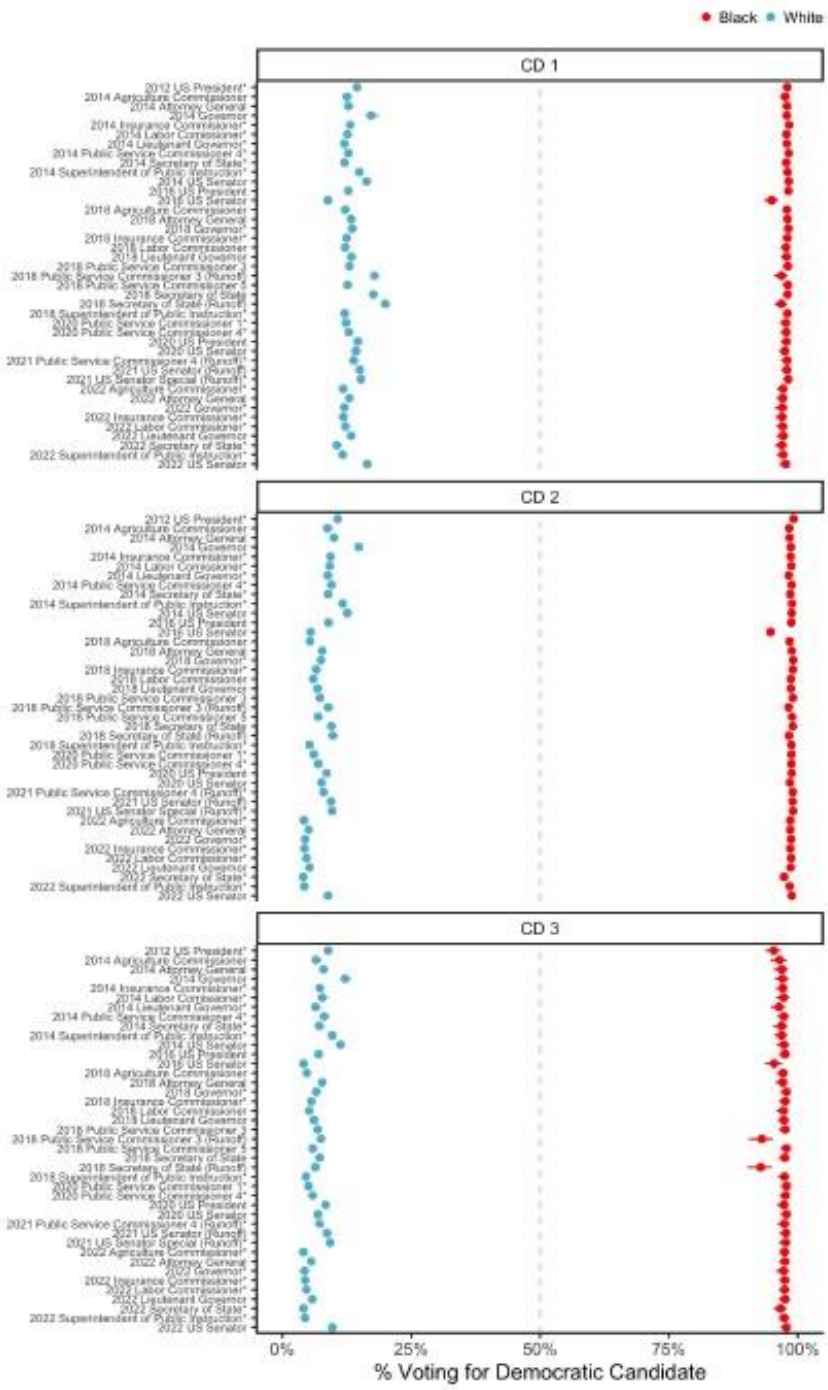


Figure 3: Ecological Inference Results — Enacted Congressional Districts (Historical Elections, Two-Party Vote Shares)

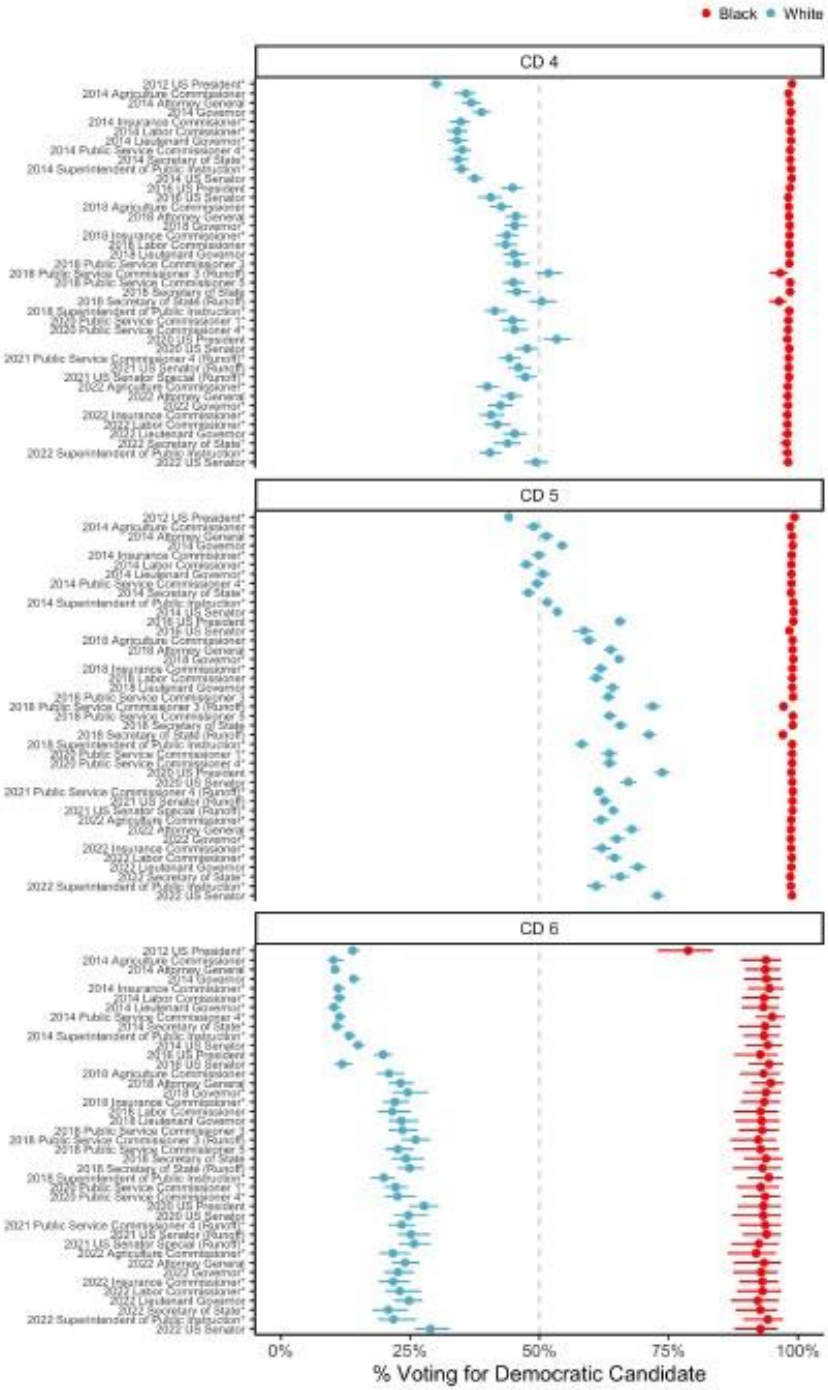


Figure 4: Ecological Inference Results — Enacted Congressional Districts (Historical Elections, Two-Party Vote Shares)

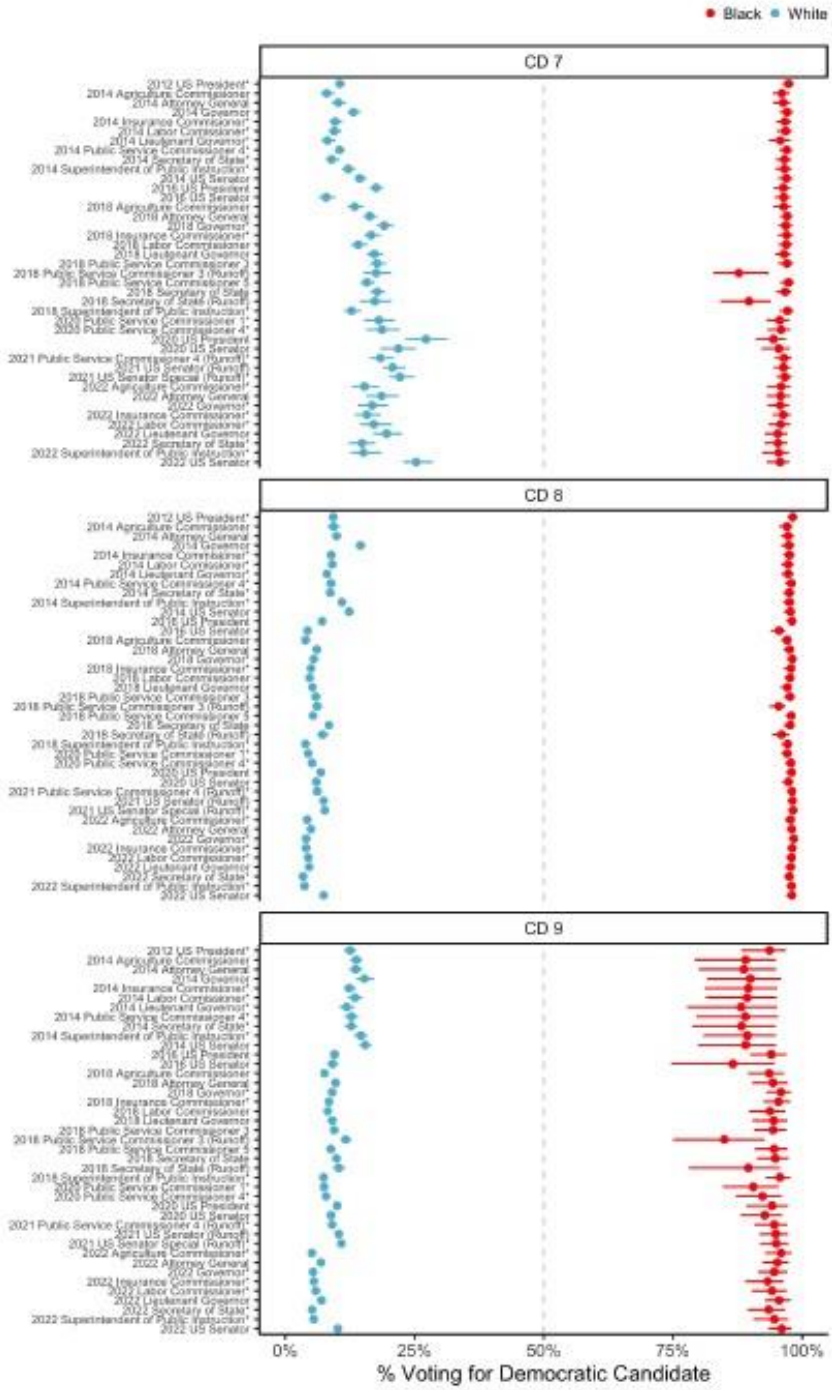


Figure 5: Ecological Inference Results — Enacted Congressional Districts (Historical Elections, Two-Party Vote Shares)

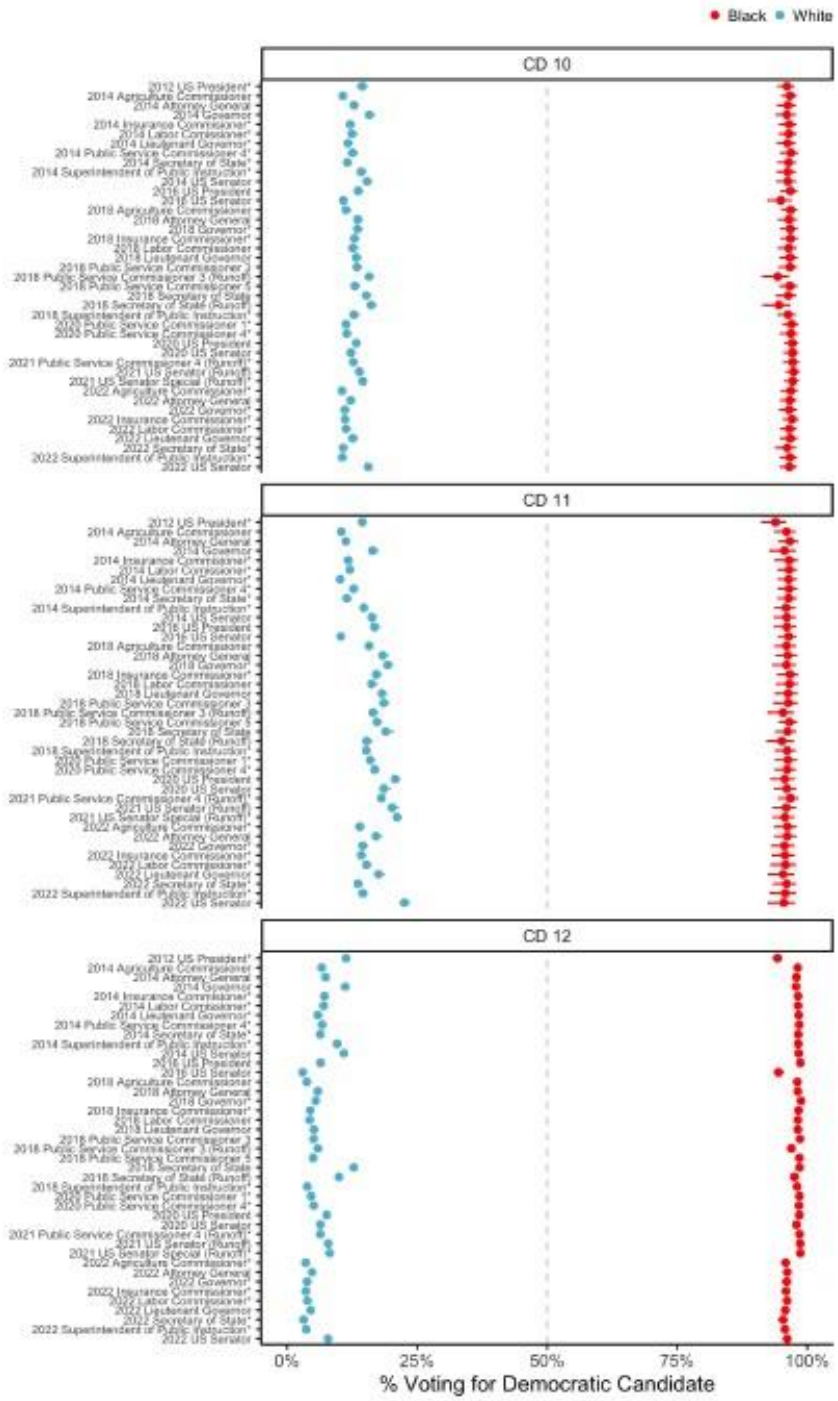


Figure 6: Ecological Inference Results — Enacted Congressional Districts (Historical Elections, Two-Party Vote Shares)

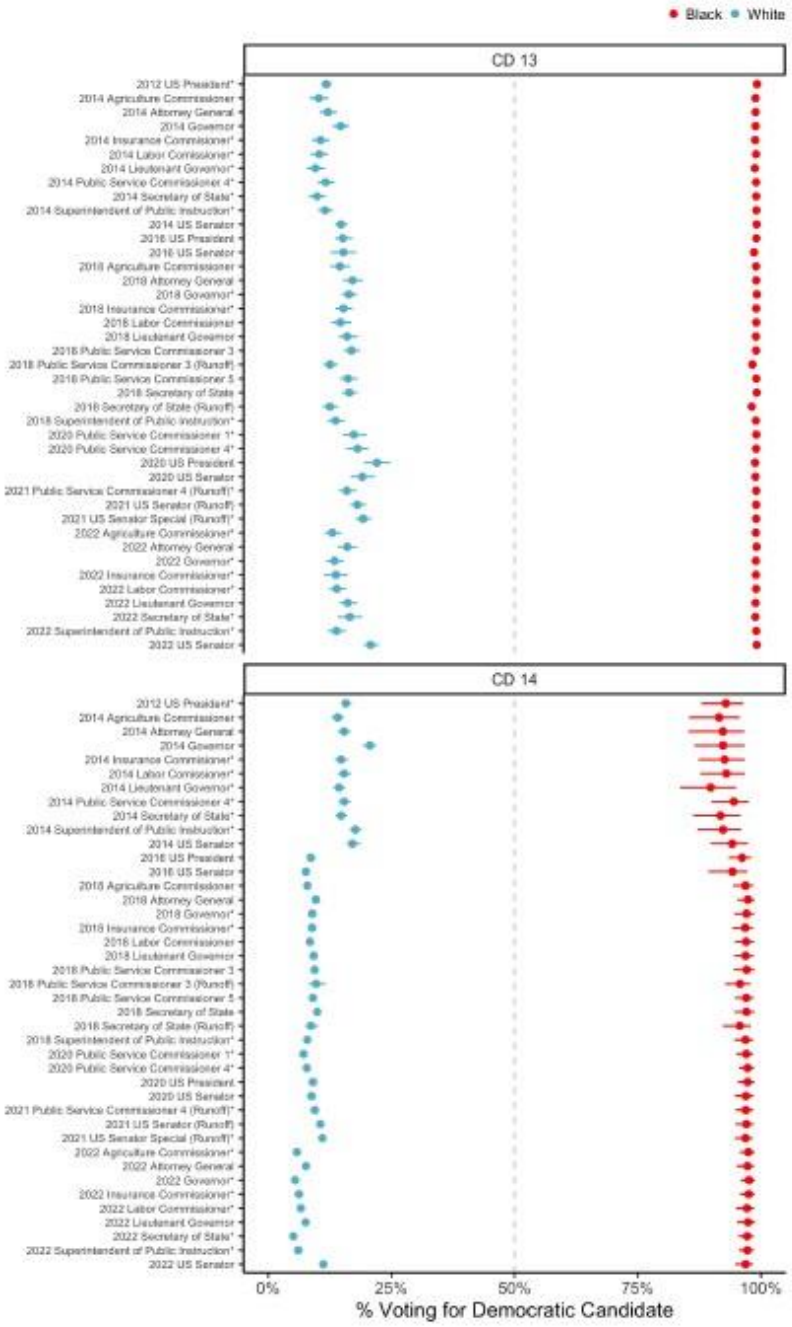


Figure 7: Ecological Inference Results — Enacted Congressional Districts (Historical Elections, Two-Party Vote Shares)

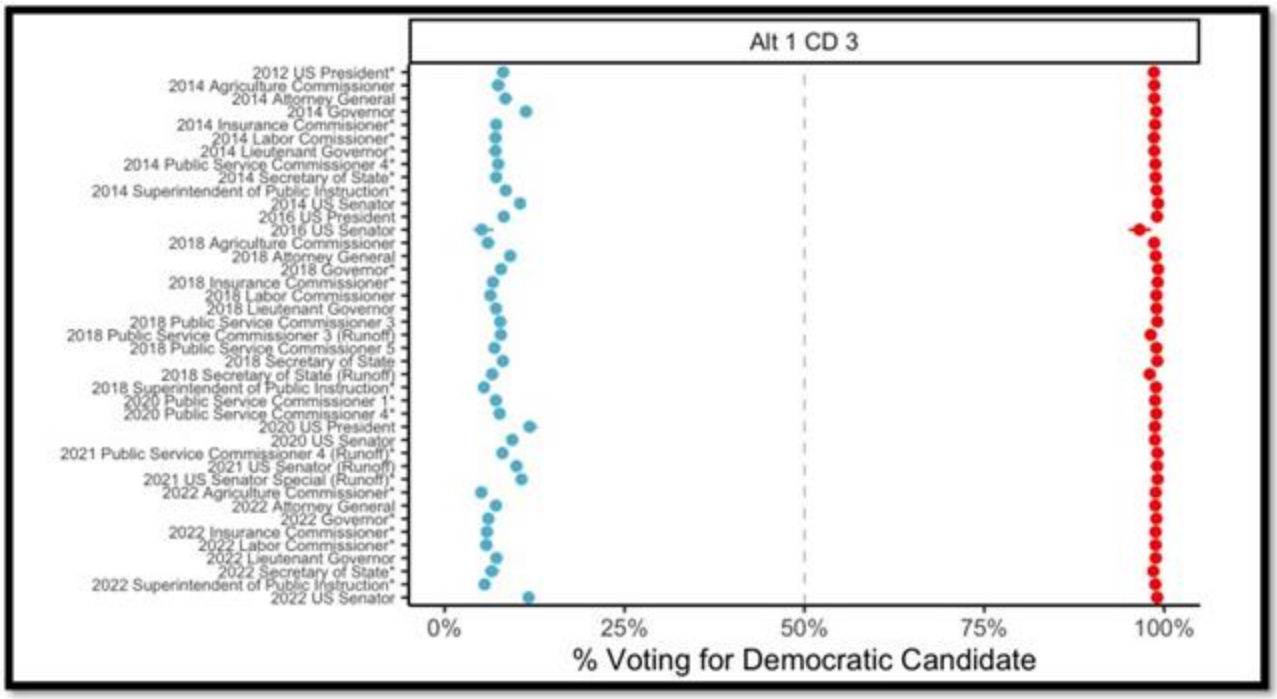
Id. at 24 (Figure 3); 25 (Figure 4); 26 (Figure 5); 27 (Figure 6); 28 (Figure 7).

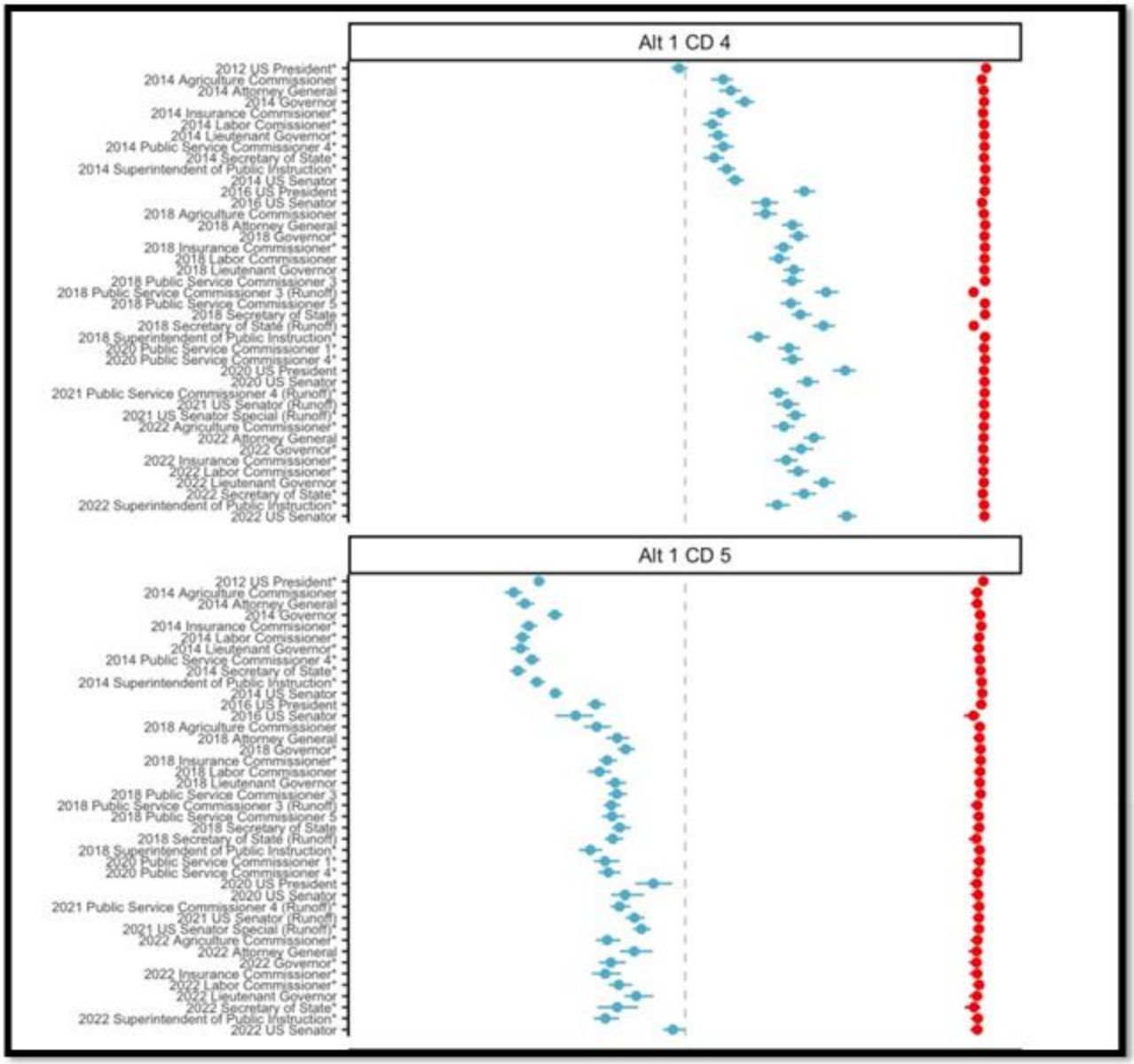
RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

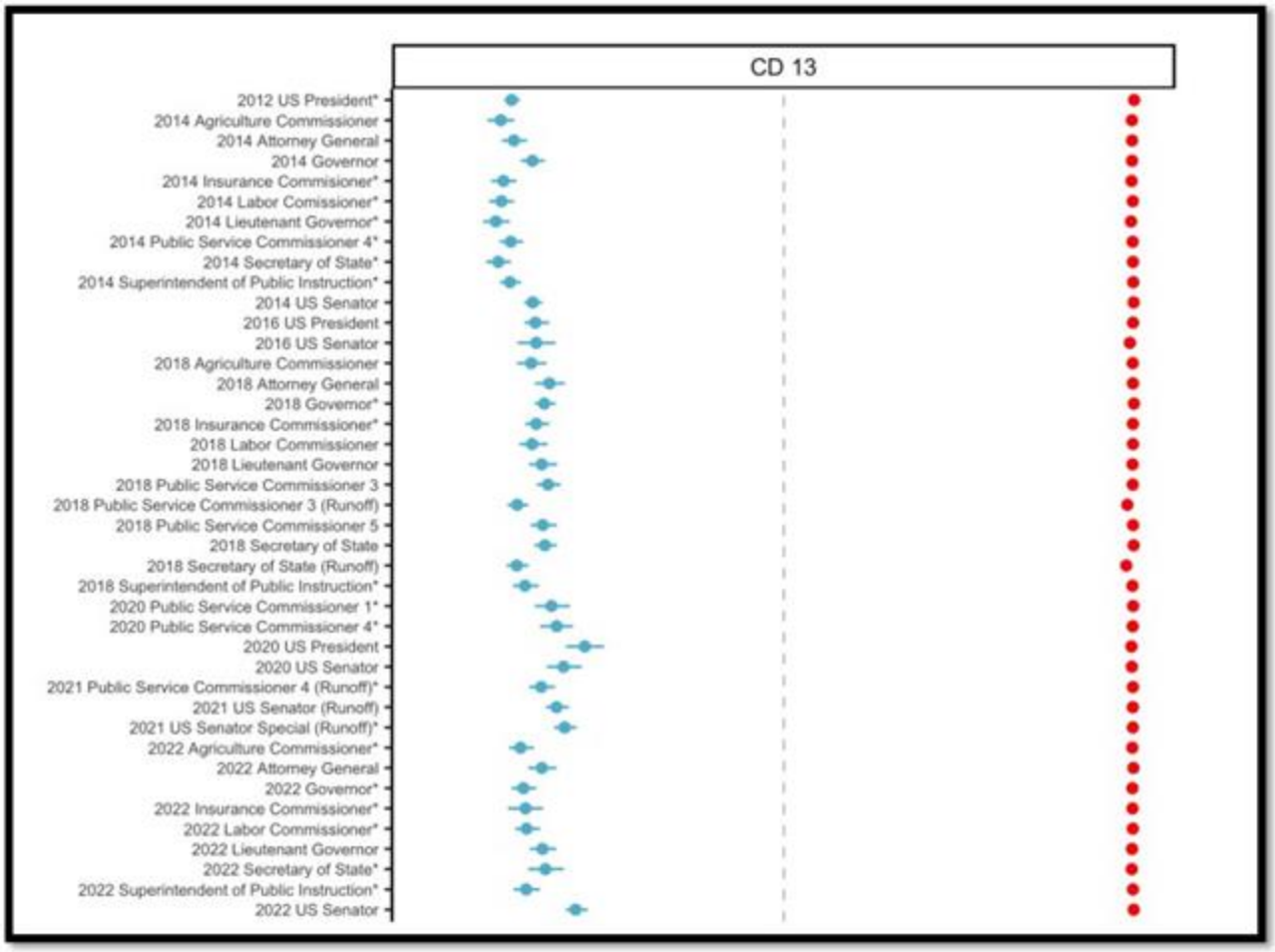
279. Dr. Schneer analyzed whether there is Black cohesive voting in each district that Dr. Duchin drew in her Congressional Alt 1 Map. Id. at 57.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

280. Dr. Schneer's analysis demonstrates extremely strong cohesion—over 75%—among Black voters for every majority-Black district in the Demonstrative Congressional Map (Demonstrative CDs 3, 5, and 13), as reflected in the table below: Id.


Alt 1 CD 3
2012 US President*
2014 Agriculture Commissioner
2014 Attorney General
2014 Governor
2014 Insurance Commissioner*
2014 Labor Comissioner*
2014 Lieutenant Governor*
2014 Public Service Commissioner 4*
2014 Secretary of State*
2014 Superintendent of Public Instruction*
2014 US Senator
2016 US President
2016 US Senator
2018 Agriculture Commissioner
2018 Attorney General
2018 Governor*
2018 Insurance Commissioner*
2018 Labor Commissioner
2018 Lieutenant Governor
2018 Public Service Commissioner 3
2018 Public Service Commissioner 3 (Runoff)
2018 Public Service Commissioner 5
2018 Secretary of State
2018 Secretary of State (Runoff)
2018 Superintendent of Public Instruction*
2020 Public Service Commissioner 1*
2020 Public Service Commissioner 4*
2020 US President
2020 US Senator
2021 Public Service Commissioner 4 (Runoff)*
2021 US Senator (Runoff)
2021 US Senator Special (Runoff)*
2022 Agriculture Commissioner*
2022 Attorney General
2022 Governor*
2022 Insurance Commissioner*
2022 Labor Commissioner*
2022 Lieutenant Governor
2022 Secretary of State*
2022 Superintendent of Public Instruction*
2022 US Senator
0%
25%
50%
75%
100%
% Voting for Democratic Candidate


Alt 1 CD 4
2012 US President*
2014 Agriculture Commissioner
2014 Attorney General
2014 Governor
2014 Insurance Commissioner*
2014 Labor Commissioner*
2014 Lieutenant Governor*
2014 Public Service Commissioner 4*
2014 Secretary of State*
2014 Superintendent of Public Instruction*
2014 US Senator
2016 US President
2016 US Senator
2018 Agriculture Commissioner
2018 Attorney General
2018 Governor*
2018 Insurance Commissioner*
2018 Labor Commissioner
2018 Lieutenant Governor
2018 Public Service Commissioner 3
2018 Public Service Commissioner 3 (Runoff)
2018 Public Service Commissioner 5
2018 Secretary of State
2018 Secretary of State (Runoff)
2018 Superintendent of Public Instruction*
2020 Public Service Commissioner 1*
2020 Public Service Commissioner 4*
2020 US President
2020 US Senator
2021 Public Service Commissioner 4 (Runoff)*
2021 US Senator (Runoff)
2021 US Senator Special (Runoff)*
2022 Agriculture Commissioner*
2022 Attorney General
2022 Governor*
2022 Insurance Commissioner*
2022 Labor Commissioner*
2022 Lieutenant Governor
2022 Secretary of State*
2022 Superintendent of Public Instruction*
2022 US Senator
Alt 1 CD 5
2012 US President*
2014 Agriculture Commissioner
2014 Attorney General
2014 Governor
2014 Insurance Commissioner*
2014 Labor Commissioner*
2014 Lieutenant Governor*
2014 Public Service Commissioner 4*
2014 Secretary of State*
2014 Superintendent of Public Instruction*
2014 US Senator
2016 US President
2016 US Senator
2018 Agriculture Commissioner
2018 Attorney General
2018 Governor*
2018 Insurance Commissioner*
2018 Labor Commissioner
2018 Lieutenant Governor
2018 Public Service Commissioner 3
2018 Public Service Commissioner 3 (Runoff)
2018 Public Service Commissioner 5
2018 Secretary of State
2018 Secretary of State (Runoff)
2018 Superintendent of Public Instruction*
2020 Public Service Commissioner 1*
2020 Public Service Commissioner 4*
2020 US President
2020 US Senator
2021 Public Service Commissioner 4 (Runoff)*
2021 US Senator (Runoff)
2021 US Senator Special (Runoff)*
2022 Agriculture Commissioner*
2022 Attorney General
2022 Governor*
2022 Insurance Commissioner*
2022 Labor Commissioner*
2022 Lieutenant Governor
2022 Secretary of State*
2022 Superintendent of Public Instruction*
2022 US Senator



Id. at 58 (Figure 21).

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

281. Dr. Schneer analyzed whether this is Black cohesive voting in the following districts in the Enacted State Senate Map: SD 9, SD 16, SD 17, SD

22, SD 23, SD 25, SD 26, SD 28, SD 34, SD 35, SD 40, SD 41, SD 43, SD 44, and SD 55. Id. 29-30.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

282. Dr. Schneer concluded that apart from SD 41 and potentially also from SD 40, "there is evidence of racially polarized voting behavior between Black and White voters in every other State Senate district I analyzed. Black voters clearly supported the minority-preferred candidate in every election under study, including those elections with a minority candidate running." Id. at 30.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

283. Dr. Schneer also concluded that [Enacted State Senate Map districts] 16, 22, 23, 25, 26, and 44 exhibit clear evidence of RPV with Black and Hispanic voters cohering around minority candidates[.]" Id. at 29-30.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

284. Dr. Schneer produced four figures that reflect the results of his racially polarized voting analysis for all of the Enacted State Senate Map districts which he analyzed (i.e., SD 9, SD 16, SD 17, SD 22, SD 23, SD 25, SD 26, SD 28, SD 34, SD 35, SD 40, SD 41, SD 43, SD 44, and SD 55). Id. at 32 (Figure 9); 33 (Figure 10); 34 (Figure 11); 35 (Figure 12).

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

285. The four figures from Dr. Schneer's report reflecting this information are presented on the following four pages.

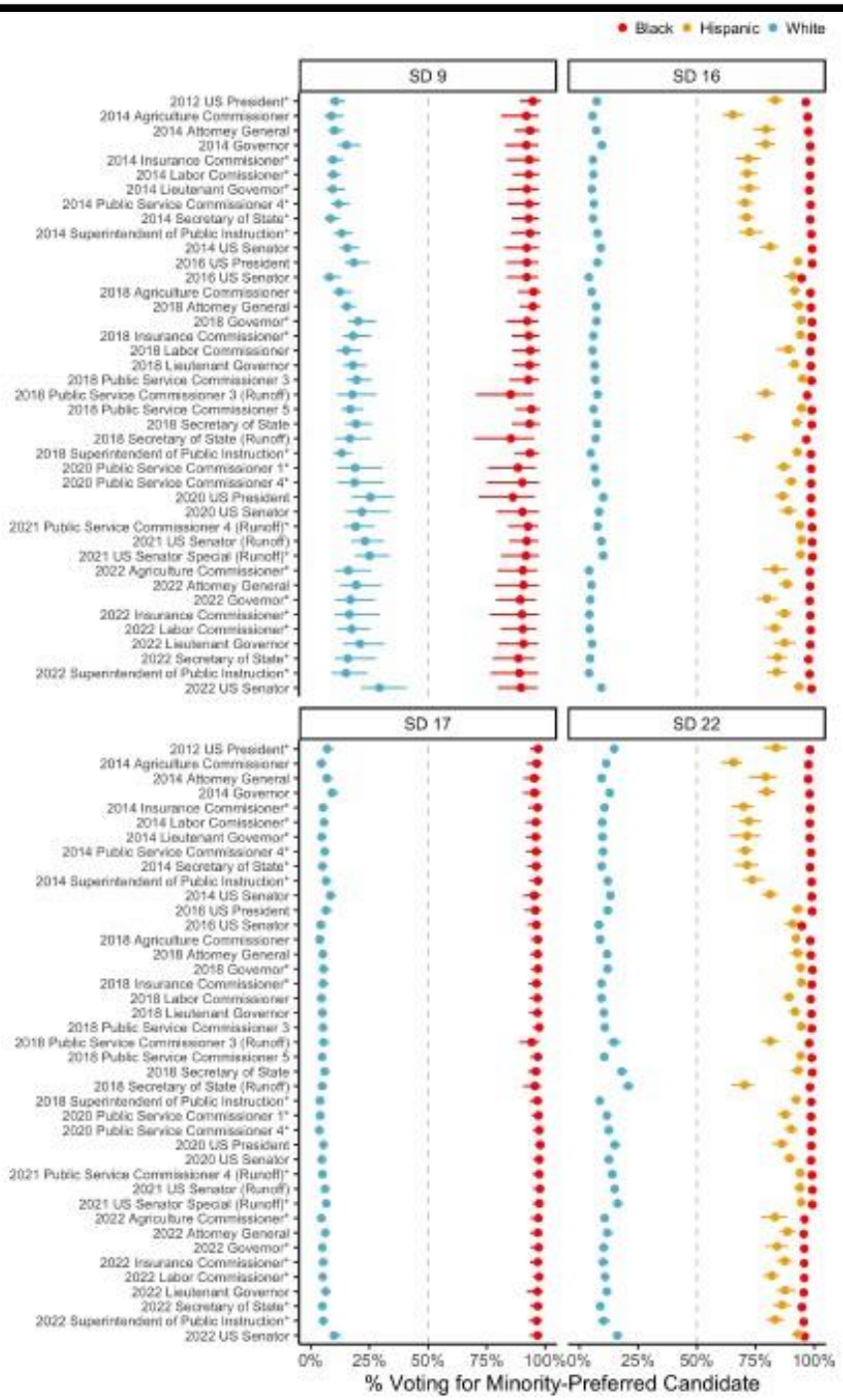


Figure 9: Ecological Inference Results — State Senate Districts (Historical Elections, Two-Party Vote Shares)

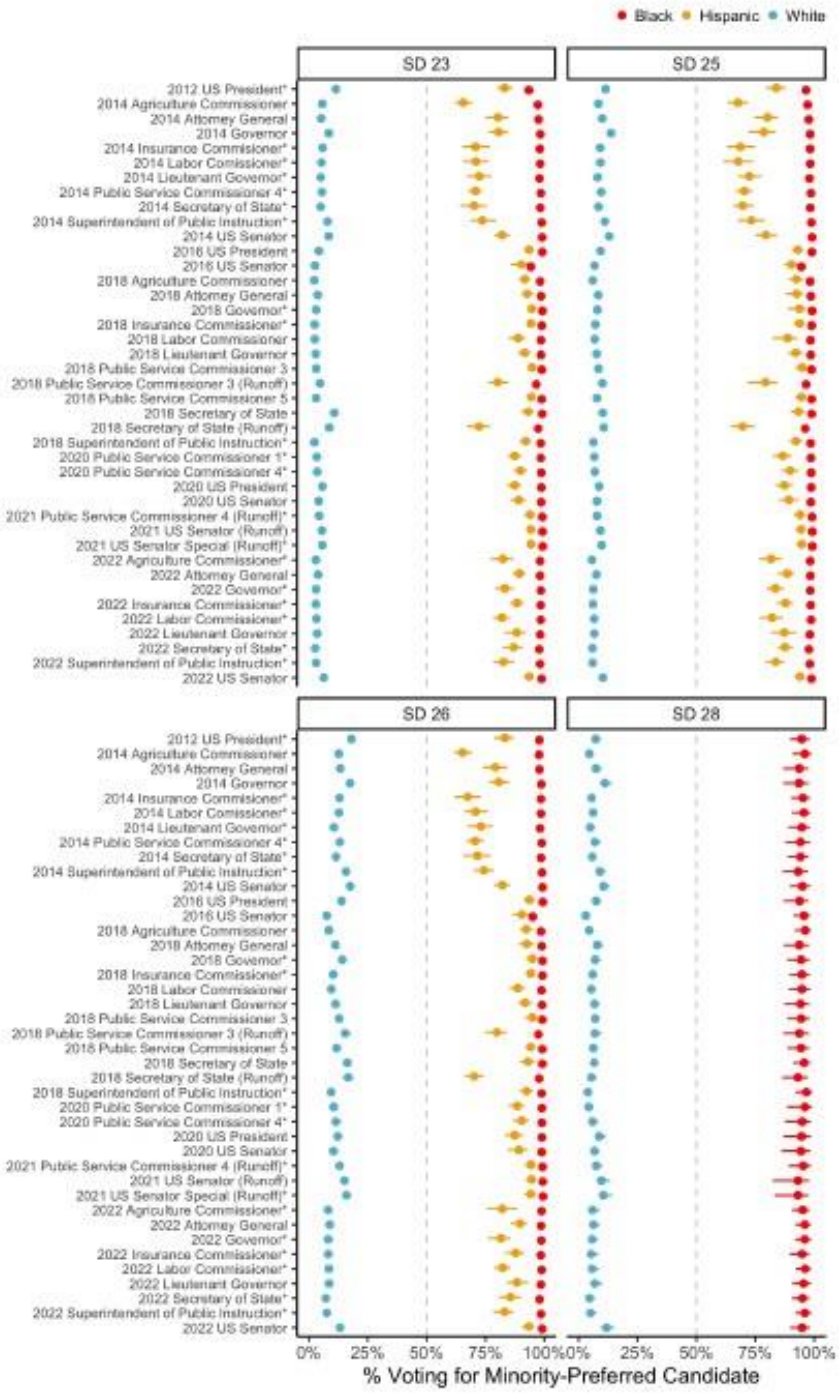


Figure 10: Ecological Inference Results — State Senate Districts (Historical Elections, Two-Party Vote Shares)

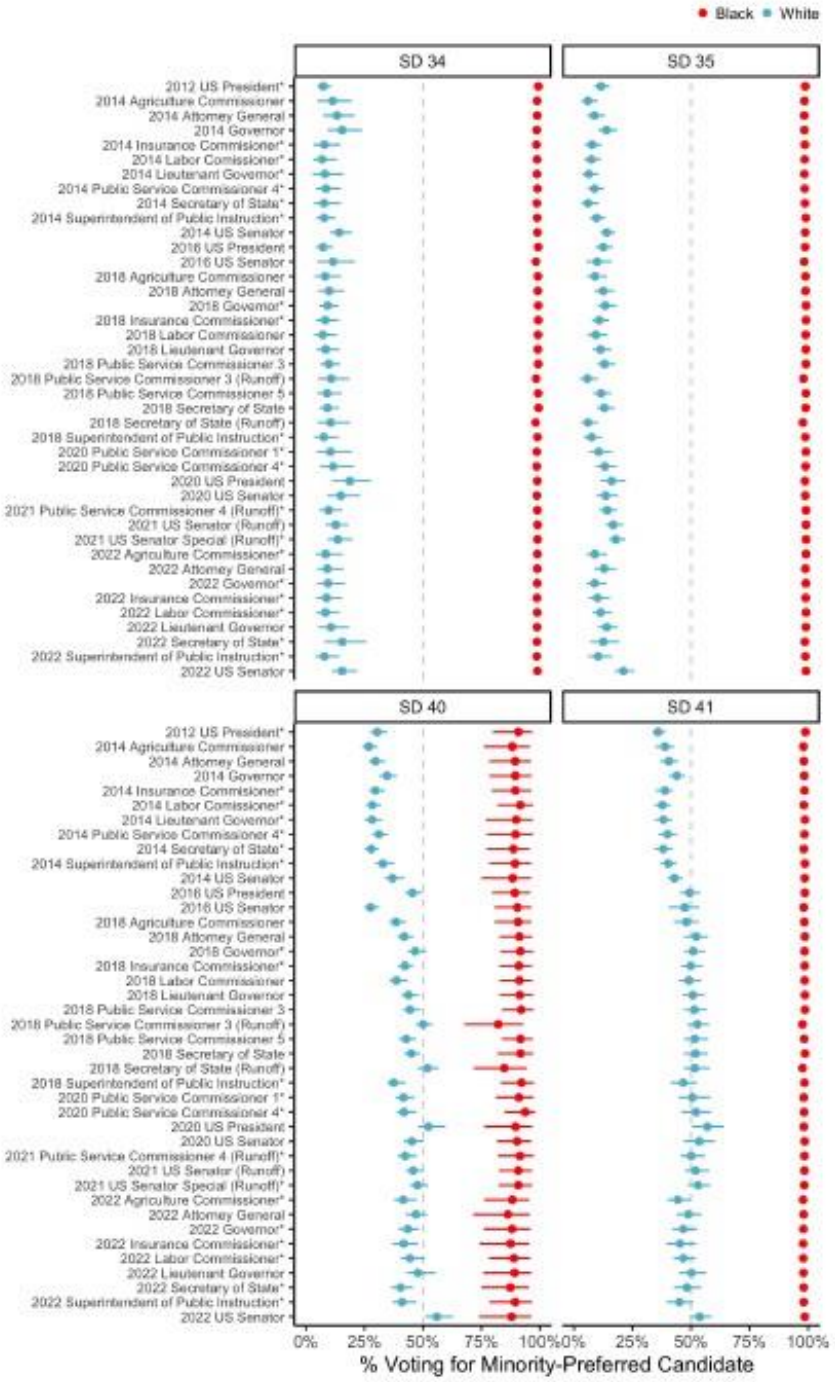


Figure 11: Ecological Inference Results — State Senate Districts (Historical Elections, Two-Party Vote Shares)

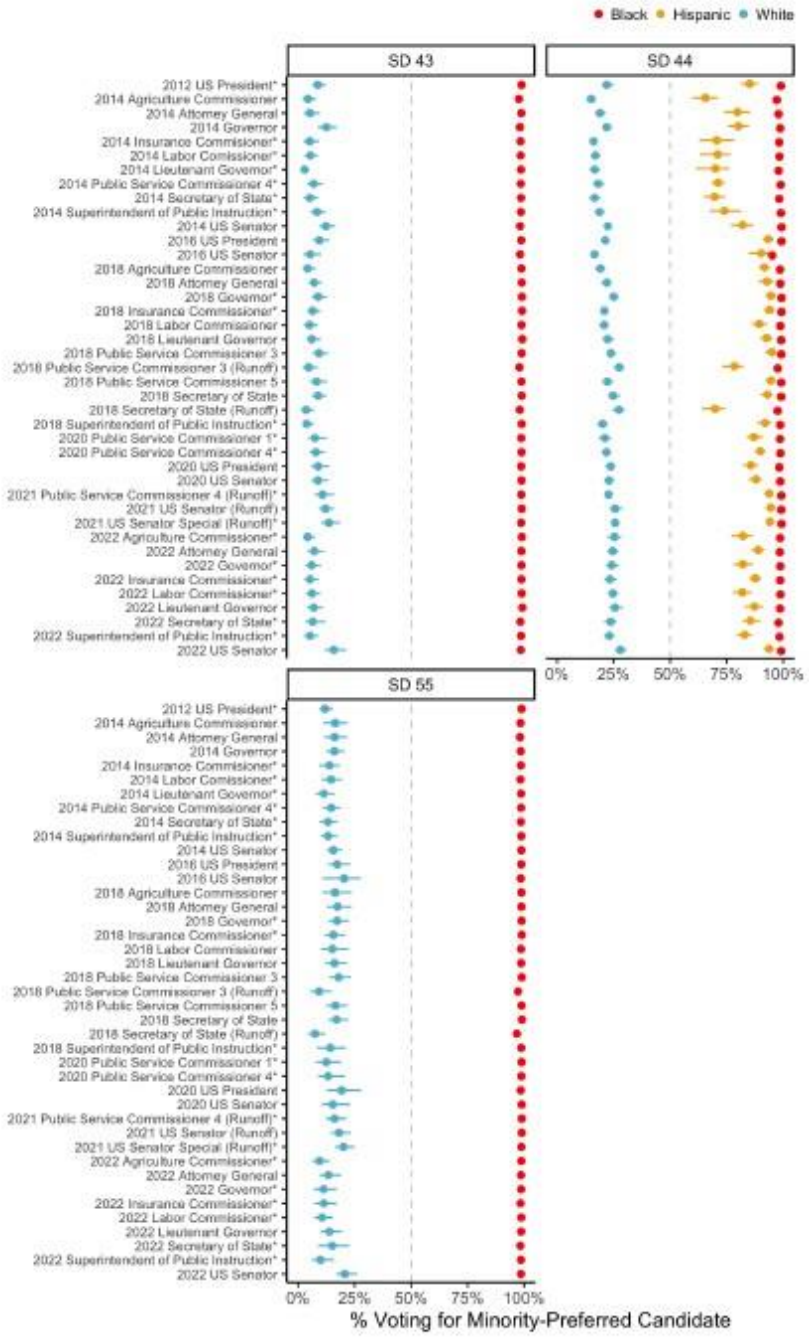


Figure 12: Ecological Inference Results — State Senate Districts (Historical Elections, Two-Party Vote Shares)

Id. at 32 (Figure 9); 33 (Figure 10); 34 (Figure 11); 35 (Figure 12).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

286. Dr. Schneer also analyzed whether there is Black cohesive voting in certain illustrative districts: SDs Alt 1 16, 17, 25, 28, and 40, and whether there was Black and Hispanic cohesive voting in SDs Alt 2, 16, and 23. Id. at 63.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

287. Dr. Schneer concluded that there is "evidence of RPV between Black and White voters across all past statewide elections with a minority candidate running for" SDs Alt 1 16, 17, 25, and 28." Id.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

288. Dr. Schneer concluded that he "observe[s] evidence of RPV with Black and Hispanic voters supporting minority-[preferred] candidates" in SDs Alt 2 16 and 23. Id.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

289. Dr. Schneer analyzed the results of his racially polarized voting analysis for SDs Alt 1 16, 17, 25, and 28 and for SDs Alt 2 16 and 23 in the figures below.

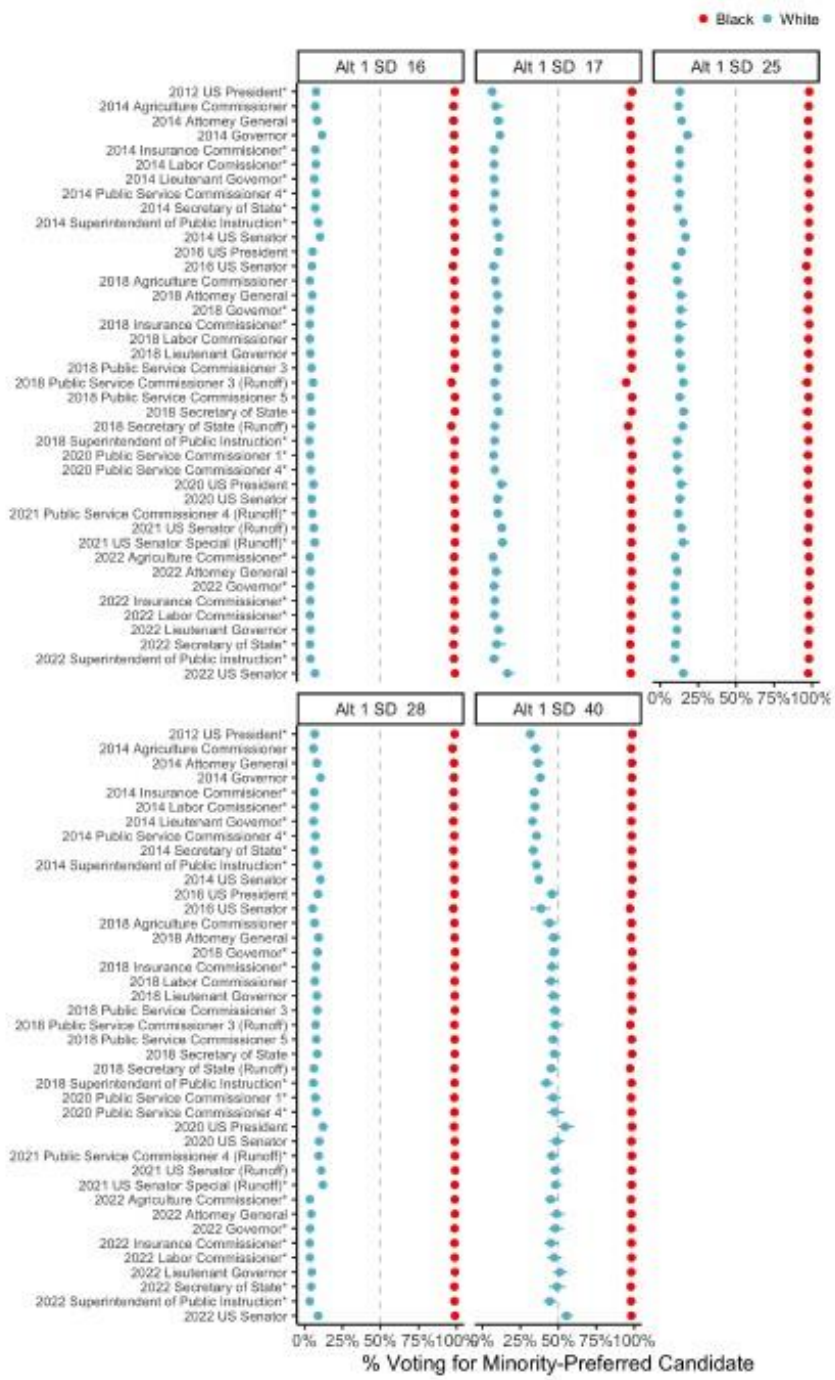


Figure 26: Ecological Inference Results — Illustrative Map 1 State Senate Districts (Historical Elections, Two-Party Vote Shares)

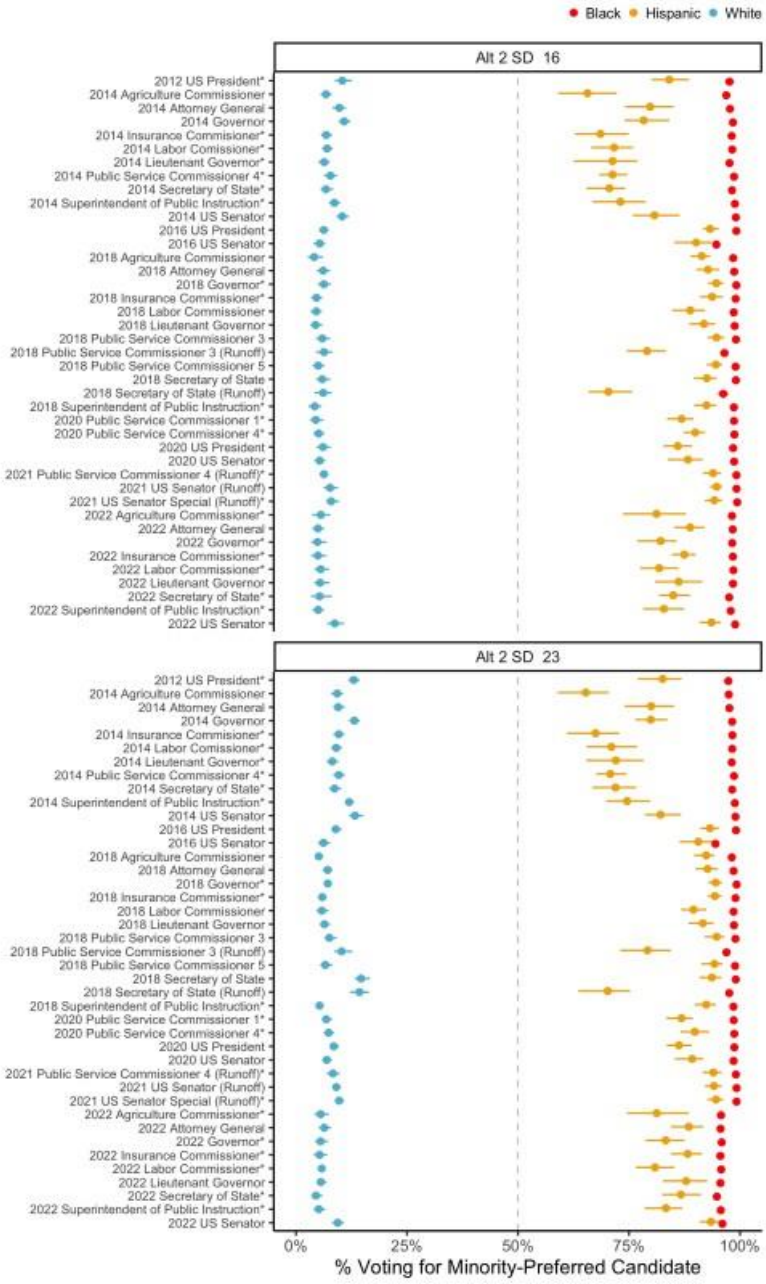


Figure 27: Ecological Inference Results — Illustrative Map 2 State Senate Districts (Historical Elections, Two-Party Vote Shares)

65

Id. at 64-65 (Figures 26-27).

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

290. Dr. Schneer analyzed whether there is Black cohesive voting in the following districts in the Enacted State House Map: HD 61, HD 64, HD 65, HD 66, HD 74, HD 78, HD 115, HD 116, HD 117, HD 140, HD 142, HD 143, HD 151, HD 154, HD 161, HD 163, HD 165, and HD 171. Id. at 36-37.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

291. Dr, Schneer concluded that there is "RPV between Black and White voters in [Enacted State House Map districts] 61, 65, 74, 78, 115, 116, 117, 142, 143, 151, 154 and 171[.]" Id. at 37.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

292. Dr. Schneer stated that "[Enacted State House Map districts] 61, 65, 74, 115, 142, 143, 151, 154 and 171 present clear evidence of RPV with Black voters selecting the minority candidates as their candidate of choice[.]" Id. at 36.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

293. Dr. Schneer stated that "on balance the estimates show that Black voters supported minority candidates" in HD 78 and HD 117. Id. at 37.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

294. Dr. Schneer also examined whether there was cohesion between Black and Hispanic voters in enacted HDs 161, 163, and 165. Id. at 36.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

295. Dr. Schneer determined that HDs 161, 163, and 165 present "clear of evidence of RPV with Black and Hispanic voters cohering to select the minority candidates as their candidate of choice." Id. at 37.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

296. Dr. Schneer produced five figures that reflects the results of his racially polarized voting analysis for all of the Enacted State House Map districts which he analyzed (i.e., HD 61, HD 64, HD 65, HD 66, HD 74, HD 78, HD 115, HD 116, HD 117, HD 140, HD 142, HD 143, HD 151, HD 154, HD 161, HD 163, HD 165, and HD 171). Id. at 39 (Figure 14); 40 (Figure 15); 41 (Figure 16); 42 (Figure 17); 43 (Figure 18).

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

297. The five figures from Dr. Schneer's report reflecting this information are presented on the following five pages.

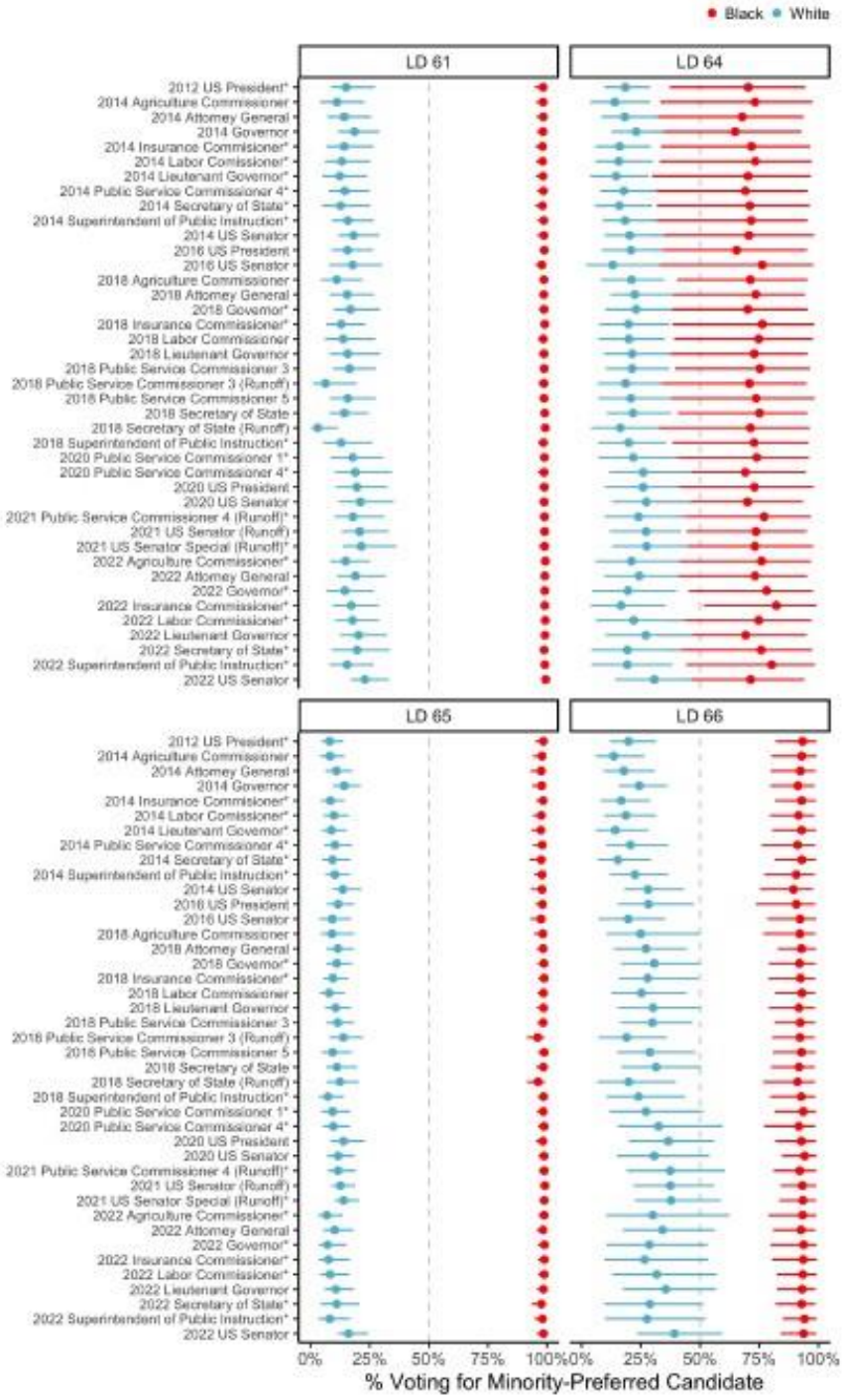


Figure 14: Ecological Inference Results — State House Districts (Historical Elections, Two-Party Vote Shares)

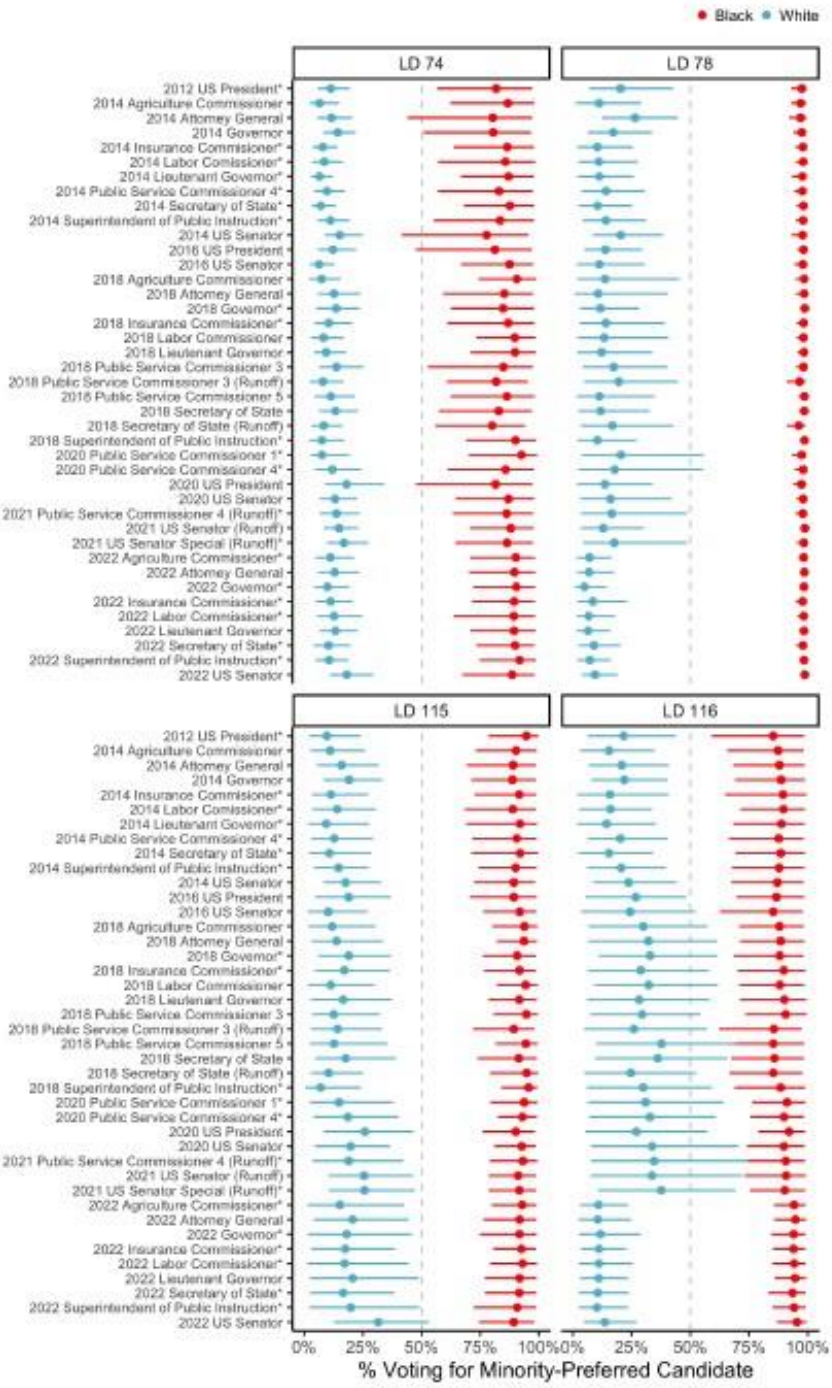


Figure 15: Ecological Inference Results — State House Districts (Historical Elections, Two-Party Vote Shares)

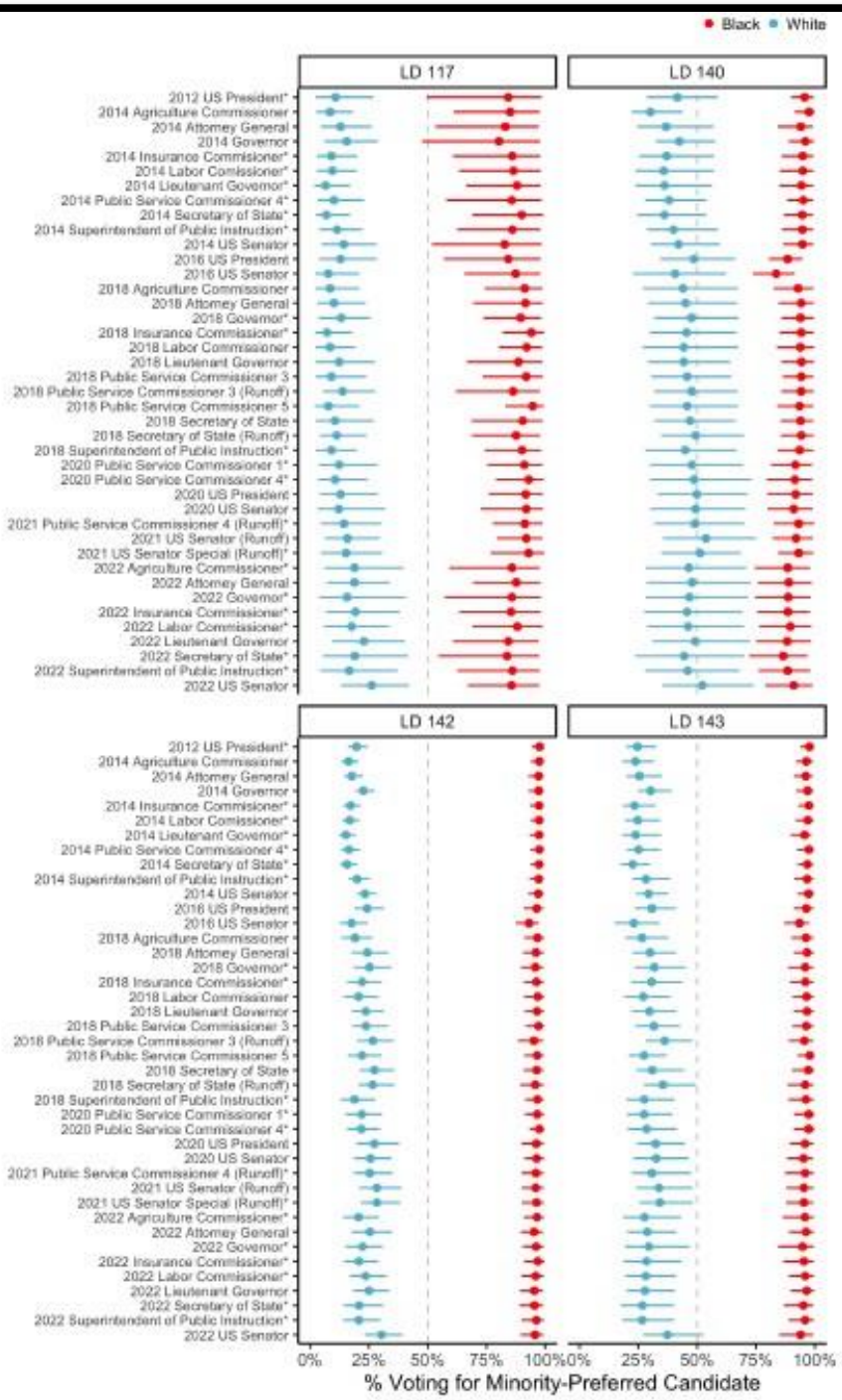


Figure 16: Ecological Inference Results — State House Districts (Historical Elections, Two-Party Vote Shares)

Figure 17: Ecological Inference Results — State House Districts (Historical Elections, Two-Party Vote Shares)

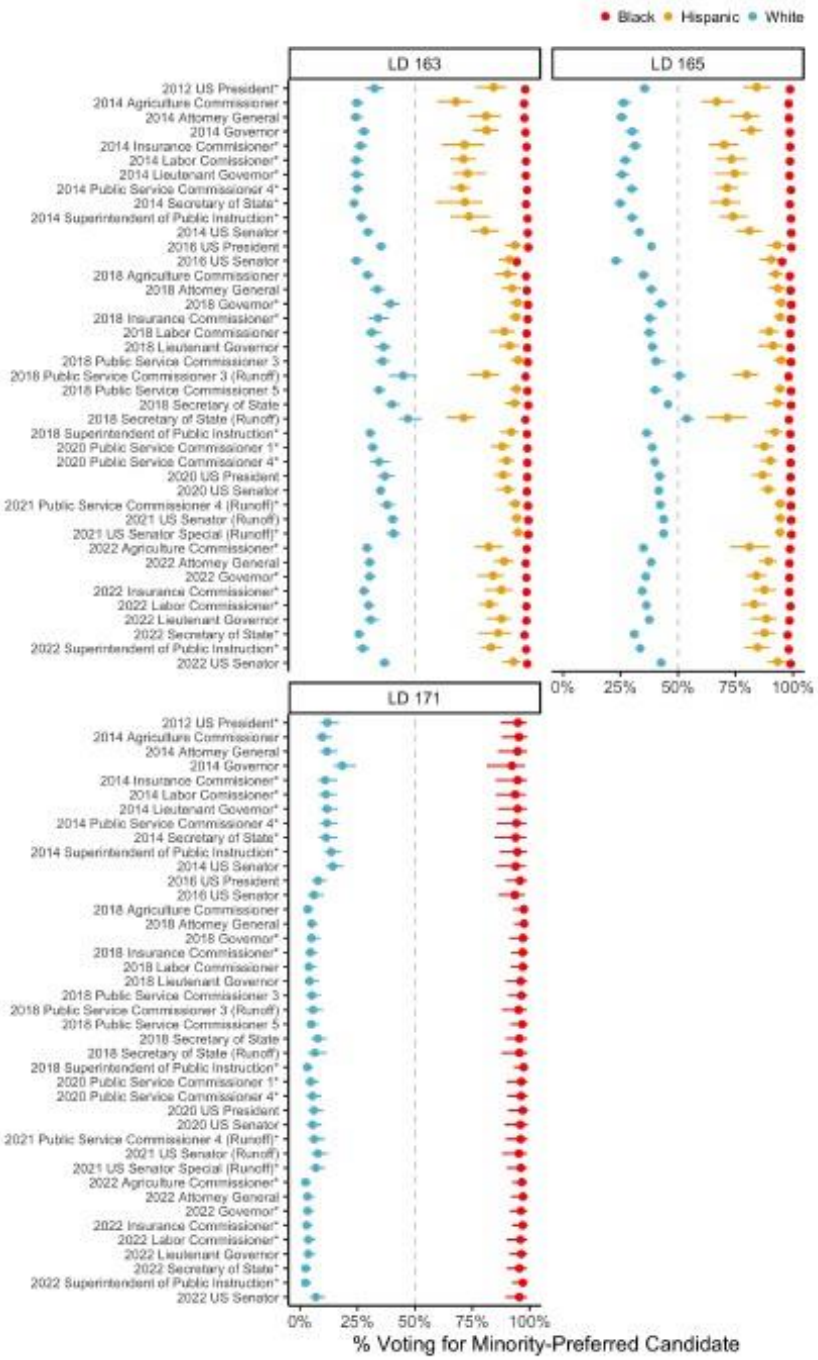


Figure 18: Ecological Inference Results — State House Districts (Historical Elections, Two-Party Vote Shares)

Id. at 39 (Figure 14); 40 (Figure 15); 41 (Figure 16); 42 (Figure 17); 43 (Figure 18).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

298. Dr. Schneer also analyzed whether there is Black cohesive voting in HDs Alt 1 64, 74, 117, 144, 151, and 171. Id. at 66-67.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

299. Dr. Schneer stated that there is "evidence of RPV between Black and White voters in all districts I examine[d]." Id. at 66.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

300. Dr. Schneer also analyzed whether there is Black and Hispanic cohesive voting in HD Alt 1 161. Id. at 66-67.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

301. Dr. Schneer stated that in HD Alt 1 161, there is "RPV with Black and Hispanic voters supporting minority candidates[.]" Id. at 66.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

302. Dr. Schneer produced a figure that reflects the results of his RPV analysis.

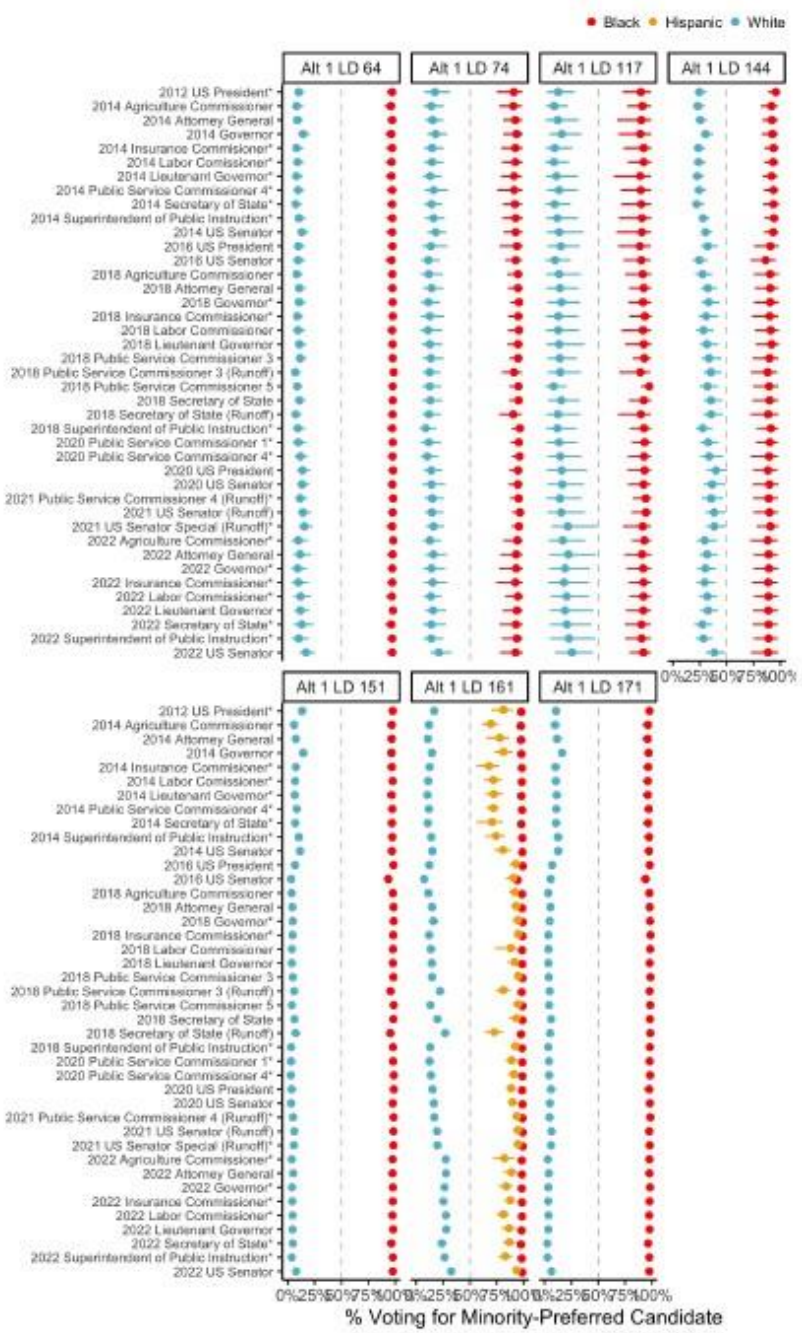


Figure 28: Ecological Inference Results — Illustrative Map 1 State House Districts (Historical Elections, Two-Party Vote Shares)

Id. at 68 (Figure 28).

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

303. Dr. Schneer concluded that there is "clear evidence of racially polarized voting at the statewide level" and that "Hispanic and Black voters cohere around the same candidates of choice, and White voters oppose them, consistent with RPV." Id. at 17.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

304. Dr. Schneer opined that "primary elections can be of use in an RPV analysis, but in my view studying them is not necessary or sufficient for drawing conclusions about racially polarized voting in Georgia general elections." Id. at 12.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is stated as argument. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

305. Dr. Schneer opined that "if racially polarized voting occurs in a Georgia primary election it does not necessarily imply that racially polarized voting will occur in the general election, and vice versa." Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

306. Dr. Schneer opined that "it is sufficient in this case to examine behavior in general elections in order to determine the extent of racially polarized voting in Georgia general elections." Id. at 12-13.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is a legal conclusion. Defendants further object because the evidence

cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

307. Dr. Schneer also produced a figure which reflects the results of his racially polarized analysis across statewide elections. Id. at 18 (Figure 1).

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

308. The figure reflects that White voters across all of the statewide elections vote cohesively for the same candidate of choice in opposition to the preferred candidate of choice for both Black and/or Black and Hispanic voters. Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

309. The figure from Dr. Schneer's report reflecting this information is presented at paragraph 263 of this Statement of Facts.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number.

310. Dr. Schneer analyzed whether there is White cohesive voting in SD Atlanta, SD Gwinnett, and SD East Black Belt in opposition to Black and/or Black and Hispanic voters' preferred candidates of choice in these clusters. Id. at 44.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

311. Dr. Schneer concluded that "[a]cross [SD Atlanta, SD Gwinnet, and SD East Black Belt, there is] RPV between White and Black voters. For each cluster, Black voters cohesively support a candidate of choice and White voters oppose these candidates systematically. Furthermore, Hispanic voters tend to support the same candidates of choice as Black voters." Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's

declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

312. Dr. Schneer also produced a figure that reflects the results of his racially polarized voting analysis for SD Atlanta, SD Gwinnet, and SD East Black Belt. Id. at 47 (Figure 19).

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

313. The figure reflects that White voters in SD Atlanta, SD Gwinnett, and SD East Black Belt vote cohesively for the same candidate of choice in opposition to the preferred candidate of choice for Black voters, and for both Black and Hispanic voters in SD Gwinnet. Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

314. The figure from Dr. Schneer's report reflecting this information is presented at paragraph 268 of this Statement of Facts.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number.

315. Dr. Schneer also analyzed whether there is White cohesive voting in HD Atlanta, HD Southwest, HD East Black Belt, and HD Southeast in opposition to the Black and Hispanic voters' preferred candidates of choice in these clusters. Id. at 45.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

316. Dr. Schneer concluded that there is "evidence of RPV between White and Black voters across all state House clusters I examine[d]. Black voters cohesively support a candidate of choice and White voters oppose this candidate. Based on my estimates, this is true in every cluster and for every statewide election that I examine." Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's

declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

317. Dr. Schneer also produced a figure that reflects the results of his racially polarized voting analysis for HD Atlanta, HD Southwest, HD East Black Belt, and HD Southeast. Id. at 48 (Figure 20).

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

318. The figure reflects that White voters in HD Atlanta, HD Southwest, HD East Black Belt, and HD Southeast vote cohesively for the same candidate of choice in opposition to the preferred candidate for Black voters. Id.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

319. The figure from Dr. Schneer's report reflecting this information is presented at paragraph 271 of this Statement of Facts.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number.

320. Dr. Schneer concluded that there is "RPV between Black voters on the one hand and White voters on the other hand when pooling across all [of the districts in the Enacted Congressional Map] (e.g., statewide) as well as specifically for all [districts in the Enacted Congressional Map] other than CD 5." Id. at 21.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

321. Dr. Schneer stated that in all of the districts in the Enacted Congressional Map except for CD 5 "White voters opposed the candidate of choice of Black voters in every historical election" and "the confidence intervals on the estimates for White voters never overlap[ped] with the threshold for majority support." Id. at 19-20.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Defendants further object because the

evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

322. Dr. Schneer stated that in CD 3 "[f]or Black voters, I never estimate[d] a minority-preferred candidate vote share below 92.8%" and "[f]or White voters, I never estimate[d] a minority-preferred candidate vote share above 12.2%." Id. at 20.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

323. Dr. Schneer stated that in CD 7 "Black voters coher[ed] around minority candidates (and other minority-preferred candidates) and . . . White voters oppos[ed] these candidates of choice." Id.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are

excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

324. Dr. Schneer stated that "[o]verall, CD 4 suggests to me cohesive behavior across Black voters in support of minority candidates (and other minority- preferred candidates) [while] White voters have reliably opposed the minority candidates of choice." Id. at 21.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

325. Dr. Schneer also produced five figures that reflect the results of his racially polarized voting analysis for all of the districts in the Enacted Congressional Map. Id. at 24 (Figure 3); 25 (Figure 4); 26 (Figure 5); 27 (Figure 6); 28 (Figure 7).

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

326. The figures reflect that White voters in each district in the Enacted Congressional Map except for CD 5 vote cohesively for the same candidate of choice in opposition to the preferred candidate of choice for Black voters. Id.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

327. The five figures from Dr. Schneer's report reflecting this information are presented at paragraph 278 of this Statement of Facts.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number.

328. Dr. Schneer also "examine[d] the electoral performance of the enacted congressional districts." Id. at 49-51.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

329. Dr. Schneer "use[d] historical election data" to complete this analysis. Id. at 49.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

330. Dr. Schneer concluded that "based on historical elections, minority voters have close to no chance of electing preferred candidates in [ ] nine congressional districts." Id. at 51.

RESPONSE: Objection. The evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

331. Dr. Schneer stated that in Enacted Congressional Districts "1, 3, 6, 8, 9, 10, 11, 12 and 14, White voters comprise a strong majority of the electorate. If conditions remain similar to historical elections, minority voters who preferred a minority candidate would not be able to elect that candidate" because "the minority- preferred candidate did not win in any of the historical elections I examine for these districts." Id. at 50.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's

declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

332. Dr. Schneer also prepared a table reflecting the result that in nine districts in the Enacted Congressional Map, historical evidence indicates that the Black preferred candidate would not receive at least 55% of the vote share, which Dr. Schneer opined is "a conventional cutoff used in voting rights litigation to indicate a safer district." Id. at 52 (Table 2); id. at 49.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is stated as argument and because it is a legal conclusion. Defendants further object because the evidence cited does not support the fact. Paragraph 26 of Mr. Canter's declaration refers to Exhibit 25, which are excerpts from Dr. Alford's deposition and the discrete portion cited above does not contain any evidence supporting this fact.

333. Dr. Duchin also completed a performance analysis of each of the districts in the Enacted Congressional Map. Duchin Rep. at 18 (Table 4).

RESPONSE: Objection. The evidence cited does not support the fact stated because the portion of Dr. Duchin's report cited for this analysis was an effectiveness analysis, not a performance analysis.

334. To perform her performance analysis, Dr. Duchin analyzed historical primary and general election results and determined that a district is performing if the relevant population's preferred candidate of choice wins at least three out of four primary elections and at least five out of eight general elections Duchin Rep. at 17.

RESPONSE: Objection. The evidence cited does not support the fact stated because the portion of Dr. Duchin's report cited for this analysis was an effectiveness analysis, not a performance analysis, and the cited formula was what Dr. Duchin said she used to "deem" a district as effective.

335. Dr. Duchin, consistent with Dr. Schneer, determined that in nine of the districts in the Enacted Congressional Map—CD 1, CD 3, CD 6, CD 8, CD 9, CD 10, CD 11, CD 12, and CD 14—the Black VAP does not have an opportunity to defeat the White VAP. Id. at 18 (Table 4).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Defendants further object because the evidence cited does not support the fact stated because the portion of Dr. Duchin's report cited does not reference White and Black VAP or the ability of Black voters to defeat white voters, as the fact states.

336. Dr. Schneer analyzed whether there is White cohesive voting in each district that Dr. Duchin drew in the Demonstrative Congressional Map

in opposition to the preferred candidate of choice for Black voters. Schneer Rep. at 57.

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

337. Dr. Schneer concluded that except for Demonstrative CD 4 "there is essentially universal evidence of RPV between Black and White voters. In these districts, when a minority candidate runs Black voters support them and White voters oppose this candidate. In elections between no minority candidates or two minority candidates, Black voters support the minority-preferred candidate and White voters oppose them." Id.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

338. Dr. Schneer also produced a figure that reflects the results of his racially polarized voting analysis for Demonstrative CD 3. Id. at 58 (Figure 21).

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

339. The figure reflects that White voters in Demonstrative CD 3 vote cohesively for the same candidate of choice in opposition to the preferred candidate of choice for Black voters. Id.

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

340. The figure from Dr. Schneer's report reflecting this information is presented at paragraph 280 of this Statement of Facts.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number.

341. Dr. Schneer analyzed whether this is White cohesive voting in opposition to the preferred candidate of choice for Black voters in the following districts in the Enacted State Senate Map: SD 9, SD 16, SD 17, SD 22, SD 23, SD 25, SD 26, SD 28, SD 34, SD 35, SD 40, SD 41, SD 43, SD 44, and SD 55. Id. at 29-30.

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

342. Dr. Schneer concluded that apart from SD 41 and potentially also from SD 40, "there is evidence of racially polarized voting behavior between Black and White voters in every other State Senate district I analyzed. Black voters clearly supported the minority-preferred candidate in every election under study, including those elections with a minority candidate running. White voters opposed their candidate of choice." Id. at 30.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

343. Dr. Schneer stated that "[Enacted State Senate Map districts] 16, 22, 23, 25, 26, and 44 exhibit clear evidence of RPV with Black and Hispanic voters cohering around minority candidates and White voters opposing them in ever historical election with a minority candidate that I examine[d]." Id. at 29-30.

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

344. Dr. Schneer stated that "[Enacted State Senate Map districts] 9, 17, 28, 34, 43 and 55 exhibit evidence of RPV between Black and White voters, again with Black voters cohering around the minority candidate and White voters opposing this candidate." Id. at 30.

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

345. Dr. Schneer also produced four figures that reflect the results of his racially polarized voting analysis for all of the Enacted State Senate Map districts which he analyzed (i.e., SD 9, SD 16, SD 17, SD 22, SD 23, SD 25, SD 26, SD 28, SD 34, SD 35, SD 40, SD 41, SD 43, SD 44, and SD 55). Id. at 32 (Figure 9); 33 (Figure 10); 34 (Figure 11); 35 (Figure 12).

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

346. The figures reflect that White voters in each district analyzed except for SD 41 and potentially also SD 40 vote cohesively for the same candidate of choice and in opposition to the preferred candidate of choice for Black voters. Id. at 32 (Figure 9); 33 (Figure 10); 34 (Figure 11); 35 (Figure 12).

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

347. The four figures from Dr. Schneer's report reflecting this information are presented at paragraph 285 of this Statement of Facts.

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number.

348. Dr. Schneer also examined the electoral performance of the focus enacted state Senate districts. Id. at 49.

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

349. Dr. Schneer "use[d] historical election data" to complete this analysis. Id.

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

350. Dr. Schneer concluded that "[b]ased on historical elections, the candidate preferred by minority voters would not have won in any election I examine between 2012 and 2022 in SDs 16, 17, 23, 25 and 28." Id. at 53.

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

351. Dr. Schneer also prepared a table reflecting the result that in SD 16, SD 17, SD 23, SD 25, and SD 28, which shows that in each of these districts historical evidence indicates that the Black preferred candidate would not receive at least 55% of the vote share, which is a conventional cutoff used in voting rights litigation to indicate a safer district. Id. at 56; (Table 3).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered, is stated as argument, and because it is a legal conclusion.

352. Dr. Duchin also completed a performance analysis of SD 16, SD 17, SD 23, SD 25, and SD 28. Duchin Rep. at 48-49, 51.

RESPONSE: Objection. The evidence cited does not support the fact stated because the portion of Dr. Duchin's report cited for this analysis was an effectiveness analysis, not a performance analysis.

353. Dr. Duchin, consistent with Dr. Schneer, determined that SD 16, SD 17, SD 23, SD 25, and SD 28 do not provide the Black-preferred candidate an opportunity to defeat the White majority bloc-preferred candidate. Id.

RESPONSE: Objection. The evidence cited does not support the fact stated because the portion of Dr. Duchin's report cited does not reference the opportunity of Black-preferred candidates to defeat white-majority-block preferred candidates. Further, Dr. Duchin testified that she did not include any measurements of racially polarized voting in her report. Duchin Dep. 37:19-38:7.

354. Dr. Schneer analyzed whether this is White cohesive voting in opposition to the preferred candidate of choice for Black voters in the following districts in the Enacted State House Map: HD 61, HD 64, HD 65, HD 66, HD 74, HD 78, HD 115, HD 116, HD 117, HD 140, HD 142, HD 143, HD 144, HD 151, HD 154, HD 161, HD 163, HD 165, and HD 171. Schneer Rep. at 36-37; Canter Decl. ¶ 27 (Deposition of Benjamin Schneer ("Schneer Dep.") 91:01-91:22 (HD 144)).

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

355. Dr, Schneer concluded that there is "RPV between Black and White voters in [Enacted State House Map districts] 61, 65, 74, 78, 115, 116, 117, 142, 143, 151, 154 and 171[.]" Id. at 37.

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

356. Dr. Schneer stated that "[Enacted State House Map districts] 61, 65, 74, 115, 142, 143, 151, 154 and 171 present clear evidence of RPV with Black voters selecting the minority candidates as their candidate of choice, and White voters opposing these candidates in every historical election" Id. at 36-37.

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

357. Dr. Schneer stated that "on balance the estimates show that Black voters supported minority candidates" in HD 78 and HD 117 and these same minority candidates "were opposed by White voters in a vast majority of historical elections." Id. at 37.

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

358. Dr. Schneer also produced five figures that reflect the results of his racially polarized voting analysis for all of the Enacted State House Map

districts which he analyzed (i.e., HD 61, HD 64, HD 65, HD 66, HD 74, HD 78, HD 115, HD 116, HD 117, HD 140, HD 142, HD 143, HD 151, HD 154, HD 161, HD 163, HD 165, and HD 171). Id. at 39 (Figure 14); 40 (Figure 15); 41 (Figure 16); 42 (Figure 17); 43 (Figure 18).

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

359. The figures reflect that White voters in HD 61, HD 65, HD 74, HD 78, HD 115, HD 116, HD 117, HD 142, HD 143, HD 151, HD 154, and HD 171 vote cohesively for the same candidate of choice in opposition to the preferred candidate of choice for Black voters. Id. at 39 (Figure 14); 40 (Figure 15); 41 (Figure 16); 42 (Figure 17); 43 (Figure 18).

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

360. The five figures from Dr. Schneer's report reflecting this information are presented at paragraph 297 of this Statement of Facts

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number.

361. Dr. Schneer also examined the electoral performance of the focus enacted state House districts. Id. at 49.

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

362. Dr. Schneer "use[d] historical election data" to complete this analysis. Id.

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

363. Dr. Schneer concluded that "[b]ased on historical elections, the candidate preferred by minority voters would not have won in any election I examine between 2012 and 2022 in [Enacted State House Map districts] 64, 74, 161 and 171." See Canter Decl. ¶ 29 (Benjamin Schneer Notice of Errata at 1-2 (March 31, 2023)).

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

364. Dr. Schneer also "looked at. . . the performance of Legislative District 144," and determined that by "essentially running the exact same type of performance analysis that I did for all other districts, this was a district where in no past elections that I examined were minority voters able to elect their candidates of choice." Schneer Dep. 91:11-91:18.

RESPONSE: Defendants admit the Court may consider this for purposes of the summary judgment motion.

365. Dr. Schneer prepared a table reflecting the result that in HD 64, HD 74, HD 117, HD 161, and HD 171, which shows that in each of these districts historical evidence indicates that the Black preferred candidate would not receive at least 55% of the vote share, which is a conventional cutoff used in voting rights litigation to indicate a safer district. Schneer Rep. at 56 (Table 4).

RESPONSE: Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered, is stated as argument, and because it is a legal conclusion.

366. Dr. Duchin also completed a performance analysis of HD 64, HD 74, HD 117, HD 161, and HD 171. Duchin Rep. at 55, 63, 66.

RESPONSE: Objection. The evidence cited does not support the fact stated because the portion of Dr. Duchin's report cited for this analysis was an effectiveness analysis, not a performance analysis.

367. Dr. Duchin, consistent with Dr. Schneer, determined that SD 16, SD 17, SD 23, SD 25, and SD 28 do not provide the Black-preferred candidate with an opportunity to defeat the White majority-bloc preferred candidate. Id.

RESPONSE: Objection. The evidence cited does not support the fact stated because the portion of Dr. Duchin's report cited does not reference the opportunity of Black-preferred candidates to defeat white-majority-block

preferred candidates. Further, Dr. Duchin testified that she did not include any measurements of racially polarized voting in her report. Duchin Dep. 37:19-38:7.

368. Defendants' RPV expert in this case, Dr. John Alford, testified that Dr. Scheer's "evidentiary basis" and "empirical analysis" with regards to his racially polarized voting report is "perfectly adequate." Alford Dep. at 74:15-74:17.

RESPONSE: Objection. The evidence cited does not support the fact stated because the portion of Dr. Alford's deposition cited does not contain the information Plaintiffs claim.

369. He stated that he is "fine with reaching conclusions" based on Dr. Schneer's analysis. Id. at 74:17-74:18.

RESPONSE: Objection. The evidence cited does not support the fact stated because the portion of Dr. Alford's deposition cited does not contain the information Plaintiffs claim.

370. Dr. Alford does not dispute any of Dr. Schneer's findings about the levels of voting cohesion that Black voters demonstrate in Georgia: His only opinion in this case is Dr. Schneer did not rule out that partisanship, not race, is the cause of that cohesion. Id. at 68:15-68:24.

RESPONSE: Objection. The evidence cited does not support the fact stated because the portion of Dr. Alford's deposition cited does not contain the information Plaintiffs claim.

371. Dr. Alford testified that in Georgia "black voters vote [in a] highly cohesion fashion for democratic candidates . . ." Id. at 110:18-111:08.

RESPONSE: Objection. The evidence cited does not support the fact stated because the portion of Dr. Alford's deposition cited does not contain the information Plaintiffs claim

372. Chair Kennedy recognized that that "process" the Senate Redistricting Committee undertook "recognized" the "principle" of RPV in Georgia. Kennedy Dep. 126:22-127:21.

RESPONSE: Objection. The evidence cited does not support the fact stated because Sen. Kennedy only discussed whether to include Forsyth County in Congressional District 6 in the cited portion of his deposition, not any reference to racially polarized voting.

Respectfully submitted this 10th day of May, 2023.

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CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing Statement has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/Bryan P. Tyson

Bryan P. Tyson

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GEORGIA STATE CONFERENCE OF THE NAACP, et al.,

Plaintiffs, Case No. 1:21-CV-5338-ELB-SCJ-SDG

vs.

STATE OF GEORGIA, et al.,

Defendants.

COMMON CAUSE, et al.,

Plaintiffs, Case No.1:22-CV-00090-ELB-SCJ-SDG

vs.

BRAD RAFFENSPERGER,

Defendant.

DEPOSITION OF GERALD GRIGGS

30(B)(6) REPRESENTATIVE

THE GEORGIA STATE CONFERENCE

OF THE NAACP

JANUARY 18TH, 2023 - 9:00 a.m.

Through Video-Conference

Via ZOOM,

Inna Russell, RPR, CCR #1-1-1-1

Q. What did Dantaye Carter tell you?
A. He told me that his congressional district natural.
Q. So has the Conference, the Georgia Conference, determined whether any of its individual members have been affected by the 2021 re-districting?
A. Yes.
Q. How did the Conference make that determination?
A. We talked to some of the membership.
Q. And what was the forum -- what was the forum for those talks?
A. Some were phones calls, some were in person, some units reached out, I believe, via email.
Q. So one example would be a unit sending a sort of email blast to all members asking them that question; is that what you are saying?
A. Yes.
Q. It's -- I just have to ask this because I don't remember. I think you answered this, but I have to ask you again.
So were these, was this research, if you will, or these questions done at the unit level rather than from the Conference level?
A. The Conference, yes, that's correct.

Q. Are you able to testify on how many members of the Conference were affected by the re-districting?

A. No, I can't give a single number because I haven't -- I haven't seen that, that research, but I do know it was a lot.

Q. Do you know what would be involved in trying to find out that number?

A. Talking to the individual units.

Q. Is there any particular reason why you talked to Dantaye Carter for this topic?

A. Because I know that he lived in the sixth district and was drawn out of the sixth into the seventh.

Q. Topic 10, The methods used by the Organization to determine which districts it would challenge in this action.

MR. BOYLE: My understanding, counsel, is that you are not allowing testimony on this topic based on privilege; is that correct?

MR. HEAVEN: Exactly. Yes, that's right.

MR. BOYLE: I'll just note, for the record, that we, unless I've missed something, we don't concede to that, but we'll just move on for today's purposes.

BY MR. BOYLE:

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GEORGIA STATE CONFERENCE OF THE NAACP, et al.	)	
Plaintiffs,	)	CASE NO. 1:21-CV-5338 ELB-SCJ-SDG
vs.	)	
STATE OF GEORGIA, et al.,	)	
Defendants.	)	
COMMON CAUSE, et al.,	)	
Plaintiffs,	)	CASE NO. 1:22-CV-00090 ELB-SCJ-SDG
vs.	)	
BRAD RAFFENSPERGER	)	
Defendant.	)	

30(b)(6) remote deposition of GEORGIA ASSOCIATION OF LATINO ELECTED OFFICIALS, INC., Deponent GERARDO ELEAZAR GONZALEZ, pursuant to notice and agreement of counsel, under the Federal Rules of Civil Procedure, before Celeste Mack, CCR, RPR, at Crowell & Moring, 1001 Pennsylvania Avenue NW, Washington, D.C., on Wednesday, January 11, 2023, commencing at 9:05 a.m.

our community.

Q. And the work under civic engagement concerning the census itself, was that work that would have been undertaken no matter what the maps were that were adopted -- or what maps were adopted in 2021 under redistricting?

A. That work does take place every ten years that we've been in existence, so we've done that work in 2010; we did that work in 2020 as well.

Q. And how did that work -- or strike that.

Did that work change once the maps were adopted, or was there an effort that was directed solely to now that redistricting is done, that the maps have been adopted, then there's efforts that we undertake from here forward? Does that make any sense?

A. Well, once the maps were adopted, part of our effort was to educate and inform our community about the Georgia legislative efforts to diminish the voting strength of minority communities across the state by unfairly packing and cracking our communities to dilute the growth of the communities power in the legislative process through the redistricting process.

need to be voting in?

A. We did that through a variety of outreach efforts that we do, such as we send out mailers, we make phone calls, we send out texts, those type of -- that type of thing. And we went door to door in some instances.

Q. And the outreach efforts that you just described, the mailers, phone calls, and door to door, generally speaking were those outreach efforts entirely focused on the new redistricting maps, or were those efforts, did they also go to voting registration or other kind of areas related to voting?

A. It was one of the topics that we had in those communications.

Q. So did the FUND publish mailers that were solely on redistricting?

A. Leading up to the redistricting effort, we did publish mailers that were targeted for census outreach and participation, which does -- which does impact the redistricting effort.

Q. And then after the maps were adopted, were there specific mailers that were sent out that referenced just the redistricting, the new redistricting in 2021?

A. Not to my knowledge, no.
Q. And you mentioned that there were phone calls that were made in your outreach effort. Were there phone calls that were made solely for the purpose of communicating issues related to redistricting, or was that part of -- the phone calls were -- there were other topics that were discussed in those phone calls?
A. Well, in our efforts to engage our community to make sure that they're educated and informed about the voting process, part of the voting process was the change in election laws, the change of districts that happens, so that was one of the topics we covered when we were talking to folks about their right to vote.
Q. Sure. And then the change in election laws, would that have included changes -- law changes under SB202?
A. The law changes are reflective of the redistricting effort, as well as the changes in SB202.
Q. Okay. And you also mentioned in your -- when you spoke about the Fund's outreach efforts, the door-to-door efforts. Again, were those efforts concentrated solely on redistricting, or

the redistricting maps that were adopted in 2021?

A. No, not solely on redistricting. As I mentioned, we educated and informed our community about exercising their rights to vote, and part of them exercising their rights to vote is knowing they had new districts and knowing changes in election laws.

Q. And the outreach efforts that you described, has the FUND been sending out mailers, doing phone calls, going door to door and those outreach efforts prior to the adoption of the 2021 maps?

A. Could you restate?

Q. Sure, yeah. What I'm trying to get at is -- I'll ask it this way.

How long has the FUND been undertaking those general areas of outreach that you described for us, the mailers, the phone calls, the door to door?

A. So those -- those efforts we do in local elections, as well as midterm and presidential elections and primaries, so we do those efforts as an ongoing basis from the community perspective.

However, our messaging needs to

volunteers, for example, that the FUND utilizes or engages with for the outreach activities that you've described?

A. Certainly we've had to expand and increase our outreach efforts due to the plethora of changes that have happened in Georgia with regards to voter suppression tactics that the Georgia legislature has done, that include but aren't limited to SB202, for example, as well as the redistricting process that packed and cracked and diluted minority communities ability to elect candidates of choice.

Q. So does that, what you just described, the plethora of changes in Georgia law, has that -- has the FUND had to increase the number of volunteers in the last -- since 2021?

A. Yes, and we had to increase our number of volunteers in our targeted outreach to our community to ensure that we are adequately educating and informing our community about the changes in districts, as well as changes in law.

Q. Okay. And has the FUND had to add any staff as a result of -- and I think I understand that -- let me ask it this way, I'm gonna start over again.

1 I understand that the FUND hasn't added
2 any staff as a result of the adoption of the 2021
3 redistricting maps; am I correct about that?
4 A. Well, I wouldn't necessarily say that.
5 What I would say is that GALEO Latino Community
6 Development Fund has had to increase staffing
7 resources to meet the challenges of today, that
8 include a Jim Crow mentality of the Georgia
9 legislatures to suppress minority communities
10 voters, including but not limited to SB202 and
11 the redistricting efforts to racially
12 discriminate against Latino, and black and API
13 community members.
14 So because of the environment -- the
15 hostile environment that we're in with regards to
16 voting rights, we have had to increase our staff
17 to ensure that we have adequate outreach and
18 education efforts ongoing to our community about
19 maneuvering around the Jim Crow obstacles that
20 the legislature puts in place to ensure that our
21 communities voices are respected in the
22 Democratic process.
23 Q. I think you mentioned earlier in your
24 deposition, was there two staff members that were
25 added at the time of the 2020 census; do I recall

your testimony correct about that?

A. No, that's not correct. We went from four staff members to eight staff members, so we added four additional staff members to our organization. And since then, now we're at 15 staff members to our GALEO Latino Community Development Fund.

Q. Would you say that any of those staff members were added solely for the purpose of addressing the issues raised in this litigation concerning the 2021 -- the adoption of the 2021 redistricting maps?

A. As I mentioned in context, Georgia is -- Georgia legislature has taken a very aggressive effort to dilute the minority communities ability to exercise their right to vote and elect candidates of choice, both including SB202, as well as through the redistricting process.

So in those efforts we have had to increase our resource -- staff resource allocation to ensure that we can continue to engage and educate our community about exercising the right to vote, given the changes in laws that we've had.

Q. Okay. So with regard to topic number

ballots and how that limited our ability to be able to do that.

When we're talking about redistricting, we're not able to provide language access to voters or it's taking time away from our leadership programming that we have. So time and staff resources are limited, so any time that we are doing anything associated with redistricting, is time away from our other focus areas.

We've continued our other focused areas but they have been diminished because of the diversion of resources that we've had to do when we're addressing the redistricting impact that it's had on our community.

Q. Can you say how much the activities, for example, about respect to SB202 and educating voters concerning SB202, how much has that work been diminished as a result of the adoption of these 2021 maps?

A. We don't -- we don't really track our time or our -- our staff resources in that way to be able to determine -- to give you a definitive estimate.

Q. Does the FUND have any documents that would reflect the extent to which work concerning

example, during the election we invited our members to participate in Taco Tuesday to the poles. We had -- we provided tacos for folks and started reminding people about going to the poles during the early voting process, as an example.

MS. LaROSS: And Shawn, in response to supplemental response to discovery, the FUND has disclosed under an AAO designation the name of a member who's been affected by redistricting. And I obviously -- we don't want to say her name here, but I do want to ask just a couple of questions about that.

And then you can tell me if we need to designee this portion of the deposition as a -- I'm trying to avoid that, but if we need to, just let me know; is that acceptable?

MR. LAYMAN: Yes. Yeah, just to the -- I'll let you ask the questions and just object.

MS. LaROSS: Okay. And you can object as I ask the question, if need be. I'm not trying to lock you in there.

BY MS. LaROSS:

Q. Okay. So Mr. Gonzalez, are you aware, and we don't want to say the name of the person,

but that one member of the FUND has been identified as having been affected by redistricting?

A. Yes.

Q. And what process did the FUND undertake to determine that individual?

MR. LAYMAN: Objection to the extent that it covers attorney/client privilege, and conversations you had with an attorney or any work product.

MS. LaROSS: Sure.

BY MS. LaROSS:

Q. Other than discussions with your attorney, what did the FUND do to determine that particular individual?

A. We looked at our membership list and made sure that we had addresses for the folks that we were looking at and made sure that they were in concert with what we were particularly looking for.

Q. And what district does that person reside in?

A. I don't know the particular district, but I know that the district is within Dekalb County.

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GEORGIA STATE CONFERENCE OF THE)
NAACP, et al.,) Case No.
Plaintiffs,) 1:21-CV-5338-
v.) ELB-SCJ-SDG
STATE OF GEORGIA, et al.)
)
Defendants.)

COMMON CAUSE, et al.,)
Plaintiffs,) Case No.
v.) 1:22-CV-00090-
BRAD RAFFENSPERGER) ELB-SCJ-SDG
Defendant.)

The DEPOSITION of:

HELEN BUTLER

Being taken pursuant to stipulations herein:

Before Kathryn Taylor, CCR

FRIDAY, JANUARY 13, 2023

Commencing at 9:00 a.m.

All parties, including the court reporter, appeared by videoconference.

that right?

A. That's correct.

Q. Okay. What types of activities has the Peoples' Agenda had to divert resources from as a result of the redistricting maps?

A. Well, the Peoples' Agenda -- our goals and activities that we do are more than just our civic engagement where we do voter registration, voter education, mobilization, or election-protection work. We also do issue organizing around the criminal justice system, around education equity, around economic equity, and sometimes other issues with the Black Women's Roundtable around issues that impact women.

So we do a lot of things. You know, we had to assign -- and we have a very limited staff. And so we had to assign and prioritize the activities of our staff and volunteers that work with us to be able to accomplish a lot of things that were impacted by the redistricting. And that took our time and energies away from doing these other activities. For instance, we've been trying to get our citizen review boards adopted throughout the state.

So we were able to do those activities to get people engaged in the process. And we had to also try to prioritize our efforts that we normally do in a

1 people of their -- that will represent them based on
2 their issues and their community interests. So
3 therefore, that's why we had to allocate more time to
4 the redistricting process while still trying to do our
5 municipal elections at that time in 2021.
6 So a large portion of that, our time and
7 resources, were diverted to that. Doing the meetings,
8 developing materials, all of those things that we had
9 to do, that could have been spent on the other issues
10 that we do, like criminal justice, like education
11 equity, like improving our economic equity in the -- in
12 the state. So we could not do those effectively. We
13 had to devote more time to the redistricting process.
14 Q. Certainly. So I want to try to drill down a
15 little bit on the timeline of those activities. When
16 you were talking about engaging in the redistricting
17 process, are you referring to the time between when the
18 census information came out and the conclusion of the
19 special session, or in your mind, does the
20 redistricting process go beyond the special session?
21 A. Well, of course, in my mind, it starts with
22 the census in 2020 where we were working with getting
23 people engaged in the census and educating about the
24 census, how to do it, getting it filled out, getting
25 out people, making sure we had that. Then coming in

2021, where we knew that the laws -- where lines, rather, would be redrawn to determine who gets to represent us and who gets to decide on how much funds come to our organizations and to our communities.

So to me, the redistricting process also -- as a part of that, we've had to now help people understand what that process was. It wasn't very transparent. So we had to make sure people knew when, where, how to get engaged, how to provide testimony within those situations at the hearings.

Also, we're continuously still doing it. There are a lot of local maps that were redrawn, so it's now educating the voters about who their new representatives are, where the lines are, where the precincts are being changed to. Those kinds of activities are our ongoing part of the redistricting process.

Q. Okay. That's really helpful. Thank you. So trying to drill down again on timeline, what kind of activities has the Peoples' Agenda had to divert resources from after December 30th, 2021, when the governor signed the redistricting plans?

A. Again, it's a lot of trying to help educate, you know, not only with the redistricting plans, we had SB 202 that changed election procedures, so you had to

1 personal and to the organization, education is one of
2 our critical issues that we work on. So those -- we
3 could be doing other things around education. But
4 instead, we are having to talk about and do things to
5 help people understand their new district line-ups,
6 what that means to them, what -- based on the
7 representation that they now have.
8 So those are additional things. But while it
9 is still voter education, but it's a little more
10 different and intense than we normally would probably,
11 say -- have to do with regards to talking about
12 redistricting, moving polling locations, and that kind
13 of thing.
14 Q. Okay. Now, I know you have been involved
15 around the states and redistricting for probably
16 multiple redistricting cycles at this point; is that
17 right?
18 A. Since 20 -- 2000, yes.
19 Q. Okay. And is it -- in your experience, and
20 in the work of the Peoples' Agenda, is educating voters
21 about new district lines something that has to happen
22 after each redistricting cycle?
23 A. It's something that we have to educate people
24 about. But, again, based on the way the districts are
25 drawn helps determine how much time you have to spend

Q. Yes. And that's -- actually was going to be my next question. So you mentioned your coordinators have to set up these town hall meetings. Are those town hall meetings that would happen regardless of redistricting, but the topic has to be about redistricting?

A. No. They are not necessarily town halls that we would have with the -- these are specifically dedicated to the redistricting activities that we are doing, not necessarily that.

Q. Okay.

A. You know, we do -- and I do want to be clear, we do conduct town hall meetings sometimes, but we've been doing, more frequently, town halls with regards to redistricting to make sure, as I said, we reach the people so that they know who is representing them and how it impacts their communities.

Q. Okay. And then I had the same question. You mentioned the phone banking and the texting programs. Are those programs that the Peoples' Agenda engages in regardless of redistricting, but has to give a different message because of redistricting?

A. We engage in phone banking and texting as a part of our voter registration activities. But, again, the messaging has to be diverted to other things, not

1 going to ask: Unrelated to that, did the Peoples'
2 Agenda do any analysis of which House, Senate, and
3 Congressional districts its members live in either
4 before filing a lawsuit or after filing it?
5 A. I think that, again, is something we work
6 with our counsel on.
7 Q. Okay. Then that's totally fine. There also
8 is the name of one individual that was provided in the
9 discovery responses. And to make things easier, I
10 don't want to put that person's name on the transcript
11 of the deposition. But does the Peoples' Agenda know
12 what district for House, Senate, and Congress the
13 identified member lives in?
14 A. We know, yes.
15 Q. And what districts are those?
16 A. I didn't look at them to refresh my memory on
17 it -- the numbers, but I know he lives in Cobb County,
18 in the Cobb County districts.
19 Q. Okay.
20 A. The numbers change, so, you know . . .
21 Q. Yes. My district numbers change too. You
22 get used to that.
23 A. Uh-huh.
24 Q. All right. So next, let's go ahead and go to
25 the next topic, which is Topic Number 9, which is,

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GEORGIA STATE CONFERENCE OF THE)
NAACP, et al.,) Case No.
Plaintiffs,) 1:21-CV-5338-
v.) ELB-SCJ-SDG
STATE OF GEORGIA, et al.)
)
Defendants.)

_____

COMMON CAUSE, et al.,)
Plaintiffs,) Case No.
v.) 1:22-CV-00090-
BRAD RAFFENSPERGER) ELB-SCJ-SDG
Defendant.)

_____

The DEPOSITION of:
CYNTHIA BATTLES
Being taken pursuant to stipulations herein:
Before Kathryn Taylor, CCR
FRIDAY, JANUARY 13, 2023
Commencing at 11:25 a.m.
All parties, including the court reporter, appeared by videoconference.

different types of activities the Peoples' Agenda is engaged in? And I'm assuming, and I may be wrong about this, but that you have some knowledge of some of the specific things that you undertook during the redistricting process on behalf of the Peoples' Agenda? Am I right about that?

A. Yes, sir.

Q. So if you could walk me through, what are some of the activities and things you did differently with your time in light of the redistricting plans on behalf of the Peoples' Agenda?

A. So you have to understand that when I was hired, one of the specific things that Ms. Helen Butler had asked me to do was expand the work that we did in at least four of those other areas besides voting and elections. Because of the way that the redistricting process worked, I had to take -- I had to change my plan from how much time I planned to spend expanding those areas and working in those areas to focus almost fully on the redistricting process. Ms. Helen and I had several conversations about that because, obviously, it impacted my work performance given I had goals and a strategy.

So a few of the things that we did, because we were concerned about the fact that the public did

not have data, including census data or maps, proposed maps to look at, when we got the schedule for the joint committees' town halls, we planned a series of educational town halls that would precede those so that we could talk to citizens who attended and give them sort of an idea of what they could ask for, since they didn't have that information to look at. That was in June and July of 2021. So I spent a significant amount of time traveling and doing that.

And then, during special session, I testified a total of 10 times during that process. So I had -- had this process happen differently, I would not have spent that much time traveling, spent that much time training people. I certainly would not have testified 10 total times during special session.

So there was a significant amount of time and effort that was diverted from getting ready for special session, working on citizen review boards, doing things like educating folks about what a -- what the QBE is, and what an opportunity would change for public schools in Georgia. All of these things that we had planned, I didn't get to do those because of redistricting.

Q. I understood. So I want to kind of drill down a little bit on those. So at the time you were hired by the Peoples' Agenda, was there a conversation

on redistricting?
A. Yes, it was.
Q. Okay. When you testified -- I know you said you testified a total of 10 times, were you ever prevented from testifying by the committees?
A. No, I was not.
Q. So you worked through the special session. The special session finishes, and then governor signs the maps at the end of December 2021. Can you walk me through, after December 2021, what activities you were engaged in that were related to the redistricting plans?
A. I'm thinking you're only asking about congressional maps and the state maps, right? You're not -- we're not talking local redistricting?
Q. Oh, yes. That's a -- that's a great clarification, yes. So anything related to the House, Senate, and Congressional plans that you were undertaking, but not local redistricting.
A. So after that, there was a lot of making sure that people knew that their districts had changed, and kind of hoping that they got an idea of what their new districts looked like. We did a lot -- we did -- we did a "meet your new legislator" series, mostly via online so that people could have a chance to learn who

their new legislator was, that kind of thing. There was a lot of corrections because afterwards, when we had the primary, people didn't know what their new district was. I had a lot of situations where people were calling me going, Wait. I thought so and so was.

And I'm going to be honest, as engaged as I was in the process, I went to go vote and Park Cannon wasn't my representative anymore, so I was a little shocked.

So -- so that was kind of the thing with -- with the general public. There wasn't a great -- no shade to the Secretary of State, but -- or the governor, but there was not a way that, without our help, that people are being informed, these are your new legislators, this is your new district, that kind of thing. So we spent significant resources on doing that.

Q. Okay. And have you been involved in a voter education effort after our -- a decennial redistricting before?

A. No.

Q. Okay. Are there specific things that the Peoples' Agenda was doing that related to the -- what it says is the illegal nature of the maps in its interactions with voters after December 2021?

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA GEORGIA

GEORGIA STATE CONFERENCE)
OF THE NAACP, et al.,)
Plaintiffs,)
)Case No:
vs.)
)1:21-CV-5338-ELB-SCJ-SDG
)
STATE OF GEORGIA, et al.,)
Defendants.)
_____
COMMON CAUSE, et al.,)
Plaintiffs,)
)Case No:
vs.)
)1:22-CV-00090-ELB-SCJ-SDG
BRAD RAFFENSPERGER)
Defendant.)
_____

DEPOSITION OF
JOSEPH BAGLEY, PH.D.

February 28, 2023
10:04 a.m.

Taylor English Duma, LLP
1600 Parkwood Circle, SE
Suite 200
Atlanta, Georgia

Reported by: Marsi Koehl, CCR-B-2424

you have a large city like Savannah, Chatham, where there was no hearings held. So these were among the concerns that people had in that regard.

Q. Do you believe the committee should have held fewer hearings in rural Georgia and more hearings in Metropolitan Atlanta?

A. That was a concern expressed by people. Although, I don't know that they necessarily were critical of the hearings that were held in more rural areas just that they would have liked to have seen additional hearings within the Metro...

Q. And --

A. I'm sorry. For example, there's a guy who comes to mind that drove down to -- I don't know if it was the hearing held in the Macon area or another one that was in south Georgia somewhere and said, I just heard about this. I didn't hear about the two hearings at the capital. And he had come down from Stone Mountain, for example.

So, you know, for a guy like that, a hearing in DeKalb or even in southeast Gwinnett would have been preferable.

Q. And you referenced in response to my question what people were asking for.

In this section of your report, is it fair

to say you're reporting what people asked for instead of offering your own opinions about the process?

A. I am reporting what people have said in large part in this portion. Although, it's part of performing my own opinion in the broader report.

And so when I see a chorus of views or a view to me that continues throughout this process even after maps are published and that dovetails with the other pieces of the report, then that rises to me to a level of significance.

Q. So would it be fair to say that Section 5 of your report, you're not offering opinions, but you're explaining the parts of the process that helped form your opinions in the case?

A. That's fair.

Q. Next paragraph on 42, you reference the public's concerns regarding the nature of the town hall hearings. And then as a hyphen, they're being held before data and maps were published and the input only format constitute procedural departures from, if not past practice, then certainly from the mass of the public -- what the mass of the public viewed as best practices and good governance; right?

A. Yes.

Q. And we discussed, since the town hall format

Q. And you say that he shared his view -- at the end of that paragraph -- that the assembly had backed off of this effort in 2017 because of a federal lawsuit.

That's not correct; is it?

A. That was the suite that we discussed earlier that was dismissed.

Q. And so Mr. Lawler's view that the General Assembly changed its effort in 2017 because of that lawsuit aren't accurate; right?

A. Not exactly.

Q. Okay. How are they accurate?

A. In that he's pointing out that there was a challenge made to the districting in Henry in 2015.

Q. Is that the only accurate piece about his view of the motivation of the General Assembly?

A. That's the penultimate sentence. Yes.

Q. Now you, obviously, through here have selected several different speakers that spoke at this hearing.

You didn't summarize every single individual who testified at the hearing; right?

A. Not every single one. Although, I think I came relatively close.

Q. Did you use a particular methodology to

1 determine whose comments you'd report and whose
2 comments you wouldn't?
3 A. I tried to focus on those individuals whose
4 commentary was reflective of the massive commentary.
5 Although, I certainly didn't leave out individuals
6 with different views and tried to be as exhaustive as
7 possible.
8 Q. Do you include comments from individuals who
9 supported the redistricting process?
10 A. There really weren't hardly any of those
11 individuals, but I did not exclude anyone on that
12 basis.
13 Q. And in this section about the Atlanta
14 hearing, you're not offering any opinions. You're
15 just summarizing what happened at the hearing.
16 Is that fair?
17 A. This would come back to what we talked about
18 earlier in that I'm summarizing this information, but
19 it, as a whole, informs my opinion.
20 Q. So that would be true of all the summaries
21 of the public hearings up through the end of this
22 section of your report on page 56 --
23 A. Yes.
24 Q. -- correct?
25 You're aware that Chairman Rich urged all

Phi Alpha Fraternity is also a plaintiff in the redistricting lawsuits against the State; right?

A. Correct.

Q. So let's move to Section No. 6: Sequence of events, the legislative history.

And you indicate that you have reviewed the public legislative history. Can you tell me what you looked at to review the public legislative history?

A. The General Assembly has videoed these committee hearings published online.

Q. And did you review the timeline of introduction of bills to the conclusion of the bills?

A. The timeline? Could you be more specific?

Q. So did you review publicly available information about when bills were introduced, when votes were taken and when they were sent to the governor?

A. I believe so.

Q. And so in this section you say you were able to review pleas and concerns that reflect what the public and certain members of the Assembly had already expressed in the committee meetings and town halls.

In this section of your report, are you also reporting your review of what happened or are you

offering opinions about the process?
A. Similarly to before, this is a review of the process that itself informs my broader opinion.
Q. In this section, specifically, you're just reporting your view of the process, not offering any opinions; right?
A. Again, it informs my opinion, but yes.
Q. Moving to the paragraph after the bulleted list on page 57, you say: Ignoring the calls for transparency and time constitutes a substantive departure insofar as the committee claims to be deeply concerned with obtaining public input. And these are the top -- top two concerns and they favored a different decision than the one ultimately made to ignore that input.
Do you see that?
A. I do.
Q. And when you're saying that the committee ignored the calls and that was a substantive departure, you're not saying it was a departure from the process used in prior redistricting in Georgia; right?
A. No. I'm saying that the committee in its own guidelines insist that it's deeply concerned with obtaining public input and then turns around and, in

using the 2001 process is both a procedural and substantive departure, what do you mean by a procedural and substantive departure?

A. So, substantively, there's, again, nothing in the guidelines that would con- -- again, constrain the committee or the assembly to strictly fashion its behavior based upon previous cycles, which is a procedural issue, as well, of course.

Q. But you'd agree that the 2001, 2011 and 2021 processes were all procedurally similar; right?

A. In major elements of the process, yes.

Q. And were they substantively similar across those three cycles, as well?

A. Yes. So when I say substantively and procedurally, it's not necessarily in comparison to previous cycles.

Q. So a departure isn't a departure from previous cycles; right?

A. Not necessarily, right.

Q. What is it a departure from?

A. It's a departure from what the committee itself purports to be holding itself to, which is to receive and act upon public input and not necessarily to be bound by the strictures of previous cycles.

Q. So let's work through process here.

A. Yes.
Q. And then, ultimately, the vote on page 84 was a party line vote as well; right?
A. That's right.
Q. So it looks to me this is the end of the section on the Arlington Heights analysis because we're moving into Senate Factor 6 on the next page; is that right?
A. Correct.
Q. So what opinions are you offering about Arlington Heights in light of what we've discussed in these prior pages in Sections, I guess, 3 through 6?
A. So that constitutes a review of the process under Arlington Heights. And as I point out in the beginning of that section, it shows to me significant departures in terms of having this flurry of input before and after the maps are published that does not seem to have that addressed.
And so if the committee says they are very concerned with taking in public input -- which they did take in public input at numerous times -- then you would tend to see then, them acting upon that. And to me, you really don't see that with the process.
Q. So are you opining that the specific

sequence of events leading up to the passage of the plans was a departure from the normal procedural sequence used for redistricting in Georgia?

A. I'm not undertaking a systematic comparison of it compared to 2001 or 2010. To me a departure from what you would -- what would be considered substantively, procedurally normal would be taking in public comment. A mass of it weighs one way. And if you were generally concerned with acting upon that, then you would. So in this case, I don't see that that is -- that is what we have.

Q. So the departures in -- that you're referencing in your opinions in this report, reference departures from what the public commentary requested; is that right?

A. That is a large portion of it. Yes.

Q. What is the other portion that's not part of that?

A. Again, if you go back to the beginning of that section, we're talking about this being -- these are not concerns that have come out of nowhere; right? And so these concerns are relevant to me to the history that proceeded this section; right?

And so it's not in and of it departures from what the public would like to see. It's departures

from what the public would like to see in the context of the public having these same concerns in previous decades and not just the last two and specifically members of the public who are people of color.

Q. Is there a connection between the historical account that you gave in Section 3 and Section 4 of your report with the conclusions you're drawing about the redistricting process in 2021?

A. That's kind of what it was just speaking to. Again, these are not concerns that people are bringing up out of the blue that have never been concerns before that have no historical precedence. I think they are speaking to concerns with deep historical roots that you can see in the first section of the report.

Q. You're aware that Georgia in recent history is regularly sued about various voting practices it undertakes; right?

A. Of course.

Q. And you're aware that when this special session occurred in 2021, that there were already multiple lawsuits pending against the State related to Senate Bill 202; right?

A. Yes.

Q. And there was an upcoming trial in the Fair

population growth. Are you aware that the maps added majority black and minority opportunity districts?

A. I'm aware that that number went up.

Q. So --

A. I think a lot of people wanted to see that accounted for, you know, in certain areas in terms of creation of still more of those kinds of districts or of majority minority districts.

Q. And you say the maps, packing and cracking black and other minority voters in order to protect Republican incumbents.

What districts did that packing and cracking to protect Republican incumbents occur in?

A. So this is -- I'm presenting to the Court the sum total of the significant public outcry, I didn't go do a systematic analysis like a political scientist would on the maps after they were passed.

THE VIDEOGRAPHER: Sorry, you were covering your mic.

THE REPORTER: If you don't mind repeating your answer in this direction, too.

THE WITNESS: So I didn't undertake a systematic analysis as a political scientist would of the maps after they were published.

EXHIBIT F

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GEORGIA STATE CONFERENCE OF THE NAACP; GEORGIA COALITION FOR THE PEOPLE'S AGENDA, INC.; GALEO LATINO COMMUNITY DEVELOPMENT FUND, INC.,

Plaintiffs,

vs.

STATE OF GEORGIA; BRIAN KEMP, in his official capacity as the Governor of the State of Georgia; BRAD RAFFENSPERGER, in his official capacity as the Secretary of State of Georgia,

Defendants.

CIVIL ACTION NO. 1:21-CV-5338-ELB-SCJ-SDG

VIDEOTAPED DEPOSITION OF ROBERT (ROB) STRANGIA
APPEARING REMOTE FROM
ATLANTA, GEORGIA
FEBRUARY 24, 2023
11:01 A.M. EASTERN

Reported Remotely By:
Judith L. Leitz Moran,
RPR, RSA, CCR-B-2312
APPEARING REMOTELY

Gina Wright and Brian Knight titled Job Responsibilities, right?

A Yes.

Q And you sent that on Wednesday, April 28th, 2021?

A Yes.

Q And do you see the middle paragraph here that states "My GIS" -- starts with "My GIS Database Administration"?

A Yes.

Q You see the sentence -- you say: "much of this, especially the building and merging of our Election Database with Census Data, would be extremely difficult to teach to anyone."

Do you see that?

A Yes.

Q When you say the building and merging of our election database with census data, what -- what do you mean by that?

A So we get election data from the Secretary of State at the precinct level or for precinct layer of geography. So we're consistent here.

And it -- what's called -- through Maptitude can allocate election and registration

data to blocks based on the voting age population of those blocks.

So it's an estimate, it's not -- it's -- you know, it's not -- you know, it's not true data, it's just -- it's just an estimate.

Q So -- so how does -- how does -- how does the allocation work?

A Okay. So you have the precinct, which is not a census unit of geography, but you can only build legislative districts by using census geography.

And the -- keep in mind that election results are captured by precinct level. So a precinct can have -- you know, you can have a dozen blocks in it.

Q Uh-huh.

A So with the blocks you would have no way of knowing, any of those blocks, you would have no way of knowing the registration data or election results for any of those blocks in there because the data was not collected at those.

So at the process in Maptitude and I think it might have been referring to with formula, it's more of a process.

But when it's allocated through Maptitude

EXHIBIT G

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

GEORGIA STATE CONFERENCE OF NAACP, et al.,	)	No. 1:21-CV-5338-ELB-SCJ-SDG
Plaintiff,	)	
vs.	)	
STATE OF GEORGIA, et al.,	)	
Defendant.	)	

VIDEOTAPED 30(b)(6) and 30(b)(1) DEPOSITION OF
LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT OFFICE
(MS. GINA WRIGHT)
January 26, 2023
9:17 a.m.
18 Capitol Square SW
Atlanta, Georgia

Reported by: Marcella Daughtry, RPR, RMR
CA CSR 14315
GA No. 6595-1471-3597-5424

Q Did you talk to Mr. Dan O'Connor about drawing the State Senate map?
A No.
Q Did he help you in any way with drawing the State Senate map?
A No.
Q Was he involved in any way in drawing the State Senate map?
A No.
Q The same question with Mr. Knight. Was he involved in any way with drawing the State Senate map?
A No.
Q How about Mr. Rob Strangia?
A No.
Q He wasn't involved in any way with drawing the State Senate map?
A No.
Q Mr. Strangia is the GIS specialist in your office?
A He is the GIS manager, yes.
Q And did you use Maptitude to draw the State Senate map?
A Yes.
Q So if he's the GIS manager -- does Maptitude use GIS technology?

State House map?

A He did meet with some members, yes.

Q Was Mr. O'Connor involved at all in drawing the State House map?

A No.

Q Did you ever communicate with him about drawing the State House map?

A No.

Q Did he ever reflect any opinions to you about drawing the State House map?

A No.

Q Are you aware of him ever talking to anyone about the State House map?

A I'm sure he talked to people after it was made public, but...

Q How about before it was made public?

A No.

Q I understand that Mr. Strangia was involved in the preparation of the data and the layers for the State House map.

A For all of them.

Q Right. Was he involved in the drawing of the State House map at all?

A No.

Q Was Mr. Tyson's role the same with regards to

Q And then I should be clear. When I asked that question of Mr. Knight, it's for all three maps.

A Right. No.

Q The same question with Mr. O'Connor. Did you talk about any data or information related to any of the maps?

A No.

Q Would it be fair to say that Mr. Knight and Mr. O'Connor were not involved in any way at all with the three maps?

A Mr. Knight met with some members on the House map, is the only one that he worked with some folks on after the draft I think had come out or during the work development of it, but that's the only time that any -- either of them had any working with it.

Q You said that Mr. Strangia in your office provided the layers for the map?

A In part. He works on some of that, yes.

Q And so he was in part involved with drawing --

A No.

Q -- the three maps?

You would not consider that --

A Not at all.

Q All right. Fair enough.

Was there anyone else in your office who was

A When it started.
Q Before the Census data came out?
A I -- I feel as though I was planning to do that if I was able to, dependent upon -- of course, Mr. Knight had to help with part of that map, the meeting with some members, because I was in a meeting on the Senate side at the same time. So it was my intent to try and do all of it to my abilities, within my abilities.
Q And why did you make that choice?
A Because I'm the director of the office. I have the most experience and that is my job.
Q Mr. Knight and Mr. O'Connor have worked at the office for some time, right?
A Yes.
Q And they have drawn maps before as well?
A Mr. Knight has.
Q Mr. O'Connor has never drawn a map?
A He does not do map drawing. That's not his work.
Q What is Mr. O'Connor's role within the office?
A He is a data -- redistricting data specialist.
(Court reporter clarification.)
Q BY MR. CANTER: And what does that mean?
A He likes looking at numbers and reports and historical trends and population figures, and he provides

screen during this conversation?

A Yes.

Q Was demo -- demographic data reflected on the screen as well?

A Yes. There would have been demographic, as well as political. I'm not sure how clearly they could see that from where they were and the way that it was projected, because I wasn't there with them, but it would have been on the screen for -- while we were doing it.

Q Do you know if there was data reflecting the race of citizens in the different districts on the screen? Was it racial data --

A What do you mean?

Q Yeah, was it racial data reflected on the screen?

A Yes.

Q Yeah, it doesn't mean you had demographic, yeah.

A Racial data, as well as political data.

Q I'm sorry. I might have misheard you.

A Yes.

Q Thank you for that confirmation.

Did you literally make the change to Dawson during that meeting?

A Yes.

Mr. O'Connor, and Mr. Strangia in your office.

A Uh-huh.

Q Am I missing anyone in your office?

A Yes.

Q Whom?

A So we have an office manager, Tonya Cooper. We have two new staff members that work on local redistricting, Maggie Wigton -- that's W-i-g-t-o-n -- and Gabe Mesriah, M-e-s-r-i-a-h. And that's all.

Q You've testified that Mr. Knight and Mr. O'Connor and Mr. Strangia were not involved in drawing the statewide maps. Is it also the case that Ms. Cooper, Ms. Wigton, and Mr. Mesriah were not involved in drawing the three statewide maps?

A Correct, they were not involved in it.

Q Would you say that in any way were they involved in drawing the maps? Let me rephrase. Sorry.

Was there anything different about how Ms. Cooper sort of was involved with the statewide map drawing process than how Mr. Knight and Mr. O'Connor were?

A None of my staff were involved in the statewide map drawing process.

Q So you didn't benefit from the roles and opportunities of your office manager in preparing the

A Traditionally, we renumber the House plan following finalizing a map. And it follows a pattern from the top left, moving towards the bottom right, trying to, number one, if I can maintain the same district numbers that were there previously, that does help with a lot of things in the counties for the elections, and also for the members. But I renumber to try and keep delegations in similar numbering patterns and things like that as it moves through. It's not a perfect science, but that is traditionally what we do in the House.

Q So is it unusual for House District numbers to change for Georgia voters following a Census and a redraw of the maps?

A No, that's not unusual.

Q You talked to Mr. Canter a little bit about the political data that you had available and the process of, I guess, disaggregating or imputing that data to blocks.

Do you recall that?

A Yes.

Q And so is it correct then that if you were looking at Census block data, each Census block has political data in it even though it's an estimate, right?

A Right. As you move blocks, you would see a change in not just demographic data but also in political

data as you move those blocks.

Q And when drawing the maps, you talked about different meetings with groups. Let's start with the -- the Senate groups that you met with. Was the political data for each district an important consideration for the members when they were drawing the maps?

A Yes.

Q And for the House maps, was that also -- was political data also an important consideration?

A Yes.

Q And for the congressional maps in that leadership meeting, was political data an important consideration?

A Yes.

Q Mr. Canter talked with you about the -- the different factors of redistricting that the committee adopted.

Do you recall that?

A Yes.

Q Can you just describe briefly, as a map drawer, how do you go about trying to balance -- because I'm assuming there is a competing interest between a lot of those different factors. How do you go about approaching balancing those different factors?

A It's very difficult, and in certain situations

you may have to give on one factor to accommodate another factor. For instance, maybe population requires that I have to divide a county because I can't fit this entire county into this district as it is, and the -- and the district nearby needs additional population. So although I would prefer to keep that county whole and intact, I might have to divide it so that the population is balanced between the two.

But it is a give and take. There is not a specific method or rhyme or reason as to how you choose what takes precedence in any given situation. And sometimes that's driven by what the legislator is asking for.

Q And so it becomes, at some level, a policy decision of which one the legislator wants to prioritize in that situation?

A Yes, it can.

Q Mr. Canter talked with you about using the different racial data available to you, and Maptitude will allow you to color a district by the racial makeup of the population; is that right?

A Can you say that one more time?

Q Yeah. Let me ask it this way.

Does Maptitude allow you to color different parts of the district by the racial makeup of the

population in that area?

A You could create a theme that would do that, I think using the data, whatever field you selected, and -- and setting a theme that way, yes, you could.

Q In drawing the House, Senate, and Congressional plans, did you ever use a theme of racial coloring on a map?

A No, I did not.

Q We talked a little bit, too, about discussions with the House Democratic Caucus. Did you meet with members of the Democratic party and work on redistricting maps for members of the Democratic party in the 2021 cycle?

A Yes.

Q And so those legislators had equal access to your office if they wanted to come in and draw a map?

A Yes.

Q And do you recall ever receiving a request from the House or Senate Democratic Caucus that your office was not -- did not respond to and provide information in response to?

A Are you asking -- can you say that one more time?

Q Sure. So you mentioned Shalamar -- and I'm forgetting her last name.

EXHIBIT H

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GEORGIA STATE CONFERENCE OF THE NAACP, et al.

Plaintiffs,

vs.

STATE OF GEORGIA, et al,

Defendants.

Case No. 1:21-CV-5338
ELB-SCG-SDG

STATE OF GEORGIA, et al.,

Plaintiffs,

vs.

BRAD RAFFENSPERGER,

Defendant.

Case No. 1:22-CV-00090
ELB-SCJ-SDG

Deposition of Moon Duchin, PhD
(Signature is reserved.)
February 27, 2023
1:07 p.m.

Remote via Zoom technology

Reported by: Carla J. Hopson, RPR, CCR-1816

by a simply majority on the statewide basis in Georgia. Is that right?

A Yes.

Q And Georgia as a whole is about 33 percent or a little bit more in its black population as a percentage of the total population; is that right?

A Well, I address that in Table 1. So in total population 33 -- yes, just over 33 percent black.

Q And when you reference candidates preferred by Black and Latino voters being elected by a simple majority on a statewide basis, you're referencing the success of Democratic candidates in recent elections statewide in Georgia, right?

A Not the blanket success of all Democrats, but particularly Democrats widely thought to be preferred by black and Latino voters.

Q And when you say candidates widely thought to be preferred by black and Latino voters, what do you mean by that?

A Well, to be clear, we discussed earlier the first Gingles condition. There's also a 2nd and 3rd Gingles factor while relate to racially polarized voting. And in this case plaintiffs have

a different expert who is doing their Gingles 2 and 3 work.

I did not include the measurement of racial polarization in my work for this case. But I've been made aware generally of the findings by counsel. And I am under the impression that no one contents in general the polarization in Georgia.

Q And it is also your understanding no one contests in general which candidates are preferred statewide by black and Latino voters?

A Well, there might be, especially in down ballot races, some where it's less obvious. But I think for the very high profile races it's -- it's well known that, for instance, you know, Warnock was a candidate of choice for black and Latino voters in Georgia.

Q Then you talk about the enactive plans as conspicuously uncompetitive. Do you see that?

A Yes.

Q What do you mean by conspicuously uncompetitive?

A Well, I mean, that I've studied and written about quite a few states, and I've actually never seen one as competitively drawn as Georgia. I've never seen another.

bit easier.

And I'll represent to you that this is -- I can't share my screen, so if you could open Exhibit 3. And I'll represent to you this is a document downloaded from the Legislative and Congressional and Reapportionment Office, Ms. Wright's office, involving total population deviations when the 2020 census was applied to the prior -- the benchmark Congressional plan.

(Court reporter instruction.)

A Also, I have it on my screen now.

Q Okay. So in looking at this chart, you'd agree that Districts 14 was under by more than 36,000 people from what it needed to be the ideal population size; right?

A Well, okay. Hang on a second. Let me just --

Q And we just -- I'm sorry.

A Well, let me just review the chart for a second so I have an idea of what I'm looking at.

Q Certainly.

A Okay. So let me tell you what I think I'm seeing, just -- I just want to make sure we're on the same page.

Q Uh-hmm.

A So the 765,136 is the ideal value after the 2020 census, and this is showing the 2020 total population of each and how different it is from that ideal.

Now, this is showing District 6 to be only 700 people off from the ideal. So I'm totally sure that I was getting the exact same numbers, which I should double check if we -- if we're going to care about the precise numbers I double check this against mine.

But just accepting as presented these numbers here, I'm now happy to answer questions abotu the chart.

Q Okay. And I just want to just check off a couple of pieces on the chart.

A Yes.

Q And so this chart, Exhibit 3, shows that Congressional District is underpopulated by over 36,000 people from the idea size for the 2020 census, right?

A Yes, that is what the chart seems to say, if I'm understanding.

Q And District 7 is over populated by more than 94,000 people from the ideal district size according to this chart; right?

A That's right. It's the most overpopulated on this chart.

Q And 14 -- well, and District 11 as well was also overpopulated by more than 37,000 people, right?

A Okay.

Q And those are districts that all -- at least in part touch District 6, is that right?

A Let's see. What was the list again? 14, 11 -- I just want to make sure I'm --

Q And 7.

A Yes, that sounds right. I'm trying to -- I'll just flip back to my map.

14, yes. So that doesn't touch 6, right?

Q 14 does not touch 6. It touches 6, yes. There's -- I'm sorry. 14 is on your chart here, but it doesn't touch District 6, you're correct.

A Right. I mean, it does in my alternative map, but not in the enacted plan, the benchmark plan, or the Duncan-Kennedy plan.

Q And so you'd expect that there would be changes to all the districts. You're just pointing out -- when you're pointing out this closeness of District 6 to the ideal district size, that's not

1 looking at anything else in context, right?
2 A That's right. It's merely saying that
3 if -- that one could conclude from that merely that
4 if core retention were the top of mind
5 consideration, only very small changes would have to
6 be made. But of course we all fully recognize that
7 there are many other considerations in play.
8 Q And on District -- I'm sorry. On Page
9 68 you're discussing this -- back to Exhibit 1.
10 You're discussing the transfers that took place
11 here.
12 A Once again, what page are we on?
13 Q I'm sorry. Back on Exhibit 1, your main
14 report, Page 68.
15 A Yes. Okay. I'm there.
16 Q Okay. And so you note that there were
17 swaps or transfers of more urban, more black and
18 Hispanic neighborhood out of CD 6 while bringing in
19 whiter suburban areas; right?
20 A Correct.
21 Q And you say at the end of that
22 paragraph, "This transition looks to be plainly
23 dilutive of voting power."
24 What about the transition is plainly
25 dilutive of voting power?

A The fact that the district has become out of reach for the preferred candidates of black and Latino voters through racially distinctive swaps of population.

Q And so the dilution of voting power you're referring is of black and Latino voters because they were previously able to elect a candidate of choice in District 6 and now are unable to do so?

A That's right. Also, though, let's -- if I could read the full sentence. There's a little bit more here. So it says, "Since CD 6 --"

Q Go ahead.

A Thank you. "Since CD 6 was a performing district for the coalition of black and Latino voters before its transformation and none of the transfers improves representational prospects in non-performing districts, those things taken together, that's what tells me that this transition looks to be plainly dilutive of voting power."

So just to be perfectly clear, I'm taking one more thing into account besides the fact that racially distinctive population swaps happened and a performing district was put out of reach. Those are important facts.

But equally because nothing changes in a vacuum, if you change a district you change its neighbors. And I also considered whether any of those swaps improved the prospects in the neighboring districts, and they do not.

So taken together, that's what supports the conclusion that this transition looks to be plainly dilutive.

Q And how do you rule out that the transition could be plainly political in terms of the goals of the map drawers?

A I don't need to rule it out to conclude that it's dilutive, right? It could be both political and dilutive.

Q Moving next into the changes made in CD 14 into Cobb County.

A Yes.

Q And you say that -- I'm going to point here. In that -- in the next paragraph after what we were just looking at, you say Figure 31 makes it clear that the movement of these areas of Cobb into the district can't be justified in terms of compactness or respect for urban/rural communities of interest."

How does Figure 31 illustrate that to be

shifts.

Q And how did you go about doing the -- garnering the information about, for example, Senator, now Representative Au or Senator Islam?

A Let's see. So I think I -- one thing that I had encountered is a list of who -- I'm actually not sure how to pronounce it. Galeo or Galeo had -- had endorsed in the elections. So I got -- you know, I really used sort of every means at my disposal to try to figure out who were the candidates aligned with the grass roots organization representing black and Latino voters.

So the -- this endorsement is a matter of public record. Other than that, I mean, I'm sure I looked at PDM many times to try to figure out what I could about the reelection records. But I didn't use any other non-publicly available resources.

Q And do you consider racially imbalanced population transfers in and out of a district as evidence of racial predominance in the consideration of a district map?

A I would call it suggestive evidence, not conclusive evidence, but suggestive evidence.

Q Do you think a racially imbalanced population shift is suggestive of a racial goal of a

map drawer?

A Well, I would say consistent with. It really depends. This the kind of assessment for which you want to try to use many different kinds of information together.

So there's no -- unlike, say, my effectiveness determination, which I described at length and which became just a yes or no, effective or not effective label. There is no official label in play here. It's -- it's just a matter of assembling as much evidence as I can. That's how I think about it.

Q And in this report you assembled as much evidence as you could about the racial considerations in the drawing of these maps; is that right?

A I tried to be -- I tried to be comprehensive. I mean, as you know, it's a big state with a lot of districts, a lot of counties. And so I'm sure if I had another few months I could have maybe found some other quantitative approaches.

But this -- this reflects an effort to be quite comprehensive in my analysis.

Q And so are you offering the opinion in this section of your report that race predominated

in the creation of District 56, 48, and 17 -- and 7? I'm sorry.

A You mean predominated over TDPs?

Q Yes.

A Am I offering that opinion? I don't think there's a place where I say something like that quite that way. But I do think I'm presenting evidence that shows that decisions with a marked racial character were made in ways that made traditional principles worse.

And so, yes, I think it's reasonable to conclude that race predominates -- that race-inflected decision making predominated over TDPs, yes.

Q And are you reaching that conclusion for the Congressional Districts 14 and 6 as well?

A That racially-distinctive decisions predominated over TDPs? Sure. I'm comfortable saying that.

Q Even though you're making that statement about Congressional District 6 and 14 and Senate 56, 48, 17, you still can't rule out a political goal that just had a racial impact; right?

A But it's not just a political goal, the racial impact. It's, as I've said a number of

1 times, it's a political goal achieved through racial
2 -- racially-distinctive decisions or the use of race
3 data or the operationalization of race.
4 So I would distinguish that somewhat
5 from mere unintended impacts. I see evidence of the
6 use of race to achieve partisan goals.
7 Q And part of the evidence of that is
8 noted in Appendix C of your report; right?
9 A I think Appendix C is included because
10 it supports that --
11 Well, it's not included because it
12 supports that. It's included because I've tried to
13 be as comprehensive as I can about all aspects of
14 the relevant data. But I do also think that it is
15 -- it fits with that general narrative and helps me
16 arrive at that conclusion.
17 Q If the examples you've given of racially
18 imbalanced population transfers also on Appendix C
19 showed politically imbalance population transfers,
20 you'd expect to see that, right?
21 A I'm sorry. Which part are you asking if
22 I would expect?
23 Q You would expect to see racial imbalance
24 -- racially imbalanced population transfers matching
25 with politically imbalanced population transfers;

And so in looking at -- let me find -- on Page 71 in Figure 33 there's some references to the changes in various districts that you have on Table 40.

A Yes.

Q And you say that the images make it clear that the shifts are not explained by traditional districting principles like compactness or respect for county lines. You see that, right?

A I'm looking for that.

Q That's the description for Figure 33 on Page 71.

A Yes, I see that.

Q And you don't know if these changes were the result of incumbent requests in those districts to be redrawn that way, right?

A Oh, no. Certainly not. I would have no way of knowing that.

Q And you don't know -- you didn't look at the communities of interest that were kind of apart from the public comments, so you're not aware of specific communities of interest that might explain the reconfiguration of these districts, right?

A My knowledge of communities of interest really should be understood to be limited to what I

could learn from that record.

Q And so the same question as to the Senate districts that we talked about. Are you saying that the districts listed in Table 40 on Page 71 were drawn primarily based on race to the detriment of traditional districting principles?

A Well, again, I -- I would probably stop short of using a word like "primarily," but I would say they were drawn in a quite racially-distinctive way.

And I think what I mean for you to -- for readers to draw from these figures is we can see they have more countries reversals than they used to have, they're less compact looking than they used to be.

And so I'm not seeing at least that level any possible TP justification, although certainly, as you say, there could be others that aren't on the record.

Q And did you review precinct shapes as part of your analysis of traditional districting principles for these districts?

A I definitely do take that into account where I can, yes.

Q And my question was specifically, did

table of all precinct splits in the report. But it's in the -- my analysis of precinct splits in this exact way was provided in the backup materials that I handed over.

Q So it's not included in your report, just the backup materials, right?

A Right. I think, for example, under House splitting the table runs to 700 lines. So it would have been hard to include it in the report in a very readable way. But it definitely is available to you in the backup materials.

Q So looking on Page 101, Appendix C. This is the Bibb County that you call a race -- minutely racial conscious decision between District 2 and District 8.

You'd agree that the portion of District 2 from Bibb County that is -- I'm sorry. The portion of Bibb County in District 2 went 71 percent and a little bit more for President Biden and the portion of Bibb County in District 8 went almost 54 percent for President Trump; right?

A Yes, that's -- I had to do the subtraction on the fly there. But, yes, that's right.

Q And so how did you rule out --

split. And if you're trying to kind of be even handed in an area like this, you might choose to split a precinct to reduce this heavy disparity in racial demographics across the boundary.

And that hasn't been done here. So whether by sorting which precinct goes where or by deciding to split and not to split, that's the -- the sort of combined effect of those decisions is a heavily race sorted boundary.

Q I guess what I'm trying to understand is how you're concluding it's a heavily race sorted boundary, race conscious decision making when it's consistent with putting Republicans -- more Republican population into a Republican district and more Democratic population into a Democratic district.

A Sure. I never deny the presence of partisan motives. So that is -- I'll concede that throughout, including there. And so again, the question: Was race used to accomplish that? Or at least that's one question you could ask. It's not the only question you could ask, but it's a question that was on my mind as I was analyzing this.

Q Well, and I'm not trying to -- I really do want to understand the distinction here because

you're calling these race conscious decisions.
A Yes.
Q Why are you not calling them politically conscious decisions? How are you distinguishing one from the other on Figure 34 in the split in Bibb County?
A Okay. So to be clear, I think -- I've said this a few times, but I don't find those to be mutually exclusive. It can be both a partisan conscious and a race conscious decision. And in fact, if the ultimate conclusion is that race was used to achieve partisan goals, then you will find them both co-occurring.
Q And so you'd agree that partisanship and race, at least in terms of the splits in the counties that you're discussing here are co-occurring in each of these examples you've given? We can look at the others, but ...
A Well, what I don't have in front of me right now, although we can try to cross-reference if it's helpful. I don't have at the precinct level the race and the party makeup according to the elections. I picked -- as you can see throughout Appendix C, I chose the Biden election and one of the Abrams elections as ones to present. But I have

mean that very sincerely. You can achieve things that look really conspicuous must by chance. But here I find that, you know, the indicia of racial sorting are quite strong. And so generally that's suggestive of the use of race at least as a proxy.

Q So are you offering the opinion in this report, looking at Page 72, that race predominated over other traditional districting principles in the splits in the Congressional map of Cobb, Fayette, Fulton, Douglas, Newton, Gwinnett, Muscogee and Bibb Counties?

A Well, I made a slightly more qualified determination here the way I wrote it, which is to say that I see patterns consistent with a packing and cracking strategy.

Q But you're not saying there was a packing and cracking strategy. You're just saying the data are consistent with that kind of strategy?

A Well, that's right. I -- I try not to overstate the kinds of conclusions that can be drawn from these kinds of methods.

Q In turning to the precinct split analysis, which is our next section, you reference the -- and so in looking at these -- and I saw you've given seven precincts as examples of split

precincts. Did you do --
A That's right.
Q -- this kind of analysis for any other precincts on the Congressional plan?
A Yes, and that's -- that's what I referenced just a little bit ago as being contained in full in the backup material. So you can see the complete record of which precincts are split and the stats for the splits.
Note that as I referenced before, these won't -- we won't be able to look at race versus party in these precinct splits. It's really race only because you cannot break down party preference based on cast votes below the precinct level.
Q And just -- and I understand you have that in the backup materials. But just so we're clear, in the written portion of your report, your expert reporter, you've only discussed seven precinct splits in the Congressional plan; right?
A I think that's correct. Let me just tour through the section.
Yes, just these seven.
Q Okay. And do you know if Marietta 5A, Marietta 6A, and Sewill Mill 03 are contiguous precincts or have noncontiguous portions?

A Well, let's see. CD 6 and 11. I don't -- let's see. They might be contained in the figures in Appendix C.

Let me take a quick look. But otherwise, from memory I wouldn't be able to say. I don't think those are in the figures. So I can't say from memory.

Q Okay. I didn't see them either, so that's -- that's --

A Okay. We agree.

Q And in Table 42 you use kind of the same language we just said. There's a showing of significant racial disparity consistent with an effort to diminish the electoral effectiveness of CD 6 for black voters.

You're not saying that was the effort. You're just saying the evidence is consistent with that kind of effort, right?

A That's right. I've made an effort to be disciplined about the language.

Q When you reviewed -- the next page over there's kind of a District CD 4 and 10 precinct split with the boundaries.

A Yes.

Q Did you look to see if there were other

geographic features, like highways or other areas along which those boundaries were split?

A That is something I generally do look for. I can't tell you with confidence, you know, in realtime whether I looked at that for these particular splits. But that is generally something I do consider.

Q Next you look at the state Senates. And we have similar -- a similar kind of county precinct sequence. And you being with the county splits. And you note there is significant racial disparities between the splits in Fulton, Gwinnett, DeKalb, Cobb, Bibb, Chatham, Douglas and Houston and Newton, Clarke, Hall, Muscogee, Fayette and Richmond Counties.

You're not saying that these -- you're saying, like the Congressional plan, that these are splits consistent with a racial goal, not that it was definitely a racial goal in those splits, right?

A Right. I would never try to claim that I can definitely conclude anything about goals.

Q And you also say that numerous counties were split into unnecessarily many pieces, again, in that district than necessary. You're just referring to that if it was done and there could have been a

for taking seriously all that testimony. So as you said a moment ago, many opportunities were provided. But I don't see any indication that it was used to inform the choices that were made.

Now, again, that doesn't mean I can be certain that it wasn't used. But there's no public record of how it was used. If there had been, I would have been happy to follow the method.

Q And in looking at this section of your report, are you offering any opinions about the public comment or is it just kind of you -- you created this keyword summary of it and pointed out various things that people said from different areas?

A So I did -- I did some keyword searching, but I also attempted to read it through in full. I mean, and there's so much of it that I think you could probably better call that an overall skim and then a keyword search.

But your question is am I characterizing that testimony beyond what's presented here?

Q Right. Well, my -- the question is -- I'm sorry. My question is for this section, Section 10.3, the only opinion I saw in this section was that the changes to CD 6 and CD 14 lack

justification by community of interest reasoning. Is that correct that that's the only opinion in this section?

A That's the only opinion as such. But there are other useful, I think, pieces of information in this section about the kind of character of different parts of the state, particularly CD 14 and the states northwest had quite a volumen of strong testimony about what it was like and who lives there.

You know, I would say that a great deal of the public testimony was sort of expressing support or lack of support for certain decisions. What I tried to do in this Section 10.3 was to extract community of interest testimony, which is to say what do particular neighborhoods, regions or areas have in common that's salient to redistricting decisions.

There were a lot of other preferences expressed that I didn't attempt to summarize.

Q I know we've been in this report for a little while, but are there other opinions that you offer in this report that we haven't discussed or that are not -- well, let me ask it this way.

First of all, are there other opinions

1 districts with a 55 percent Trump advantage rather
2 than just a 50 percent would influence the findings.
3 And I found that the findings were robust -- robust
4 to these different upstream choices.
5 So I have a pretty high confidence that
6 the selection of the Trump election doesn't distort
7 the findings here.
8 Q And so your selection in 2.1, you're
9 working through the experiment on partisan
10 advantage, and you say, "I can ask whether plans
11 selected for partisanship but with no race data tend
12 to have the same hallmarks of racial sorting that I
13 find in the enacted plans."
14 And this is not an analysis that you
15 conducted for your January 13th report. Why is
16 that?
17 A Well, at the time of the January 13th
18 report I was not aware that the parties responsible
19 for creating the state's plan were acknowledging
20 partisanship as an open pursuit. I became aware of
21 that when I read the deposition transcript. And
22 that suggested a study like this.
23 Q Can you walk me through what Figure 4
24 shows based on the experiment that you conducted for
25 House, Senate, and Congressional.

A Yes, I'll note that Figure 4 should be thought of as just setting the table for the findings which occur in Figures 5 and onward. So just as a preliminary matter, what Figure 4 shows is that these chain runs succeed in producing maps that are at least as Trump favoring while being respectful to traditional principles.

In this case I've just chosen compactness to single out. But as I said, I confirmed from these kinds of chain runs that they're also comparable to or sometimes better than the enacted plan on the other TDPs that have metrics associated to them. I've just chosen compactness here as an example.

So that's what you see in these figures. You see the number of Trump-favoring districts. Again, that yellow or amber dot represents the enacted plan. And what you're seeing is a cloud of data points that shows you the kind of tendencies encountered along this run.

And you can see that it's -- these chain runs are finding more Trump-favoring districts, especially at the House level, while finding comparable or usually better compactness.

Q And so then the number of blue dots that

the districts either.

Q And for these different pieces, did you -- do you -- did you analyze any racial data or did you just instruct the steps not to consider that in terms of the development of a plan?

A As far as I'm aware, there are no -- well, at least no publicly released ensemble techniques. They use race to propose a change to a plan. I've just never seen that.

Instead what you might see is what I described here, which is making a random proposal of change and then flipping a coin to decide whether to accept that change. Sometimes that's done in a way that take a look at racial demographics.

But here in the first experiment where I was looking for more majority black districts it was that coin flip that takes the number of majority black districts into account.

But in the second part where we're leaking at partisanship, no race data was used at all at any stage, proposal or acceptance.

Q So we don't know for sure what the number of majority BVAP districts, majority BHVAP districts are on any of the steps. So we just don't know the -- what that is, right?

A That's right. We don't know that, although I handed over enough materials to go back and compute if one would like.

Q Well, and I guess what I'm really trying to ask is that in terms of districting plan that provide effective districts, there's no interaction here between effective districts, partisan goals, race. This is solely looking at the question of Trump favoring districts and compactness; is that right?

A Well, that's what you see in Figure 4. But, you know, again, it plays sort of a table setting role. All I'm showing here is I designed the experiment to get at least as many Trump favoring districts while still being compact and respecting counties.

And this confirms, at least, that I achieved more Trump-favoring districts and good compactness. I could have shown you the same plot for other features, but I did check that it was doing a good job with the other TDPs as well.

Q Okay. So let's move beyond the table setting to the food on Figure 5 and the other analysis. So can you walk me through -- next you're looking at whether the enacted plan is unusual in

EXHIBIT I

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

Georgia State Conference of NAACP, et al.,

Plaintiffs,

vs. C.A. NO:
1:21-cv-5338-ELB-SCJ-SDG

State of Georgia, et al.,

Defendants.

VIDEOTAPED TELECONFERENCE
DEPOSITION OF: John R. Alford, Ph.D.
DATE: March 2, 2023
TIME: 8:41 a.m. CST
LOCATION: Virtual -- Zoom

TAKEN BY: Counsel for the Plaintiffs

REPORTED BY: Roxanne Easterwood, RPR

VIDEOGRAPHER: Leo Mileman

MR. JACOUTOT: Object to the form.

THE WITNESS: Again, I would want to see the report and see what the basis was for that. But if he's basically concluded, as Dr. Schneer, again, on the basis of his report, and as we have discussed, you could easily conclude if you just view it as two racial groups voting differently, then it wouldn't surprise me at all.

I mean, Dr. Schneer reaches the same conclusion. I reach the same conclusion with regard to if -- if the standard is simply that two racial groups are voting in opposite directions, then it's abundantly clear from everything that's in evidence in this case. So it wouldn't surprise me at all.

Again, I assume Dr. Brunell is not reaching a legal conclusion. I assume he's talking about a factual conclusion. And I would want to see in his report, what his definition -- his empirical definition is of that.

MS. BERRY: Can we take -- can we go off the record, take maybe a five-minute break, please.

VIDEOGRAPHER: Off the record at