

EXHIBIT 8

2/13/2023

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

-----x
COAKLEY PENDERGRASS, et al., :
: :
Plaintiffs, : Civil Action
vs. : File No.
: :
BRAD RAFFENSPERGER, in his : 1:21-cv-05339-SCJ
official capacity as the :
Georgia Secretary of State, :
et al., :
Defendants. :
-----x

ANNIE LOIS GRANT, et al., :
: :
Plaintiffs, : Civil Action
vs. : File No.
: :
BRAD RAFFENSPERGER, in his : 1:22-cv-00122-SCJ
official capacity as the :
Georgia Secretary of State, :
et al., :
Defendants. :
-----X

VIRTUAL REMOTE VIDEOTAPED DEPOSITION OF
JOHN B. MORGAN

Monday, February 13, 2023
10:34 a.m. Eastern Standard Time

REPORTER: Dawn A. Jaques, CSR, CLR

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

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1 A I think so. And again, the
2 comparison I was making in my report is that
3 Douglas County was unsplit in the 1205 Plan,
4 but it introduced -- the 1205 Plan introduced
5 a new split of Cobb County.

6 Q Got it. Do you dispute that
7 Mr. Cooper's 1205 Illustrative Plan puts the
8 same number of counties as the Enacted Plan?

9 A It appears to be that, yes.

10 Q Do you have any reason to dispute
11 that?

12 A No. It says 15 and 15. I believe
13 that's correct.

14 Q And do you dispute that Mr. Cooper's
15 1205 Illustrative Plan has fewer individual
16 county splits than the Enacted Plan?

17 A That's what his chart shows.

18 Q And do you have any reason to
19 dispute that?

20 A I haven't looked at it in that way,
21 so I don't have any reason to dispute it one
22 way or another.

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1 Q You provided no analysis of that in
2 your report?

3 A No, but I believe that in the
4 Plan Component Report, that information is
5 available.

6 Q And you did not notice or observe
7 whether that was incorrect?

8 A I didn't notice or observe anything
9 about that.

10 Q You did not check Mr. Cooper's
11 assessments of county splits when you were
12 performing your own analysis?

13 A Not directly, no. I ran the reports
14 based on the block assignment files provided.

15 Q Do you have any reason to dispute
16 that Mr. Cooper's 1205 Illustrative Plan
17 splits fewer cities and towns than the
18 Enacted Plan?

19 A That's what it reports in this
20 chart.

21 Q Do you have any reason to dispute
22 that?

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1 A Again, I didn't look at the second
2 column in detail, but I don't have any reason
3 to dispute it.

4 Q And do you have any reason to
5 dispute that Mr. Cooper's Illustrative Plan
6 has fewer individual city and town splits than
7 the Enacted Plan?

8 A That's what it shows in the chart.

9 Q Do you have any reason to dispute
10 that?

11 A No.

12 Q Do you have any reason to dispute
13 that Mr. Cooper's Illustrative Plan splits
14 fewer VTDs than the Enacted Plan?

15 A It appears that's what's in the
16 chart. I believe that's correct.

17 Q Okay, we can take down Mr. Cooper's
18 report. I don't think I'll be referring to it
19 for a little while.

20 Turning back to your report, which
21 is Exhibit 1 to this deposition, let's look at
22 paragraph 17, and here you're also comparing

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1 Q So the actual analysis and opinion
2 that you're explaining to me right now, that's
3 not included anywhere in your report; is that
4 correct?

5 A It's included in paragraph 17
6 because I said that's my opinion.

7 Q So in paragraph 17, you state that
8 care was taken; is that correct?

9 A Yes.

10 Q But the idea of taking the northerly
11 versus the southerly portion, that's not
12 anywhere in your analysis, correct?

13 A I'm stating it in that paragraph.
14 I'm stating it now as well.

15 Q So in your report, you provide no
16 opinion as to the changes between the PI Plan
17 in Cobb County and the 1205 Plan in Cobb and
18 Douglas County other than that care was taken;
19 is that correct?

20 A I also point out that there was a
21 change in the splits, which we discussed in
22 paragraph 16.

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1 Q Okay. So the sum total of your
2 opinions regarding those changes are in
3 paragraphs 16 and 17 of your report, correct?

4 A I believe so.

5 Q All right. Okay, let's turn to
6 paragraph 19 of your report. I believe
7 paragraphs 19 and 20 are where you analyze the
8 split geography for the reports that you ran;
9 is that right?

10 A Yes, it looks that way.

11 Q In your experience, is preservation
12 of county boundaries considered a traditional
13 districting principle?

14 A Generally, yes.

15 Q What about avoiding precinct splits,
16 is that a traditional districting principle?

17 A In many cases, that is included in
18 traditional redirecting principles.

19 Q Do you believe it to be a
20 traditional directing principle in Georgia
21 based on your experience?

22 A Yes. My experience is specifically

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1 in Georgia, when I did this 20 years ago, in
2 many instances where there was a choice
3 between keeping a place or municipality --
4 city, if you will -- whole, or a voting
5 precinct, in many cases, the voting precinct
6 was kept whole above the city.

7 Q Okay. And you agree that
8 Mr. Cooper's 1205 Illustrative Plan splits the
9 same number of counties as the Enacted
10 Congressional Plan; is that correct?

11 A Yes.

12 Q You say as much in paragraph 20 of
13 your report.

14 A Yes. And I talked about Douglas
15 County; I believe that is what brings it into
16 agreement with the Enacted Plan in terms of
17 number of county splits.

18 Q And we also discussed how the actual
19 number of individual county splits is in fact
20 smaller in Mr. Cooper's Illustrative Plan than
21 in the Enacted Plan; is that correct?

22 A Yes, I believe that's the case.

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1 Q And you would agree that
2 Mr. Cooper's 1205 Illustrative Plan splits
3 fewer voting precincts than the Enacted Map;
4 is that correct?

5 A I believe the analysis shows that,
6 yes.

7 Q Great. And how many voting
8 precincts are there in Georgia, if you recall?

9 A About 2600.

10 Q In paragraphs 21 and 22, I believe
11 that's where you discuss the compactness
12 analysis that you ran; is that right?

13 A Yes.

14 Q In your experience, is compactness
15 considered to be a traditional redistricting
16 principle in Georgia?

17 A In my experience, yes.

18 Q And here you conclude that
19 Mr. Cooper's 1205 Illustrative Congressional
20 Plan has similar mean compactness scores to
21 the Enacted Plan. Did I read that correctly?

22 A Yes.

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1 Q And you report those mean
2 compactness scores at the bottom of chart 2,
3 which spills over onto the next page?

4 A Yes.

5 Q And there we can get Mr. Cooper's
6 1205 Plan has a mean Polsby-Popper score that
7 is identical to the Enacted Plan; is that
8 correct?

9 A Yes, using two decimal points.

10 Q And Mr. Cooper's 1205 Plan has a
11 mean Reock score that is actually higher than
12 that of the Enacted Plan; is that correct?

13 A I'm sorry, could you repeat that,
14 please?

15 Q Sure. Based on your chart, Chart 2,
16 Mr. Cooper's 1205 Plan has a mean Reock score
17 that is higher than that of the Enacted Plan?

18 A That's not what the chart shows.

19 Q Oh, sorry, that was the other way
20 around.

21 The Enacted Reock mean is .01 higher
22 than the Illustrative Plan; is that correct?

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1 A That's what the chart shows.

2 Q And you considered that .01
3 difference to mean that the two mean Reock
4 scores are similar, correct?

5 A Yes, they're very close.

6 Q In Chart 2, you also provide the
7 compactness scores of the individual districts
8 in Mr. Cooper's Illustrative Plan versus the
9 Enacted Plan; is that right?

10 A Yes.

11 Q And are you aware of which district
12 reflects the new majority-Black district in
13 Mr. Cooper's Illustrative Plan?

14 A I believe it's District 6.

15 Q According to your report,
16 Mr. Cooper's Illustrative District 6 is more
17 compact on the Reock Scale than Enacted
18 District 6?

19 A Yes.

20 Q And that difference is .03; is that
21 correct?

22 A Yes.

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1 Q Do you consider Illustrative
2 District 6 and Enacted District 6 to be
3 similar in terms of their Reock compactness
4 scores?

5 A Mr. Cooper's 1205 Plan is higher
6 than the Enacted Plan.

7 Q When you were discussing the mean
8 Reock scores, you opined that a .01 difference
9 was similar between the Enacted Plan; is that
10 correct?

11 A That's what I said in that
12 paragraph, yes.

13 Q Do you believe that the .03
14 difference in District 6 is similar between
15 the two plans?

16 A I said that the Cooper 1205 Plan is
17 higher than. It's .03 higher.

18 Q And do you believe that that .03 is
19 a significant difference, or renders the two
20 districts similar on the Reock compactness
21 measure?

22 A I didn't observe in the report that

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1 they were similar.

2 Q Do you have any opinion as to
3 whether they are similar?

4 A There's a difference of .03. I
5 would say that they're close, but not --
6 they're not as close as the mean scores are.

7 Q According to your report,
8 Mr. Cooper's Illustrative District 6 is also
9 more compact on the Polsby-Popper Scale than
10 the Enacted District 6; is that correct?

11 A Yes.

12 Q That difference is .07?

13 A Yes.

14 Q Do you have any opinion as to
15 whether that .07 difference is similar between
16 the two plans?

17 A It's higher in the Cooper 1205 Plan
18 than it is in the Enacted by .07.

19 Q And do you have any reason -- or did
20 you have any opinion as to whether .07 is a
21 similar difference between the two?

22 A It differs by .07. It's a greater

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1 difference than the .03 in the Reock and the
2 .01 in the mean scores.

3 Q So when you described the .01
4 difference as "similar," what is the highest
5 difference between two Reock scores or
6 Polsby-Popper scores that you would consider
7 to be similar?

8 A I hadn't really considered that. In
9 the report, I observed that in the mean it's
10 .01 difference, and in my report, I said that
11 was similar.

12 Q Okay.

13 A If we don't have a pending question,
14 I'd like to take a break?

15 Q Sure.

16 A Okay.

17 THE VIDEOGRAPHER: The time is
18 11:28 a.m. Off the record.

19 (A break was taken.)

20 THE VIDEOGRAPHER: The time is
21 11:36 a.m. Back on the record.

22 BY MS. KHANNA:

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1 +1/-1. I've seen other examples where it's
2 going to be zero and 1, not +1/-1, for a
3 congressional plan.

4 Q Do you dispute that Mr. Cooper's
5 plan achieves population equality?

6 A I don't have any basis to dispute
7 that. It's plus one person, minus one person.

8 I'm pointing out, however, that
9 other circumstances I've seen have a zero and
10 1 and not a -1/+1.

11 Q You also don't examine contiguity in
12 Mr. Cooper's Illustrative Plan; is that right?

13 A I didn't run any reports on that.

14 Q Do you dispute that Mr. Cooper's
15 Illustrative Plan -- illustrative districts
16 are contiguous?

17 A No, I didn't look at that.

18 Q Your analysis in the Pendergrass
19 report does not examine the extent to which
20 Mr. Cooper's Illustrative Plan respects
21 communities of interest; is that right?

22 A I don't think I address that

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1 you might have that in front of you.

2 A I do.

3 Q That's Exhibit 2 to this deposition,
4 paragraph 34 -- sorry, page 34, paragraph 86.

5 Do you see where I am?

6 A Paragraph what number, please?

7 Q Paragraph 86, the CONCLUSION
8 paragraph.

9 A Okay.

10 Q And here Mr. Cooper concludes, "The
11 Black population in Metro Atlanta is
12 sufficiently numerous and geographically
13 compact to allow for the creation of an
14 additional majority-Black congressional
15 district consistent with traditional
16 districting principles, anchored in Cobb,
17 Fulton and Douglas Counties, without reducing
18 the number of majority-Black districts in the
19 2021 Plan."

20 Do you see that?

21 A Yes.

22 Q Do you dispute any part of this

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1 conclusion?

2 A I didn't analyze that in my report.

3 Q So nothing in your report disputes
4 any portion of this conclusion?

5 A It appears to be his opinion.

6 Q I understand that's his opinion. Do
7 you dispute the accuracy of his conclusion
8 there?

9 A I didn't analyze that in my report.

10 Q So your report offers no dispute of
11 Mr. Cooper's conclusion in paragraph 86 of his
12 report?

13 A It neither supports nor refutes it.

14 Q All right, I think we can put
15 Pendergrass to the side, and I'll now turn to
16 your Grant report from January 23rd, 2023, and
17 I believe we've premarked that as Exhibit 3 to
18 this deposition.

19 MR. TYSON: He has a paper copy in
20 front of him.

21 BY MS. KHANNA:

22 Q Let me pull it up myself.