

# EXHIBIT 9

2/13/2023

Coakley Pendergrass, et. al., v. Brad Raffensperger, et. al.

John B. Morgan

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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

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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 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