

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

COAKLEY PENDERGRASS; TRIANA  
ARNOLD JAMES; ELLIOTT  
HENNINGTON; ROBERT RICHARDS;  
JENS RUECKERT; and OJUAN GLAZE,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official  
capacity as the Georgia Secretary of State;  
WILLIAM S. DUFFEY, JR., in his official  
capacity as chair of the State Election  
Board; MATTHEW MASHBURN, in his  
official capacity as a member of the State  
Election Board; SARA TINDALL  
GHAZAL, in her official capacity as a  
member of the State Election Board;  
EDWARD LINDSEY, in his official  
capacity as a member of the State Election  
Board; and JANICE W. JOHNSTON, in  
her official capacity as a member of the  
State Election Board,

Defendants.

CIVIL ACTION FILE  
NO. 1:21-CV-05339-SCJ

**PLAINTIFFS' RESPONSE TO DEFENDANTS' STATEMENT OF  
ADDITIONAL MATERIAL FACTS**

Pursuant to Federal Rule of Civil Procedure 56 and LR 56.1(B)(3), NDGa, Plaintiffs COAKLEY PENDERGRASS, TRIANA ARNOLD JAMES, ELLIOTT HENNINGTON, ROBERT RICHARDS, JENS RUECKERT, and OJUAN GLAZE respond to Defendants' statement of additional material facts. *See* ECF No. 187-1.

1. Five of Georgia's fourteen members of Congress are Black individuals. Deposition of William Cooper [Doc. 167] ("Cooper Dep.") 19:19-21.

**Plaintiffs' Response:** The Court can properly consider Defendants' submitted fact for purposes of Plaintiffs' summary judgment motion.

2. Plaintiffs' expert set out to draw an additional majority-Black district beyond those drawn by the state plan. Cooper Dep. 14:15-15:2.

**Plaintiffs' Response:** Objection. Defendants' evidence does not support the fact. The cited excerpt from Mr. Cooper's deposition transcript demonstrates only his acknowledgment that he "did not attempt to draw two additional majority black districts." When asked in his deposition whether "it would be fair to say your goal was to add a majority black congressional district above the number drawn by the General Assembly," Mr. Cooper responded, "*No, that was not my goal. My goal was*

to determine whether it was *possible* while, at the same time, to include traditional redistricting principles.” Ex. 40 (“Cooper Dep.”) at 14:3–11 (emphases added).\*

3. Mr. Cooper set out to draw a new majority-Black district in this case in Atlanta despite opining in a 2018 case that a new majority-Black congressional district should have been drawn in east Georgia, combining Macon, Augusta, and Savannah in the same district. Cooper Dep. 41:22-42:23.

**Plaintiffs’ Response:** Objection. Defendants’ evidence does not support the fact. The cited excerpt from Mr. Cooper’s deposition transcript does not support the assertion that he “set out to draw a new majority-Black district in this case.” Instead, when asked in his deposition whether “it would be fair to say your goal was to add a majority black congressional district above the number drawn by the General Assembly,” Mr. Cooper responded, “*No, that was not my goal. My goal was to determine whether it was possible while, at the same time, to include traditional redistricting principles.*” Cooper Dep. 14:3–11 (emphases added). This statement is otherwise neither material nor relevant to any issue before the Court.

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\* Exhibits 1 through 27 are attached to the declaration of Jonathan P. Hawley in support of Plaintiffs’ motion for summary judgment. *See* ECF No. 174. Exhibits 28 through 42 are attached to the second declaration of Jonathan P. Hawley in support of Plaintiffs’ motion for summary judgment, filed concurrently with Plaintiffs’ reply.

4. Mr. Cooper could not explain why he chose a different approach here apart from population-growth numbers and a different Census. Cooper Dep. 43:4-13.

**Plaintiffs' Response:** Objection. This statement is neither material nor relevant to any issue before the Court.

5. Map-drawers distinguish “majority-minority” from “majority- Black.” Majority-minority districts have a majority of non-white and Latino voters, while majority-Black districts are districts where Black voters as a single racial category constitute a majority of a district. Cooper Dep. 16:14-20.

**Plaintiffs' Response:** Objection. Defendants' evidence does not support the fact. The cited excerpt of Mr. Cooper's deposition transcript demonstrates that he defined a “majority black district” as “a district that is over 50 percent majority *any part* black.” (emphasis added).

6. In illustrative District 6, Mr. Cooper united a Black community in Fulton County with non-majority-Black portions of surrounding counties to create a new majority-Black district. Cooper Dep. 77:12-17.

**Plaintiffs' Response:** Objection. Defendants' evidence does not support the fact. The cited excerpt from Mr. Cooper's deposition testimony demonstrates only that the portion of Fulton County included in illustrative Congressional District 6 is

majority-Black, while the portions of the other counties included in the district have Black voting-age populations below 50%. The excerpt does not otherwise describe Mr. Cooper's map-drawing process or how he "create[d] a new majority-Black district."

7. The only portion of a county in illustrative District 6 that is majority-Black is Fulton County. Cooper Dep. 77:12-17.

**Plaintiffs' Response:** Objection. Defendants' evidence does not support the fact. The cited excerpt from Mr. Cooper's deposition testimony demonstrates only that the portion of Fulton County included in illustrative Congressional District 6 is majority-Black, while the portions of the other counties included in the district have Black voting-age populations below 50%. It does not necessarily follow that *any* sub-county portion included in illustrative Congressional District 6 has a Black voting-age population below 50%.

8. Without the portion of Fulton County that Mr. Cooper moved out of District 13 into illustrative District 6, the remaining components of the district would not allow it to be majority-Black. Cooper Dep. 78:6-11.

**Plaintiffs' Response:** Objection. Defendants' evidence does not support the fact. The cited excerpt from Mr. Cooper's deposition testimony demonstrates only that illustrative Congressional District 6 "*as drawn*" would not be majority-Black

without the portion of Fulton County included in the district, not that this would be true of *any* version of illustrative Congressional District 6.

9. Mr. Cooper connected urban areas in North Fulton with rural areas in Bartow County. Cooper Dep. 59:6-60:1.

**Plaintiffs' Response:** The Court can properly consider Defendants' submitted fact for purposes of Plaintiffs' summary judgment motion.

10. Mr. Cooper connected Cobb County with rural parts of Georgia all the way to Columbus, Georgia, in District 3. Cooper Dep. 63:15-24, 64:17-65:4; Cooper Report, Ex. I-2.

**Plaintiffs' Response:** The Court can properly consider Defendants' submitted fact for purposes of Plaintiffs' summary judgment motion.

11. The only connection Mr. Cooper could identify to this similar configuration of enacted District 14 was that Heard and Troup counties were closer to Atlanta. Cooper Dep. 65:20-66:2.

**Plaintiffs' Response:** Objection. Defendants' evidence does not support the fact. The cited excerpt from Mr. Cooper's deposition transcript demonstrates only that, in illustrative Congressional District 3, Heard and Troup counties share a community of interest with portions of west Cobb and Paulding counties. Mr.

Cooper did not state that this was the “only” common connection that he could identify.

12. Mr. Cooper agreed that his illustrative District 13 connected urban (and heavily Black) parts of Clayton County with rural areas out to Jasper County. Cooper Dep. 73:13-17.

**Plaintiffs’ Response:** Objection. Defendants’ evidence does not support the fact. The cited excerpt from Mr. Cooper’s deposition transcript demonstrates only his agreement that “District 13 as drawn connects urban areas in Clayton County with rural areas in Fayette, Spalding, Butts, and Jasper Counties.” It does not otherwise address the demographic makeup of these areas.

13. When asked why he connected majority-Black Hancock County (from the Black Belt, according to his testimony in other cases) to the North Carolina border, Mr. Cooper could only point to population equality. Cooper Dep. 68:6-69:2, 70:16-22; 86:5-8; Cooper Report, Ex. I-2.

**Plaintiffs’ Response:** Objection. Defendants’ evidence does not support the fact. In his deposition, Mr. Cooper referenced, in addition to population equality, socioeconomic similarities and the desire to avoid county splits as reasons for the configuration of illustrative Congressional District 10. *See* Cooper Dep. 70:23–71:20.

14. Mr. Cooper could not explain why he included Athens/Clarke County in the same district as Hancock County and Rabun County. Cooper Dep. 71:21-72:11.

**Plaintiffs’ Response:** Objection. Defendants’ evidence does not support the fact. The cited excerpt from Mr. Cooper’s deposition transcript demonstrates only that illustrative Congressional District 10 includes socioeconomically diverse communities. Mr. Cooper did not state that he “could not explain why he included Athens/Clarke County in the same district as Hancock County and Rabun County.”

15. In drawing the illustrative plan, Mr. Cooper did not alter several districts that currently elect Black Democratic members of congress. Cooper Dep. 36:5-14.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.

16. Plaintiffs’ sole statistical expert, Dr. Palmer, declined to examine primary contests in his report. Deposition of Maxwell Palmer [Doc. 168] (“Palmer Dep.”) 59:23-60:1.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.



17. Without those primary contests which would remove partisanship from the calculation, Dr. Palmer found highly polarized general- election contests. Palmer Dep. 59:23-60:1.

**Plaintiffs’ Response:** Objection. Defendants’ evidence does not support the fact. The cited excerpt from Dr. Palmer’s deposition transcript demonstrates only that he did not examine primary data in his analysis. Dr. Palmer did not otherwise suggest that analysis of “primary contests [] would remove partisanship from the calculation.”

18. Dr. Palmer only examined general election contests in the focus areas within the timeframes considered by his report. Palmer Dep. 59:23- 60:1.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.

19. Dr. Alford opined that “one of the ways that you can recognize the limited nature of the general election fact pattern from what we care about in this case is to look at some elections where that party signal is not going to be such a strong driver. . .” Deposition of John Alford [Doc. 158] (“Alford Dep.”) 156:1-5.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.

20. In Dr. Alford's view, the way to do that is by "looking at primaries." Alford Dep. 156:6.

**Plaintiffs' Response:** Objection. Defendants' evidence does not support the fact. The cited excerpt from Dr. Alford's deposition transcript demonstrates only his acknowledgement that Dr. Handley looked at primaries.

21. Mr. Cooper could not explain many features of his plan, including why he looked at Atlanta instead of east Georgia, as he did in 2018, to draw a new majority-Black congressional district. Cooper Dep. 42:10-23.

**Plaintiffs' Response:** Objection. Defendants' evidence does not support the fact. In his deposition testimony, Mr. Cooper explained that he focused on the Atlanta metropolitan area because of changes in the population as revealed by the 2020 census. *See* Cooper Dep. 43:4–13. Mr. Cooper did not otherwise state that he "could not explain many features of his plan," and the cited excerpt from his deposition transcript does not support this assertion.

22. In 2018, Mr. Cooper analyzed a 71-county area in east Georgia for the creation of a new majority-Black congressional district. Cooper Dep. 41:25-43:3.

**Plaintiffs' Response:** Objection. This statement is neither material nor relevant to any issue before the Court.

23. In 2018, Mr. Cooper drew an additional majority-Black congressional district in east Georgia by joining Black communities in Macon, Augusta, and Savannah. Cooper Dep. 42:19-23.

**Plaintiffs' Response:** Objection. This statement is neither material nor relevant to any issue before the Court.

24. Mr. Cooper did not consider any other area of the state to draw an additional majority-Black congressional district besides metro Atlanta in this case. Cooper Dep. 43:4-13.

**Plaintiffs' Response:** The Court can properly consider Defendants' submitted fact for purposes of Plaintiffs' summary judgment motion.

25. Mr. Cooper's illustrative plan connects the same types of communities he criticized the enacted plan for connecting, placing parts of Cobb County with rural parts of west Georgia stretching all the way down to Columbus. Cooper Dep. 63:15-24, 64:17-65:4, 73:13-17.

**Plaintiffs' Response:** Objection. Defendants' evidence does not support the fact. The cited excerpts from Mr. Cooper's deposition transcript do not support this statement. Moreover, Mr. Cooper testified that the enacted plan includes southern Cobb County in Congressional District 14, thereby placing that portion of the county in a district that includes the suburbs of Chattanooga and Appalachian north Georgia.

Mr. Cooper observed greater differences between these communities than between Cobb County and Columbus. *See* Cooper Dep. at 63:25–64:16.

26. Mr. Cooper could not explain his own approach to map-drawing beyond drawing a majority-Black district with a focus on population in other districts. Cooper Dep. 68:6–69:2, 70:16–22; 86:5–8.

**Plaintiffs’ Response:** Objection. Defendants’ evidence does not support the fact. The cited excerpts from Mr. Cooper’s deposition transcript demonstrate only that (1) the one-person, one-vote requirement motivated the configuration of illustrative Congressional District 10, *see* Cooper Dep. 68:6–69:2; (2) illustrative Congressional District 10 includes two counties that are “different” and might not share common interests, *see id.* at 70:16–22; (3) illustrative Congressional District 13 includes urban areas in Clayton County and rural areas in Fayette, Spalding, Butts, and Jasper counties, *see id.* at 73:13–17; and (4) illustrative Congressional District 10 includes Appalachian north Georgia and parts of the Black Belt in eastern Georgia, *see id.* at 86:5–8. In none of these excerpts did Mr. Cooper state he could not explain his map-drawing approach.

27. The prior congressional district 6 was electing a Black candidate to Congress with a 14.6% Black VAP. Cooper Dep. 45:19-22.

**Plaintiffs' Response:** The Court can properly consider Defendants' submitted fact for purposes of Plaintiffs' summary judgment motion.

28. The 2021 enacted plan lowered the Black VAP percentage in District 6 by almost five points to 9.9%. Cooper Dep. 45:23-46:1.

**Plaintiffs' Response:** The Court can properly consider Defendants' submitted fact for purposes of Plaintiffs' summary judgment motion.

29. The 2021 enacted plan Black VAP population for congressional district 4 is 54.52%. Cooper Report, Ex. K-1.

**Plaintiffs' Response:** The Court can properly consider Defendants' submitted fact for purposes of Plaintiffs' summary judgment motion.

30. On the illustrative plan, District 13 is below 50% Black on the DOJ Black number. Cooper Dep. 57:21-25.

**Plaintiffs' Response:** The Court can properly consider Defendants' submitted fact for purposes of Plaintiffs' summary judgment motion.

31. The illustrative plan lowers the Black population in district 14 by nine points compared to the enacted plan. Cooper Dep. 58:1-8.

**Plaintiffs' Response:** The Court can properly consider Defendants' submitted fact for purposes of Plaintiffs' summary judgment motion.

32. Mr. Cooper could not identify a process to determine the geographic compactness of the Black community in Atlanta—he just drew a district and concluded there was geographic compactness as a result. Cooper Dep. 22:13-23:17.

**Plaintiffs' Response:** Objection. Defendants' evidence does not support the fact. The cited excerpt from Mr. Cooper's deposition testimony demonstrates that he relied on the Maptitude for Redistricting software, census data, and prior knowledge and experience with Georgia to ascertain that it was possible to draw an additional majority-Black district in the Atlanta metropolitan area.

33. Mr. Cooper added an additional split of Cobb County in the illustrative plan over the plan he presented at the preliminary injunction hearing. Cooper Dep. 51:3-6.

**Plaintiffs' Response:** The Court can properly consider Defendants' submitted fact for purposes of Plaintiffs' summary judgment motion.

34. The only portion of District 6 as drawn by Mr. Cooper that is majority-Black is one county out of four. Cooper Dep. 77:12-17; 78:6-11.

**Plaintiffs' Response:** The Court can properly consider Defendants' submitted fact for purposes of Plaintiffs' summary judgment motion.

35. The portion of Fulton County that is in illustrative district 6 is 88.29% Black VAP. Cooper Dep. 77:12-17.

**Plaintiffs' Response:** The Court can properly consider Defendants' submitted fact for purposes of Plaintiffs' summary judgment motion.

36. The portion of Cobb County that is in illustrative district 6 is 37.4% Black VAP. Cooper Dep. 76:22-25.

**Plaintiffs' Response:** The Court can properly consider Defendants' submitted fact for purposes of Plaintiffs' summary judgment motion.

37. The portion of Douglas County that is in illustrative district 6 is below 50% Black VAP. Cooper Dep. 77:2-5.

**Plaintiffs' Response:** The Court can properly consider Defendants' submitted fact for purposes of Plaintiffs' summary judgment motion.

38. The portion of Fayette County that is in illustrative district 6 is 21.73% Black VAP. Cooper Dep. 77:6-11.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.

39. Without the portion of Fulton County Mr. Cooper included, illustrative District 6 would not be a majority-Black district. Cooper Dep. 78:6-11.

**Plaintiffs’ Response:** Objection. Defendants’ evidence does not support the fact. The cited excerpt from Mr. Cooper’s deposition testimony demonstrates only that illustrative Congressional District 6 “*as drawn*” would not be majority-Black without the portion of Fulton County included in the district, not that this would be true of *any* version of illustrative Congressional District 6.

40. The lack of data related to primary elections (which take party out of the equation) leaves no way to determine the meaning of polarization. Alford Dep. 29:12-14.

**Plaintiffs’ Response:** Objection. Defendants’ evidence does not support the fact. Dr. Alford (and Dr. Palmer) testified that it is not possible to determine causation—which is to say, the reasons voters cast ballots for particular candidates—using the data and methodology employed by Dr. Palmer. *See* Ex. 41 at 82:17–84:14, 90:4–91:9; Ex. 42 at 88:11–17. Dr. Alford further testified that the meaning of



polarization is fundamentally a legal rather than a factual question. *See* Ex. 9 at 114:13–21.

41. Dr. Alford opined that “one of the ways that you can recognize the limited nature of the general election fact pattern from what we care about in this case is to look at some elections where that party signal is not going to be such a strong driver. . .” Alford Dep. 156:1-5.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.

42. In Dr. Alford’s view, the way to do that is by “looking at primaries.” Alford Dep. at 156:6.

**Plaintiffs’ Response:** Objection. Defendants’ evidence does not support the fact. The cited excerpt from Dr. Alford’s deposition transcript demonstrates only his acknowledgement that Dr. Handley looked at primaries.

43. Dr. Alford conducted an analysis of the statewide primary election for United States Senate, in which Herschel Walker prevailed. Alford Dep. at 157:5-7.

**Plaintiffs’ Response:** Objection. Defendants’ evidence does not support the fact. The cited excerpt from Dr. Alford’s deposition transcript demonstrates only a factual description about Mr. Walker’s performance in the primary election, not acknowledgement that he conducted any sort of additional analysis.

44. Dr. Alford noted that “the evidence here suggests that white voters in the Republican primary did support Black candidates.” Alford Dep. at 157:5-7.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.

45. Plaintiffs do not discuss the 2011 congressional plan, which was precleared by the U.S. Department of Justice under Section 5 of the VRA on the first attempt. Deposition of Orville Burton [Doc. 185] (“Burton Dep.”) 63:18-25.

**Plaintiffs’ Response:** Objection. This statement is neither material nor relevant to any issue before the Court.

46. The challenge to House Districts 105 and 111 in 2015 was dismissed after Democrats won those seats. Burton Dep. 73:19-24.

**Plaintiffs’ Response:** Objection. This statement is neither material nor relevant to any issue before the Court.

47. The 2015 Georgia House redistricting plan was never found to be illegal by any court. Burton Dep. 73:25-74:2.

**Plaintiffs’ Response:** Objection. This statement is neither material nor relevant to any issue before the Court.

48. The Any-Part Black VAP for Georgia as a whole is 31.73%. Cooper Report, ¶ 18.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.

49. Dr. Loren Collingwood was not asked by Plaintiffs to look at the role of partisanship in the voting patterns of Black and White voters in Georgia. Deposition of Loren Collingwood [Doc. 186] (“Collingwood Dep.”) 32:15-18.

**Plaintiffs’ Response:** Objection. This statement is neither material nor relevant to any issue before the Court.

50. Socioeconomic disparities affect political participation, regardless of the race of the voters involved. Collingwood Dep. 58:24-59:7.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.

51. Voter motivation can affect voter turnout for different groups of voters. Collingwood Dep. 64:1-14.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.

52. Dr. Collingwood admitted that the narrowest gap in voter turnout between Black and White Georgia voters from 2010-22 was in 2012, the year that President Obama ran for re-election, and that it was a “pretty plausible hypothesis” that Black Georgia voters were turning out in greater numbers in 2012 than in 2010 to vote for Mr. Obama. Collingwood Dep. 64:1-25.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.

53. Dr. Collingwood also testified that motivation may have increased Black voter turnout in 2018, when Stacy Abrams, who is African- American, ran as the Democratic nominee for Governor, and the gap in voter turnout between Black and White Georgia voters narrowed from 11.6% in 2016 to 8.3% in 2018. Collingwood Dep. 71:16-72:17; Report of Loren Collingwood [Doc. 174-6] (“Collingwood Report”) at 8, 12.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.

54. Dr. Collingwood opined that for Black voters, voter turnout goes down as the percentage of Black voters without a high-school education goes up, but he does not know whether the same is true for White voters with and without a high-school education. Collingwood Dep. 84:3-8.

**Plaintiffs' Response:** The Court can properly consider Defendants' submitted fact for purposes of Plaintiffs' summary judgment motion.

55. Dr. Collingwood did not and would not offer an opinion that racism, rather than other factors, has caused lower turnout for Black voters compared to White voters in Georgia. Collingwood Dep. 86:22-87:13.

**Plaintiffs' Response:** Objection. This statement is neither material nor relevant to any issue before the Court. Moreover, Defendants' evidence does not support the fact. The cited excerpt from Dr. Collingwood's deposition transcript demonstrates only that, when asked whether racism in Georgia causes lower levels of voting participation by Black voters compared to white voters, he stated, "I don't have a specific measure of racism that's associated with voter turnout here. A social scientist would likely look at all of this and potentially say the reasons we're seeing this is because of that. But those variables don't measure that specifically."

56. Dr. Collingwood did not have an opinion on whether the 2021 Georgia redistricting (or prior redistricting since 2010) may have caused the lower levels of Black voting participation compared to White voting participation that he found in Georgia. Collingwood Dep. 87:21-88:1.

**Plaintiffs’ Response:** Objection. This statement is neither material nor relevant to any issue before the Court. Moreover, Defendants’ evidence does not support the fact. The cited excerpt from Dr. Collingwood’s deposition transcript demonstrates only that he did not look at prior redistricting as part of his analysis in this case.

57. Dr. Collingwood testified that the data taken from the 2020 Cooperative Election Study (“CES”) in Table 10 of his Report, “Did a candidate or political campaign organization contact you during the 2020 election?”, are “statistically indistinguishable” for Black voters and White voters. Collingwood Dep. 92:1-4; Collingwood Report at 37.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.

58. Dr. Collingwood testified that the data taken from the 2020 CES in Table 11 of his Report, “Have you ever run for elective office at any level of government (local, state or federal)?”, are “statistically indistinguishable” for Black voters and White voters. Collingwood Dep. 92:5-6; Collingwood Report at 38.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.

59. Congressman Jody Hice lost the 2022 primary election. Burton Dep. 127:14-18.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.

60. Senator Butch Miller lost the 2022 primary election. Burton Dep. 127:19-23.

**Plaintiffs’ Response:** The Court can properly consider Defendants’ submitted fact for purposes of Plaintiffs’ summary judgment motion.

61. Mr. Cooper is unable to determine how much of the change in Black voters residing in majority-Black districts on the illustrative plan was due to the reconfiguration of District 6. Cooper Dep. 90:13-92:4.

**Plaintiffs’ Response:** Objection. Defendants’ evidence does not support the fact. The cited excerpt from Mr. Cooper’s deposition transcripts demonstrates only

his testimony that he did not conduct such an analysis, not that he is “unable” to do so.



Dated: May 3, 2023

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing **Plaintiffs' Response to Defendants' Statement of Additional Material Facts** has been prepared in accordance with the font type and margin requirements of LR 5.1, NDGa, using font type of Times New Roman and a point size of 14.

Dated: May 3, 2023

**Adam M. Sparks**

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