UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

PRESS ROBINSON, ET AL	*	CIVIL ACTION
	*	
VERSUS	*	NO. 22-211-SDD
	*	
KYLE ARDOIN, ET AL	*	CONSOLIDATED WITH
	*	
	*	
EDWARD GALMON SR., ET AL	*	NO. 22-214-SDD
	*	
VERSUS	*	MAY 11, 2022
	*	
KYLE ARDOIN, ET AL	*	VOLUME 3 OF 5

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MOTION FOR PRELIMINARY INJUNCTION BEFORE
THE HONORABLE SHELLY D. DICK
UNITED STATES CHIEF DISTRICT JUDGE

APPEARANCES:

FOR THE ROBINSON PLAINTIFFS:

NAACP LEGAL DEFENSE FUND AND EDUCATIONAL FUND, INC.
BY: STUART NAIFEH, ESQ.
KATHRYN SADASIVAN, ESQ.
VICTORIA WENGER, ESQ.
SARA ROHANI, ESQ.
40 RECTOR STREET, FIFTH FLOOR
NEW YORK, NEW YORK 10006

ADCOCK LAW, LLC
BY: JOHN ADCOCK, ESQ.
3110 CANAL STREET
NEW ORLEANS, LOUISIANA 70119

AMERICAN CIVIL LIBERTIES UNION FOUNDATION VOTING RIGHTS PROJECT
BY: SARAH E. BRANNON, ESQ.
SAMANTHA OSAKI, ESQ.
915 15TH STREET N.W.
WASHINGTON, D.C. 20005

PAUL, WEISS, RIFKIND, WHARTON & GARRISON, LLP
BY: AMITAV CHAKRABORTY, ESQ.
RYAN RIZZUTO, ESQ.
ADAM SAVITT, ESQ.
JONATHAN H. HURWITZ, ESQ.
1285 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10019

FOR THE GALMON PLAINTIFFS:

WALTERS, PAPILLION, THOMAS, CULLENS, LLC
BY: DARREL J. PAPILLION, ESQ.
12345 PERKINS ROAD, BUILDING ONE
BATON ROUGE, LOUISIANA 70810

ELIAS LAW GROUP, LLP
BY: ABHA KHANNA, ESQ.
JONATHAN P. HAWLEY, ESQ.
1700 SEVENTH AVE., SUITE 2100
SEATTLE, WASHINGTON 98101

ELIAS LAW GROUP, LLP
BY: JACOB D. SHELLY, ESQ.
OLIVIA N. SEDWICK, ESQ.
LALITHA D. MADDURI, ESQ.
10 G STREET N.E., SUITE 600
WASHINGTON, D.C. 20002

FOR KYLE ARDOIN, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE

SHOWS, CALI & WALSH, LLP
BY: JOHN C. WALSH, ESQ.
628 ST. LOUIS STREET
BATON ROUGE, LOUISIANA 70821

NELSON MULLINS RILEY AND SCARBOROUGH, LLC
BY: PHILLIP STRACH, ESQ.
THOMAS A. FARR, ESQ.
ALYSSA M. RIGGINS, ESQ.
4140 PARKLAKE AVENUE, SUITE 200
RALEIGH, NORTH CAROLINA 27612

FOR THE LOUISIANA LEGISLATIVE BLACK CAUCUS:

STEPHEN M. IRVING, LLC
BY: STEPHEN M. IRVING, ESQ.
111 FLOUNDERS DRIVE, SUITE 700
BATON ROUGE, LOUISIANA 70810

JOHNSON LAW FIRM
BY: ERNEST L. JOHNSON, ESQ.
3313 GOVERNMENT STREET
BATON ROUGE, LOUISIANA 70806

	ARTHUR THOMAS & ASSOCIATES BY: ARTHUR R. THOMAS, ESQ. 3313 GOVERNMENT STREET BATON ROUGE, LOUISIANA 70806
FOR LEGISLATIVE INTERVENORS CLAY SCHEXNAYDER AND PATRICK CORTEZ:	BAKERHOSTETLER, LLP BY: PATRICK T. LEWIS, ESQ. 127 PUBLIC SQUARE, SUITE 2000 CLEVELAND, OHIO 44114
	BAKERHOSTETLER, LLP BY: E. MARK BRADEN, ESQ. KATHERINE L. MCKNIGHT, ESQ. 1050 CONNECTICUT AVENUE, N.W., SUITE 1100 WASHINGTON, D.C. 20036
INTERVENOR DEFENDANT, STATE OF LOUISIANA:	LOUISIANA'S OFFICE OF THE ATTORNEY GENERAL BY: JEFFREY M. WALE, ESQ. ANGELIQUE D. FREEL, ESQ. CAREY TOM JONES, ESQ. 1885 NORTH THIRD STREET BATON ROUGE, LOUISIANA 70802
	HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK, PLLC BY: PHILLIP M. GORDON, ESQ. 15405 JOHN MARSHALL HIGHWAY HAYMARKET, VIRGINIA 20169
OFFICIAL COURT REPORTER:	SHANNON L. THOMPSON, CCR UNITED STATES COURTHOUSE 777 FLORIDA STREET BATON ROUGE, LOUISIANA 70801 SHANNON_THOMPSON@LAMD.USCOURTS.GOV (225)389-3567

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY USING COMPUTER-AIDED TRANSCRIPTION SOFTWARE

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(MAY 11, 2022)

(CALL TO THE ORDER OF COURT)

THE COURT: OKAY. GOOD MORNING.

BE SEATED.

OKAY. AS A MATTER OF HOUSEKEEPING, WE LEARNED THAT ONE OF THE LAWYERS WHO EXAMINED A WITNESS YESTERDAY TESTED POSITIVE FOR COVID LAST NIGHT. THE SAME RULES APPLY. THE COURT'S GENERAL ORDER IS THAT YOU MAY WEAR A MASK IF YOU CHOOSE. YOU MUST WEAR A MASK IF YOU ARE NOT VACCINATED. IF YOU ARE UNVACCINATED AND YOU ARE NOT WEARING A MASK, YOU ARE IN VIOLATION OF THIS COURT'S GENERAL ORDER. DON'T LET THE FACT THAT I AM WEARING A MASK DICTATE WHAT YOU THINK YOU SHOULD DO. YOU NEED TO DO WHAT YOU WANT TO DO TO PROTECT YOUR OWN PERSONAL HEALTH AND SAFETY. I AM WEARING A MASK OUT OF AN ABUNDANCE OF CAUTION. I AM FULLY VACCINATED, SO THERE WE HAVE IT.

NEXT WITNESS.

MR. NAIFEH: YOUR HONOR, MAY I RAISE ONE ISSUE THIS MORNING?

THE COURT: I'M SORRY. I DIDN'T HEAR YOU.

MR. NAIFEH: THIS IS STUART NAIFEH FOR THE ROBINSON PLAINTIFFS.

MAY I RAISE ONE ISSUE THIS MORNING?

THE COURT: YOU MAY. BUT WILL YOU COME TO THE PODIUM OR ELSE --

MR. NAIFEH: YES.

09:32 **THE COURT:** I JUST NEED TO BE ABLE TO HEAR YOU.

MR. NAIFEH: YOUR HONOR, SOME OF OUR CO-COUNSEL HAVE CONCERNS ABOUT COVID EXPOSURE AND HAVE REQUESTED THAT THEY BE ABLE TO APPEAR AND EXAMINE WITNESSES REMOTELY, IF POSSIBLE?

THE COURT: IS THERE ANY OBJECTION TO THAT?

MR. WALSH: NOT FROM THE DEFENDANTS, YOUR HONOR.

THE COURT: NO OBJECTION FROM THE DEFENDANTS.

SO LET ME UNDERSTAND. YOUR LAWYERS ARE GOING TO BE REMOTE ON VIDEOCONFERENCE AND YOUR WITNESS IS GOING TO BE IN THE COURTROOM?

MR. NAIFEH: WELL, THIS WOULD BE JUST FOR CROSS-EXAMINATION, BUT YES. WELL, I THINK SOME OF THE WITNESSES MAY BE REMOTE ALSO.

MS. FREEL: YOUR HONOR, I'M JUST GOING TO BE HONEST --

THE COURT: MS. FREEL --

MS. FREEL: YES.

THE COURT: -- DO YOU WANT TO INTRODUCE YOURSELF?

MS. FREEL: YES. YES. THIS IS ANGELIQUE FREEL WITH THE DEFENDANT INTERVENOR STATE OF LOUISIANA.

THERE HAVE BEEN A LOT OF ATTORNEYS THAT HAVE JUST APPEARED FOR THE FIRST TIME YESTERDAY. AND SO IT'S NOT EVEN CLEAR TO ME WHO IN THIS ROOM IS ACTUALLY A PLAINTIFFS' LAWYER OR WHO IS AN AUDIENCE MEMBER. AND IF WE CAN AT LEAST KNOW WHO THOSE PEOPLE WOULD BE THAT MAY BE QUESTIONING

09:33 WITNESSES REMOTELY, I WOULD APPRECIATE THAT CONSIDERATION.

THE COURT: OKAY. WHO WANTS TO -- WHO WANTS TO EXAMINE WITNESSES REMOTELY?

MR. NAIFEH: JOHN ADCOCK IS THE ATTORNEY THAT HAS REQUESTED THAT ON OUR TEAM.

THE COURT: OKAY. GRANTED.

ANYBODY ELSE?

MR. NAIFEH: NOT THAT I'M AWARE OF AT THIS TIME.

THE COURT: ALL RIGHT.

MR. NAIFEH: THANK YOU, YOUR HONOR.

THE COURT: THERE IS SOMEBODY IN THE WAITING ROOM, ERIN DAY.

MS. FREEL: SHE IS NOT AN ATTORNEY IN THIS CASE. SHE IS AN ATTORNEY FOR THE STATE. I GUESS SHE JUST WANTS TO OBSERVE. SO IF THAT'S NOT ALLOWED, YOU CAN --

THE COURT: MS. FREEL, I CAN'T HEAR YOU.

MS. FREEL: OKAY. SHE'S NOT AN ENROLLED ATTORNEY WITH THE -- IN THE CASE. SHE IS AN ATTORNEY FOR THE STATE. I ASSUME SHE BELIEVES THAT SHE CAN OBSERVE. I AM JUST FAMILIAR WITH THE NAME, THAT'S ALL. IF SHE'S NOT, I CAN LET HER KNOW.

THE COURT: I MEAN, IT'S A PUBLIC HEARING. BUT WITHOUT PERMISSION FROM THE COURT, I MEAN, WHAT'S HER REASON FOR BEING ON A VIDEO CALL?

MS. FREEL: WELL, PROBABLY TO HEAR THE TESTIMONY OF THE FIRST WITNESSES THE PLAINTIFFS ARE CALLING, THAT THEY JUST

09:35 --

THE DEPUTY CLERK: WE HAVE IT ON AUDIO. IT'S ON AUDIO.

MS. FREEL: OKAY. I DON'T KNOW. I DO NOT KNOW. I DON'T KNOW. YOU JUST ASKED IF ANYONE KNOWS THE NAME, AND I'M JUST LETTING YOU KNOW I AM FAMILIAR WITH THE NAME.

THE DEPUTY CLERK: WE CAN PROVIDE THE PHONE -- THE CALL-IN NUMBER AND THE ACCESS CODE FOR ANYONE WHO WANTS TO PARTICIPATE TO HEAR IT ON AUDIO.

MS. FREEL: IT'S NOT NECESSARY.

THE DEPUTY CLERK: OKAY.

MS. FREEL: THANK YOU.

THE COURT: OKAY. SO FOR THE RECORD, THE COURT HAS OFFERED TO PROVIDE THE ATTORNEY FOR THE STATE WHO IS UNENROLLED WHO HAS REQUESTED, APPARENTLY, OR IS IN THE WAITING ROOM AND THUS WAITING ADMISSION VIA VIDEOCONFERENCE -- THE COURT WILL NOT GRANT VIDEOCONFERENCE ADMISSION TO AN UNENROLLED COUNSEL.

THE STATE HAS BEEN ADVISED BY THE COURTROOM DEPUTY THAT ANY -- THAT THERE CAN BE ANY OBSERVER TO THIS MATTER, INCLUDING UNENROLLED COUNSEL, AND THEY CAN EITHER COME TO COURT, THEY CAN COME TO THE OVERFLOW ROOM, OR THEY CAN PARTICIPATE AND LISTEN -- NOT PARTICIPATE. THEY CAN LISTEN BY AUDIO.

WITH THOSE PROVISIONS HAVING BEEN MADE AVAILABLE TO THE MEMBERS OF THE PUBLIC, WE WILL NOT ALLOW PARTICIPATION

09:36 BY VIDEOCONF' -- THE COURT WILL NOT ALLOW PARTICIPATION BY VIDEOCONFERENCE.

OKAY. ARE THERE -- OH, LET ME SAY ONE OTHER THING. IF YOU HAVE A WITNESS -- I'M SORRY, MS. KHANNA.

IF YOU HAVE A WITNESS WHO PREFERS TO REMAIN MASKED, WHEN THEY TAKE THE WITNESS STAND, WE WILL PROVIDE THEM WITH A SHIELD. THEY CAN JUST -- WHILE TESTIFYING, THEY CAN REMOVE THEIR MASK, TESTIFY WITH A SHIELD SO THAT WE CAN SEE THEIR FACE, AND THEN UPON LEAVING THE WITNESS STAND, THEY CAN RESUME WITH A MASK. THAT'S KIND OF OUR STANDARD PROTOCOL.

OKAY, MS. KHANNA.

MS. KHANNA: THANK, YOUR HONOR.

I JUST WANTED TO PROVIDE THE TIME CLOCK.

THE COURT: YES. THANK YOU.

MS. KHANNA: I BELIEVE WE'VE ALL AGREED THAT FOR PLAINTIFFS, WE HAVE TAKEN UP 383 MINUTES AND THE DEFENDANTS HAVE TAKEN UP 254 MINUTES AS OF CLOSE OF BUSINESS YESTERDAY.

THE COURT: OKAY. THANK YOU.

MS. KHANNA: THANK YOU.

THE COURT: ALL RIGHT. ANY OTHER HOUSEKEEPING MATTERS? OKAY. NEXT WITNESS.

MR. HAWLEY: GOOD MORNING, YOUR HONOR.

JONATHAN HAWLEY FOR THE GALMON PLAINTIFFS.

PLAINTIFFS CALL MR. MATTHEW BLOCK.

MS. FREEL: YOUR HONOR, THIS IS ANGELIQUE FREEL FOR

09:37 THE DEFENDANT INTERVENOR STATE OF LOUISIANA.

I'D LIKE TO ENTER AN OBJECTION ON THE RECORD. YOUR HONOR ISSUED AN ORDER INDICATING THE PARTIES WERE TO FILE A WITNESS LIST ON FRIDAY, APRIL 29TH, SO THAT THERE WOULD BE TIME TO DO DEPOSITIONS, IF DESIRED. MR. BLOCK WAS NOT ON THE WITNESS LIST AND, IN FACT, HE WASN'T ADDED UNTIL AROUND MIDNIGHT AFTER THIS CASE HAD ALREADY STARTED TRIAL ON MONDAY, MAY 9, 2022.

IN ADDITION, HE'S LISTED AS A WITNESS TO TESTIFY REGARDING ELECTION ADMINISTRATION. BECAUSE HE WAS NOT LISTED TIMELY, WE WERE NOT ALLOWED TO DO ANY DISCOVERY. IT'S NOT CLEAR AS TO HOW THAT'S EVEN POSSIBLE BECAUSE WE HAVE A SEPARATELY ELECTED CONSTITUTIONAL OFFICER IN LOUISIANA THAT, PURSUANT TO LOUISIANA CONSTITUTION ARTICLE 4, SECTION 7, SPECIFICALLY IS CHARGED WITH ADMINISTERING THE ELECTION LAWS. SO I JUST WANT TO PUT THAT OBJECTION ON THE RECORD.

THE COURT: MR. HAWLEY, DO YOU WANT TO ADDRESS THE OBJECTION?

MR. HAWLEY: YES. WHEN THE GALMON PLAINTIFFS FILED OUR INITIAL WITNESS LIST AT THE DEADLINE, WE INDICATED -- WE INCLUDED THE POSSIBILITY THAT WE MIGHT INCLUDE A TO-BE-DETERMINED ELECTION ADMINISTRATION WITNESS. GIVEN THE SPEED OF THE PROCEEDINGS, WE WANTED TO ENSURE THAT WE LET THE OTHER SIDE KNOW THAT WE MIGHT HAVE SUCH A WITNESS. AS SOON AS WE CONFIRMED MR. BLOCK'S PARTICIPATION IN THESE PROCEEDINGS, WE

09:38 UPDATED THE WITNESS LIST ACCORDINGLY.

THROUGHOUT THESE PROCEEDINGS -- THE WAY THINGS HAVE BEEN MOVING, THE WITNESS AND EXHIBIT LISTS HAVE BEEN AMENDED AND WE'VE BEEN SORT OF GOING UNDER THAT. BUT WE MADE SURE THAT WE LEFT THIS POSSIBILITY OPEN AND THAT WE INFORMED DEFENDANTS AS SOON AS WE COULD ONCE WE KNEW THAT MR. BLOCK WOULD BE TESTIFYING.

AS TO HIS QUALIFICATIONS, I'M CONFIDANT THAT'S SOMETHING THAT CAN COME OUT ON CROSS. BUT AS IT IS, WE BELIEVE MR. BLOCK IS QUALIFIED TO TESTIFY IN THIS CASE. WE DISCLOSED HIS PARTICIPATION AS SOON AS WE COULD, AND WE'D LIKE TO MOVE FORWARD WITH HIS TESTIMONY.

THE COURT: OKAY. THE OBJECTION IS NOTED AND OVERRULED.

MR. BLOCK, YOU MAY COME FORWARD.

MATTHEW BLOCK,

HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

THE COURT: OKAY. TWO PEOPLE CAME IN AFTER THE COURT'S -- I'M SORRY, MR. HAWLEY. JUST GIVE ME A SECOND.

TWO PEOPLE CAME IN AFTER THE COURT DISCUSSED THE CURRENT COVID SITUATION. THERE WAS A BREAKOUT OF COVID. THERE'S BEEN A CONFIRMED CASE OF COVID IN THE COURTROOM YESTERDAY. IF YOU HAVE COME IN AFTER I MADE MY ANNOUNCEMENT, IF YOU WISH TO WEAR A MASK WITH THAT DISCLOSURE, PLEASE FEEL FREE TO DO SO AND PROTECT YOURSELF AS YOU SO CHOOSE OR AS YOU

09:40 FEEL BEST PROTECTS YOUR OWN HEALTH AND SAFETY.
AND, MR. BLOCK, IF YOU WANT TO WEAR A SHIELD, WE WILL PROVIDE ONE FOR YOU. IT'S YOUR CALL.
THE WITNESS: I'M OKAY, YOUR HONOR.
THE COURT: ALL RIGHT.
MR. HAWLEY: YOU HAVE TO SWEAR THE WITNESS.
THE DEPUTY CLERK: I DID.
MR. HAWLEY: OH, I'M SORRY. OKAY. EXCELLENT. THANK YOU.

DIRECT EXAMINATION

BY MR. HAWLEY:

Q. GOOD MORNING, MR. BLOCK.
A. GOOD MORNING.
Q. COULD YOU PLEASE STATE YOUR FULL NAME FOR THE RECORD.
A. SURE. MY NAME IS MATTHEW BLOCK.
Q. AND WHAT IS YOUR CURRENT POSITION?
A. I AM GOVERNOR EDWARDS' EXECUTIVE COUNSEL.
Q. AND HOW LONG HAVE YOU BEEN THE GOVERNOR'S EXECUTIVE COUNSEL?
A. I'VE BEEN HIS EXECUTIVE COUNSEL THE ENTIRETY OF THE TIME THAT HE HAS BEEN OFFICE -- IN OFFICE. I BELIEVE THAT'S SINCE JANUARY 11TH OF 2016.
Q. AND COULD YOU JUST GENERALLY DESCRIBE SOME OF YOUR RESPONSIBILITIES?
A. SURE. I'M HIS EXECUTIVE COUNSEL. I'M HIS CHIEF LEGAL

09:40 COUNSEL, WHICH AMONGST OTHER THINGS, INVOLVES ISSUES WITH THE LEGISLATURE AND WE -- IT'S A PRETTY BROAD PORTFOLIO OF ISSUES THAT I COVER WITH THE GOVERNOR. WE HAVE A FAIRLY SMALL TEAM, AND WE DON'T HAVE PARTICULARLY DEFINED ROLES. SO WHATEVER THE GOVERNOR NEEDS ME TO DO IS WHAT I'M GOING TO DO.

Q. AND HAVE THOSE ACTIVITIES EVER INVOLVED LOUISIANA'S ELECTIONS?

A. SO IN A COUPLE OF DIFFERENT WAYS. THE GOVERNOR IS THE OFFICER WHO CALLS SPECIAL ELECTIONS IN THE STATE. SO AT LEAST OUTSIDE OF THE -- OUTSIDE OF LEGISLATIVE ELECTIONS. SO THOSE ARE ALL ISSUES THAT COME ACROSS MY DESK AND THE GOVERNOR CALLS SPECIAL ELECTIONS FROM MAYORS TO JUDGES AND EVERYTHING IN BETWEEN.

IN ADDITION, WE HAVE HAD A LOT OF WORK WITH THE SECRETARY OF STATE'S OFFICE ON ISSUING SPECIAL ELECTION PLANS THAT HAVE COME ABOUT AS A RESULT OF EMERGENCIES OR NATURAL DISASTERS. AND SO THAT'S SOMETHING THAT WE HAVE WORKED CLOSELY WITH THE SECRETARY OF STATE, BECAUSE THE SECRETARY OF STATE HAS A ROLE IN THAT, AS DOES THE GOVERNOR. IT'S ULTIMATELY THE GOVERNOR'S ORDER THAT IMPLEMENTS A MOVEMENT OF ELECTION DATES OR QUALIFYING DATES, WHATEVER IT MAY BE.

Q. AND CAN YOU GIVE SOME EXAMPLES OF WHEN ELECTIONS, ELECTION DATES, ELECTION DEADLINES HAVE BEEN MOVED IN THOSE SORTS OF CIRCUMSTANCES?

A. SURE. SO BY MY RECOLLECTION, IT'S SOMEWHERE AROUND --

09:42 1 THERE ARE TWO DIFFERENT PROCEDURES. THERE IS A PROCEDURE THAT
2 INVOLVES JUST THE SECRETARY OF STATE AND THE GOVERNOR, AND THEN
3 THERE'S A PROCEDURE, WHICH I KNOW THIS COURT IS VERY FAMILIAR
4 WITH, THAT INVOLVES AN ACTION TAKEN BY THE LEGISLATURE AS WELL
5 TO APPROVE AN EMERGENCY ELECTION PLAN THAT ALTERS VOTING
6 REGULATIONS, ET CETERA.
7 BUT FOR THE MOVEMENT OF DATES OR POLLING LOCATIONS OR
8 QUALIFYING DATES, THAT -- I BELIEVE THAT'S BEEN DONE NINE TIMES
9 SINCE WE HAVE BEEN IN OFFICE, THE MOST RECENT BEING JUST LAST
10 YEAR AFTER HURRICANE IDA. OBVIOUSLY, THERE WAS WIDESPREAD
11 DEVASTATION THROUGHOUT SOUTHEAST LOUISIANA. AND SO THE
12 SECRETARY OF STATE AND THE GOVERNOR WORKED TOGETHER ON MOVING
13 THE OCTOBER AND NOVEMBER ELECTIONS TO NOVEMBER/DECEMBER OF LAST
14 YEAR.
15 AND SO THAT REQUIRES THE SECRETARY TO ISSUE AN
16 EMERGENCY DECLARATION. THAT EMERGENCY DECLARATION IS THEN
17 RATIFIED VIA EXECUTIVE ORDER BY THE GOVERNOR, AND THE GOVERNOR
18 THEN, PER HIS ORDER, MOVES THE ELECTION DATES. AND SO THAT WAS
19 DONE LAST YEAR, AGAIN, MOVING THE ELECTION DATES FROM
20 OCTOBER/NOVEMBER TO NOVEMBER/DECEMBER.
21 **Q.** YOU'VE SPECIFICALLY MENTIONED ALTERATIONS TO POLLING
22 PLACES, MOVING SOME DEADLINES.
23 AND CAN YOU GIVE US EXAMPLES OF OTHER ELECTION
24 DETAILS THAT HAVE BEEN CHANGED IN RESPONSE TO DISASTERS AND
25 OTHER EMERGENCIES?

09:44 1 **A.** SO ALMOST ANYTHING INVOLVING THE ELECTION THEN HAS TO --
2 THE DATES HAVE TO BE MOVED. QUALIFYING DATES CAN BE MOVED VIA
3 THE SAME ORDER. BUT THE EARLY VOTING DATES CAN -- OBVIOUSLY BY
4 NECESSITY NEED TO BE MOVED WHEN THE ELECTION DATE IS MOVED.
5 AND SO -- I MEAN, FOR EXAMPLE, THERE HAVE BEEN TIMES WHERE WE
6 HAVE HAD TO CURTAIL EARLY VOTING DATES BECAUSE OF CERTAIN
7 ISSUES. WE'VE HAD TO MOVE EARLY VOTING LOCATIONS, ALL OF
8 WHICH, AGAIN, HAVE BEEN DONE IN COOPERATION WITH THE SECRETARY
9 OF STATE'S OFFICE AND THROUGH THOSE TWO SEPARATE ORDERS.
10 **Q.** SO YOU MENTIONED THAT EVEN ELECTION DATES HAVE BEEN
11 CHANGED IN THE PAST?
12 **A.** THAT'S RIGHT. I MEAN, IT'S BEEN DONE ON -- UNFORTUNATELY,
13 WE'VE HAD A LOT OF EXPERIENCE WITH THIS IN THE LAST TWO YEARS.
14 FOR -- IN '20, THE ORIGINAL APRIL-MAY ELECTIONS OF THE SPRING
15 OF '20 WERE MOVED TWICE. THEY WERE MOVED FROM APRIL AND MAY TO
16 JUNE AND JULY, AND THEN FROM JUNE AND JULY TO JULY AND AUGUST.
17 SO THOSE WERE OBVIOUSLY DONE AS A RESULT OF THE RAGING COVID
18 OUTBREAK THAT WE HAD IN THE SPRING AND EARLY SUMMER OF '20.
19 AND THEN, AS I SAID, JUST LAST YEAR WE MOVED THE ELECTION DATES
20 FOR HURRICANE IDA.
21 **Q.** SO IF ELECTION DATES HAVE BEEN CHANGED, THEN CERTAINLY
22 PRE-ELECTION DEADLINES HAVE BEEN CHANGED AS WELL?
23 **A.** THAT'S CORRECT. WHEN THE SECRETARY OF STATE ISSUES HIS
24 EMERGENCY DECLARATION -- THE WAY THIS HAS BEEN DONE IN PRACTICE
25 AT LEAST IS THAT THE SECRETARY ISSUES A WRITTEN EMERGENCY

09:45 CERTIFICATION THAT HAS A REQUEST FOR A NUMBER OF DIFFERENT ITEMS TO BE MOVED NORMALLY IN CORRELATION TO THE EXACT DATES THAT THEY WOULD HAVE OTHERWISE BEEN, BUT JUST THE DATES HAVE BEEN BACKED UP.

AND SO -- THEN THE GOVERNOR'S ORDER ESSENTIALLY MIRRORS THE SECRETARY OF STATE'S REQUEST, AT LEAST IN ALL OF THESE IN USING THIS PROCEDURE. I CAN'T REMEMBER A TIME WHERE THERE WASN'T AN AGREEMENT BETWEEN THE GOVERNOR AND THE SECRETARY OF STATE.

OBVIOUSLY, THERE WAS A DISAGREEMENT IN USING THE OTHER PROCEDURE FOR THE -- FOR THE FALL '20 ELECTIONS. BUT THAT WAS DONE THROUGH THE DIFFERENT PROCEDURE THAT INVOLVES THE LEGISLATURE TO ACTUALLY APPROVE OF A VOTING PLAN.

Q. AND IN SOME CASES HAVE THESE CHANGES BEEN MADE CLOSE IN TIME TO ELECTIONS?

A. THEY HAVE. AND USUALLY BECAUSE WE WERE HAVING TO RESPOND TO SOME EVENT THAT HAS HAPPENED THAT IS GOING TO CAUSE A -- THE NEED FOR A DELAY. SO I BELIEVE THAT THE ORDER FOR THE IDA ELECTIONS HAPPENED IN EARLY SEPTEMBER. OBVIOUSLY, I THINK THAT HURRICANE CAME AND HIT ON THE 29TH OF AUGUST. SO IN THE IMMEDIATE AFTERMATH, WE KNEW THERE WAS GOING TO BE AN ISSUE. THOSE ELECTIONS WERE SCHEDULED FOR OCTOBER. AND SO WE NEEDED TO BE ABLE TO RESPOND PRETTY QUICKLY. BUT, YOU KNOW -- SO ALL OF THESE ARE DONE WITHIN A MONTH OR TWO OF THE ELECTION. IT'S NOT NORMALLY SOMETHING WE CAN PLAN MONTHS AND MONTHS IN ADVANCE

09:47 FOR.
Q. SO IN THE PAST WHEN DEADLINES HAVE BEEN ALTERED, WHEN OTHER ELECTION DETAILS HAVE BEEN CHANGED, WAS THE STATE STILL ABLE TO SUCCESSFULLY ADMINISTER THESE ELECTIONS?
A. I BELIEVE SO. I MEAN, OBVIOUSLY IT'S A HUGE CHALLENGE, BUT IT'S SOMETHING THAT WE HAVE A LOT OF EXPERIENCE WITH. I SAY "WE HAVE A LOT OF EXPERIENCE WITH," THE SECRETARY HAS A LOT OF EXPERIENCE WITH. THE LOCAL ELECTION OFFICIALS HAVE A LOT OF EXPERIENCE WITH PULLING THESE OFF. IT'S NOT EASY, BUT I THINK, FOR THE MOST PART, THAT HAS BEEN VERY SUCCESSFUL IN GETTING THOSE CHANGES MADE AND ADMINISTERED.
Q. THE SECRETARY OF STATE'S OFFICE WAS ABLE TO IMPLEMENT THOSE ELECTIONS?
A. I HAVE HEARD NOTHING TO BE ABLE TO DISPUTE THAT.
Q. AND THE SECRETARY OF STATE'S OFFICE, I ASSUME, WAS ABLE TO INFORM VOTERS OF ANY CHANGES?
A. I THINK THAT'S CORRECT, YES. I MEAN, I CAN'T ASSURE YOU THAT EVERY SINGLE VOTER WAS NOTIFIED IN THE WAY THEY SHOULD. BUT I BELIEVE GLOBALLY AND GENERALLY THAT VOTERS WERE GIVEN THE INFORMATION THEY NEED.
Q. AND LOUISIANIANS HAD THE ABILITY TO CAST THEIR BALLOTS?
A. YES.
Q. DID ELECTORAL CHAOS ENSUE?
A. NOT THAT I'M AWARE OF, NO.
Q. IS IT FAIR TO SAY THAT THE STATE OF LOUISIANA HAS AN

09:48 1 ELECTION SYSTEM THAT IS ABLE TO ADJUST WHEN THINGS CHANGE?
2 **A.** YES.
3 **Q.** MR. BLOCK, IS THE LEGISLATURE CURRENTLY IN SESSION?
4 **A.** THEY ARE CURRENTLY MEETING AS WE SPEAK.
5 **Q.** UNTIL WHEN?
6 **A.** JUNE 6TH AT 6:00 P.M.
7 **Q.** IF REQUIRED BY THIS COURT TO DRAW A REMEDIAL MAP, COULD
8 THE LEGISLATURE DO SO DURING ITS SESSION IN THE NEXT THREE AND
9 A HALF WEEKS?
10 **A.** YES. THEY ARE CONSTITUTIONALLY AUTHORIZED TO DO SO, AND
11 THERE WOULD BE ENOUGH TIME TO DO SO. THERE'S EVEN A BILL THAT
12 WAS FILED PREVIOUS TO THE SESSION BEGINNING THAT -- BY THE
13 CHAIRMAN OF THE HOUSE AND GOVERNMENTAL COMMITTEE THAT --
14 REGARDING REDISTRICTING OF CONGRESSIONAL MAPS.
15 **MS. FREEL:** I'M GOING TO OBJECT TO THIS LINE OF
16 QUESTIONING. I MEAN, HE'S AN ATTORNEY. HE'S EVALUATING
17 ALLEGATIONS IN THIS CASE. HE'S ESSENTIALLY APPLYING WHAT HE
18 BELIEVES TO BE THE CORRECT LEGAL FRAMEWORK, AND I THINK THAT'S
19 THE APPROPRIATE JOB OF THE JUDGE.
20 **MR. HAWLEY:** YOUR HONOR, MR. BLOCK IS TESTIFYING AS
21 THE GOVERNOR'S LEGAL COUNSEL AND, AS HE MENTIONED, SOMEONE
22 WHO'S HAD EXTENSIVE EXPERIENCE WORKING WITH THE LEGISLATURE AND
23 THE OTHER AGENCIES OF THE STATE GOVERNMENT.
24 **THE COURT:** OKAY. THE COURT CONSIDERS THE TESTIMONY
25 IN THE NATURE OF AN EXPLANATION OF THE SYSTEMS THAT ARE IN

09:50 PLACE, NOT LEGAL OPINIONS. IN THAT REGARD, THE OBJECTION IS OVERRULED.

BY MR. HAWLEY:

Q. MR. BLOCK, IF THE LEGISLATURE WERE REQUIRED TO ADOPT A REMEDIAL PLAN AND DID NOT DURING ITS CURRENT SESSION, COULD THE GOVERNOR CALL AN EXTRAORDINARY SESSION TO ACCOMPLISH THAT?

A. EITHER THE GOVERNOR OR THE LEGISLATURE ITSELF COULD CALL THE LEGISLATURE INTO A SESSION FOR ANY REASON THAT IS ENUMERATED IN THE SPECIAL SESSION CALL.

Q. THANK YOU, MR. BLOCK. NO FURTHER QUESTIONS.

THE COURT: CROSS.

MS. FREEL: ANGELIQUE FREEL HERE ON BEHALF OF THE DEFENDANT INTERVENOR STATE OF LOUISIANA.

YOUR HONOR, I'M GOING TO ASK PERMISSION TO BE A LITTLE LIBERAL ON THE CROSS, TO THE EXTENT THAT I WAS NOT ALLOWED TO DEPOSE THIS WITNESS, AND I BELIEVE THAT HE DOES HAVE INFORMATION THAT IS VERY RELEVANT TO THE PLAINTIFFS' CLAIMS THAT ARE PENDING BEFORE THE COURT.

THE COURT: OKAY. WELL, I AM NOT GOING TO -- I DON'T KNOW WHAT YOU ARE ASKING FOR, SO I AM NOT GOING TO GRANT ANYTHING RIGHT NOW. LET'S SEE HOW IT GOES. IF THEY OBJECT, YOU CAN RESPOND TO THEIR OBJECTIONS.

MS. FREEL: THANK YOU, YOUR HONOR.

CROSS-EXAMINATION

BY MS. FREEL:

09:51 1 **Q.** GOOD MORNING, MR. BLOCK.
2 **A.** GOOD MORNING --
3 **Q.** WHEN WERE YOU --
4 **A.** -- MS. FREEL.
5 **Q.** SORRY.
6 WHEN WERE YOU CONTACTED BY THE PLAINTIFFS?
7 **A.** I BELIEVE IT WAS SOME TIME LAST WEEK, I GUESS. I MEAN,
8 AND -- I GUESS -- I'M NOT SURE IF YOU'RE ASKING ME ABOUT
9 PLAINTIFFS' COUNSEL? IS THAT WHAT YOU'RE ASKING?
10 **Q.** PLAINTIFFS OR PLAINTIFFS' COUNSEL, EITHER ONE. IF YOU CAN
11 JUST --
12 **A.** I DON'T BELIEVE I'VE HAD ANY COMMUNICATION WITH THE
13 PLAINTIFFS IN THIS CASE THAT I'M AWARE OF. I'M NOT EVEN SURE
14 WHO ALL THE PLAINTIFFS IN THE CASE ARE, SO I CAN'T TELL YOU
15 THAT FOR SURE. THERE MIGHT BE SOME INDIVIDUAL THAT I WAS IN
16 CONTACT WITH WHO I JUST DON'T KNOW IS A PLAINTIFF IN THE CASE.
17 BUT ABOUT MY TESTIMONY HERE TODAY, I WAS CONTACTED LAST WEEK, I
18 BELIEVE.
19 **Q.** OKAY. AND WHO WAS IT THAT CONTACTED YOU?
20 **A.** MR. PAPILLION.
21 **Q.** SO SINCE LAST WEEK, YOU'VE HAD AN IDEA THAT YOU MAY BE
22 CALLED AS A WITNESS FOR THIS CASE?
23 **A.** THAT'S WHEN THE DISCUSSION OCCURRED ABOUT WHEN --
24 POTENTIALLY THE NEED FOR ME TO BE A WITNESS IN THE CASE.
25 **Q.** MR. BLOCK, YOU HAVE NEVER SERVED AS AN ELECTION

09:52 COMMISSIONER. IS THAT RIGHT?
A. THAT'S CORRECT.
Q. AND YOU'VE NEVER SERVED AS AN ELECTION COMMISSIONER IN CHARGE. CORRECT?
A. THAT'S CORRECT.
Q. YOU'VE NEVER SERVED ON THE PARISH BOARD OF ELECTION SUPERVISORS. IS THAT CORRECT?
A. I HAVE NOT.
Q. YOU HAVE NEVER SERVED ON THE STATE BOARD OF ELECTION SUPERVISORS?
A. I HAVE NOT.
Q. YOU DID SERVE ON A LOCAL DEMOCRATIC PARTY COMMITTEE FOR LAFOURCHE PARISH. IS THAT RIGHT?
A. THAT'S CORRECT.
Q. AND THE DEMOCRATIC STATE CENTRAL COMMITTEE. IS THAT CORRECT?
A. THAT'S CORRECT.
Q. AND YOU'VE NEVER WORKED FOR THE CLERK OF COURT. IS THAT CORRECT?
A. I WORKED FOR THE CLERK OF COURT WHEN I WAS IN HIGH SCHOOL --
Q. OH, OKAY.
A. -- IN LAFOURCHE PARISH, BUT I WAS NOT INVOLVED WITH ELECTIONS.
Q. OKAY. AND YOU HAVE NOT WORKED FOR A REGISTRAR'S OFFICE

09:53 1 DURING AN ELECTION?
2 **A.** I HAVE NOT.
3 **Q.** OKAY. SO THE GOVERNOR, JOHN BEL EDWARDS, HE'S A DEMOCRAT.
4 CORRECT?
5 **A.** HE IS.
6 **Q.** AND WE HEARD FROM SEVERAL PLAINTIFFS' EXPERTS OVER THE
7 COURSE OF TWO DAYS THAT TESTIFIED THAT GOVERNOR EDWARDS WAS THE
8 BLACK CANDIDATE OF CHOICE.
9 DO YOU AGREE WITH THAT?
10 **A.** I MEAN, I DON'T KNOW IF THAT'S SOME LEGAL STANDARD. I
11 KNOW WHAT THE POLLING SHOWED AND WHAT THE RESULTS SHOWED; THAT
12 THE GOVERNOR WAS OVERWHELMINGLY SUPPORTED BY AFRICAN-AMERICAN
13 VOTERS.
14 **Q.** AND WOULD YOU AGREE THAT GOVERNOR EDWARDS MAKES AN EFFORT
15 TO BE RESPONSIVE TO THE NEEDS OF THE BLACK COMMUNITY?
16 **A.** I THINK THAT THE GOVERNOR CERTAINLY DOES THAT, ALONG WITH
17 TRYING TO BE RESPONSIVE TO THE NEEDS OF THE ENTIRE COMMUNITY,
18 NOT JUST ONE COMMUNITY; BUT YES, I AGREE. THE ANSWER IS YES TO
19 YOUR QUESTION.
20 **Q.** AND ONE OF HIS FIRST OFFICIAL ACTIONS WAS TO EXPAND
21 MEDICAID TO 420,000 CITIZENS IN LOUISIANA. IS THAT CORRECT?
22 **A.** THAT WAS DONE ON THE SECOND DAY HE WAS IN OFFICE. I MEAN,
23 IT'S A LOT MORE THAN 420,000 CITIZENS AT THIS POINT IN TIME
24 RIGHT NOW.
25 **Q.** AND MANY OF THOSE CITIZENS ARE BLACK. IS THAT RIGHT?

09:54 1 **A.** THAT IS CORRECT.
2 **Q.** AND THAT WAS DONE AROUND -- RIGHT WHEN HE CAME INTO OFFICE
3 IN 2016?
4 **A.** THAT'S RIGHT.
5 **Q.** SO AT LEAST SIX YEARS AGO?
6 **A.** HIS FIRST OFFICIAL ACT IN OFFICE, I BELIEVE.
7 **Q.** AND GOVERNOR EDWARDS IS A BIG PROPONENT OF CRIMINAL
8 JUSTICE REFORM, IS HE NOT?
9 **A.** HE IS, YES.
10 **Q.** AND, IN FACT, HE SIGNED A BILL IN 2018 THAT RESTORED
11 VOTING RIGHTS TO TENS OF THOUSANDS OF FELONS. IS THAT CORRECT?
12 **A.** I CAN'T ASSURE YOU THAT THE NUMBER OF TENS OF THOUSANDS
13 IS CORRECT, BUT HE DID SIGN THE BILL YOU'RE REFERRING TO.
14 **Q.** AND HOUSE BILL 265 IN 2018?
15 **A.** YES. I BELIEVE THAT'S THE PAT SMITH BILL YOU'RE REFERRING
16 TO. I JUST DON'T KNOW IF THE NUMBER IS CORRECT. I'VE NEVER
17 SEEN A TOTAL.
18 **Q.** AND THAT BILL WAS PASSED EVEN WITH A GOP-LED HOUSE. IS
19 THAT RIGHT?
20 **A.** THAT'S CORRECT.
21 **Q.** AND GOVERNOR EDWARDS SUPPORTED THE CONSTITUTIONAL
22 AMENDMENT THAT WAS PASSED BY ALL CITIZENS DOING AWAY -- OR
23 REQUIRING THE UNANIMOUS JURY VERDICT. IS THAT RIGHT? HE
24 SUPPORTED THAT?
25 **A.** HE DID.

09:55 1 **Q.** OKAY. AND EVEN THOUGH THE GOVERNOR'S A DEMOCRAT, HE'S
2 MODERATE ON SOME ISSUES. WOULD YOU AGREE WITH THAT?
3 **A.** I DON'T KNOW WHAT THE TERM "MODERATE" MEANS. I MEAN, I
4 THINK THAT THAT WOULD BE A GENERAL CLASSIFICATION FOR THAT. MY
5 GUESS IS THAT YOU AND I MIGHT HAVE DIFFERENT MEANINGS OF WHAT
6 THAT WORD MIGHT BE, SO I DON'T -- IF YOU WANT TO ASK ME A
7 SPECIFIC POSITION.
8 **Q.** IS GOVERNOR EDWARDS PRO-LIFE?
9 **A.** HE IS PRO-LIFE.
10 **Q.** AND DOES HE SUPPORT THE SECOND AMENDMENT RIGHT TO BEAR
11 ARMS?
12 **A.** HE DOES.
13 **Q.** AND DOES GOVERNOR EDWARDS -- HE WAS IN THE MILITARY,
14 ATTENDED WEST POINT. ARE THOSE ARE ALL THINGS THAT ARE VERY
15 IMPORTANT TO HIM?
16 **A.** YES, VERY MUCH SO.
17 **Q.** AND IN HIS TIME AS GOVERNOR, ISN'T IT TRUE THAT THE
18 GOVERNOR HAS APPOINTED MANY BLACKS TO HEAD HIS CABINETS IN
19 HIGH-RANKING POSITIONS?
20 **A.** HE HAS.
21 **Q.** AND THE HEAD OF THE DEPARTMENT OF HEALTH IS A BLACK
22 FEMALE. IS THAT CORRECT?
23 **A.** SHE IS.
24 **Q.** AND HER NAME IS?
25 **A.** DR. COURTNEY PHILLIPS.

09:56 **Q.** AND SHE ADMINISTERS THE LARGEST BUDGET IN THE STATE, WHICH IS $14 BILLION FOR AN AGENCY. IS THAT ACCURATE?
A. I CAN'T TELL YOU IF THAT EXACT NUMBER IS CORRECT, BUT IT'S CERTAINLY THE LARGEST BUDGET UNIT IN THE STATE.
Q. AND LDH IS -- IT FALLS WITHIN THE EXECUTIVE BRANCH. CORRECT?
A. YES, IT DOES.
Q. I'M SORRY. I WAS GOING TO REFRESH YOUR MEMORY ON THIS, BUT IT'S OKAY. I'M NOT GOING TO WORRY ABOUT IT.
AND THEN HE ALSO APPOINTED A BLACK FEMALE TO HEAD THE DEPARTMENT OF REVENUE; AND THAT WAS KIMBERLY ROBINSON. IS THAT CORRECT?
A. RIGHT. SHE IS NO LONGER THE SECRETARY OF REVENUE, BUT SHE WAS THE SECRETARY OF REVENUE UNTIL EARLY THIS YEAR, FROM 2016.
Q. AND SHE LEFT ON HER OWN ACCORD TO TAKE A VERY HIGH POSITION WITH LSU. IS THAT ACCURATE?
A. THAT IS CORRECT.
Q. AND AS THE HEAD OF DEPARTMENT OF REVENUE, PART OF HER JOB WAS PREPARING THE STATE'S BUDGET. IS THAT CORRECT?
A. THE SECRETARY -- LIKE I SAID AT THE BEGINNING, WE DON'T HAVE -- THE GOVERNOR DOES NOT HAVE A LOT OF DEFINED ROLES THAT -- TECHNICALLY THE COMMISSIONER OF ADMINISTRATION IS THE ONE WHO PREPARES THE STATE BUDGET, BUT THE SECRETARY IS WITH -- A LOT OF OTHER OFFICIALS WITHIN THE GOVERNOR'S CABINET HAVE SIGNIFICANT ROLES. SECRETARY ROBINSON -- SECRETARY LEWIS,

09:57 1 EXCUSE ME, IN PARTICULAR HAD A VERY LARGE ROLE AS AN ADVISOR
2 ISOR TO THE GOVERNOR. BUT TECHNICALLY IT'S THE COMMISSIONER OF
3 ADMINISTRATION WHO PREPARES THE GOVERNOR'S BUDGET.
4 **Q.** BUT YOU WOULD AGREE THAT AS SECRETARY, KIMBERLY ROBINSON
5 PLAYED AN IMPORTANT ROLE IN THE STATE OF LOUISIANA?
6 **A.** I CAN'T -- I CAN'T SAY ENOUGH OF THE ROLE THAT SHE PLAYED
7 IN THE GOVERNOR'S CABINET.
8 **Q.** AND THE GOVERNOR APPOINTED COLONEL LAMAR DAVIS AS
9 SUPERINTENDENT OF THE LOUISIANA STATE POLICE, AND HE IS A BLACK
10 MAN. IS THAT CORRECT?
11 **A.** TECHNICALLY THAT APPOINTMENT IS MADE BY THE SECRETARY OF
12 CORRECTIONS, BUT IT WAS CERTAINLY THE GOVERNOR'S CHOICE THAT
13 COLONEL DAVIS BE APPOINTED TO THAT POSITION.
14 **Q.** AND THE GOVERNOR APPOINTS THE HEAD OF DEPARTMENT OF
15 CORRECTIONS. IS THAT RIGHT?
16 **A.** THAT IS CORRECT, YES.
17 **Q.** AND THE GOVERNOR APPOINTED A BLACK FEMALE TO HEAD THE
18 LOUISIANA WORK COMMISSION. IS THAT CORRECT?
19 **A.** THAT IS CORRECT.
20 **Q.** AND THAT'S AVA CATES, AND SHE'S THE WIFE OF A NEW ORLEANS
21 JUDGE. IS THAT RIGHT?
22 **A.** THAT IS CORRECT.
23 **Q.** AND YOU'RE AWARE THAT UNDER THE GOVERNOR'S LEADERSHIP,
24 THE DEPARTMENT OF HEALTH HAS PROGRAMS FOR AFRICAN-AMERICAN
25 HEALTH. IS THAT CORRECT?

09:59 1 **A.** THAT'S RIGHT.
2 **Q.** AND UNDER GOVERNOR EDWARDS, THE DEPARTMENT OF HEALTH HAS
3 THE BUREAU OF MINORITY HEALTH ACCESS. IS THAT CORRECT?
4 **A.** I BELIEVE THAT'S RIGHT.
5 **Q.** AND THE GOVERNOR DECLARED JUNETEENTH AS A HOLIDAY IN
6 LOUISIANA. IS THAT ACCURATE?
7 **A.** HE DID.
8 **Q.** OKAY. AND HE CREATED A TASK FORCE TO TRACK RACIAL
9 INEQUITIES IN HEALTH CARE. IS THAT CORRECT?
10 **A.** ABSOLUTELY.
11 **Q.** AND THAT TASK FORCE WAS IMMEDIATELY ASSIGNED TO MAKE SURE
12 COMMUNITIES WITH HEALTH DISPARITIES ARE BLANKETED WITH GOOD
13 INFORMATION ON COVID-19 SAFETY. IS THAT ACCURATE?
14 **A.** I BELIEVE THAT'S ONE OF THE THINGS THAT TASK FORCE WAS
15 CHARGED WITH.
16 **Q.** AND ALSO THEY WERE CHANGED WITH PREVENTION OF COVID,
17 PROVIDING THE MEDICAL COMMUNITY BEST PRACTICES AND PROTOCOLS
18 FOR TREATING COMMUNITIES WITH UNDERLYING CONDITIONS IN HEALTH
19 DISPARITIES.
20 WOULD YOU AGREE WITH ALL OF THAT?
21 **A.** YES.
22 **Q.** AND ENSURING THAT TESTING WAS AVAILABLE AND THAT THERE WAS
23 AN EASE OF ACCESS FOR ALL COMMUNITIES. IS THAT ACCURATE?
24 **A.** YES. I MEAN, THAT WASN'T THE -- THAT TASK FORCE WAS NOT
25 THE ONLY ONE ASSIGNED WITH THAT RESPONSIBILITY, BUT YES, IT WAS

10:00 1 ONE OF THE MANY THINGS THAT THAT TASK FORCE WAS RESPONSIBLE
2 FOR.
3 **Q.** AND COVID VACCINES WERE OFFERED FREE OF CHARGE HERE IN
4 LOUISIANA. IS THAT ACCURATE?
5 **A.** THAT IS CORRECT.
6 **Q.** AND THE STATE HAD A LOT OF INITIATIVES TO ENCOURAGE PEOPLE
7 TO GET VACCINATED AGAINST COVID. IS THAT ACCURATE?
8 **A.** THAT CONTINUE TO THIS DAY, YES.
9 **Q.** AND COVID TESTS WERE FREE IN LOUISIANA. IS THAT ACCURATE?
10 **A.** THAT IS TRUE.
11 **Q.** AND THE PAXLOVID ANTIVIRAL DRUG IS AVAILABLE FOR PEOPLE
12 WITH HEALTH CARE COVERAGE AND MEDICAID AND THINGS OF THAT
13 NATURE FOR FREE. IS THAT RIGHT?
14 **A.** IT IS.
15 **Q.** OKAY. AND, IN FACT, THE GOVERNOR PUSHED FOR A REGULATION
16 TO ADD COVID-19 VACCINES TO THE MANDATORY SCHEDULE OF
17 VACCINATIONS FOR SCHOOL CHILDREN. IS THAT ACCURATE?
18 **A.** YES, HE DID. I MEAN, IT WAS -- I MEAN, I KNOW WE'RE -- I
19 DON'T WANT TO SEEM LIKE IT'S PICKING NITS, BUT I MEAN, THERE'S
20 A RULE PASSED BY THE DEPARTMENT OF HEALTH THAT THE GOVERNOR
21 STRONGLY SUPPORTED.
22 **Q.** AND LOUISIANA IS THE ONLY STATE BESIDES CALIFORNIA THAT'S
23 DONE THAT?
24 **A.** I DON'T KNOW IF THAT'S TRUE OR NOT.
25 **Q.** OKAY. AND THE GOVERNOR DECLARED A STATE OF EMERGENCY FOR

10:01 ROUGHLY TWO YEARS FOR COVID. IS THAT ACCURATE?
A. HE DID, YES, ROUGHLY TWO YEARS.
Q. AND NEW ORLEANS IS A MAJORITY-BLACK CITY. IS THAT RIGHT?
A. I CAN'T TELL YOU IF I KNOW THE EXACT NUMBERS, BUT I BELIEVE THAT TO BE THE CASE.
Q. AND THE MAYOR IS A BLACK FEMALE, LATOYA CANTRELL. IS THAT ACCURATE?
A. THAT IS CORRECT.
Q. AND MAYOR CANTRELL SET HER OWN COVID RESTRICTIONS, WHICH WERE EVEN MORE STRINGENT THAN THAT OF THE STATE. IS THAT ACCURATE?
A. AT TIMES WERE MORE STRINGENT THAN THE STATE, YES.
Q. OKAY. AND YOU WOULD AGREE THAT GOVERNOR EDWARDS HAS ALIGNED HIMSELF WITH THE BLACK CAUCUS ON A NUMBER OF OCCASIONS WHILE HE SERVED AS GOVERNOR. IS THAT ACCURATE?
A. I GUESS SO. I MEAN, CERTAINLY THE GOVERNOR HAS WORKED CLOSELY WITH THE BLACK CAUCUS ON A NUMBER OF DIFFERENT ISSUES. SO I GUESS THAT WOULD MEAN THAT HE'S ALIGNED HIMSELF WITH THEM, YES.
Q. OKAY. AND HE PARTNERED WITH THE BLACK CAUCUS TO CELEBRATE THE FIRST BLACK GOVERNOR P.B.S. PINCHBACK BREAKFAST IN HONOR OF THE RETIRED SUPREME COURT JUSTICE BERNETTE JOHNSON. IS THAT CORRECT?
A. THAT IS CORRECT.
Q. AND HE RECENTLY PARTNERED WITH THE BLACK CAUCUS OR -- WHEN

10:02 THEY WERE UPSET WITH REGARD TO THE CONGRESSIONAL MAPS, AND HE VETOED LEGISLATIVE HOUSE BILL 1 AND SENATE BILL 5. IS THAT RIGHT?

A. HE CERTAINLY DID VETO THAT BILL.

Q. AND --

A. TWO BILLS.

Q. I'M SORRY. I DIDN'T MEAN TO CUT YOU OFF.

AND HIS REASONS FOR VETOING THE BILLS, HE STATED THEM IN HIS VETO STATEMENT ON MARCH 9TH. IS THAT RIGHT? YOU HAD TO DO THAT. CORRECT?

A. I CAN'T RECALL THE EXACT DATE, BUT I ASSUME THAT'S THE RIGHT DATE, YES.

Q. BUT IN HIS LETTER THE REASONS FOR THE VETO ARE THERE. CORRECT?

A. YES, CORRECT.

Q. OKAY. AND, MR. BLOCK, YOU'RE FAMILIAR WITH REDISTRICTING HAVING WORKED, YOU KNOW, WITH THE DEMOCRATIC PARTY AND NOW WITH THE GOVERNOR. RIGHT?

A. I NEVER WORKED WITH REDISTRICTING BEFORE THIS PAST SESSION AND THE ISSUES HERE. SO I DON'T BELIEVE I EVER HAD ANYTHING TO DO WITH REDISTRICTING WITH THE DEMOCRATIC PARTY.

Q. BUT YOU KNOW OVER THE YEARS THERE'S BEEN SOME LAWSUITS WHERE -- I MEAN, I TALKED TO YOU ABOUT THE *TERREBONNE* CASE WHEN IT WAS GOING ON. YOU REMEMBER THAT?

A. YEAH, SURE. SURE. THAT WASN'T A REDISTRICTING CASE, BUT

10:03 CERTAINLY I'M VERY -- I MEAN, I WAS COUNSEL FOR THE GOVERNOR IN THAT CASE.

Q. RIGHT. I GET THAT.

BUT YOU AGREE THAT INCUMBENCY IS A FACTOR THAT'S TAKEN INTO CONSIDERATION FOR REDISTRICTING?

A. TAKEN INTO A FACTOR BY THE --

Q. -- BY THE LEGISLATURE WHEN THEY ARE DRAWING --

A. OH, CERTAINLY, YES.

Q. AND WHEN THE LEGISLATURE MET TO OVERRIDE THE GOVERNOR'S VETO THIS SESSION, THAT WAS A GOP LED HOUSE AND SENATE. IS THAT ACCURATE?

A. YES.

Q. AND WHEN THERE WAS A DISAGREEMENT BETWEEN THE SECRETARY OF STATE AND THE GOVERNOR WITH REGARD TO THE EMERGENCY ELECTION PLAN FOR COVID, YOU'D AGREE THAT ONE OF THE BIGGEST ISSUES WAS PARTISAN OPPOSITION TO THE ABSENTEE MAIL BALLOT?

A. YOU MEAN ONE OF THE BIGGEST ISSUES WAS -- AND WHY WE COULDN'T GET TO AN ELECTION PLAN THAT THE GOVERNOR APPROVED?

Q. YES.

A. I THINK THAT'S RIGHT. I THINK THAT'S WHAT THE SECRETARY INDICATED, I BELIEVE PUBLICLY: THAT HE DID NOT BELIEVE HE COULD GET THE PLAN THAT WAS USED IN JULY AND AUGUST THAT -- THAT WAS APPROVED BY THE LEGISLATURE. I BELIEVE HE SAID PUBLICALLY THAT HE COULD NOT GET THAT PASSED BY THE LEGISLATURE FOR THE NOVEMBER PRESIDENTIAL ELECTION.

10:04 1 **Q.** BECAUSE OF THE PARTISAN OPPOSITION TO EXPANDING THE
2 ABSENTEE BY MAIL?
3 **A.** I THINK THERE WAS SOME OTHER REASONS, BUT THAT WAS
4 CERTAINLY ONE OF THEM, YES.
5 **Q.** AND YOU TALKED BRIEFLY ABOUT THE GOVERNOR'S ROLE WITH
6 REGARD TO THE SECRETARY OF STATE IN SPECIAL ELECTIONS.
7 AND SO ESSENTIALLY THE SECRETARY OF STATE ISSUES A
8 WRITTEN EMERGENCY CERTIFICATION, AND THAT TRIGGERS THE
9 GOVERNOR'S INVOLVEMENT. IS THAT RIGHT?
10 **A.** THAT'S RIGHT.
11 **Q.** AND YOU DON'T DISAGREE THAT THE SECRETARY OF STATE
12 ADMINISTERS ELECTIONS PURSUANT TO THE CONSTITUTION. CORRECT?
13 **A.** I CERTAINLY DO NOT.
14 **Q.** AND YOU INDICATED THAT THE GOVERNOR'S ORDER MIRRORS THE
15 SECRETARY OF STATE'S REQUEST?
16 **A.** I CAN'T THINK OF A TIME WHERE IT DID NOT MIRROR THE
17 SECRETARY'S REQUEST.
18 **Q.** AND THE SECRETARY OF STATE CONTACTS THE GOVERNOR'S OFFICE,
19 AND Y'ALL WORK THROUGH THESE ISSUES. CORRECT?
20 **A.** THAT'S RIGHT.
21 **Q.** AND THE SECRETARY OF STATE HAS NOT TALKED TO YOU AT ALL
22 ABOUT THE ISSUES FOR THE CONGRESSIONAL PLAN?
23 **A.** FOR THE --
24 **Q.** IF IT WERE NECESSARY TO MOVE AN ELECTION, THE SECRETARY OF
25 STATE HASN'T COME AND TALKED TO YOU ABOUT THAT. CORRECT?

10:06 **A.** YOU MEAN --
Q. THERE'S NO CERTIFICATION --
A. YOU MEAN ABOUT ELECTIONS, FOR THE UPCOMING ELECTIONS FOR THIS FALL?
Q. CORRECT. CORRECT.
A. NO, THAT'S CORRECT.
MS. FREEL: THAT'S ALL THE QUESTIONS I HAVE.
THE COURT: REDIRECT.
MR. HAWLEY: THANK YOU.

REDIRECT EXAMINATION

BY MR. HAWLEY:
Q. MR. BLOCK, YOU AND MS. FREEL JUST DISCUSSED A NUMBER OF THE APPOINTMENTS OF BLACK OFFICEHOLDERS AND BLACK OFFICIALS THAT GOVERNOR EDWARDS HAS MADE AND OTHER THINGS THAT HE HAS DONE ON BEHALF OF THE BLACK COMMUNITY. CORRECT?
A. I THINK THAT'S A FAIR CHARACTERIZATION OF WHAT WE DISCUSSED.
Q. WHO WAS GOVERNOR EDWARDS' PREDECESSOR IN THE GOVERNOR'S MANSION?
A. GOVERNOR BOBBY JINDAL.
Q. DID GOVERNOR JINDAL SIMILARLY APPOINT BLACK CABINET HEADS AND OTHER BLACK OFFICIALS IN HIS ADMINISTRATION?
A. I THINK HE --
MS. FREEL: OBJECTION. I OBJECT ON THE GROUNDS OF HEARSAY. THERE'S BEEN NO FOUNDATION THAT HE EVEN KNOWS THIS.

10:07 1 HE WAS NOT PART -- HE WAS NOT PART OF THAT ADMINISTRATION.
2 **THE COURT:** YOUR OBJECTION IS TO HEARSAY? YOUR
3 OBJECTION IS OVERRULED.
4 **BY THE WITNESS:**
5 **A.** I WOULD SAY THAT GOVERNOR JINDAL DID APPOINT BLACK
6 OFFICIALS. I'M NOT SURE I COULD AGREE THAT HE SIMILARLY
7 APPOINTED BLACK OFFICIALS TO HIS CABINET.
8 **BY MR. HAWLEY:**
9 **Q.** DID GOVERNOR JINDAL OR ANY OF HIS PREDECESSORS EXPAND
10 MEDICAID, AS GOVERNOR EDWARDS DID?
11 **A.** NO.
12 **Q.** DID GOVERNOR JINDAL OR ANY OF HIS PREDECESSORS MAKE
13 JUNETEENTH A HOLIDAY, AS GOVERNOR EDWARDS DID?
14 **A.** NOT THAT I'M AWARE OF.
15 **Q.** AND IS THE GOVERNOR THE ONLY OFFICEHOLDER IN LOUISIANA WHO
16 DEALS WITH ISSUES OF HEALTH CARE AND THESE OTHER ISSUES?
17 **A.** I MEAN, I'M NOT SURE HOW TO ANSWER THAT QUESTION. I MEAN,
18 THE LOUISIANA DEPARTMENT OF HEALTH IS AN EXECUTIVE BRANCH
19 AGENCY UNDER THE GOVERNOR'S APPOINTMENT, POWER AND AUTHORITY,
20 SO I MEAN, IT IS THE LOUISIANA DEPARTMENT OF HEALTH THAT IS
21 PRIMARILY RESPONSIBLE FOR THAT. BUT EVERY AGENCY HAS SOME
22 ISSUES THAT THEY -- CERTAINLY OVER THE LAST TWO YEARS IN
23 PARTICULAR -- THAT THEY HAVE DEALT WITH, INVOLVING HEALTH
24 ISSUES.
25 **Q.** WOULD YOU AGREE THAT THE STATE LEGISLATURE HAS A ROLE TO

10:08 PLAY IN SHAPING HEALTH POLICY AND OTHER ISSUES THAT AFFECT LOUISIANIANS?

A. SURE, OF COURSE.

Q. AND THE STATE'S DELIGATION TO THE U.S. HOUSE OF REPRESENTATIVES DOES THE SAME?

A. OF COURSE.

Q. IS IT YOUR VIEW -- SORRY.

YOU MENTIONED WITH MS. FREEL THAT BLACK VOTERS IN LOUISIANA TEND TO SUPPORT GOVERNOR EDWARDS. IS THAT A FAIR ASSESSMENT?

A. THAT HAS CERTAINLY BEEN A BIG PART OF HIS TWO ELECTIONS TO THE -- TO BE GOVERNOR.

Q. IS IT YOUR VIEW THAT BLACK LOUISIANIANS SUPPORT GOVERNOR EDWARDS BECAUSE OF HIS PARTY AFFILIATION OR BECAUSE OF ALL OF THE INITIATIVES AND THINGS THAT HE HAS DONE FOR THE BLACK COMMUNITY THAT YOU'VE JUST DISCUSSED WITH MS. FREEL?

A. I DON'T KNOW HOW TO ANSWER THAT QUESTION OTHER THAN I WOULD THINK IT WOULD BE GLOBALLY THEY SUPPORT HIM BECAUSE OF WHO HE IS, WHAT HE'S DONE. I'M SURE SOME OF IT IS BECAUSE OF HIS PARTY AFFILIATION AS WELL. I THINK IT'S PROBABLY A NUMBER OF FACTORS.

Q. GOVERNOR EDWARDS VETOED HB1, THE ENACTED CONGRESSIONAL MAP. CORRECT?

A. AND AS WELL AS THE MATCHING SENATE BILL, CORRECT.

Q. WHAT WAS THE STATED REASON THE GOVERNOR GAVE FOR HIS VETO?

10:09 1 **A.** I MEAN, I -- IT WAS A FAIRLY LENGTHY VETO MESSAGE THAT THE
2 GOVERNOR PROVIDED, BUT ESSENTIALLY THE GOVERNOR BELIEVED THAT
3 THERE SHOULD BE A SECOND MAJORITY-MINORITY CONGRESSIONAL
4 DISTRICT.
5 **Q.** DID THE GOVERNOR -- WAS THE GOVERNOR'S POSITION THAT THE
6 NEW CONGRESSIONAL MAP VIOLATED THE FEDERAL VOTING RIGHTS ACT?
7 **MS. FREEL:** OBJECTION. THAT'S LEADING.
8 **THE COURT:** DO YOU WANT TO REPHRASE THAT?
9 **BY MR. HAWLEY:**
10 **Q.** DID GOVERNOR EDWARDS GIVE ANY LEGAL JUSTIFICATIONS FOR HIS
11 VETO IN HIS MESSAGE?
12 **A.** YES. AMONGST OTHER THINGS, HE INDICATED THAT HE DID
13 BELIEVE IT VIOLATED SECTION 2 OF THE VOTING RIGHTS ACT.
14 **Q.** AND DID HE PREVIOUSLY STATE HIS VIEW ON WHAT A FAIR
15 CONGRESSIONAL MAP WOULD CONTAIN?
16 **A.** ON MULTIPLE OCCASIONS, YES, HE DID.
17 **Q.** AND WHAT WAS THAT?
18 **A.** THAT HE BELIEVED THAT LOUISIANA SHOULD HAVE A SECOND
19 MAJORITY-MINORITY CONGRESSIONAL DISTRICT.
20 **Q.** AND THE LEGISLATURE OVERRODE THE GOVERNOR'S VETO?
21 **A.** THAT IS CORRECT.
22 **Q.** THANK YOU. NO FURTHER QUESTIONS.
23 **THE COURT:** THANK YOU, MR. BLOCK.
24 YOU MAY STEP DOWN.
25 **THE WITNESS:** THANK YOU, YOUR HONOR.

10:10 **THE COURT:** NEXT WITNESS.

MS. KHANNA: YOUR HONOR, THE PLAINTIFFS REST THEIR CASE IN CHIEF NOW.

I JUST WANTED TO CLARIFY. NORMALLY WE WOULD WANT TO TAKE THE OPPORTUNITY TO CONFIRM THAT ALL THE EXHIBITS THAT WE MOVED IN ARE, IN FACT, ADMITTED. BUT WE'RE HAPPY TO DO THAT DURING A BREAK IF THAT'S EASIER, AS LONG AS THE RECORD CAN STAY OPEN FOR THAT PURPOSE?

THE COURT: YES. THE COURT WILL LEAVE THE RECORD OPEN, SUBJECT TO THE PLAINTIFFS CONFERRING WITH THE COURTROOM DEPUTY WITH RESPECT TO THOSE EXHIBITS THAT HAVE BEEN ADMITTED, AND THEN WE CAN TRY TO WORK THAT OUT IF THERE IS SOME KIND OF A DISCREPANCY. THANK YOU.

MS. KHANNA: THANK, YOUR HONOR.

THE COURT: OKAY. THE DEFENDANTS MAY CALL THEIR FIRST WITNESS.

MR. GORDON: HELLO, YOUR HONOR.

PHILLIP GORDON FOR THE STATE OF LOUISIANA. THE DEFENSE CALLS THOMAS BRYAN.

THE COURT: MR. GORDON, DO YOU REPRESENT THE SECRETARY OF THE STATE OR THE STATE INTERVENOR?

MR. GORDON: THE STATE INTERVENOR, YOUR HONOR.

THE COURT: THANK YOU.

THOMAS M. BRYAN,

HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

10:12 **THE DEPUTY CLERK:** WOULD YOU STATE YOUR NAME AND SPELL IT FOR THE RECORD, PLEASE.

THE WITNESS: THANK YOU. MY NAME IS THOMAS MARK BRYAN. T-H-O-M-A-S, M-A-R-K, B-R-Y-A-N.

THE COURT: YOU MAY BE SEATED, SIR.

THE WITNESS: THANK YOU.

MR. GORDON: THANK YOU, MR. BRYAN.

AT THIS TIME I'D LIKE TO SEEK A STIPULATION AS TO THE TENDER OF MR. BRYAN AS TO DEMOGRAPHICS, REDISTRICTING, AND CENSUS DATA. IS THERE AN OBJECTION?

THE COURT: DEMOGRAPHICS, REDISTRICTING -- I DIDN'T HEAR THE LAST WORD.

MR. GORDON: AND CENSUS DATA, YOUR HONOR.

MS. KHANNA: NO OBJECTION, YOUR HONOR.

THE COURT: OKAY. WITHOUT OBJECTION, MR. BRYAN IS ACCEPTED BY THE COURT IN DEMOGRAPHICS, REDISTRICTING, AND CENSUS DATA AND MAY GIVE OPINION TESTIMONY IN THOSE AREAS.

MR. GORDON: THANK YOU, YOUR HONOR.

I ALSO MOVE FOR ADMISSION OF MR. BRYAN'S CURRICULUM VITAE. IT IS AT PAGE 102 THROUGH 119 OF HIS EXPERT REPORT, WHICH IS AT DOCUMENT 108-1 ON THE ECF.

THE COURT: RECORD DOCUMENT 108-1. ANY OBJECTION TO THE C.V.?

MS. KHANNA: NO OBJECTION, YOUR HONOR.

THE COURT: OKAY. THE C.V. AT RECORD DOCUMENT 108-1,

10:13 PAGES 102 TO 119 IS ADMITTED.

MR. GORDON: THANK YOU, YOUR HONOR.

DIRECT EXAMINATION

BY MR. GORDON:

Q. HELLO, MR. BRYAN.

A. GOOD MORNING.

Q. WELL, THANK YOU FOR BEING HERE TODAY.

A. THANK YOU.

Q. SO LET'S JUST GO OVER SOME BASIC PRELIMINARY MATTERS TO START. WHERE ARE YOU CURRENTLY EMPLOYED?

A. I CURRENTLY OWN A COMPANY NAMED BGD, OR BRYANGEODEMOGRAPHICS, THAT'S BASED IN RICHMOND, VIRGINIA. BUT THE COMPANY WORKS NATIONALLY FOR REDISTRICTING CASES ALL AROUND THE UNITED STATES.

Q. OKAY. AND YOU SAID YOU WERE THE OWNER OF THAT COMPANY?

A. YES, I AM THE PRESIDENT AND THE OWNER.

Q. AND DO YOU HOLD ANY ADVANCED EDUCATION?

A. YES, I DO. I'VE GOT A DEGREE, A MASTERS, OF URBAN STUDIES WITH MY STUDIES IN DEMOGRAPHY AND STATISTICS, AND I ALSO HAVE A DEGREE IN MANAGEMENT IN INFORMATION SYSTEMS TECHNOLOGY FROM GEORGE WASHINGTON UNIVERSITY.

Q. AND WHERE WAS -- AND I DON'T BELIEVE I HEARD IT. WHERE WAS THE MASTER'S OF URBAN STUDIES DEGREE?

A. THAT WAS IN PORTLAND STATE UNIVERSITY IN PORTLAND, OREGON.

Q. GREAT. NOW, BEFORE YOUR TIME AT BRYANGEODEMOGRAPHICS, OR

10:14 BGD, WHICH I THINK IS AN EASIER THING TO SAY --
A. YES.
Q. -- WHAT OTHER POSITIONS HAVE YOU HELD?
A. I STARTED MY CAREER IN DEMOGRAPHY WHEN I WAS A GRADUATE STUDENT WORKING FOR THE OREGON STATE DATA CENTER ALMOST 30 YEARS AGO. AFTER MY GRADUATE STUDIES, I WENT TO WORK FOR THE U.S. CENSUS BUREAU FROM 1998 THROUGH 2001 IN THE AREA OF POPULATION ESTIMATES AND PROJECTIONS AND ALSO IN THE DEVELOPMENT OF THE AMERICAN COMMUNITIES SURVEY.
AFTER I LEFT THE CENSUS BUREAU, I WENT TO WORK AS A DEMOGRAPHER FOR A SOFTWARE COMPANY NAMED E-S-R-I, OR ESRI, WHO IS A COMPANY RESPONSIBLE FOR BUILDING AND DELIVERING PROBABLY THE LARGEST GEOGRAPHIC INFORMATION SYSTEM SOFTWARE IN THE WORLD.
Q. AND WHAT SOFTWARE DO YOU USE TYPICALLY IN YOUR WORK?
A. IT'S CALLED ARCMAP OR SOMETIMES CALLED ARCGIS IN THE COMMUNITY.
Q. AND WHO DEVELOPS THAT SOFTWARE?
A. WHO DEVELOPED THE SOFTWARE?
Q. WHO OWNS OR PUBLISHES THAT SOFTWARE?
A. YEAH. IT'S A PRIVATELY-OWNED COMPANY BY A GENTLEMAN NAMED JACK DANGERMOND. HIS ENTIRE CAREER AND COMPANY IS BUILT AROUND GIS SOFTWARE.
Q. OKAY. AND SO IN TOTAL, HOW MANY YEARS HAVE YOU WORKED IN THE FIELD OF DEMOGRAPHICS AND REDISTRICTING USING CENSUS DATA?

10:15 1 **A.** I'VE STUDIED DEMOGRAPHY AND WORKED ACTIVELY AS AN APPLIED
2 DEMOGRAPHER FOR 30 YEARS. I HAVE APPLIED THAT IN THE FIELD OF
3 REDISTRICTING FOR 20 YEARS.
4 **Q.** OKAY. AND SO LET'S BRIEFLY TALK ABOUT ANY OTHER CASES
5 YOU'VE TESTIFIED IN.
6 HAVE YOU TESTIFIED PREVIOUS TO THIS OCCASION?
7 **A.** YES, I HAVE.
8 **Q.** AND WHERE WAS THAT?
9 **A.** THAT WAS IN THE CASE -- THE *SINGLETON* CASE IN ALABAMA
10 EARLIER THIS YEAR.
11 **Q.** AND I THINK THE PROCEDURE OF THAT CASE IS A BIT TORTURED.
12 BUT WAS IT BOTH *SINGLETON* AND *CASTER*; THEY WERE CONSOLIDATED
13 CASES?
14 **A.** THAT'S MY UNDERSTANDING, YES.
15 **Q.** AND WERE YOU -- AND IF I REFER TO THE "ALABAMA CASE,"
16 YOU'LL KNOW WHAT I'M SPEAKING ABOUT FROM HERE ON OUT?
17 **A.** I WILL, YES.
18 **Q.** OKAY. WERE YOU QUALIFIED AS AN EXPERT IN THE ALABAMA
19 CASE?
20 **A.** YES, I WAS.
21 **Q.** AND HOW MUCH WEIGHT DID THE COURT END UP GIVING YOUR
22 TESTIMONY IN THAT CASE?
23 **A.** THE COURT ENDED UP GIVING WHAT WAS REPORTED TO BE LITTLE
24 WEIGHT TO MY TESTIMONY IN THAT CASE.
25 **Q.** ALL RIGHT. SO LET'S TALK ABOUT WHAT YOU DID IN ALABAMA

10:16 1 JUST BRIEFLY. OR WHAT WERE SOME OF THE THINGS YOU ANALYZED IN
2 THE ALABAMA LITIGATION?
3 **A.** YES. I ANALYZED NUMEROUS THINGS. WE ANALYZED COMMUNITIES
4 OF INTEREST, CORE RETENTION. WE DID A COMPACTNESS ANALYSIS,
5 AND THEN WE RAN THE DEMOGRAPHIC CHARACTERISTICS IN DETAIL OF
6 THE STATE PLAN AND OTHER PLANS THAT WERE PRESENTED DURING THE
7 CASE.
8 **Q.** SO WHAT OF THOSE THINGS HAVE YOU DONE IN THIS LITIGATION?
9 **A.** YEAH. IN THIS PARTICULAR CASE I WAS ASKED TO JUST SIMPLY
10 FOCUS ON THE DEMOGRAPHICS. I DID NOT DO A
11 COMMUNITY-OF-INTEREST CORE RETENTION, COMPACTNESS, OR OTHER
12 TRADITIONAL REDISTRICTING PRINCIPAL ASSESSMENT.
13 **Q.** AND WAS ALABAMA THE ONLY OTHER CASE YOU TESTIFIED IN PRIOR
14 TO TODAY?
15 **A.** YES.
16 **Q.** SO THIS IS YOUR SECOND RODEO?
17 **A.** YES.
18 **Q.** WELL, WELCOME TO THE SHOW.
19 **A.** THANK YOU.
20 **Q.** SO WHAT IS THE CURRENT STATUS OF THE ALABAMA LITIGATION?
21 **A.** MY UNDERSTANDING IS THAT IT'S BEEN STAYED, AND IT'S
22 SITTING WITH THE U.S. SUPREME COURT CURRENTLY.
23 **Q.** ALL RIGHT. SO MOVING ON TO YOUR REPORTS IN THIS CASE.
24 HOW MANY REPORTS DID YOU PROVIDE HERE?
25 **A.** I PROVIDED TWO: AN INITIAL AND A SUPPLEMENTAL.

10:17 1 **Q.** SO WHAT IS CONTAINED IN YOUR SUPPLEMENTAL REPORT?
2 **A.** SURE. THE SUPPLEMENTAL REPORT WAS DELIVERED AFTER I
3 RECEIVED ANOTHER PLAN. I RECEIVED SOMETHING CALLED THE
4 ILLUSTRATIVE 4 PLAN. AND SO I DID THE SAME ANALYSIS OF THAT
5 PLAN AS I HAD DONE FOR THE ENROLLED PLAN AND FOR THE OTHER
6 ILLUSTRATIVE PLANS I'D BEEN PRESENTED EARLIER.
7 THE SUPPLEMENTAL REPORT ALSO INCLUDED SOME ADDITIONAL
8 DETAILED INFORMATION ON THE MEASUREMENT OF THE BLACK POPULATION
9 IN COMBINATION WITH OTHER RACES, AS WELL AS IN COMBINATION WITH
10 THE HISPANIC ETHNICITY MEASUREMENT.
11 **Q.** AND WHOSE REPORTS WERE YOU RESPONDING TO IN YOUR
12 SUPPLEMENTAL REPORT?
13 **A.** THE SUPPLEMENTAL REPORT RESPONDED TO A PLAN PRESENTED. I
14 BELIEVE MR. COOPER WAS THE AUTHOR OF THAT. THAT'S THE
15 ILLUSTRATIVE 4 PLAN. I DID NOT ANALYZE ANY OTHER PLANS IN THAT
16 SUPPLEMENTAL REPORT.
17 **Q.** AND COOPER -- AND MR. COOPER, EXCUSE ME, WAS A WITNESS FOR
18 THE GALMON PLAINTIFFS. IS THAT CORRECT?
19 **A.** I BELIEVE SO, YES.
20 **Q.** AND DID YOU REVIEW -- MR. FAIRFAX FOR THE ROBINSON
21 PLAINTIFFS PRESENTED A REVISED PLAN AS WELL.
22 DID YOU REVIEW THAT?
23 **A.** NO. I RECEIVED NO INFORMATION ABOUT THE OTHER REVISED
24 ROBINSON PLAINTIFF. I DID NOT LOOK AT IT.
25 **Q.** AND THEN YOU ALSO PRODUCED RECENTLY -- I THINK YESTERDAY

10:19 MORNING -- A CORRECTED APPENDIX TO YOUR SUPPLEMENTAL REPORT.
WHY DID YOU DO THAT?
A. YEAH. THERE'S AN ANALYSIS OF WHAT WE CALL "SPLITS."
THERE'S A DETAILED SPLITS ANALYSIS WE PROVIDED FOR ALL OF THE
PLANS. AND FOR ONE OF THE PLANS, THE PERCENT BLACK SHARE OF
THE POPULATION IN ONE OF THE TABLES WAS REPORTED AS THE SHARE
OF THE POPULATION WITHIN THAT PIECE OR THAT SPLIT OF THE CITY,
RATHER THAN AS A SHARE OF THE BLACK POPULATION IN THE CITY.
THE MATH IS SLIGHTLY DIFFERENT, BUT THE CONCLUSIONS
ARE EXACTLY THE SAME.
Q. OKAY. AND SO WHAT WERE YOU ASKED TO DO? I THINK YOU
TOUCHED ON THIS EARLIER, BUT WHAT WERE YOU ASKED TO DO IN THIS
CASE?
A. OKAY. IN THIS CASE I WAS ASKED TO DO TWO THINGS: I WAS
ASKED TO TEST AND MEASURE THE PERFORMANCE OF THE ENROLLED PLAN
AND THE ILLUSTRATIVE PLANS IN TERMS OF NUMEROSITY IN ORDER TO
ENABLE -- TO DEEPLY UNDERSTAND IF AND HOW THE DIFFERENT PLANS
MET THE NUMEROSITY REQUIREMENTS FOR THE BLACK POPULATION FOR A
MAJORITY-MINORITY DISTRICT; AND THEN I WAS ASKED TO, IN THE
COURSE OF MY ANALYSIS, COME TO AN OPINION ABOUT WHETHER RACE
WAS THE PREVAILING FACTOR IN THE DESIGN OF THE ILLUSTRATIVE
PLANS THAT I WAS PRESENTED.
Q. OKAY. AND SO -- JUST SO WE'RE ALL VERY CLEAR, I JUST WANT
TO GO THROUGH SOME THINGS THAT MAYBE YOU DIDN'T DO AND YOU CAN
CONFIRM THOSE FOR US.

10:20 DID YOU DO AN ANALYSIS OF COMMUNITIES OF INTEREST IN THIS CASE?

A. NO.

Q. DID YOU DO A RACIALLY POLARIZED VOTING ANALYSIS HERE?

A. NO.

Q. DID YOU OPINE ON WHAT POPULATION -- EXCUSE ME -- WHAT THE BLACK SHARE OF VOTING-AGE POPULATION CALCULATION IS THE CORRECT OR PREFERRED VERSION FOR THIS CASE?

A. NO.

Q. DID YOU LOOK AT THE CORE RETENTION OF DISTRICTS?

A. NO.

Q. AND DID YOU DO ANY ANALYSIS OF TRADITIONAL REDISTRICTING PRINCIPLES?

A. NO.

Q. OKAY.

THE COURT: MR. GORDON, CAN I JUST INTERRUPT ONE SECOND. I WANT TO MAKE SURE THAT I UNDERSTAND THE TERMINOLOGY THAT THE WITNESS IS USING.

YOU ARE SAYING "ENROLLED PLAN." UP TO THIS POINT WE'VE BEEN USING THE TERMINOLOGY -- NOT ME, THE PARTIES HAVE BEEN USING THE TERMINOLOGY "ENACTED PLAN," AND THAT'S BEEN KIND OF THE TERMINOLOGY THAT'S BEEN USED.

IS THAT WHAT YOU ARE REFERRING TO?

THE WITNESS: YES, MA'AM.

THE COURT: ALL RIGHT. AND I THINK THAT'S GOING TO

10:21 BE VERY HELPFUL FOR THE RECORD. SO "ENROLLED PLAN" EQUALS "ENACTED PLAN"?

MR. GORDON: YES, YOUR HONOR. AND I'M SORRY ABOUT THAT.

THE COURT: AND YOU CAN USE WHATEVER TERMS YOU WANT. I JUST WANT TO MAKE SURE I KNOW --

THE WITNESS: THE LANGUAGE IS SUBTLE. THERE'S ALSO PLANS THAT WERE ENGROSSED PLANS SIMILARLY NAMED, SO THANK YOU FOR THE CLARIFICATION.

THE COURT: OKAY. I JUST WANT TO MAKE SURE WE ALL KNOW WHAT WE ARE TALKING ABOUT.

THE WITNESS: THANK YOU.

MR. GORDON: I WILL TRY TO REFER TO "ENACTED" FROM HERE ON OUT.

BY MR. GORDON:

Q. ALL RIGHT. NOW, LET'S TURN TO THE SUBSTANCE OF YOUR REPORT, WHICH IS STATE EXHIBIT 2.

MR. GORDON: AND I'M GOING TO REFER TO PAGE 18 OF THAT REPORT, TABLE III.A, IF YOU COULD BRING THAT UP, PLEASE, FOR ME.

BY THE WITNESS:

A. I CAN SEE IT.

BY MR. GORDON:

Q. GREAT. I WAS ABOUT TO ASK THAT.

SO WHAT IS THIS A TABLE OF?

10:22 1 **A.** SO THIS IS A TABLE THAT SHOWS THE PERCENT OF THE BLACK
2 POPULATION BY THREE DIFFERENT DEFINITIONS FOR THE ENACTED PLAN,
3 THE PLAN WE'RE REFERRING TO AS EITHER THE HB1/SB5 PLAN.
4 **Q.** OKAY. LET'S JUST GET OUR TERMINOLOGY RIGHT SO WE ARE ALL
5 CLEAR.
6 CAN YOU DEFINE FOR ME WHAT EACH OF THESE THREE
7 COLUMNS OF BLACK REFER TO?
8 **A.** YES. SO THE BLACK ALONE NUMBER IS THE SHARE OF THE BLACK
9 NOT HISPANIC, NOT IN COMBINATION WITH ANY OTHER RACE
10 POPULATION. IT'S WHAT WE SOMETIMES REFER TO AS "BNH," BLACK
11 NON-HISPANIC ALONE.
12 THE NEXT DEFINITION, THE -- WHAT I CALL THE BLACK DOJ
13 DEFINITION, IS FROM BASICALLY WHAT I'LL CALL THE FIRST TIER OR
14 THE FIRST STEP OF THE DOJ'S DEFINITION OF A BLACK-MINORITY
15 POPULATION. AND THAT POPULATION IS BLACK IN COMBINATION WITH
16 WHITE ALONE; TWO RACES IN COMBINATION, NOT HISPANIC.
17 THE LAST DEFINITION, THE "ANY PARTY BLACK"
18 DEFINITION, IS THE MOST LIBERAL OR THE MOST EXPANSIVE
19 DEFINITION YOU COULD USE TO DEFINE A BLACK POPULATION. AND
20 THAT DEFINITION INCLUDES BLACK IN COMBINATION WITH ANY OTHER
21 RACE, WHETHER IT IS IN COMBINATION WITH HISPANIC OR NOT. IT IS
22 ANY PART -- LITERALLY "ANY PART BLACK" WITH ANY OTHER RACE OR
23 -- AND/OR IN COMBINATION WITH THE HISPANIC POPULATION.
24 **Q.** AND FOR THE PURPOSES OF THE CENSUS, HISPANIC IS TREATED --
25 HOW IS HISPANIC TREATED ANY DIFFERENTLY FROM RACE?

10:24 1 **A.** THANK YOU.
2 HISPANIC IS WHAT WE WOULD REFER TO IN DEMOGRAPHY AS
3 ETHNICITY. IT'S A SEPARATE CONSTRUCT FROM WHAT WE WOULD CALL
4 RACE, AND THE ETHNIC COMBINATION IS SOMETHING THAT WE USE
5 FREQUENTLY IN COMBINATION WITH RACE TO DEFINE POPULATIONS.
6 THEY CAN BE BOTH RACE AND THEN WHETHER OR NOT THEY ARE OF
7 HISPANIC ETHNIC ORIGIN OR NOT.
8 **Q.** AND EVEN THOUGH IT'S NOT LISTED ON THIS TABLE -- I THINK
9 WE'LL SEE SOME EXAMPLES OF IT -- WHAT MEASUREMENT OF WHITE DID
10 YOU USE WHEN YOU USED THE WHITE MEASUREMENT?
11 **A.** WE USED THE WHITE NOT HISPANIC POPULATION. IT'S THE MOST
12 EXCLUSIVE DEFINITION OF THE WHITE POPULATION THROUGHOUT.
13 **Q.** GREAT. AND THEN FOCUSING JUST BRIEFLY ON DOJ BLACK, ARE
14 YOU AWARE OF A SECOND STEP IN THE DOJ BLACK PROCESS?
15 **A.** YES. THE DIRECTION PROVIDED BY THE DOJ IN A DOCUMENT THEY
16 PUBLISHED ONLINE PROVIDES TWO DIFFERENT STEPS. THE FIRST TIER
17 OR THE FIRST STEP IS, AS I DESCRIBED, THE BLACK AND THE WHITE
18 IN COMBINATION, AND THEN THE SECOND STEP IS -- THEY GO INTO
19 QUITE A BIT MORE DETAIL ABOUT BLACK BEING IN COMBINATION --
20 POTENTIALLY BEING IN COMBINATION OR IN COMBINATION WITH
21 DIFFERENT RACES AND ETHNIC ORIGINS, AND THAT CAN BE OPEN TO A
22 DEMOGRAPHIC INTERPRETATION.
23 **Q.** SO IN YOUR VIEW, IS THE SECOND STEP OF THE DOJ BLACK
24 INCORPORATED INTO YOUR TABLES HERE?
25 **A.** YES. IT IS THE MOST EXPANSIVE DEFINITION OF THE SECOND

10:25 TIER. IT'S WHAT WE CALL THE "ANY PARTY BLACK." AND THAT'S THE DEFINITION THAT I HAVE SEEN AND THAT I USED IN MY REPORT AND THAT I SAW IN OTHER EXPERT REPORTS THROUGHOUT THE CASE.

Q. THANK YOU.

MR. GORDON: AND, YOUR HONOR, IT OCCURS TO ME I FORGOT TO APPROACH THE WITNESS TO GIVE HIM HIS EXPERT REPORT. WITH YOUR PERMISSION, I'LL DO SO.

THE COURT: YOU MAY.

THE WITNESS: THANK YOU.

THE COURT: AND, MR. BRYAN, WILL YOU JUST VERIFY FOR THE COURT AND FOR THE OPPOSING COUNSEL THAT WHAT'S BEFORE YOU ARE ONLY YOUR TWO REPORTS?

THE WITNESS: YES.

MR. GORDON: I WILL ALSO REPRESENT FOR THE COURT THAT IT INCLUDES THE CORRECTED APPENDIX 2 THAT WAS RECENTLY SUBMITTED AS EXHIBIT 2-C. IT JUST SUBSTITUTES FOR PAGE 17 OF HIS SUPPLEMENTAL REPORT.

THE COURT: OKAY. THANK YOU.

BY MR. GORDON:

Q. OKAY. SO NOW THAT WE HAVE SORT OF OUR TERMINOLOGY STRAIGHT, WHAT DOES THIS TABLE TELL US ABOUT DISTRICT 2 UNDER THE ENACTED PLAN?

A. SURE. SO THIS TABLE WOULD TELL US THAT WE HAVE ONE MAJORITY-MINORITY DISTRICT. THE "BLACK ALONE" DEFINITION WOULD SAY THAT THERE ARE 56.3 PERCENT BLACKS BY THE BLACK DEFINITION

10:27 OF "BLACK ALONE." THERE'S INCREMENTALLY A SLIGHTLY HIGHER PERCENTAGE, 57 PERCENT, USING THE FIRST-TIER DOJ DEFINITION. AND THEN FURTHER WHEN USED WITH THE "ANY PARTY BLACK" DEFINITION, THE PERCENTAGE GOES UP A LITTLE MORE TO ABOUT 58.65 PERCENT.

IF YOU LOOK AT THE OTHER DISTRICTS IN THE PLAN, THEY RANGE FROM -- ANYWHERE FROM 12 PERCENT UP TO ABOUT 30 PERCENT. THOSE TWO DISTRICTS ARE RIGHT AROUND 30 PERCENT BLACK POPULATION OUTSIDE OF THE MAJORITY-MINORITY DISTRICT 2.

Q. SO AS YOU INCREASE THE LENIENCY OF WHO YOU INCLUDE IN THE DEFINITION OF "BLACK" --

A. YES.

Q. -- YOU INCREASE THE NUMBER OF PEOPLE. IS THAT RIGHT?

A. YES.

Q. SO IF WE CAN SWITCH NOW TO TABLE III.A4 ON PAGE 19 OF YOUR REPORT. IT SHOULD COME UP ON THE SCREEN.

A. I SEE IT.

Q. GREAT. THIS IS THE ROBINSON FIRST ILLUSTRATIVE PLAN. CAN YOU DESCRIBE TO US WHAT THIS TABLE SHOWS?

A. YES. SO THIS PLAN HAS THE SAME LAYOUT AND THE SAME MATH AS THE PLAN THAT YOU SHOWED ME JUST A MOMENT AGO. THIS SHOWS THAT THERE ARE TWO DISTRICTS THAT HAVE SIZABLE BLACK POPULATIONS. THERE'S DISTRICT 2 AND DISTRICT 5.

IN DISTRICT 2, THE "BLACK ALONE" DEFINITION RESULTS IN A BLACK POPULATION THAT IS 48.7 PERCENT OF THE POPULATION OF

10:29 THE VOTING AGE POPULATION, VAP, OF THAT DISTRICT. THE DOJ DEFINITION ADDING BLACK IN COMBINATION WITH WHITE NON-HISPANIC RESULTS STILL IS NOT QUITE 50 PERCENT, ABOUT 49.4 PERCENT. AND THEN WHEN YOU GET TO AN "ANY PARTY BLACK," INCLUDING ANY RACE IN COMBINATION, INCLUDING WITH HISPANIC, YOU GET OVER THE 50 PERCENT THRESHOLD TO JUST ABOUT A 51 PERCENT BLACK POPULATION.

WHEN I LOOK AT DISTRICT 5, DISTRICT 5 HAS A MAJORITY-BLACK POPULATION, 50.6 BY THE "BLACK ALONE" DEFINITION. IF YOU LOOK AT THE "BLACK" DOJ DEFINITION, THE FIRST TIER, AGAIN, SIMILAR TO THE FIRST PLAN, IT GOES UP. IT'S 51.2 PERCENT.

AND THEN FINALLY, WITH THE "ANY PART BLACK" DEFINITION, THE NUMBER OF THE MAJORITY-BLACK NUMBER RISES TO JUST OVER 52 PERCENT.

Q. ALL RIGHT. AND THEN LET'S DO ONE MORE EXAMPLE OF THIS.

IF WE COULD TURN TO PAGE 20 OF THE REPORT, TABLE III.A5.

A. OKAY. I SEE IT.

Q. AND THIS IS GALMON ILLUSTRATIVE PLAN 1. WHAT DOES THIS TABLE SHOW?

A. SURE. THANK YOU.

AGAIN, THIS TABLE WAS CREATED WITH THE SAME MATH AND FRAMEWORK AS THE FIRST TWO TABLES. IN THIS PLAN, IT'S NOTABLE BECAUSE IN BOTH DISTRICTS 2 AND 5, IN BOTH DISTRICTS THE "BLACK

10:30 1 ALONE" POPULATION DOES NOT RISE TO 50 PERCENT, A MAJORITY
2 THRESHOLD.
3 THE "BLACK" DOJ FIRST-TIER DEFINITION DOES NOT RISE
4 TO A 50 PERCENT THRESHOLD. ONLY WHEN YOU GET TO AN "ANY PART
5 BLACK," THE MOST EXPANSIVE DEFINITION, DO YOU GET TO A MAJORITY
6 STATUS.
7 AND THAT MAJORITY LEVEL, THE MAJORITY THRESHOLD FOR
8 DISTRICT 2 IS APPROXIMATELY 50.2 PERCENT, AND IN DISTRICT 5
9 THAT MAJORITY WOULD BE 50.04 PERCENT.
10 **Q.** OKAY. AND SO I'M NOT GOING TO GO THROUGH ALL OF THESE
11 TABLES.
12 **A.** SURE.
13 **Q.** WE WOULD BE HERE FOREVER.
14 **A.** SURE.
15 **Q.** BUT GENERALLY SPEAKING, WHAT DOES THE DATA SHOW FOR THE
16 REMAINING ILLUSTRATIVE PLANS THAT YOU REVIEWED?
17 **A.** ALL OF THE PLANS ONLY ACHIEVE THE TWO BLACK
18 MAJORITY-MINORITY DISTRICTS WITH THE USE OF THE MOST EXPANSIVE
19 INTERPRETATION OF "ANY PART BLACK."
20 **Q.** AND SO JUST TO MAKE SURE WE ARE PERFECTLY CLEAR, DO ANY OF
21 THE ILLUSTRATIVE PLANS THAT YOU REVIEWED HAVE TWO
22 MAJORITY-MINORITY DISTRICTS WITH OVER 50 PERCENT "BLACK VOTING
23 AGE" POPULATION UNDER THE "BLACK ALONE" OR "BLACK" DOJ
24 FORMULATION?
25 **A.** NO.

10:32 **Q.** AND I FORGOT TO MENTION, THERE WAS AN AMICUS BRIEF SUBMITTED IN THIS CASE THAT HAD A PLAN ATTACHED TO IT. DID YOU REVIEW THAT PLAN AT ALL?

A. I'VE HEARD THERE WAS. I DID NOT ANALYZE IT. I WAS NOT -- I WAS NOT GIVEN THE PLAN.

Q. ALL RIGHT. SO LET'S SWITCH GEARS A LITTLE BIT TO THE SECOND PART OF YOUR REPORT.

A. OKAY.

Q. THIS IS I BELIEVE SECTION B OF YOUR REPORT, WHICH IS CALLED "DISTRICT BOUNDARIES, PARISH AND PLACE GEOGRAPHIC SPLITS ANALYSIS."

GENERALLY SPEAKING, WHAT DO YOU DO IN THIS SECTION OF YOUR REPORT?

A. SURE. SO WHEN WE DO A SPLITS ANALYSIS, THERE'S TYPICALLY TWO PIECES OF THAT ANALYSIS. THE FIRST PIECE JUST GOES TO LOOK AT NUMERICALLY HOW MANY PIECES OF GEOGRAPHY ARE SPLIT BY A PLAN. AND TYPICALLY WE WOULD LOOK AT THINGS SUCH AS PARISHES, PLACES, WHICH CAN BE EITHER CITIES OR TOWNS. AND THEN YOU WOULD ALSO LOOK AT VTD'S. SOMETIMES YOU'LL LOOK AT OTHER TYPES OF GEOGRAPHY. IN LOUISIANA, THOSE ARE THE THREE THAT ARE RELEVANT.

SO THE FIRST STEP IS TO SIMPLY MEASURE THE NUMBER OF SPLITS; THE SECOND STEP IS THEN TO DO AN ASSESSMENT OF THE DEMOGRAPHIC IMPACT OF THOSE SPLITS; THAT IS TO SAY, IF THERE IS A SPLIT SOMEWHERE, HOW MANY OF WHAT KIND OF PEOPLE ARE IMPACTED

10:33 1 BY THOSE SPLITS.
2 SO THOSE WERE THE TWO TYPES OF ANALYSES WE DID UNDER
3 WHAT I CALL MY SPLITS ANALYSIS.
4 **Q.** AND WHEN DOING THE SECOND PART OF THE ANALYSIS, IN
5 PARAGRAPH 39 OF YOUR REPORT ON PAGE 23 YOU SAY YOU USED A
6 METHODOLOGY CALLED "INDEX OF MISALLOCATION"?
7 **A.** THAT'S CORRECT.
8 **Q.** WHAT IS INDEX OF MISALLOCATION?
9 **A.** SURE. AN INDEX OF MISALLOCATION IS THE STANDARD REGULARLY
10 USED DEMOGRAPHIC TOOL TO ANALYZE THE DIFFERENCES IN POPULATION
11 FROM WHAT THEY ARE COMPARED TO WHAT YOU WOULD EXPECT. IT'S A
12 TOOL THAT IS USED REGULARLY IN ASSESSING POPULATION ESTIMATES
13 AND PROJECTIONS AND OTHER ANALYSES, SUCH AS FEDERAL FUND
14 ALLOCATION.
15 **Q.** AND IS THIS A TYPE OF ANALYSIS YOU'VE DONE DURING YOUR
16 NORMAL WORK?
17 **A.** FREQUENTLY, YES.
18 **Q.** NOW, LET'S START AT THE BEGINNING WITH THE END. WHAT
19 CONCLUSIONS DID YOU DRAW FROM THE MISALLOCATION ANALYSIS YOU
20 DID IN SECTION B?
21 **A.** SURE. THE INDEX OF MISALLOCATION IS A BENEFICIAL TOOL
22 BECAUSE WHAT IT ENABLES US TO DO IS TO COMPARE DIFFERENT PLANS
23 AND HOW MUCH ONE PLAN SPLITS OR DIFFERENTIATES A POPULATION
24 VERSUS ANOTHER ONE. THERE IS NO BRIGHT-LINE RIGHT NUMBER OR
25 WRONG NUMBER. ALL IT DOES IS ENABLES US TO COMPARE ONE PLAN TO

10:35 ANOTHER PLAN.

SO WHAT I WAS ABLE TO DO WITH AN INDEX OF MISALLOCATION IS SIMPLY SAY, USING THE ENACTED PLAN AS A STARTING POINT, HOW MUCH MORE DO THE OTHER ILLUSTRATIVE PLANS -- THAT IS, THE ROBINSON ILLUSTRATIVE PLAN AND THE OTHER GALMON 1, 2, 3, 4 PLANS -- HOW MUCH MORE OR LESS DO THEY ALLOCATE OR DIFFERENTIATE THE BLACK-MINORITY POPULATIONS COMPARED TO THE ENACTED PLAN.

Q. SO I THINK IT WOULD BE HELPFUL FOR ALL OF US IF WE WOULD LOOK AT AN EXAMPLE TO MAKE THIS SLIGHTLY MORE CONCRETE. I'M GOING TO SHOW APPENDIX 2 OF YOUR INITIAL REPORT.

A. OKAY.

Q. EXHIBIT 2, PAGE 38.

MR. GORDON: CAN WE PUT THAT UP, PLEASE.

THE WITNESS: OKAY.

BY MR. GORDON:

Q. GREAT. AND SO WE'RE GOING TO BE TALKING ABOUT BATON ROUGE QUITE A BIT TODAY. SO LET'S START WITH THE -- WELL, FIRST, BEFORE WE GET THERE, WHAT DOES THIS TABLE GENERALLY SHOW US?

A. SURE. SO THIS IS THE -- THIS TABLE REFLECTS THE SECOND PART OF THE SPLITS ANALYSIS. THIS IS AFTER WE COUNTED HOW MANY SPLITS THERE WERE.

SO YOU CAN SEE IN THIS TABLE THAT I THINK THERE'S APPROXIMATELY 20 -- 19 OR 20 DIFFERENT CITIES AND TOWNS IN THE ENACTED PLAN THAT ARE SPLIT BY THE PLAN. AND WHAT THIS TABLE

10:36 1 SHOWS US IS THAT WHEN A TOWN IS SPLIT BY THE PLAN INTO -- IN
2 THIS CASE, TWO DIFFERENT DISTRICTS -- NO TOWNS OR CITIES WERE
3 SPLIT INTO THREE DISTRICTS WITH THIS PLAN.
4 WHAT THIS TELLS US IS HOW MANY OF THE TOTAL
5 POPULATION WENT INTO EACH PIECE, HOW MUCH OF THE WHITE
6 POPULATION WENT INTO EACH PIECE, AND HOW MUCH OF THE BLACK
7 POPULATION WENT INTO EACH PIECE. AND THIS ENABLES US TO STUDY
8 AND EXAMINE AND UNDERSTAND HOW MUCH DIFFERENTLY A BLACK
9 POPULATION MAY HAVE BEEN PUT INTO ONE PART OR ANOTHER PART OF A
10 SPLIT CITY THAN THE WHITE POPULATION AND THEN THE POPULATION AS
11 A WHOLE.
12 **Q.** NOW, SINCE THIS IS THE ENACTED PLAN, ARE ALL OF THESE
13 SPLITS -- DO ALL THESE SPLITS CONTAIN AT LEAST ONE
14 MAJORITY-MINORITY DISTRICT?
15 **A.** THERE ARE A COUPLE OF THE TOWNS THAT ARE SPLIT. FOR
16 EXAMPLE, EUNICE CITY IS SPLIT BETWEEN DISTRICTS 3 AND 4. SO
17 NOT ALL OF THEM ARE MAJORITY-MINORITY DISTRICT SPLITS FOR
18 DISTRICT 2.
19 **Q.** OKAY. SO LET'S LOOK AT ONE THAT DOES CONTAIN DISTRICT 2,
20 THE CURRENT MAJORITY-MINORITY DISTRICT IN LOUISIANA. I WAS
21 LOOKING TO SEE BATON ROUGE.
22 **A.** OKAY.
23 **MR. GORDON:** IF WE COULD ZOOM IN ON THAT, PLEASE,
24 REAL QUICK.
25 **BY MR. GORDON:**

10:37 1 **Q.** OKAY. SO NOW WE'RE LOOKING AT THE CITY OF BATON ROUGE.
2 CAN YOU DESCRIBE FOR THE COURT WHAT THESE NUMBERS TELL US?
3 **A.** SURE. SO IN BATON ROUGE -- AND THE ENACTED PLAN IS SPLIT
4 BETWEEN TWO DISTRICTS. DISTRICT 2, THE MAJORITY-MINORITY
5 DISTRICT, HAS 79,000 PEOPLE IN THAT SPLIT OR THAT PIECE; AND
6 DISTRICT 6 HAS ABOUT 148,000. SO OUT OF THE APPROXIMATELY
7 230,000 PEOPLE IN BATON ROUGE, THERE'S ONE-THIRD ARE IN THE
8 MAJORITY-MINORITY DISTRICT 2, AND TWO-THIRDS OF THE TOTAL
9 POPULATION ARE IN THE NON-MAJORITY-MINORITY DISTRICT 6. IT'S
10 A -- VERY CLOSE TO A ONE-THIRD, TWO-THIRDS SPLIT.
11 **Q.** OKAY. AND IN -- WHAT NUMBERS ARE YOU LOOKING AT TO
12 COMPARE IN ORDER TO FORMULATE YOUR OPINIONS WITH RESPECT TO
13 THIS SECTION OF THE REPORT?
14 **A.** I'M SORRY. CAN YOU REPHRASE THE QUESTION?
15 **Q.** SURE. AND FORGIVE ME IF I'M MISUNDERSTANDING THIS. BUT
16 THIS TABLE SHOWS THE ALLOCATION OF THE PERCENTAGE OF POPULATION
17 BETWEEN EACH OF THE DISTRICTS AS -- IN TERMS OF THE WHOLE
18 NUMBER OF PERSONS IN THE CITY. IS THAT CORRECT?
19 **A.** YES.
20 **Q.** OKAY. AND SO WHAT PERCENTAGES DO YOU -- ARE YOU FOCUSING
21 ON WHEN YOU'RE CONDUCTING YOUR ANALYSIS OF WHETHER THERE WAS A
22 RACIAL PRE-DENOMINATION WITH REGARDS TO THIS OR ANY OF THE
23 OTHER PLANS?
24 **A.** THANK YOU.
25 SO THE REASON THAT WE INCLUDE THE NUMBER OF WHITE

10:39 1 NON-HISPANIC AND THE "ANY PART BLACK" POPULATION IS TO ENABLE
2 US TO LOOK AT HOW MANY OF THE WHITE POPULATION, HOW MANY OF THE
3 "ANY PART BLACK" POPULATION ENDED UP IN EACH ONE OF THESE TWO
4 PIECES OF BATON ROUGE BASICALLY TO, YOU KNOW, ROLL UP TO THIS
5 TOTAL -- ONE-THIRD, TWO-THIRD TOTAL POPULATION OF BATON ROUGE.
6 SO WHAT WE FOUND IS THAT IN BATON ROUGE, ONLY
7 APPROXIMATELY FIVE PERCENT OF THE WHITE POPULATION IN BATON
8 ROUGE WERE PUT INTO DISTRICT 2 AND APPROXIMATELY 95 PERCENT
9 WERE PUT INTO DISTRICT 6. WHEN WE LOOK AT THE BLACK
10 POPULATION, THERE IS ABOUT 57 PERCENT THAT ARE IN DISTRICT 2
11 AND ABOUT 43 PERCENT THAT ARE IN DISTRICT 6. SO THERE IS SOME
12 EVIDENCE THERE WAS SOME MISALLOCATION IN BATON ROUGE IN THIS
13 PLAN. SOME.
14 **Q.** AND SO TO ARRIVE AT THAT, ARE YOU COMPARING THE 57.2
15 NUMBER FOR A "BLACK VOTING AGE" POPULATION PERCENTAGE WITH THE
16 TOTAL POPULATION IN DISTRICT 2?
17 **A.** YES. THAT'S COMPARING THE 57 TO THE 34.7 PERCENT NUMBER,
18 YES.
19 **Q.** THANK YOU.
20 **MR. GORDON:** AND IF WE CAN ZOOM BACK OUT.
21 **BY MR. GORDON:**
22 **Q.** ARE THE CITIES OF MONROE OR LAFAYETTE SPLIT IN THE ENACTED
23 PLAN?
24 **A.** NO.
25 **Q.** OKAY. SO NOW LET'S LOOK AT SOME OF THE ILLUSTRATIVE

10:41 1 PLANS. TURNING TO APPENDIX 2-B, WHICH IS THE FIRST ROBINSON
2 ILLUSTRATIVE PLAN WHICH IS AT 2-B AT PAGE 39 OF HIS REPORT.
3 **A.** OKAY.
4 **Q.** GREAT. AND NOW THIS IS WHERE IT GETS TECHNOLOGICALLY
5 COMPLICATED.
6 **MR. GORDON:** IF WE COULD ALSO PULL UP THE MAP OF THE
7 SPLIT IN ROBINSON PLAN 1, WHICH IS AT APPENDIX 4-BB AT PAGE 82.
8 **BY MR. GORDON:**
9 **Q.** AND THIS IS THE -- BATON ROUGE. OKAY. SO FIRST LET'S
10 TURN TO YOUR TABLE AND LOOK IN --
11 **MR. GORDON:** AND LET'S ZOOM IN ON THE NUMBERS FOR THE
12 CITY OF BATON ROUGE UNDER THE -- SORRY. I NEED A -- YEAH, I
13 NEED THE SECOND ONE THERE. PAGE 39 ON THE LEFT SIDE, PLEASE.
14 THERE WE GO. WE'LL GET THE TECHNOLOGY FIGURED OUT. ZOOMING IN
15 NOW ON THE CITY OF BATON ROUGE UNDER THE FIRST ROBINSON
16 ILLUSTRATIVE PLAN.
17 **BY THE WITNESS:**
18 **A.** YES.
19 **BY MR. GORDON:**
20 **Q.** NOW, WHAT DOES -- WHAT DO THESE NUMBERS SHOW US IN TERMS
21 OF THE CITY OF BATON ROUGE IN THE FIRST ILLUSTRATIVE PLAN FOR
22 ROBINSON?
23 **A.** YES. SO THERE'S A COUPLE OF OBSERVATIONS HERE. THE FIRST
24 IS THAT THIS IS THE ONLY ILLUSTRATIVE PLAN WHICH CUTS BATON
25 ROUGE INTO THREE SEPARATE PIECES. TWO OF THESE PIECES WE CAN

10:42 SEE ARE PART OF THE BLACK-MAJORITY DISTRICTS FOR THIS PLAN, DISTRICTS 2 AND 5; DISTRICT 6 IS NOT. AND SO WE CAN SEE THAT IN TOTAL THERE'S ABOUT 15 PERCENT OF THE POPULATION GOES OFF INTO DISTRICT 2 AND THEN ROUGHLY EQUAL PARTS GO INTO DISTRICTS 5 AND 6.

WHEN WE READ ACROSS THESE LINES AND WE LOOK AT THE SHARE OF THE WHITE POPULATION, HERE YOU CAN SEE THAT THE MAJORITY, 68.64 PERCENT, OF THE WHITE POPULATION ENDS UP BEING EXCLUDED FROM DISTRICTS 2 AND 5. THAT GETS PUT INTO DISTRICT 6. AND WHAT WE CAN SEE HERE THAT'S NOTABLE IS THAT IF ALL ELSE WAS EQUAL, IF WHITES WERE ALLOCATED AND BLACKS, FOR THAT MATTER, IN THE SAME WAY AS THE TOTAL POPULATION IS DISTRIBUTED, YOU WOULD EXPECT THE WHITE NUMBER IN DISTRICT 6 AND, FOR THAT MATTER, THE BLACK NUMBER IN DISTRICT 6 TO BE 40 PERCENT.

AND WHAT WE FIND INSTEAD IS THAT THE WHITE POPULATION IS SIGNIFICANTLY OVER INDEXED. IT HAS 28 PERCENTAGE POINTS MORE WHITE IN TOTAL. AND THEN PROPORTIONALLY IT'S GOT LOWER SHARES IN THE TWO MINORITY DISTRICTS. CONVERSELY, WHAT WE CAN SEE IN DISTRICTS 2 AND 5 IS THAT -- ESPECIALLY IN DISTRICT 5, THERE'S PROPORTIONALLY SIGNIFICANTLY HIGHER -- A SIGNIFICANTLY HIGHER BLACK POPULATION IN DISTRICT 5 THAN IS REPRESENTED FOR THE TOTAL POPULATION.

MR. GORDON: OKAY. AND THEN IF WE COULD UN-ZOOM THAT OUT. AND THEN LET'S TURN RIGHT NOW TO THE MAP OF THE PLAN.

BY MR. GORDON:

10:44 **Q.** WHAT DOES THE MAP SHOW IN TERMS OF THE DATA YOU JUST SHOWED US WITH REGARD TO THE POPULATION --

A. SURE.

Q. -- DISTRIBUTION OF THE DISTRICTS?

A. SURE. SO WHAT THIS MAP SHOWS US IS AN OUTLINE OF THE CITY BOUNDARIES. THE BLACK LINE THAT YOU SEE KIND OF CROSSING -- YOU KNOW, GOING ACROSS THE MIDDLE OF THE CITY, THAT KIND OF ROUGHLY FOLLOWS GOVERNMENT AND FLORIDA STREETS AND THE -- KIND OF DIVIDING THE CITY NORTH AND SOUTH. SO THAT -- THAT BLACK LINE ACROSS THE MIDDLE ISN'T A CITY BOUNDARY. IT'S JUST THERE TO SHOW YOU WHERE THE DISTRICT BOUNDARY IS AND WHERE THE CITY IS DIVIDED.

THE COLORS THAT ARE USED HERE, WHEN WE LOOK AT THE GRAY COLOR, THE ZERO PERCENT, THAT FREQUENTLY JUST MEANS THAT THERE IS NO POPULATION THERE. SOMETIMES THAT COULD MEAN THAT THAT IS A 100 PERCENT WHITE BLOCK, BUT THAT'S VERY RARELY THE CASE.

THE OTHER NUMBERS ARE WHAT WE WOULD CALL IN STATISTICS "QUARTILES." THE ORANGE REPRESENTS AREAS THAT ARE UNDER 25 PERCENT BLACK; YELLOW REPRESENTS 25 TO 50. AND THE 50 PERCENT NUMBER IS IMPORTANT HERE BECAUSE THIS IS THE NUMBER WHERE WE NEED TO UNDERSTAND WHICH AREAS ARE OVER 50 AND CONTRIBUTING TO A MAJORITY DISTRICT OR WHICH ONES ARE UNDER.

SO THE LIGHT GREEN IS THEN 50 TO 75 PERCENT AND GREEN -- THE DARK GREEN IS 75 PERCENT OR MORE OF WHAT WE WOULD

10:46 CALL PROBABLY A VERY HIGH-CONCENTRATION BLACK NEIGHBORHOOD.
THESE DATA ARE SHOWN FOR THE 2020 CENSUS BLOCK LEVEL GEOGRAPHY, THE HIGHEST DETAIL OR GRANULARITY GEOGRAPHY WE DEMOGRAPHERS HAVE AVAILABLE TO US.
Q. OKAY. SO THE -- YOU KNOW, THERE'S A YELLOW SQUIGGLY LINE BOX AND -- AND NEXT TO LIKE A DARKER GREEN SQUIGGLY LINE BOX, THOSE REPRESENT WHAT?
A. CAN YOU PLEASE SAY THAT AGAIN?
Q. YES. SORRY. I'M NOT DESCRIBING THAT WELL AT ALL.
A. SURE.
Q. SO THERE ARE ORANGE AND GREEN. THERE'S DIFFERENT COLORS THAT YOU JUST DESCRIBED ON THESE AND SOME OF THEM ARE NEXT TO OTHERS. YOU WERE TALKING ABOUT THE LEVEL OF GEOGRAPHY. WHAT WAS THAT AGAIN? I'M SORRY.
A. YEAH. THEY WERE -- THIS IS SHOWN AT 2020 CENSUS BLOCK LEVEL GEOGRAPHY. THERE'S APPROXIMATELY 150,000 OF THEM THAT COMPRISE LOUISIANA.
Q. AND THAT'S DATA THAT'S PUBLISHED BY THE CENSUS BUREAU. RIGHT?
A. IT IS.
MR. GORDON: AND THEN TURNING QUICKLY, IF WE COULD ZOOM OUT ON THIS MAP AND PULL UP JUST ON THE RIGHT SIDE OF LAFAYETTE, WHICH IS APPENDIX 4-HH, PAGE 90, AND LEAVE THE SAME TABLE THERE, PLEASE.
BY MR. GORDON:

10:47 1 **Q.** GREAT. THIS IS THE ROBINSON --
2 **A.** YES.
3 **Q.** -- ILLUSTRATIVE PLAN SPLIT.
4 **MR. GORDON:** CAN WE ZOOM IN ON THAT MAP, PLEASE.
5 **BY MR. GORDON:**
6 **Q.** NOW, WHAT DOES THIS MAP TELL YOU ABOUT THE WAY IN WHICH
7 THE LINES WERE DRAWN IN THE ROBINSON 1 PLAN?
8 **A.** YES. SIMILAR TO WHAT WE SEE IN THE BATON ROUGE
9 ILLUSTRATIVE PLANS, THE LINE AGAIN THROUGH THE MIDDLE IS NOT A
10 CITY BOUNDARY. THAT LINE THROUGH THE MIDDLE, IT SHOWS WHERE
11 THE SPLIT OF THE CITY IS BETWEEN DISTRICTS 3 AND 5. SO WHEN WE
12 LOOK AT THE LINE AND YOU LOOK AT THE AREAS THAT ARE GREEN AND
13 DARK GREEN, YOU CAN SEE THAT THE MAP DRAWER -- AND I DON'T KNOW
14 WHO THE MAP DRAWER IS -- DREW A LINE THROUGH THE MIDDLE OF
15 LAFAYETTE HERE. IT'S DOWN FOR SOME PART OF THIS. THIS IS
16 THROUGH A RAIL YARD. IT'S A GEOGRAPHIC FEATURE THAT PARTIALLY
17 DIFFERENTIATES NORTH AND SOUTH OF THE CITY, BUT MOST OF THE
18 LINE FROM THE NORTH TO THE SOUTH OF THE CITY IS DRAWN TO THE
19 BLOCK PRECISELY TO THE EDGE OF WHERE THE MAJORITY-BLACK
20 NEIGHBORHOODS ARE AND THEN TO THE SOUTH WHERE THERE IS VERY
21 LITTLE TO NO BLACK POPULATION.
22 **MR. GORDON:** ALL RIGHT. NOW, LET'S ZOOM OUT FROM
23 THAT, AND WE WILL CHANGE IT UP.
24 LET'S TURN TO APPENDIX 2-C ON PAGE 40 OF THE
25 REPORT, WHICH IS THE FIRST GALMON ILLUSTRATIVE PLAN. AND THEN,

10:49 PLEASE, ALSO LET'S BRING UP ITS MAP COUNTERPART FOR BATON ROUGE AT 4-CC, PAGE 83. OKAY. LET'S FIRST ZOOM IN ON THE DATA FOR THE CITY OF BATON ROUGE, PLEASE.

BY MR. GORDON:

Q. OKAY. AND COULD YOU DESCRIBE WHAT THIS TABLE SHOWS FOR THE CITY OF BATON ROUGE FOR THE FIRST GALMON PLAN?

A. THANK YOU.

THE BATON ROUGE NUMBER SHOWS THAT IN DISTRICT 5 THERE'S APPROXIMATELY A -- THERE'S A -- TWO-THIRDS SHARE OF THE TOTAL POPULATION IN BATON ROUGE IS IN DISTRICT 5, AND JUST OVER A THIRD OF THE POPULATION IS IN DISTRICT 6.

WHEN I READ ACROSS AND WE LOOK AT THE WHITE POPULATION AND ITS CONTRIBUTION, YOU CAN SEE THOSE NUMBERS ARE BASICALLY FLIPPED. THERE'S ABOUT ONE-THIRD OF THE WHITE POPULATION IS IN DISTRICT 5 AND APPROXIMATELY TWO-THIRDS OF THE WHITE POPULATION IS IN DISTRICT 6.

WHEN WE READ FURTHER ACROSS TO THE BLACK STATISTICS FOR BATON ROUGE, YOU CAN SEE THAT THE OVERWHELMING MAJORITY OF THE BLACK POPULATION OF BATON ROUGE WAS PUT BY THE MAP DRAWER IN DISTRICT 5; ALTHOUGH THERE WAS SOME BLACK POPULATION THAT REMAINED IN DISTRICT 6.

MR. GORDON: ALL RIGHT. AND IF WE COULD ZOOM OUT FROM THAT AND THEN INTO THE MAP.

BY MR. GORDON:

Q. AND CAN YOU DESCRIBE TO US BRIEFLY, THE SAME AS YOU DID

10:50 LAST TIME, WHAT THIS MAP SHOWS YOU ABOUT THE DISTRIBUTION OF PEOPLE VIS-A-VIS THE MAP-DRAWING PROCESS?

A. SURE. GENERALLY -- GENERALLY SPEAKING, THIS MAP SHOWS THAT THE DIVISION OF THE CITY HAPPENS ALONG GOVERNMENT ROAD, FLORIDA ROAD, NORTH OF WHICH IS SIGNIFICANT BLACK POPULATIONS. THE PLAN ALSO LOOPS DOWN TO THE SOUTHWEST, AN AREA I WOULD DESCRIBE AS KIND OF BEING AROUND BUCHANAN STREET, BUCHANAN NEIGHBORHOOD, AND THEN TAKING SOME PIECES OF LSU FURTHER DOWN TO THE OUTER EDGE WITH DISTRICT 6.

Q. AND WHAT DOES THIS SHOW YOU ABOUT THE MAP-DRAWING CHOICES THAT WENT INTO DRAWING THIS SPLIT?

A. YOU KNOW, THE MAP -- I'LL SAY THAT THE MAP AND THE TABLE TALK TO EACH OTHER. IT MAKES SENSE THAT WHEN YOU LOOK AT THE 80-PLUS PERCENT OF THE BLACK POPULATION IN THE TABLE THAT'S IN DISTRICT 5 AND THEN YOU LOOK AT THE MAP THAT SHOWS DISTRICT 5 AND JUST VISUALLY HOW MUCH OF THE BLACK, HEAVY BLACK POPULATION IN THE CITY IS IN THAT DISTRICT, THE TABLE AND THE MAP ARE LARGELY IN AGREEMENT, SAYING THAT DISTRICT 5 HAS A LARGE SHARE OF THE BATON ROUGE BLACK POPULATION.

MR. GORDON: ALL RIGHT. AND NOW, IF WE COULD, ZOOM OUT OF THE MAP AND REPLACE THE MAP WITH APPENDIX 4-II, PAGE 91. AND THIS IS LAFAYETTE FOR THE GALMON ILLUSTRATIVE 1 PLAN. CAN WE ZOOM IN ON THAT.

BY MR. GORDON:

Q. NOW, JUST AS WE DISCUSSED WITH THE BATON ROUGE --

10:52 **MR. GORDON:** WELL, ACTUALLY ZOOM OUT ON THIS, PLEASE. I'M SORRY. AND CAN WE ZOOM IN ON LAFAYETTE CITY ON THE TABLE FIRST FOR THE CITY OF LAFAYETTE.

BY MR. GORDON:

Q. AND DESCRIBE TO US WHAT THIS DATA SHOWS FOR THE CITY OF LAFAYETTE.

A. THANK YOU.

SIMILARLY, WITH THE BATON ROUGE ANALYSIS, LAFAYETTE IS SPLIT 70 PERCENT IN DISTRICT 3, 30 PERCENT IN DISTRICT 5. WHEN YOU LOOK AT THE WHITE POPULATION, VIRTUALLY ALL OF IT, 88 PERCENT, IS IN DISTRICT 3. VERY LITTLE OF THE WHITE POPULATION -- ONLY 12 PERCENT REMAINS IN DISTRICT 5. BY COMPARISON, ONE-THIRD OF THE BLACK POPULATION IN THIS PLAN IS IN DISTRICT 3 AND TWO-THIRDS OF THE BLACK POPULATION IS IN DISTRICT 5.

SO IN THIS CASE THERE IS A -- ALMOST A 39 PERCENTAGE POINT DIFFERENTIAL BETWEEN THE SHARE OF THE TOTAL POPULATION IN DISTRICT 5 AND THE BLACK SHARE OF THE POPULATION THAT IS IN DISTRICT 5.

Q. AND SO IF THE MAP DREW -- WAS DRAWN IN SUCH A WAY AS TO DISTRIBUTE THE POPULATIONS EVENLY, WHAT WOULD THE DATA SHOW?

A. IF IT WERE DRAWN EVENLY RACE BLIND, WHAT YOU WOULD FIND IS THERE WOULD BE ROUGHLY EQUAL AMOUNTS OF THE WHITE AND BLACK POPULATION IN DISTRICT 3 AND DISTRICT 5 CONSISTENT WITH THE TOTAL POPULATION. THAT'S ALL ELSE BEING EQUAL.

10:54 **MR. GORDON:** OKAY. CAN WE ZOOM OUT ON THE DATA TABLE AND ZOOM IN ON THE MAP, PLEASE.

BY MR. GORDON:

Q. AND JUST LIKE WE DISCUSSED BEFORE, WHAT DOES THE SPLIT IN THE CITY OF LAFAYETTE IN GALMON ILLUSTRATIVE 1 TELL YOU ABOUT WHAT THE MAP DRAWER DID?

A. YEAH. VIRTUALLY ALL OF THE ILLUSTRATIVE PLANS -- ALL OF THE PLANS HAD JUST SUBTLE DIFFERENCES IN HOW THEY DREW THESE BOUNDARIES NORTH AND SOUTH DIVIDING THE CITY BETWEEN DISTRICT 3 AND DISTRICT 5 ON THE GROUND.

A CLOSE-UP EXAMINATION OF THESE LINES SHOW THAT THEY WERE DRAWN IN A WAY THAT LITERALLY WERE VERY, VERY PRECISELY DRAWN WITH BLOCKS THAT WERE 50 PERCENT OR MORE BLACK POPULATION ON ONE SIDE OF THE LINE AND LESS THAN 50 PERCENT, SOMETIMES LESS THAN 25 PERCENT OF THE POPULATION ON THE OTHER SIDE OF THE LINE BEING WHITE POPULATION.

Q. ALL RIGHT. THANK YOU.

MR. GORDON: LET'S THEN MOVE ON TO THE SECOND GALMON ILLUSTRATIVE PLAN, APPENDIX 2-D ON PAGE 41. AND THEN ON THE RIGHT SIDE, LET'S DO APPENDIX 4-DD, PAGE 84.

THE COURT REPORTER: WAIT. SAY THAT AGAIN.

MR. GORDON: SORRY. APPENDIX 4-DD ON PAGE 84. THANK YOU.

BY MR. GORDON:

Q. AND FIRST LET'S LOOK AT THE CITY OF BATON ROUGE UP AT THE

10:56 TOP THERE, THE DATA. AND CAN YOU DESCRIBE TO US WHAT THIS DATA SHOWS FOR THE CITY OF BATON ROUGE?

A. SURE. SIMILAR TO THE -- MY ANALYSIS OF THE OTHER PLANS, BATON ROUGE IS SPLIT 58/42 PERCENT, 58 PERCENT IN DISTRICT 5. THERE'S A MUCH LOWER PERCENT OF THE WHITE POPULATION IN BATON ROUGE THAT IS IN DISTRICT 5 AND A MUCH HIGHER -- 81 PERCENT OF THE BLACK POPULATION WHO IS LOCATED IN DISTRICT 5.

SO, AGAIN, SIGNIFICANT DEVIATIONS OF WHITE AND BLACK FROM THE TOTAL POPULATION CHARACTERISTICS OF THE CITY.

MR. GORDON: ALL RIGHT. IF WE CAN ZOOM OUT ON THAT AND ZOOM IN ON THE BATON ROUGE MAP.

THE WITNESS: OKAY.

BY MR. GORDON:

Q. AND, ONCE AGAIN, THE SAME THING. WHAT DOES THE -- THIS MAP SHOW YOU ABOUT THE MAP DRAWER WHEN THEY ARE CREATING THE SPLITS IN THE CITY OF BATON ROUGE IN GALMON 2?

A. YES. SO, AGAIN, THE BLACK LINE THROUGH THE MIDDLE OF THE CITY IS NOT A CITY BOUNDARY. THAT'S THE LINE THAT DIVIDES DISTRICT 5 AND DISTRICT 6. AGAIN, THAT EAST/WEST LINE FOLLOWS GOVERNMENT AND FLORIDA.

AND THEN WHAT IS NOTABLE -- PARTICULARLY NOTABLE IN GALMON 2 AND GALMON 3 -- IS THAT WHEN THIS DISTRICT BOUNDARY TURNS SOUTH OFF OF FLORIDA, IT GOES DOWN INTO THIS BUCHANAN STREET NEIGHBORHOOD JUST ABOVE LSU, AND A DETAILED EXAMINATION

10:57 OF THIS SHOWS LITERALLY BLOCK TO BLOCK TO BLOCK MOVEMENT OF THE DISTRICTS.

THE CENSUS DATA THERE SHOW VERY HIGH CONCENTRATIONS OF BLACK ON CERTAIN BLOCKS AND ONE OR TWO BLOCKS OVER VERY WHITE POPULATIONS. AND IN AN EXAMINATION OF THAT JAGGED LINE, YOU CAN SEE IN THIS MAP, IT SHOWS THAT THE LINE WAS DRAWN TO THE BLOCK EXACTLY -- PRECISELY DIVIDING THE BLACK AND THE WHITE POPULATIONS THERE.

Q. OKAY. THANK YOU.

MR. GORDON: YOU CAN ZOOM OUT ON THAT. AND LET'S DO ONE MORE. LET'S GO WITH THE DATA FOR THE CITY OF LAFAYETTE.

BY MR. GORDON:

Q. AND JUST LIKE BEFORE, WHAT DOES THIS DATA SHOW FOR THE CITY OF LAFAYETTE?

A. OH, FOR LAFAYETTE? SURE. YEAH. SO, AGAIN, THIS IS A CASE WHERE YOU'VE GOT A ONE-THIRD/TWO-THIRD SPLIT OF THE POPULATION, TOTAL POPULATION, BETWEEN 2 AND 3. DISTRICT 3 HAS OVERWHELMINGLY A MUCH HIGHER SHARE OF THE WHITE POPULATION AND THEN THE BLACK POPULATION HAS A VERY SIGNIFICANTLY HIGHER SHARE OF DISTRICT 2, THE MAJORITY-MINORITY DISTRICT IN THE PLAN.

MR. GORDON: AND THEN IF WE COULD ZOOM OUT ON THAT AND BRING UP LAFAYETTE FOR A MINUTE, ILLUSTRATIVE PLAN 2, WHICH I BELIEVE IS ON PAGE 92, IT'S APPENDIX 4-JJ. AND IF WE CAN ZOOM IN ON THIS REAL QUICK.

10:59 1 **BY MR. GORDON:**
2 **Q.** AND WHAT DOES THIS MAP TELL YOU ABOUT THE LINE DRAWING
3 PROCESS WHEN IT COMES TO SPLITTING LAFAYETTE IN ILLUSTRATIVE
4 PLAN 2 FOR THE GALMON PLAINTIFFS?
5 **A.** SURE. YEAH. AGAIN, THE LINE THROUGH THE MIDDLE OF THE
6 CITY DIFFERENTIATES THE TWO DISTRICTS, NOT THE CITY BOUNDARY.
7 THIS IS NOTABLE IN THAT -- THIS PARTICULAR PLAN WAS NOTABLE IN
8 THAT DISTRICT 3 DEVIATES A LITTLE BIT FROM THE OTHER
9 ILLUSTRATIVE PLANS INSOFAR AS IT GOES UP JUST A LITTLE BIT
10 NORTH INTO THE BLACK NEIGHBORHOODS OF DISTRICT 2.
11 YOU CAN SEE THERE'S LIKE A LITTLE PIECE OF A
12 NEIGHBORHOOD THAT IS CUT OUT THERE, AND THEN THE LINE GOES
13 SOUTH RATHER THAN EXACTLY FOLLOWING THE BLACK NEIGHBORHOODS AND
14 THEN CAPTURES A COUPLE OF NEIGHBORHOODS. I BELIEVE IT'S CALLED
15 THE -- LOCALLY IT'S CALLED "THE SAINT" NEIGHBORHOODS BECAUSE OF
16 THE NAMES OF THE STREETS THERE.
17 THE DISTRICT 2 ACTUALLY GOES DOWN AND GRABS SOME OF
18 THOSE MORE PREDOMINANTLY WHITE NEIGHBORHOODS BEFORE THE PLAN
19 CUTS BACK TO THE EAST AND BEGINS FOLLOWING THE BLACK BLOCKS AND
20 BLACK NEIGHBORHOODS AGAIN.
21 **Q.** ALL RIGHT. AND THEN DOES THE FACT THAT THIS PLAN
22 INCORPORATES A LITTLE DIP INTO THE PREDOMINANTLY WHITE AREAS, A
23 LITTLE DIP INTO THE PREDOMINANTLY BLACK AREAS CHANGE YOUR
24 OPINION IN ANY WAY?
25 **A.** NO. AGAIN, THE TABLE OF DATA AND THE MAP TALK TO EACH

11:00 1 OTHER IN SHOWING THAT THE MAJORITY OF -- A DISPROPORTIONATE
2 MAJORITY SHARE OF THE BLACK POPULATION IS TO THE NORTH IN
3 DISTRICT 2 AND A DISPROPORTIONATE MAJORITY SHARE OF THE WHITE
4 POPULATION IS IN DISTRICT 3.
5 **Q.** OKAY. NOW, SKIPPING AHEAD A BIT, I JUST WANT TO LOOK AT
6 MONROE REAL QUICK --
7 **A.** SURE.
8 **Q.** -- BEFORE WE WRAP UP HERE TODAY.
9 **MR. GORDON:** IF YOU COULD PUT UP APPENDIX 4-PP AT
10 PAGE 99 AND APPENDIX 4-QQ AT PAGE 100 SIDE BY SIDE FOR US,
11 PLEASE.
12 **BY MR. GORDON:**
13 **Q.** OKAY. SO WHAT WE HAVE HERE IS MONROE -- THE CITY OF
14 MONROE FOR ROBINSON ILLUSTRATIVE PLAN AND GALMON ILLUSTRATIVE
15 PLAN 2.
16 DO YOU SEE THAT ON THE SCREEN?
17 **A.** YES.
18 **Q.** AND WITHOUT DIGGING BACK INTO THE DATA, WHAT DO THE MAPS
19 HERE SHOW US ABOUT THE MAP-DRAWING PROCESS WHEN IT CAME TO
20 MONROE?
21 **A.** SURE. MONROE, SIMILAR TO ALEXANDRIA AND OTHER CITIES IN
22 LOUISIANA, HAS A VERY UNUSUAL CITY BOUNDARY. IT ZIGS AND ZAGS
23 AND MOVES AROUND. IT'S NOT A VERY CLEAN GEOMETRIC SHAPE. BUT
24 NONETHELESS, WE TOOK THE BOUNDARIES AS THEY ARE AND THEN LOOKED
25 AT WHERE THESE PLANS SPLIT THE CITY OF MONROE. AND WHAT WE

11:02 FOUND ACROSS EACH ONE OF THE DIFFERENT PLANS, AGAIN, IS THAT THERE'S A NORTHWEST TO SOUTHEAST SPLIT, RIGHT.

SO YOU HAVE DISTRICT 4 IN THE UPPER LEFT-HAND CORNER, THE NORTHWEST CORNER OF THE CITY IS ALMOST EXCLUSIVELY WHITE, A VERY, VERY HIGH NUMBER PERCENTAGE SHARE OF WHITE POPULATION IN THAT PART OF THE CITY. AND EACH ONE OF THE PLANS DRAWS A LINE THAT KIND OF VICARIOUSLY CUTS THAT WHITE POPULATION OUT OF THE CITY AND THEN CONVERSELY KEEPS ALL OF THE BLACK POPULATION. ESPECIALLY NOTABLY: THE FAR SOUTH PART OF THE CITY, THE VERY HEAVILY BLACK PART OF THE CITY, IS KEPT IN THE MAJORITY-MINORITY DISTRICT AWAY FROM THE MUCH MORE WHITE NON-HISPANIC DISTRICT 4.

MR. GORDON: ALL RIGHT. I THINK WE CAN TAKE THESE DOWN.

BY MR. GORDON:

Q. SO, YOU KNOW, RATHER THAN GO THROUGH THE REST OF THE PLAINTIFFS' PLANS THAT YOU ANALYZED, IS IT FAIR TO SAY THAT THE REMAINDER OF THE PLANS YOU LOOKED AT, WHICH WOULD BE ROBINSON 1 AND GALMON 1 THROUGH 4, THAT THEY FOLLOW THE SAME TRAJECTORY THAT YOU DISCUSSED WITH THE ONES THAT YOU DID LOOK AT?

A. THEY ARE VERY CONSISTENT, WITH SMALL DEVIATIONS BY PLAN, BUT THE CONCLUSION AND THE OBSERVATIONS ARE THE SAME.

Q. OKAY. AND SO -- AND I KNOW WE'VE LOOKED AT A LOT OF TABLES AND MAPS TODAY, AND THANK YOU, EVERYONE, FOR BEARING WITH US HERE.

11:03 IN THE PLACE SPLITS CONTAINED IN YOUR REPORT FOR THE ILLUSTRATIVE MAPS YOU REVIEWED, IS THERE ANY EXAMPLE WHERE A PLACE, WHICH MEANS A CITY OR A TOWN, WAS SPLIT AND AT LEAST ONE MAJORITY-MINORITY DISTRICT DID NOT GET MORE THAN ITS PREDICTED SHARE OF THE "BLACK VOTING AGE" POPULATION?

A. IN LOOKING AT THE -- ALL OF THE PLACE SPLITS AND ALL OF THE PARISH SPLITS, THERE IS NOT ONE PLACE THAT WAS SPLIT THAT WAS NOT IN A WAY THAT PUT A DISPROPORTIONATE MAJORITY SHARE OF THE BLACK POPULATION INTO A MAJORITY-MINORITY DISTRICT. IT WASN'T IN SOME OF THE PLACES OR PARISHES. IT WAS EVERY ONE OF THEM.

Q. OKAY. AND THEN WHAT DID YOU CONCLUDE ABOUT THE ILLUSTRATIVE MAPS THAT WERE PRODUCED BY PLAINTIFFS IN THIS CASE THAT YOU ANALYZED?

A. YES. FOCUSING ON MY ANALYSIS OF THE RACE AND WHERE THE POPULATION IS EITHER OVER OR UNDER 50 PERCENT BLACK, I ARRIVE AT THE CONCLUSION, LOOKING AT THE TABLES OF DATA AND THE WAYS THE MAPS WERE VERY PRECISELY DRAWN AROUND THESE DIFFERENT LOW LEVELS OF CENSUS GEOGRAPHY, THAT RACE WAS A PREVAILING FACTOR IN THE DESIGN OF THOSE PLANS.

Q. AND REALLY QUICK BEFORE I FINISH UP, MR. FAIRFAX TAKES ISSUE WITH YOU IN YOUR SUPPLEMENTAL REPORT THAT YOU DIDN'T TAKE INTO CONSIDERATION SOCIOECONOMIC FACTORS.

DID YOU LOOK AT THOSE WHEN DRAWING YOUR ANALYSIS HERE?

11:05 **A.** NO.
Q. OKAY. AND DO YOU BELIEVE, IF YOU DID, IT WOULD CHANGE ANYTHING ABOUT THE CONCLUSIONS IN YOUR REPORT?
MR. NAIFEH: OBJECTION.
MR. GORDON: I'LL WITHDRAW THE QUESTION.
NO FURTHER QUESTIONS. THANK YOU.
THE COURT: OKAY. BEFORE I TURN IT OVER FOR CROSS, THE COURT HAS THREE QUESTIONS I AM GOING TO ASK AT THIS POINT BECAUSE I WANT TO MAKE SURE THAT YOU ARE ABLE TO ASK QUESTIONS THAT THIS MAY PROVOKE ON YOUR REDIRECT.
MR. BRYAN, WAS -- THIS MISALLOCATION THEORY OR THE MISALLOCATION ANALYSIS THAT YOU USED HERE IN THIS CASE, DID YOU USE THAT IN THE ALABAMA CASE?
THE WITNESS: NO.
THE COURT: OKAY. WAS IT EVER -- HAVE YOU EVER USED IT BEFORE?
THE WITNESS: YES.
THE COURT: AND YOU USED IT IN TESTIFYING OR IN PROVIDING AN OPINION THAT WAS ULTIMATELY USED AS THE BASIS OF YOUR OPINION TESTIMONY?
THE WITNESS: YES.
THE COURT: OKAY. AND IS IT USED BY ANY OTHER PROFESSIONALS IN YOUR FIELD?
THE WITNESS: YES.
THE COURT: ALL RIGHT. THANK YOU. THAT'S ALL I

11:06 HAVE.

MR. GORDON: YOUR HONOR, IF I MAY, BASED ON YOUR QUESTIONS, I JUST WANT TO CLARIFY ONE THING.

THE COURT: DO YOU WANT TO DO IT -- WELL, SINCE I ASKED QUESTIONS, YOU CAN DO IT NOW OR YOU COULD DO IT ON REDIRECT, BUT GO AHEAD.

MR. GORDON: AND I JUST WANT TO -- IT'S OFF THE TOP OF MY HEAD.

BY MR. GORDON:

Q. I JUST WANT TO BE CLEAR. OTHER THAN TODAY AND ALABAMA, YOU'VE NEVER OTHERWISE TESTIFIED IN A CASE?

A. NO.

Q. OKAY. SO WHEN YOU SAY YOU RELIED ON A MISALLOCATION ANALYSIS, THAT WAS ADVISING OTHER CLIENTS NOT IN LITIGATION BUT IN YOUR JOB AS A CONSULTANT?

A. YES.

Q. OKAY.

THE COURT: THANK YOU.

MR. GORDON: THANK YOU.

THE WITNESS: THANK YOU.

THE COURT: CROSS.

MS. KHANNA: YOUR HONOR, CAN I REQUEST A SHORT BREAK SO THAT I CAN CONSULT WITH THE ROBINSON PLAINTIFFS' COUNSEL? I WANT TO MAKE SURE I'M INCORPORATING THEIR NOTES AS WELL. I THINK I CAN MAKE IT FASTER.

11:07 **THE COURT:** YES, THAT'S FINE. LET'S TAKE A 15-MINUTE RECESS.

MS. KHANNA: THANK, YOUR HONOR.

(WHEREUPON, THE COURT WAS IN RECESS.)

THE COURT: OKAY. BE SEATED.

NEXT WITNESS. OH, I'M SORRY. NOT NEXT WITNESS, CROSS-EXAMINATION.

MS. KHANNA: THANK, YOUR HONOR.

CROSS-EXAMINATION

BY MS. KHANNA:

Q. GOOD MORNING, MR. BRYAN.

A. GOOD MORNING.

Q. ABHA KHANNA, COUNSEL FOR THE GALMON PLAINTIFFS. IT'S GOOD TO SEE YOU AGAIN.

A. GOOD TO SEE YOU.

Q. YOU'VE BEEN RETAINED AS AN EXPERT FOR THE STATE OF LOUISIANA IN THIS CASE. IS THAT RIGHT?

A. I HAVE, YES; THE ATTORNEY GENERAL'S OFFICE.

Q. WHO FIRST REACHED OUT TO YOU TO ASK FOR YOUR PARTICIPATION IN THIS CASE?

A. THAT WOULD HAVE BEEN COUNSEL FOR THE ATTORNEY GENERAL, JASON TORCHINSKY.

Q. AND WHEN DID YOU FIRST GET THAT OUTREACH?

A. BETWEEN THREE AND FOUR WEEKS AGO.

Q. WAS IT BEFORE OR AFTER THE GOVERNOR'S VETO OF THE MAP? DO

11:25 YOU KNOW?
A. I BELIEVE IT WOULD HAVE BEEN AFTER.
Q. SO YOU MENTIONED ON DIRECT EXAMINATION WITH MR. GORDON THAT THIS IS THE SECOND TIME THAT YOU'VE SERVED AS A TESTIFYING EXPERT IN COURT. IS THAT RIGHT?
A. YES, THAT'S RIGHT.
Q. AND THE FIRST TIME WAS JUST A FEW MONTHS AGO IN THE -- WHAT WE WILL CALL THE "ALABAMA CASE"?
A. YES.
Q. WE'VE ALREADY TALKED ABOUT IT.
A. YES, LET'S DO.
Q. AND, IN FACT, THAT'S THE LAST TIME YOU AND I SPOKE TO -- SPOKE TO EACH OTHER UNDER RATHER SIMILAR CIRCUMSTANCES. CORRECT?
A. YES.
Q. SO YOUR EXPERT REPORT IN THIS CASE ADDRESSES TWO TOPICS. AS YOU STATE IN YOUR REPORT, THE FIRST IS WHETHER THE PLANS MEET THE NUMEROSITY CRITERIA FOR THE FIRST PRONG OF *GINGLES*; AND THE SECOND IS IF THERE WAS EVIDENCE THAT RACE APPEARED TO PREDOMINATE IN THE DESIGN OF ANY OF THE PLANS.
DID I READ THAT CORRECTLY?
A. THAT'S CORRECT, YES.
Q. SO I'M GOING TO TALK ABOUT THAT FIRST TOPIC FIRST.
A. OKAY.
Q. AND THAT FIRST TOPIC IS ONE THAT YOU DID TESTIFY IN

11:26 1 ALABAMA ABOUT AS WELL. CORRECT?
2 **A.** YES.
3 **Q.** AND IN THAT CASE, JUST LIKE IN THIS ONE, YOU TESTIFIED
4 ABOUT THE VARIOUS POSSIBLE DEFINITIONS OF WHO COUNTS AS BLACK
5 FOR PURPOSES OF THE FIRST *GINGLES* PRONG?
6 **A.** YES.
7 **Q.** AND IN THE ALABAMA CASE, THE JUDGES THERE UNANIMOUSLY
8 DETERMINED THAT THE "ANY PART BLACK" METRIC WAS THE PROPER
9 METRIC FOR EVALUATING *GINGLES* 1?
10 **A.** THAT'S MY UNDERSTANDING.
11 **Q.** NOW, ON PAGE 17 OF YOUR REPORT IN THIS CASE YOU REFER TO
12 THE U.S. DEPARTMENT OF JUSTICE GUIDELINES UNDER SECTION 2. IS
13 THAT CORRECT?
14 **A.** YES.
15 **Q.** AND YOU DISCUSSED THAT SAME DOCUMENT IN YOUR ALABAMA
16 REPORT. IS THAT CORRECT?
17 **A.** YES.
18 **Q.** AND YOU WOULD AGREE WITH ME THAT THOSE DOJ GUIDELINES
19 PROVIDE AUTHORITY FOR THE USE OF THE "ANY PART BLACK" METRIC IN
20 SECTION 2 CASES. CORRECT?
21 **A.** YES.
22 **Q.** AND THOSE DOJ GUIDELINES EXPRESSLY CITE THE
23 *GEORGIA V. ASHCROFT* CASE FROM THE UNITED STATES SUPREME COURT.
24 IS THAT RIGHT?
25 **A.** I BELIEVE SO, YES.

11:27 **Q.** AND YOU CITE THAT SAME CASE IN YOUR REPRODUCTION OF THE GUIDELINES IN YOUR REPORT. IS THAT RIGHT?
A. YES.
Q. DID YOU REVIEW THAT CASE IN PREPARING YOUR REPORT?
A. NO.
Q. DO YOU HAVE ANY BASIS TO DISAGREE WITH ME THAT THE *GEORGIA V. ASHCROFT* CASE AND SPECIFICALLY FOOTNOTE 1, AS CITED IN BOTH YOUR REPORT AND THE GUIDELINES, INSTRUCTS THAT WHERE A CASE INVOLVES THE EXAMINATION OF ONE MINORITY GROUP'S EFFECTIVE EXERCISE OF THE ELECTORAL FRANCHISE, IT IS PROPER TO LOOK AT ALL INDIVIDUALS WHO IDENTIFY THEMSELVES AS BLACK?
MR. GORDON: OBJECTION, YOUR HONOR. THIS CALLS FOR A LEGAL CONCLUSION.
MS. KHANNA: YOUR HONOR, IF I MAY RESPOND?
THE COURT: YOU MAY.
MS. KHANNA: MR. BRYAN INCLUDES THIS CITE IN HIS REPORT. HE HAS STATED IN HIS REPORT THAT HE RELIED ON ALL OF THE DATA SOURCES CITED IN HIS REPORT. I THINK IT'S FAIR TO ASK HIM ABOUT THE CASE THAT HE CITED.
THE COURT: WELL, THE PRECEDING QUESTION ASKED HIM IF HE HAD CITED *GEORGIA VERSUS ASHCROFT* IN HIS REPORT, AND HE INDICATED THAT HE IS. I'M GOING TO -- OR THAT HE DID. I'M GOING TO OVERRULE THE OBJECTION.
BY MS. KHANNA:
Q. WOULD YOU LIKE ME TO REPEAT THE QUESTION?

11:28 1 **A.** YES, PLEASE.
2 **Q.** WOULD YOU AGREE WITH ME THAT THE *GEORGIA V. ASHCROFT* CASE,
3 SPECIFICALLY FOOTNOTE 1 THAT IS CITED, INDICATES THAT IT IS
4 PROPER TO LOOK AT ALL INDIVIDUALS WHO IDENTIFY THEMSELVES AS
5 BLACK WHERE THE CASE INVOLVES THE EXAMINATION OF ONE MINORITY
6 GROUP'S EFFECTIVE ELECTORAL -- EFFECTIVE ACCESS TO THE
7 ELECTORAL FRANCHISE?
8 **A.** I'M NOT AN ATTORNEY, AND I DON'T HAVE AN OPINION ON
9 WHETHER THE DECISION IN *GEORGIA V. ASHCROFT* IS GENERALIZABLE TO
10 THIS CASE. I REVIEWED THE LANGUAGE AND THE DOJ DOCUMENT
11 CAREFULLY, AND IT SAYS TWO THINGS IN DECIDING WHETHER TO USE
12 THE "ANY PART BLACK" DEFINITION OR NOT. AND ONE OF THE TERMS
13 THAT THEY USE IS "SIGNIFICANT"; YOU HAVE TO CONSIDER WHETHER IT
14 IS SIGNIFICANT OR NOT. SO I DON'T KNOW WHETHER A FINDING OF
15 SIGNIFICANCE OF *GEORGIA V. ASHCROFT* IS RELEVANT TO A FINDING OF
16 SIGNIFICANCE HERE.
17 AND, SECONDLY, THE DOCUMENT GOES ON TO DISCUSS THAT
18 IF A SIGNIFICANT POPULATION IS FOUND, IT'S SUBJECT TO A
19 DEMOGRAPHIC PROCESS OF ALLOCATION. AND IT IS NOT CLEAR HOW
20 THAT ALLOCATION TAKES PLACE. AND NEITHER I NOR ANY
21 DEMOGRAPHERS I KNOW KNOW WHAT THAT ALLOCATION PROCESS IS, SO I
22 CANNOT SAY THAT BECAUSE THAT WAS FOUND TO BE THE CASE, THE
23 DEFINITION OF "SIGNIFICANCE" IN *GEORGIA V. ASHCROFT,* THAT
24 THAT'S RELEVANT OR GENERALIZABLE TO THIS CASE OR NOT. I DON'T
25 KNOW.

11:30 1 **Q.** WHAT YOU JUST MENTIONED ABOUT SIGNIFICANCE AND
2 ALLOCATIONS --
3 **A.** YES.
4 **Q.** -- THAT'S NOT COMING FROM *GEORGIA V. ASHCROFT.* THAT'S
5 COMING FROM THE DOJ GUIDELINES. IS THAT CORRECT?
6 **A.** THAT'S CORRECT, YES.
7 **Q.** AND ISN'T IT TRUE THAT IN THE ALABAMA CASE, THE COURT
8 THERE FOUND THAT YOU CONCEDED ON THE RECORD THAT
9 *GEORGIA V. ASHCROFT* INDICATES THAT IT IS PROPER TO LOOK AT ALL
10 INDIVIDUALS WHO IDENTIFY THEMSELVES AS BLACK AT LEAST IN THIS
11 CASE. IS THAT CORRECT?
12 **A.** IF IT'S A SIGNIFICANT POPULATION, THEN IT IS APPROPRIATE.
13 I CANNOT DEFEND WHAT IS OR IS NOT A SIGNIFICANT POPULATION.
14 **Q.** THANK ONE.
15 YOUR REPORT DOES NOT CITE A SINGLE SECTION 2 CASE
16 THAT USES THE BLACK-ALONE METRIC IN DETERMINING WHETHER
17 *GINGLES* 1 IS SATISFIED, DOES IT?
18 **A.** NO.
19 **Q.** MR. BRYAN, ARE YOU FAMILIAR WITH THE ONE-DROP RULE?
20 **A.** NO.
21 **Q.** ARE YOU -- YOU HAVE NEVER HEARD OF THE TERM THE ONE-DROP
22 RULE IN --
23 **A.** I'VE HEARD THE CONCEPT. I ADMIT I DON'T DEEPLY KNOW OR
24 UNDERSTAND THE DEMOGRAPHIC OR HISTORIC CONTEXT OF THE TERM.
25 **Q.** AND YOU WEREN'T HERE IN COURT YESTERDAY WHEN DR. GILPIN

11:31 TESTIFIED ABOUT THE ONE-DROP RULE'S USE IN LOUISIANA HISTORY?
A. NO. I'M UNAWARE.
Q. ARE YOU AWARE THAT THE ONE-DROP RULE WAS HISTORICALLY THE METHOD BY WHICH THE STATE OF LOUISIANA DEFINED PEOPLE AS BLACK FOR PURPOSES OF DISCRIMINATION?
A. NO.
Q. DO YOU HAVE ANY BASIS TO DISAGREE WITH ME THAT THE ONE-DROP RULE WAS A VERY INCLUSIVE DEFINITION OF WHO IS BLACK?
A. NOT KNOWING, ESPECIALLY IN THE HISTORIC CONTEXT OF LOUISIANA, WHAT THAT IS, I CAN'T PROVIDE AN OPINION.
Q. YOU WOULD AGREE WITH ME, HOWEVER, THAT ANY-PART-BVAP METRIC IS AN INCLUSIVE DEFINITION OF WHO IS BLACK. CORRECT?
A. I WOULD AGREE WITH THAT, YES.
Q. AND I BELIEVE ON YOUR DIRECT EXAMINATION YOU CHARACTERIZED IT AS A LIBERAL OR AN EXPANSIVE DEFINITION?
A. YES. THERE IS NUMEROUS POPULATIONS BETWEEN THE FIRST-TIER DOJ DEFINITION OF BLACK AND WHITE NON-HISPANIC, AND THEN, AS I POINT OUT IN MY REPORT, THERE'S NUMEROUS OTHER COMBINATIONS THAT LADDER UP TO THE MOST BROADER, EXPANSIVE DEFINITION OF "ANY PART" WITH DIFFERENT RACES OR IN COMBINATION WITH HISPANICS.
Q. AND DO YOU KNOW WHETHER HISTORICALLY THE ONE-DROP RULE WAS ALSO A LIBERAL OR EXPANSIVE DEFINITION OF WHO CONSTITUTES OR WHO IS, IN FACT, BLACK?
A. AGAIN, SINCE I'M NOT FAMILIAR WITH THAT, I CAN'T GIVE AN

11:32 1 OPINION.
2 **Q.** MR. BRYAN, YOU IN THE END OFFER NO OPINION OR CONCLUSION
3 IN YOUR REPORT THAT USING THE ANY-PART-BVAP FIGURE FOR
4 ANALYZING *GINGLES* 1 IS AT ALL IMPROPER. IS THAT CORRECT?
5 **A.** I DO NOT ARRIVE AT A CONCLUSION ABOUT WHAT'S THE
6 APPROPRIATE DEFINITION TO USE.
7 **Q.** AND YOU DO NOT DISPUTE THAT EACH OF THE ILLUSTRATIVE PLANS
8 PRESENTED IN THIS CASE CONTAIN TWO MAJORITY ANY-PART-BVAP
9 DISTRICTS, DO YOU?
10 **A.** UNDER THE MOST EXPANSIVE DEFINITION OF "ANY PART BLACK,"
11 ALL OF THE ILLUSTRATIVE PLANS ACHIEVE TWO MAJORITY-MINORITY
12 DISTRICTS, AND ONLY UNDER THAT DEFINITION.
13 **Q.** YOU ANALYZED MR. COOPER'S REPORT IN THIS CASE?
14 **A.** CAN YOU PLEASE RESTATE THE QUESTION.
15 **Q.** SURE. IN CREATING YOUR OWN REPORT, YOU ANALYZED
16 MR. COOPER'S REPORT?
17 **A.** I DID LOOK AT MR. COOPER'S ORIGINAL INITIAL REPORT AND HIS
18 SUPPLEMENTAL REPORT.
19 **Q.** AND MR. COOPER ALSO PROVIDED -- IN ADDITION TO THE
20 ANY-PART-BVAP METRIC, HE ALSO PROVIDED THE NON-HISPANIC
21 SINGLE-RACE BLACK-CITIZEN-VOTING-AGE POPULATION FOR EACH OF HIS
22 ILLUSTRATIVE PLANS. IS THAT RIGHT?
23 **A.** I DID SEE THAT HE PROVIDED THOSE STATISTICS, YES.
24 **Q.** AND YOU WOULD AGREE WITH ME THAT THAT IS A FAR LESS
25 EXPANSIVE DEFINITION OF WHO IS BLACK FOR PURPOSES OF *GINGLES* 1?

11:34 1 **A.** I DON'T HAVE AN OPINION WHETHER THE CITIZEN-VOTING-AGE
2 POPULATION OR THE VOTING-AGE POPULATION IS MORE OR LESS
3 EXPANSIVE. IT WOULD DEPEND ON A VERY SPECIFIC PIECE OF
4 GEOGRAPHY AND CIRCUMSTANCES.
5 **Q.** YOU WOULD AGREE THAT THAT METRIC ONLY COUNTS PEOPLE WHO
6 ARE ELIGIBLE TO VOTE BOTH BECAUSE OF THEIR VOTING AGE AND THEIR
7 CITIZENSHIP. CORRECT?
8 **A.** THAT IS CORRECT, YES.
9 **Q.** AND IT ONLY COUNTS THE SINGLE-RACE BLACK OR THOSE BLACK
10 ALONE AS YOU CATEGORIZED THEM. CORRECT?
11 **A.** RIGHT. THAT IS CORRECT.
12 **Q.** AND IT ONLY COUNTS PEOPLE WHO ARE NOT HISPANIC AS WELL;
13 ONLY BLACK ALONE WITHOUT ANY HISPANIC ETHNICITY?
14 **A.** I DID NOT STUDY THE CALCULATION OF HIS BLACK CVAP. IT IS
15 POSSIBLE TO BOTH INCLUDE AND EXCLUDE HISPANICS AS WELL AS
16 PEOPLE OF OTHER RACES IN THAT. I DON'T KNOW HOW HE CALCULATED
17 IT OR ARRIVED AT HIS CONCLUSIONS, SO I CANNOT COMMENT ON THAT.
18 **Q.** AND, IN FACT, YOU PROVIDE NO RESPONSE AT ALL TO HIS
19 CALCULATION OF THAT NHSRB CVAP IN HIS REPORT AT ALL. IS THAT
20 CORRECT?
21 **A.** YES. MY EXPERIENCE IS THAT WE USE THE CENSUS BUREAU'S
22 PUBLIC LAW 94171 DATA, THE P-1, 2, 3, 4 TABLES FOR THE PURPOSES
23 OF THESE TYPES OF CASES, AND I DID NOT LOOK AT THE CVAP DATA OR
24 ANALYZE COOPER'S CVAP DATA AS PART OF THE LIMITED TIME I HAD IN
25 THIS CASE.

11:35 **Q.** AND, THEREFORE, YOU DON'T -- YOU DO NOT DISPUTE THAT EACH OF THE ILLUSTRATIVE PLANS CONTAINS TWO MAJORITY NON-HISPANIC-SINGLE-RACE BLACK-CITIZEN-VOTING-AGE POPULATION DISTRICTS?

A. I CANNOT OFFER AN OPINION. I'M NOT AWARE.

Q. MR. COOPER AND I BELIEVE MR. FAIRFAX AS WELL --

A. UH-HUH.

Q. -- ALSO PROVIDE VOTER REGISTRATION DATA FOR EACH OF THE ILLUSTRATIVE PLANS. DO YOU RECALL THAT?

A. I'VE HEARD THAT THEY DID. IT'S NOT AN AREA THAT I STUDIED IN THE AREA OF MY EXAMINATION.

Q. WHEN YOU SAY YOU "HEARD THAT THEY DID," IT WAS ACTUALLY INCLUDED IN THE EXPERT REPORTS THAT YOU REVIEWED IN THIS CASE?

A. YEAH. IT WAS NOT AN AREA THAT I STUDIED. I'M AWARE IT WAS IN THE REPORTS. I DIDN'T LOOK AT IT, ANALYZE IT, OR CONSIDER IT IN MY ANALYSIS.

Q. YOU ANTICIPATED MY QUESTION.

NO RESPONSE TO THAT PORTION OF THE ANALYSIS. CORRECT?

A. NO, MA'AM.

Q. AND, THEREFORE, YOU HAVE NO BASIS TO DISPUTE THAT EACH OF THE ILLUSTRATIVE PLANS OFFERED IN THIS CASE CONTAIN TWO DISTRICTS IN WHICH BLACKS COMPRISE A MAJORITY OF REGISTERED VOTERS. IS THAT RIGHT?

A. I DO NOT KNOW.

11:36 1 **Q.** I WANT TO MOVE ON TO THE SECOND QUESTION THAT YOU ADDRESS
2 IN YOUR REPORT.
3 **A.** OKAY.
4 **Q.** AND I BELIEVE I'M GOING BACK TO PAGE 9 OF YOUR REPORT,
5 WHICH IS STATE EXHIBIT 2.
6 YOU SAY THAT THAT SECOND INQUIRY IS IF THERE WAS
7 EVIDENCE THAT RACE APPEARED TO PREDOMINATE IN THE DESIGN OF ANY
8 OF THE PLANS. IS THAT RIGHT?
9 **A.** YES.
10 **Q.** AND THE WAY THAT YOU ANALYZE THIS QUESTION IS BY LOOKING
11 AT SPLITS OF VARIOUS LOUISIANA LOCALITIES. CORRECT?
12 **A.** THAT'S CORRECT.
13 **Q.** AND THAT INCLUDES PARISHES AND SOME CITIES. CORRECT?
14 **A.** YEAH. THE EMPHASIS OF OUR ANALYSIS WAS ON PLACES, BUT
15 THAT WAS GENERALIZABLE TO THE FINDINGS WE HAD FOR PARISHES AS
16 WELL.
17 **Q.** BUT YOU DIDN'T INCLUDE A SPLITS ANALYSIS OF ALL CENSUS
18 DESIGNATED PLACES. CORRECT?
19 **A.** WE DID NOT INCLUDE CDP'S, NO.
20 **Q.** WHEN YOU SAY "WE," YOU'RE REFERRING TO --
21 **A.** YEAH. ME.
22 **Q.** -- YOUR OWN ANALYSIS IN THIS CASE?
23 **A.** YES.
24 **Q.** WAS THERE ANYONE ELSE WHO HELPED YOU IN YOUR ANALYSIS IN
25 THIS CASE?

11:37 1 **A.** I HAVE A TEAM OF EXPERTS WHO WORK AT MY COMPANY TO HELP
2 WITH THIS, BUT IT'S MY ANALYSIS.
3 **Q.** OKAY. YOU DON'T DISPUTE THAT ALL OF MR. COOPER'S
4 ILLUSTRATIVE PLANS CONTAINED FEWER PARISH SPLITS THAN THE
5 ENACTED PLAN, DO YOU?
6 **A.** I DO NOT DISPUTE THAT, NO.
7 **Q.** AND YOU DON'T DISPUTE THAT ALL OF MR. COOPER'S
8 ILLUSTRATIVE PLANS CONTAIN FEWER MUNICIPALITY SPLITS THAN THE
9 ENACTED PLAN. CORRECT?
10 **A.** THAT IS ALSO CORRECT.
11 **Q.** YOU ALSO DON'T DISPUTE THAT MR. COOPER'S ILLUSTRATIVE PLAN
12 4 CONTAINS ZERO PRECINCT SPLITS, DO YOU?
13 **A.** I DO NOT DISPUTE THAT.
14 **Q.** OKAY. LET'S TAKE A CLOSER LOOK AT YOUR GEOGRAPHIC SPLITS
15 ANALYSIS.
16 AND I BELIEVE YOU TESTIFIED ON DIRECT THAT YOU
17 CONCLUDE FROM THIS ANALYSIS THAT RACE PREDOMINATED IN THE
18 DRAWING OF THE ILLUSTRATIVE PLANS. IS THAT RIGHT?
19 **A.** A COMBINATION OF LOOKING AT THE TABLES OF DATA, THE INDEX
20 OF MISALLOCATION, OTHER MEASURES, AS WELL AS A VISUAL
21 EXAMINATION OF THOSE MAPS LED ME TO THE CONCLUSION.
22 **Q.** AND THE COURT ASKED YOU, SHORTLY BEFORE THE BREAK, WHETHER
23 YOU HAD EVER PRODUCED THIS TYPE OF ANALYSIS IN COURT BEFORE.
24 I JUST WANT TO CLARIFY. THE ANSWER TO THAT WAS "NO."
25 CORRECT?

11:39 **A.** THE INDEX OF MISALLOCATION WASN'T IN COURT. IT WAS -- IT'S BEEN RUN IN ANALYSES FOR OTHER CASES.

Q. OTHER LEGAL CASES?

A. YES.

Q. AND DO YOU KNOW WHETHER IT HAS EVER BEEN CREDITED BY A COURT?

A. I DO NOT KNOW WHETHER AN INDEX OF MISALLOCATION WAS A DECISIVE MEASURE OR WAS CREDITED BY A COURT IN THEIR DECISION. I DON'T KNOW.

Q. BUT CERTAINLY YOU HAVE NEVER OFFERED YOUR PARTICULAR METHODOLOGY OF PERFORMING A MISALLOCATION ANALYSIS THAT HAS BEEN CREDITED BY A COURT. CORRECT?

A. NOT THAT I'M AWARE OF.

Q. ALL RIGHT. SO LOOKING AT PAGE 23 TO 24 OF YOUR REPORT, STATE EXHIBIT 2, I BELIEVE THIS IS WHERE YOU EXPLAIN KIND OF HOW THIS ANALYSIS WORKS?

A. OKAY.

Q. DO I HAVE THE RIGHT PLACE?

A. I'M NOT SURE. IS IT SUPPOSED TO BE ON MY SCREEN?

Q. I CAN PULL SOMETHING UP IN FRONT OF YOU.

A. OKAY. THANK YOU.

MS. KHANNA: LET'S CALL UP STATE EXHIBIT 2, YOUR REPORT, PAGE 24.

BY THE WITNESS:

OKAY.

11:40 **BY MS. KHANNA:**
Q. I BELIEVE THIS IS WHERE YOU KIND OF LAY OUT HOW THIS ANALYSIS WORKS, WHAT A HYPOTHETICAL EXAMPLE WOULD BE, AND THINGS LIKE THAT.
DOES THAT SOUND ABOUT RIGHT?
A. SURE. YES.
Q. YOU ALSO HAVE YOUR REPORTS IN FRONT OF YOU, SO FEEL FREE TO LOOK THROUGH THEM.
A. YEAH. THEY ARE OVER HERE, BUT I GOT IT.
Q. OKAY. I WANT TO --
MS. KHANNA: IF WE COULD JUST CALL OUT THAT TOP PARAGRAPH ON THIS PAGE 24.
BY MS. KHANNA:
Q. HERE YOU STATE IN THE FIRST FULL SENTENCE, "IF THE BLACK POPULATION WERE DISTRIBUTED EVENLY AROUND THE CITY, AND A SPLIT WERE CREATED RANDOMLY" --
A. UH-HUH.
Q. -- "WE WOULD EXPECT THE BLACK POPULATION TO BE SPLIT THE SAME AS THE TOTAL POPULATION."
DID I READ THAT CORRECTLY?
A. YEAH, UH-HUH.
Q. SO THIS BASELINE THAT YOU CALCULATE OF THE EXPECTED BLACK POPULATION IN EACH PART OF A DIVIDED LOCALITY, THAT EXPECTED METRIC IS BASED ON THESE TWO ASSUMPTIONS. IS THAT FAIR TO SAY?
A. IT'S A BASELINE.

11:41 **Q.** AND THAT BASELINE IS COMPRISED FROM THESE TWO -- OR IS BASED ON THESE TWO ASSUMPTIONS. CORRECT?
A. YES.
Q. ASSUMPTION ONE BEING IF THE BLACK POPULATION WERE DISTRIBUTED EVENLY AROUND THE CITY. CORRECT?
A. YES.
Q. AND ASSUMPTION TWO BEING IF THE BLACK POPULATION -- OR SORRY -- IF THE SPLIT WAS CREATED RANDOMLY?
A. THAT DOES NOT PRECLUDE THE USE OF AN INDEX OF MISALLOCATION IF YOU DON'T FULFILL THOSE TWO ASSUMPTIONS. IT'S STILL A VALID AND WIDELY USED MEASURE, BECAUSE WE KNOW THAT VERY RARELY ARE POPULATIONS PRECISELY EXACTLY DISTRIBUTED EVENLY. AND THAT'S WHY WE HAVE THIS MEASURE; TO MEASURE THE AMOUNT OF DIFFERENCE FROM WHAT WE WOULD EXPECT.
THE COURT: WITH ALL DUE RESPECT, SIR, HER QUESTION WAS: WAS THAT ONE OF YOUR ASSUMPTIONS? I DON'T KNOW WHAT THAT ANSWER ANSWERED, BUT IT WASN'T HER QUESTION. WAS THAT ONE OF YOUR ASSUMPTIONS?
THE WITNESS: YES.
MS. KHANNA: THANK YOU.
BY MS. KHANNA:
Q. LET'S TAKE A LOOK AT BATON ROUGE, WHICH I BELIEVE YOU AND MR. GORDON TALKED ABOUT DURING YOUR DIRECT EXAMINATION.
A. SURE.
Q. IF WE COULD TURN TO STATE EXHIBIT 2, PAGE 81 FROM YOUR

11:42 REPORT.

MS. KHANNA: IF WE COULD ZOOM IN ON THE MAP A LITTLE BIT.

BY MS. KHANNA:

Q. WHAT DOES THIS MAP DEPICT?

A. THIS IS A MAP THAT SHOWS THE OUTLINE OF BATON ROUGE. AND IT HAS A BLACK LINE AND A REGULAR LINE GOING ACROSS THE CENTRAL PART OF THE CITY, WHICH IS SHOWN TO REPRESENT WHERE THE ENACTED PLAN DIVIDED THE CITY INTO TWO PIECES: DISTRICT 2 TO THE NORTH AND DISTRICT 6 TO THE SOUTH WITH THEMATIC SHADING REPRESENTING THE PERCENT OF "ANY PART BLACK" BY BLOCK THROUGHOUT THE CITY AND THE SURROUNDING AREA.

Q. SO JUST LOOKING AT THE -- WHAT YOU CALL "THEMATIC SHADING," --

A. UH-HUH.

Q. -- OF THIS MAP FROM YOUR REPORT, WOULD YOU SAY THAT THE BLACK POPULATION IS DISTRIBUTED EVENLY AROUND THE CITY?

A. NO. NO, IT'S NOT.

Q. YOU WOULD SAY -- YOU WOULD AGREE WITH ME THAT IT'S LARGELY CONCENTRATED IN THE NORTH. CORRECT?

A. SURE.

Q. SO THAT FIRST ASSUMPTION THAT WE JUST TALKED ABOUT ON PAGE 24, IF THE BLACK POPULATION WERE DISTRIBUTED EVENLY AROUND THE CITY, THAT JUST DOESN'T HOLD TRUE AT ALL FOR BATON ROUGE. CORRECT?

11:43 1 **A.** THAT IS TRUE. THAT DOES NOT MEAN THAT YOU WOULD NOT USE
2 THAT ANALYSIS TO MEASURE HOW MUCH MORE OR LESS ONE PLAN SPLITS
3 BATON ROUGE THAN ANOTHER PLAN. IT'S A COMPARATIVE METRIC THAT
4 ALLOWS YOU TO SEE HOW MUCH MORE OR LESS ONE PLAN SPLITS THAN
5 ANOTHER PLAN.
6 **Q.** OKAY.
7 **A.** IT DOESN'T MEAN YOU CAN'T USE THE PLAN IF YOU DON'T HAVE
8 THAT CRITERIA.
9 **Q.** OKAY. AND NOW BACK TO THAT SECOND ASSUMPTION --
10 **A.** SURE.
11 **Q.** -- WHETHER THE SPLIT WAS CREATED RANDOMLY, LOOKING AGAIN
12 AT THIS MAP -- AND, AGAIN, THIS IS THE ENACTED MAP. CORRECT?
13 **A.** UH-HUH.
14 **Q.** LOOKING AT THIS MAP, WOULD YOU SAY THAT THE SPLIT IN
15 BATON ROUGE WAS CREATED RANDOMLY?
16 **A.** NO. THERE'S CLEARLY SOME PARTS OF THIS PLAN WHICH SHOW
17 THAT THE BLACK AND WHITE POPULATION ARE DIVIDED; PARTICULARLY,
18 AGAIN, THE FLORIDA, GOVERNMENT, EAST TO WEST ROAD THROUGH THE
19 MIDDLE AND DOWN TOWARDS BUCHANAN AND LSU AREA IN THE SOUTHWEST.
20 WHAT'S NOTABLE ABOUT THIS PARTICULAR PLAN IS THAT THE
21 BLACK POPULATION TO THE NORTHEAST STILL REMAINS IN DISTRICT 6;
22 WHEREAS, THE OTHER ILLUSTRATIVE PLANS KIND OF EXTEND THE
23 FLORIDA AND GOVERNMENT STREET BOUNDARY OUT TO THE EAST TO MAKE
24 SURE THAT THAT IS CAPTURED IN ONE OF THE MAJORITY-MINORITY
25 DISTRICTS INSTEAD.

11:45 **Q.** DO YOU HAVE ANY REASON TO BELIEVE THAT THE LOUISIANA LEGISLATURE SPLIT BATON ROUGE RANDOMLY WHEN IT DREW THE ENACTED PLAN?

A. WHEN I EXAMINED THE EXISTING CONGRESSIONAL DISTRICT BOUNDARIES, THOSE CONGRESSIONAL DISTRICT BOUNDARIES ARE VERY SIMILAR TO THE BOUNDARIES WE SEE HERE; ALTHOUGH I NEVER SAW IT STATED EXPLICITLY. IT'S MY UNDERSTANDING THAT THE ENACTED PLAN WAS WHAT WE WOULD CALL A "LEAST-CHANGE PLAN." SO IN KNOWING THAT THERE IS ONE BLACK MAJORITY-MINORITY DISTRICT AND THERE HAS TO BE SOME BOUNDARIES SOMEWHERE TO HAVE HAD THAT HISTORICALLY BLACK-MAJORITY DISTRICT, IT'S MY UNDERSTANDING LOOKING AT THOSE MAPS AND THIS DATA THAT THERE ARE SOME PLACES AND WAYS IN WHICH SOME CITIES ARE SPLIT TO DIFFERENTIATE SOME BLACK POPULATION.

Q. I'M JUST GOING TO -- I'M GOING TO RE-ASK MY QUESTION --

A. SURE.

Q. -- JUST TO MAKE SURE I GOT THE ANSWER.

A. YEAH. YEAH.

Q. DO YOU HAVE ANY REASON TO BELIEVE THAT THE LOUISIANA LEGISLATURE SPLIT BATON ROUGE RANDOMLY WHEN IT DREW THE ENACTED PLAN?

A. I DO NOT. I BELIEVE THEY FOLLOWED A LEAST-CHANGE APPROACH AND FOLLOWED THE EXISTING BOUNDARIES AS THE PRIMARY GUIDANCE FOR WHERE THEY PUT THE BOUNDARY HERE AND AROUND BATON ROUGE.

Q. DO YOU HAVE ANY REASON TO BELIEVE THAT THE LOUISIANA

11:46 1 LEGISLATURE, THIS CYCLE OR LAST CYCLE, EVER HAD A GOAL OF
2 DRAWING DISTRICT LINES RANDOMLY?
3 **A.** I DO NOT KNOW.
4 **Q.** AND YOU'VE JUST STATED THAT YOU BELIEVE THAT THE LOUISIANA
5 LEGISLATURE HAD A LEAST-CHANGE PLAN IN MIND. IS THAT CORRECT?
6 **A.** IN ANALYZING THE CURRENT MAPS, IT LOOKS LIKE THEY FOLLOWED
7 A LEAST-CHANGE STRATEGY; ALTHOUGH NO ONE TOLD ME THIS AND I
8 DON'T KNOW -- I'M NOT AWARE OF THAT AS THE GUIDANCE FOR DRAWING
9 THESE PLANS.
10 **Q.** I THINK YOU JUST ANTICIPATED MY NEXT QUESTION.
11 YOU ARE BASING THAT -- YOUR CONCLUSION THERE IS
12 SOLELY ON YOUR ANALYSIS OF THE MAP, NOT ON ANY HISTORY,
13 GUIDELINES, OR INSTRUCTIONS THAT WERE GIVEN TO YOU BY COUNSEL?
14 **A.** YES, MA'AM, THAT'S CORRECT. THANK YOU.
15 **Q.** SO GOING BACK TO PAGE 24 OF YOUR REPORT, LET'S TAKE A LOOK
16 AT THAT WHOLE PAGE AGAIN.
17 **A.** OKAY.
18 **Q.** YOU THEN EXPLAIN HOW YOU CALCULATE THE MISALLOCATION OF A
19 GIVEN AREA BY SUBTRACTING OUT THE ACTUAL BLACK POPULATION FROM
20 WHAT YOU CALL THE EXPECTED BLACK POPULATION IN EACH PORTION OF
21 THE DISTRICT. IS THAT RIGHT?
22 **A.** SURE. YES.
23 **Q.** BUT AT NO POINT IN YOUR ANALYSIS, DO YOU PROVIDE ANY BASIS
24 TO KNOW HOW MUCH OF THE MISALLOCATION IS BECAUSE THE BLACK
25 POPULATION IS NOT EVENLY DISTRIBUTED ACROSS THE CITY AND HOW

11:48 1 MUCH IS DUE TO RACE BEING THE PREDOMINANT FACTOR IN THE
2 DISTRICT'S DESIGN. IS THAT FAIR?
3 **A.** COULD YOU PLEASE SAY THAT AGAIN.
4 **Q.** I UNDERSTAND. THAT WAS A LONG QUESTION.
5 **A.** THANKS. NO PROBLEM.
6 **Q.** LET ME SEE IF I CAN BREAK THIS DOWN.
7 YOU ARRIVE AT A MISALLOCATION NUMBER --
8 **A.** UH-HUH.
9 **Q.** -- IN YOUR DATASETS. CORRECT?
10 **A.** YES.
11 **Q.** BUT AT NO POINT IN YOUR ANALYSIS DO YOU PROVIDE THE COURT
12 WITH ANY BASIS TO KNOW HOW MUCH OF THAT MISALLOCATION IS DUE TO
13 THE FACT THAT THE BLACK POPULATION IS NOT -- IS NOT DISTRIBUTED
14 EVENLY ACROSS THE CITY, HOW MUCH IS DUE TO ASSUMPTION ONE
15 VERSUS HOW MUCH IS DUE TO ASSUMPTION TWO, WHETHER RACE WAS A
16 CONSIDERATION OR NOT?
17 **A.** NO. I DON'T DO THAT.
18 **MS. KHANNA:** LET'S GO -- LET'S ZOOM INTO THE LAST
19 PARAGRAPH, PARAGRAPH 41 ON THIS PAGE.
20 **BY MS. KHANNA:**
21 **Q.** SO HERE YOU DISCUSS THE EXTENT TO WHICH THE BLACK
22 POPULATION IN LAFAYETTE IS MISALLOCATED IN GALMON PLAINTIFFS'
23 ILLUSTRATIVE PLAN 3. IS THAT RIGHT?
24 **A.** YES. IT'S A STATISTICAL TERM.
25 **Q.** OKAY. AND YOU TAKE THE EXPECTED BLACK POPULATION BASED ON

11:49 THOSE SAME TWO ASSUMPTIONS WE ALREADY DISCUSSED. CORRECT?
A. YES.
Q. AND THEN YOU SUBTRACT OUT THE ACTUAL BLACK POPULATION. IS THAT RIGHT?
A. THAT'S RIGHT.
Q. AND YOU CONCLUDE IN THIS PARAGRAPH THAT 14,508 BLACKS HAVE BEEN REDISTRICTED AND SPLIT DIFFERENTLY IN LAFAYETTE THAN YOU WOULD EXPECT IF THE PLAN HAD BEEN DRAWN RACE BLIND.
A. YES.
Q. DID I READ THAT CORRECTLY?
A. YES.
Q. BUT, AGAIN, YOU DON'T KNOW HOW MUCH OF THAT MISALLOCATION IS DUE TO RACE-BLIND LINE DRAWING AND HOW MUCH IS DUE TO A HIGHLY SEGREGATED POPULATION OR RATHER -- SORRY. LET ME REPEAT THE QUESTION. I THINK I MISSTATED IT.
A. THANK YOU.
Q. YOU DON'T KNOW HOW MUCH OF THAT MISALLOCATION IS DUE TO RACE-BASED LINE DRAWING AND HOW MUCH OF THAT MISALLOCATION IS DUE TO THE HIGHLY SEGREGATED BLACK POPULATION, DO YOU?
A. I ARRIVE AT MY CONCLUSION BY LOOKING AT THE MAP AND SEEING WHERE THE CONCENTRATIONS OF THE BLACK POPULATION ARE. AND IF THE PERSON DRAWING THE MAP HAD DRAWN IT RACE-BLIND -- AND THEY COULD HAVE DRAWN THE MAP IN ANY WAY THEY COULD TO PARTITION UP ANY ONE OF THESE CITIES, SUCH AS LAFAYETTE OR BATON ROUGE -- YOU COULD HAVE COME UP WITH ANY NUMBER OF DIFFERENT

11:50 1 COMBINATIONS: NORTH, SOUTH, EAST, AND WEST. AND THE OUTCOME --
2 WHAT WE CAN SEE IN THE MAPS IS THAT THE LINES WERE ACTUALLY
3 DRAWN IN A WAY THAT WERE THE MOST DIVISIVE -- NEARLY THE MOST
4 DIVISIVE; THAT THEY COULD BE PUTTING A LINE RIGHT WHERE THERE
5 WAS BLACK AND WHERE THERE IS NOT BLACK POPULATIONS. AND THAT'S
6 HOW I ARRIVED AT MY CONCLUSION.
7 **Q.** YOU'RE SPEAKING OF YOUR ANALYSIS OF THE VISUALS OF THE
8 MAPS. CORRECT?
9 **A.** YES. AND COMMONLY THESE ANALYSES TALK TO EACH OTHER.
10 **Q.** AND THE MISALLOCATION ANALYSIS IS THE NUMERICAL ANALYSIS
11 THAT YOU PROVIDE IN YOUR TABLES. CORRECT?
12 **A.** YES, THAT'S CORRECT.
13 **Q.** AND THE MISALLOCATION ANALYSIS, THE ONE THAT WE JUST
14 DISCUSSED, RELIES ON THOSE TWO ASSUMPTIONS.
15 **A.** YES.
16 **Q.** IS THAT CORRECT?
17 **A.** YES.
18 **Q.** AND THE MISALLOCATION ANALYSIS IS THE ONE THAT IN YOUR
19 REPORT RESULTS IN THIS PARAGRAPH IN A NUMBER OF 14,508 BLACK
20 PEOPLE. CORRECT?
21 **A.** YES.
22 **Q.** AND YOU CANNOT TELL ME HOW MUCH OF THAT 14,508 IS --
23 THAT HOW MUCH OF THAT MISALLOCATION IS DUE TO THE FACT THAT THE
24 BLACK POPULATION IS HIGHLY CONCENTRATED IN A CERTAIN AREA, AND
25 HOW MUCH OF THAT MISALLOCATION IS DUE TO RACE-BASED LINE

11:52 DRAWING. CORRECT?
A. YES.
MS. KHANNA: LET'S TAKE A LOOK AT LAFAYETTE. IF WE COULD PULL UP PAGE 93 OF YOUR REPORT.
BY MS. KHANNA:
Q. WHAT DOES THIS MAP DEPICT?
A. SURE. SO THIS IS THE GALMON 3 PLAN. YEAH, THE GALMON 3 PLAN. SO THIS IS THE VERY IRREGULAR CITY BOUNDARY OUTLINE OF LAFAYETTE, THE BLACK LINE THROUGH THE MIDDLE. AGAIN, IT'S NOT A CITY BOUNDARY. IT'S A DISTRICT BOUNDARY DIVIDING DISTRICT 5 TO THE NORTH AND DISTRICT 3 TO THE SOUTH, AGAIN, WITH THE THEMATIC SHADING OF BLACK POPULATION AND WHITE POPULATION CONCENTRATIONS BY CENSUS BLOCK.
Q. JUST TO CLARIFY, THE BLACK LINES KIND OF ALL AROUND --
A. YEAH.
Q. -- THAT IS THE CITY BOUNDARY. CORRECT?
A. YES, IT IS. YES.
Q. AND YOU'RE TELLING ME THAT THE BLACK LINE IN THE MIDDLE IS THE DISTRICT BOUNDARY?
A. THAT'S WHERE THE DISTRICTS DIVIDE THE CITY NORTH AND SOUTH, THAT'S CORRECT.
Q. THE SAME COLOR LINE IS USED FOR BOTH?
A. YES.
Q. SO I JUST WANTED TO MAKE SURE THAT IT'S CLEAR.
A. YES. YEAH, THAT'S CORRECT, YES.

11:53 1 **Q.** SO JUST LOOKING AT, AGAIN, THAT THEMATIC SHADING OF THIS
2 MAP, WOULD YOU SAY THAT THE BLACK POPULATION IS DISTRIBUTED
3 EVENLY ACROSS THE CITY?
4 **A.** NO. IT'S VERY HEAVILY CONCENTRATED TO THE NORTH, AND THE
5 WHITE IS CONCENTRATED TO THE SOUTH.
6 **Q.** BUT, AGAIN, YOUR CONCLUSION ON PAGE 24 THAT IN THIS MAP,
7 14,508 BLACKS HAVE BEEN SPLIT DIFFERENTLY IN LAFAYETTE THAN YOU
8 WOULD EXPECT IF THE PLAN HAD BEEN RACE BLIND.
9 THAT DOES NOT FACTOR IN THE SEGREGATED RESIDENTIAL
10 PATTERN OF THE CITY. CORRECT?
11 **A.** RIGHT.
12 **Q.** IS IT YOUR UNDERSTANDING THAT THE ENACTED MAP WAS DRAWN
13 RACE BLIND?
14 **A.** MY OBSERVATION OF THE ENACTED MAP IS THAT IT WAS DRAWN AS
15 A LEAST-CHANGE PLAN. THE CHANGES THAT WERE MADE TO ACCOMPLISH
16 THESE LEAST CHANGES PREDOMINANTLY WERE IN -- OUTSIDE OF
17 INCORPORATED CITIES AND TOWNS, WHERE THE CHANGES FOR THE
18 ILLUSTRATIVE PLANS WERE MORE PREVALENT.
19 **Q.** I'M GOING TO ASK AGAIN.
20 **A.** THANK YOU.
21 **Q.** DO YOU HAVE ANY BASIS TO BELIEVE THAT THE ENACTED MAP WAS
22 DRAWN RACE BLIND?
23 **A.** I DO NOT, NO.
24 **Q.** ALL RIGHT. NOW, LET'S TAKE A LOOK AT LAFAYETTE WITHIN
25 KIND OF THE BROADER CONTEXT OF MR. COOPER'S ILLUSTRATIVE 3,

11:55 1 WHICH IS THE ONE THAT YOU'VE USED AS AN EXAMPLE HERE.
2 **A.** SURE.
3 **MS. KHANNA:** IF I COULD PULL UP THIS SAME MAP SIDE BY
4 SIDE WITH GX-1C AT PAGE 11 ON THE RIGHT. AND IF WE CAN ZOOM IN
5 A LITTLE BIT ON THE LAFAYETTE PARISH, ACADIA PARISH, ST. MARTIN
6 PARISH, ST. LANDRY PARISH AREA IN THE MIDDLE. THANK YOU.
7 **BY MS. KHANNA:**
8 **Q.** OKAY. SO JUST TO -- JUST SO YOU'RE CLEAR, I KNOW THAT IT
9 MAY NOT BE CLEAR FROM THE SCREEN. ON THE LEFT HERE WE SEE YOUR
10 STATE EXHIBIT 2, PAGE 93, WHICH IS YOUR ILLUSTRATION OF THE
11 GALMON PLAINTIFFS' ILLUSTRATIVE 3 OF THE CITY OF LAFAYETTE. IS
12 THAT CORRECT?
13 **A.** YES.
14 **Q.** AND ON THE RIGHT HERE IS MR. COOPER'S ILLUSTRATIVE PLAN 3,
15 THE PORTION -- YOU CAN SEE THE VARIOUS CONGRESSIONAL DISTRICTS
16 THERE. IT KIND OF SHOWS LAFAYETTE IN THE BROADER CONTEXT OF
17 THE MAP THAT HE DREW.
18 IS THAT -- DO YOU SEE THAT?
19 **A.** I SEE IT. I DON'T -- I'M NOT ABLE TO CONFIRM OR DENY THAT
20 I KNOW THAT THAT'S WHAT THAT PLAN IS.
21 **MS. KHANNA:** OKAY. WE CAN ZOOM OUT FOR A SECOND ON
22 THAT RIGHT MAP JUST TO MAKE SURE THAT YOU'RE AWARE.
23 **BY THE WITNESS:**
24 **Q.** OKAY. GREAT.
25 **BY MS. KHANNA:**

11:56 1 **Q.** IT IS LABELED "ILLUSTRATIVE PLAN 3." IS THAT RIGHT?
2 **A.** RIGHT.
3 **MS. KHANNA:** OKAY. LET'S ZOOM BACK IN SO -- WHERE
4 YOU CAN MAKE SURE WE ARE KIND OF LOOKING AT THE SAME AREA OF
5 THE STATE.
6 **BY THE WITNESS:**
7 **A.** OKAY. THANK YOU.
8 **BY MS. KHANNA:**
9 **Q.** YOU WOULD AGREE WITH ME THAT LAFAYETTE IS LOCATED IN CD5
10 UNDER MR. COOPER'S ILLUSTRATIVE PLAN 3. CORRECT? AGAIN, WE
11 CAN ZOOM OUT IF THAT'S EASIER.
12 **A.** YEAH. I'M NOT SURE WITHOUT THE LABELS.
13 **Q.** LET'S LEAVE IT THERE.
14 **A.** YEAH. IT LOOKS LIKE 5 GOES OUT TO THE NORTH FROM
15 LAFAYETTE; SO YES, I SEE THAT.
16 **Q.** AND, AGAIN, I THINK YOU ANTICIPATED MY NEXT QUESTION.
17 YOU WOULD AGREE THAT LAFAYETTE IS AT THE VERY BOTTOM
18 OF CD5 IN MR. COOPER'S ILLUSTRATIVE PLAN 3. CORRECT?
19 **A.** YES.
20 **Q.** THE DISTRICT EXTENDS NORTH FROM LAFAYETTE?
21 **A.** YES.
22 **Q.** SO IF MR. COOPER WERE TO START DRAWING INTO LAFAYETTE BY
23 ASSIGNING PRECINCTS ADJACENT TO THE REST OF DISTRICT 5, HE
24 WOULD START AT THE NORTH END OF THE CITY. CORRECT?
25 **A.** I DO NOT KNOW WHETHER MR. COOPER STARTED HIS PLAN IN

11:57 LAFAYETTE AND DREW NORTH OR STARTED UP IN THE MORE NORTHERLY PART OF THE STATE AND WORKED HIS WAY SOUTH. I DON'T KNOW.

Q. YOU WOULD AGREE WITH ME, HOWEVER, THAT THE PRECINCTS ON THE NORTH SIDE OF LAFAYETTE ARE ADJACENT TO THE REMAINDER OF DISTRICT 5. CORRECT?

A. THEY ARE, YES.

Q. AND YOU WOULD AGREE THAT DISTRICTS NEED TO BE DRAWN CONTIGUOUSLY. CORRECT?

A. YES.

Q. WHICH MEANS THAT WHEN DRAWING THEM, YOU WOULD INCLUDE NEIGHBORING PRECINCTS. CORRECT?

A. YES.

Q. IF HE HAD JUST KIND OF GRABBED PRECINCTS ALL OVER THE CITY, THAT WOULD LIKELY NOT MAKE FOR A CONTIGUOUS DISTRICT. CORRECT?

A. YES.

Q. IF YOU HAD CHOSEN RANDOMLY FROM ACROSS THE CITY, THAT WOULD MAKE FOR A HIGHLY IRREGULAR DISTRICT. CORRECT?

A. I DON'T KNOW FROM -- IF HE WAS DRAWING FROM THE MORE NORTHERLY PART OF HIS PLAN IN DISTRICT 5. YOU HAVE OBVIOUSLY A WIDE VARIETY OF OPTIONS GOING TO THE WEST, TO THE SOUTHWEST, THE SOUTH. AND THIS PLAN SEEMS TO HAVE GONE VERY SPECIFICALLY INTO LAFAYETTE AND THE VERY HEAVILY BLACK POPULATION IN THE NORTH PART OF THAT CITY.

Q. BUT YOU WOULD AGREE WITH ME IF -- IN DRAWING WITHIN

11:58 1 LAFAYETTE CITY, IF HE HAD CHOSEN PRECINCTS OR CENSUS BLOCKS
2 RANDOMLY ALL OVER THE CITY, IT WOULD CREATE A NON-CONTIGUOUS
3 DISTRICT. CORRECT?
4 **A.** IF YOU PICKED DISCONTIGUOUS ONES, THEN THAT WOULD HAVE
5 HAPPENED, YES.
6 **Q.** AND IF HE HAD PICKED KIND OF A CHECKERBOARD PATTERN OR A
7 BARELY CONTIGUOUS LINE OF PRECINCTS AROUND THE CITY, IT WOULD
8 CREATE A HIGHLY NON-COMPACT DISTRICT. CORRECT?
9 **A.** YES.
10 **Q.** VERY IRREGULAR?
11 **A.** YEP.
12 **Q.** YOU WOULD ALSO AGREE THAT IF HE HAD CHOSEN TO DIVIDE THE
13 CITY ALONG A VERTICAL LINE --
14 **A.** UH-HUH.
15 **Q.** -- THAT THAT WOULD BE A -- CREATE A NON-COMPACT EXTENSION
16 WHERE THE REST OF THE DISTRICT IS NORTH OF LAFAYETTE. CORRECT?
17 **A.** I DON'T HAVE AN OPINION ON HOW MUCH MORE OR LESS COMPACT A
18 DIFFERENT DRAW OF THE CITY WOULD END UP BEING.
19 **MS. KHANNA:** OKAY. WE CAN TAKE THIS DOWN.
20 **BY MS. KHANNA:**
21 **Q.** MR. BRYAN, YOU CONCLUDE IN YOUR REPORT THAT THE EFFECT OF
22 THESE SPLITS THAT YOU JUST DISCUSSED IS TO SPLIT THE
23 MINORITY-BLACK POPULATION FROM THE WHITE POPULATION ACROSS
24 LOUISIANA. IS THAT FAIR?
25 **A.** YES, IT IS.

12:00 1 **Q.** THAT THEY, QUOTE, SEGREGATE WHITE FROM BLACK IN CREATING
2 AN ADDITIONAL MAJORITY-BLACK DISTRICT?
3 **A.** YES.
4 **Q.** YOU REVIEWED MR. COOPER'S REPORT IN PREPARING YOUR
5 ANALYSIS. CORRECT?
6 **A.** I'M SORRY. CAN YOU SAY IT AGAIN?
7 **Q.** SURE. YOU REVIEWED MR. COOPER'S FIRST REPORT IN PREPARING
8 YOUR ANALYSIS HERE. CORRECT?
9 **A.** THE FIRST REPORT? YES.
10 **MS. KHANNA:** IF WE COULD PULL UP MR. COOPER'S FIRST
11 REPORT, GX-1 AT PAGE 20, AND SPECIFICALLY PARAGRAPH 42.
12 **BY MS. KHANNA:**
13 **Q.** HERE MR. COOPER EXPLAINS THAT "UNDER THE ENACTED MAP,
14 31.5 PERCENT OF THE STATE'S 'BLACK VOTING AGE' POPULATION LIVED
15 IN A MAJORITY-BLACK DISTRICT, WHILE 91.5 OF THE WHITE VOTING
16 AGE POPULATION LIVES IN A MAJORITY-WHITE DISTRICT."
17 DO YOU SEE THAT?
18 **A.** YES, I DO.
19 **Q.** AND YOU DON'T DISPUTE THESE FIGURES IN YOUR REPORT.
20 CORRECT?
21 **A.** MR. COOPER'S ANALYSIS IN HIS FIRST REPORT WAS DONE ON WHAT
22 I LATER FOUND OUT TO BE THE WRONG PLAN, SO I CANNOT CONFIRM OR
23 DENY WHETHER THOSE NUMBERS ARE ACCURATE OR NOT.
24 **Q.** DO YOU HAVE A REASON -- AND YOU KNOW THAT MR. COOPER
25 CORRECTED IT FOR THE RIGHT PLAN BY THE TIME YOU GOT TO HIS

12:01 1 SUPPLEMENTAL REPORT?
2 **A.** YEAH. I HAVE READ THE CORRECTED VERSION OF THE PLAN. I
3 DON'T RECALL SEEING A PARAGRAPH LIKE THIS IN THE CORRECTED ONE
4 THAT WOULD FIX THESE NUMBERS, SO I DON'T KNOW.
5 **Q.** DO YOU -- DO YOU -- DO YOU KNOW WHETHER OR NOT THE
6 CORRECTED VERSION, THE SB1 VERSION OR HB1/SB5 VERSION --
7 **A.** THE ENACTED.
8 **Q.** YEAH, THE ENACTED VERSION.
9 **A.** YES.
10 **Q.** -- IS VERY SIMILAR TO THE ONE THAT MR. COOPER ANALYZED IN
11 HIS FIRST REPORT?
12 **A.** I BELIEVE IT'S SIMILAR.
13 **Q.** OKAY. YOU PROVIDE NO ANALYSIS OF THESE FIGURES IN YOUR
14 REPORT. IS THAT CORRECT?
15 **A.** NO.
16 **Q.** MR. BRYAN, WOULD YOU AGREE WITH ME THAT A MAP IN WHICH
17 OVER 90 PERCENT OF THE WHITE VOTING AGE POPULATION LIVES IN
18 DISTRICTS THAT ARE OVERWHELMINGLY WHITE IS -- APPEARS TO
19 SEPARATE WHITE VOTERS FROM BLACK VOTERS?
20 **A.** THERE IS SEPARATION OF WHITE AND BLACK VOTERS IN THE
21 ENACTED PLAN.
22 **Q.** I'M GOING TO ASK THE QUESTION ONE MORE TIME --
23 **A.** YES.
24 **Q.** -- JUST TO MAKE SURE WE'RE ON THE SAME PAGE.
25 **A.** YES.

12:02 1 **Q.** WOULD YOU AGREE WITH ME THAT A MAP IN WHICH OVER
2 90 PERCENT OF THE WHITE VOTING AGE POPULATION LIVES IN
3 DISTRICTS THAT ARE OVERWHELMINGLY WHITE APPEARS TO SEPARATE
4 WHITE VOTERS FROM BLACK VOTERS?
5 **A.** YES.
6 **Q.** YOU WOULD NOT REFER TO SUCH A MAP AS BRIEFLY DIVERSE OR
7 INTEGRATED, WOULD YOU?
8 **A.** NO.
9 **Q.** AND YOU WOULD AGREE WITH ME THAT UNDER MR. COOPER'S
10 ILLUSTRATIVE PLANS, MORE WHITE VOTERS WOULD LIVE IN MORE
11 RACIALLY DIVERSE DISTRICTS THAN THEY DO UNDER THE ENACTED MAP?
12 **A.** CAN YOU PLEASE RESTATE THE QUESTION?
13 **Q.** ABSOLUTELY. YOU WOULD AGREE WITH ME THAT UNDER
14 MR. COOPER'S ILLUSTRATIVE PLANS, MORE WHITE VOTERS WOULD LIVE
15 IN MORE RACIALLY DIVERSE DISTRICTS THAN THEY DO UNDER THE
16 ENACTED MAP?
17 **A.** NOT HAVING SEEN HIS CORRECTED NUMBERS, NOT HAVING THAT
18 TABLE, I CAN'T SAY THAT WITH CERTAINTY.
19 **Q.** OKAY.
20 **A.** I'M SORRY. I DON'T KNOW.
21 **Q.** OKAY. YOU WOULD AGREE WITH ME HYPOTHETICALLY THAT A
22 DISTRICT THAT IS -- IN WHICH 100 PERCENT OF THE VOTING AGE
23 POPULATION IS WHITE AND ZERO PERCENT OF THE VOTING AGE
24 POPULATION IS BLACK DOES NOT REFLECT RACIAL DIVERSITY OR
25 INTEGRATION. CORRECT?

12:04 1 **A.** YES, I AGREE.
2 **Q.** AND THE SAME IS TRUE OF THE OPPOSITE: 100 PERCENT BLACK
3 VOTING AGE POPULATION, ZERO PERCENT WHITE VOTING AGE
4 POPULATION?
5 **A.** YES, THAT'S CORRECT.
6 **Q.** A DISTRICT THAT IS 80 PERCENT WHITE AND 20 PERCENT BLACK
7 IS A LITTLE CLOSER. CORRECT?
8 **A.** YES.
9 **Q.** A LITTLE CLOSER TO BEING MORE RACIALLY DIVERSE?
10 **A.** YES.
11 **Q.** AND THAT WOULD BE THE SAME IF IT'S FLIPPED: 80 PERCENT
12 BLACK AND 20 PERCENT WHITE. CORRECT?
13 **A.** YES.
14 **Q.** AND PERHAPS EVEN THE MOST DIVERSE BY THIS METRIC WOULD BE
15 IF THE DISTRICT WERE 50/50 BLACK AND WHITE. CORRECT?
16 **A.** YES.
17 **Q.** SO THE SMALLER THE DIFFERENCE BETWEEN THE WHITE POPULATION
18 AND THE BLACK POPULATION IS AN INDICATOR OF HOW INTEGRATED OR
19 DIVERSE THE DISTRICT IS. IS THAT FAIR?
20 **A.** FOR THE PURPOSE OF THIS CASE, OUR ANALYSIS WAS ON THE
21 PERCENTAGE IN THE CONCENTRATIONS OF THE BLACK POPULATION, NOT
22 OF THE WHITE POPULATION, SO I DON'T HAVE AN OPINION WHETHER HOW
23 MUCH OR HOW LITTLE WHITE POPULATION IS CONCENTRATED IS THE
24 MEASURE TO DETERMINE DIVERSITY OR THE CONCENTRATION OF THE
25 DISTRICTS.

12:05 I FOCUSED MY ANALYSIS ON THE BLACK -- DIFFERENT MEASUREMENTS OF BLACK POPULATION ONLY.

Q. AND I'M NOT SPECIFICALLY ASKING ABOUT THE ANALYSIS THAT YOU PERFORMED.

A. YES, I UNDERSTAND.

Q. I'M ASKING BASED ON THE HYPOTHETICAL WE JUST KIND OF WALKED THROUGH, THAT THE -- WE TALKED ABOUT A 100 AND ZERO --

A. YES.

Q. -- 80/20 --

A. YEAH.

Q. -- 50/50, THE SMALLER THE DIFFERENCE BETWEEN WHITE POPULATION AND BLACK POPULATION, THE MORE DIVERSE OR INTEGRATED THAT DISTRICT. CORRECT?

A. YES. YES, THAT'S RIGHT.

Q. OKAY. LET'S TAKE A LOOK. YOU SAID YOU HAVEN'T HAD A CHANCE TO REVIEW THE NUMBERS IN THE CORRECTED VERSION.

A. OKAY. THANK YOU.

Q. SO LET'S TAKE A LOOK AT THE RACIAL COMPOSITION OF THE ENACTED PLAN COMPARED TO THE ILLUSTRATIVE PLAN. AND I'M JUST GOING TO USE ILLUSTRATIVE PLAN 1 FOR THE SAKE OF SIMPLICITY.

A. SURE.

MS. KHANNA: CAN WE PULL UP GX-29, PAGE 18, AND PUT THAT ON TOP OF THE TABLE PROVIDED ON GX-1, PAGE 27, FIGURE 13.

BY MS. KHANNA:

Q. OKAY. I'LL REPRESENT TO YOU THAT THIS FIRST TABLE ON TOP

12:06 IS FROM MR. COOPER'S SUPPLEMENTAL REPORT --
A. OKAY.
Q. -- IN WHICH HE USED THE CORRECTED DATA FOR THE ENACTED PLAN.
A. ALL RIGHT.
Q. AND YOU CAN SEE HERE HE REFERS TO THAT PLAN AS "HB1/SB5."
A. YEAH. LET ME JUST ORIENT MYSELF FOR A MINUTE.
Q. ABSOLUTELY.
A. OKAY. I THINK I'VE GOT IT.
Q. OKAY. SO WHAT WE ARE LOOKING AT HERE IS THE KIND OF DEMOGRAPHIC BREAKDOWN OF THE ENACTED MAP ON TOP AND THE DEMOGRAPHIC BREAKDOWN OF THE ILLUSTRATIVE PLAN 1 ON THE BOTTOM.
DOES THAT LOOK RIGHT TO YOU?
A. YES.
Q. OKAY. LET'S COMPARE DISTRICT 2 IN THE ENACTED MAP.
WHAT IS THE BVAP OF DISTRICT 2 IN THE ENACTED MAP, THE "BLACK VOTING AGE" POPULATION?
A. OKAY.
Q. THE PERCENTAGE, PLEASE.
A. YEAH. NO. I'M JUST READING ACROSS.
Q. OKAY.
A. DISTRICT 2 -- YOU'RE REFERRING TO THE TOP TABLE?
Q. I AM, YES.
A. OKAY. GREAT. SO IT LOOKS LIKE THE PERCENT -- "ANY PART BLACK" OF THE TOTAL POPULATION IS APPROXIMATELY 61 PERCENT, AND

12:07 THE PERCENT "ANY PART BLACK" OF DISTRICT 2 -- THIS IS A NUMBER WE REPLICATED FOR -- WAS 58.65 PERCENT.

Q. 58.65 IS THE BVAP OF DISTRICT 2 UNDER THE ENACTED PLAN?

A. YES. I BELIEVE SO.

Q. AND WHAT IS THE WHITE VOTING AGE POPULATION OF DISTRICT 2 UNDER THE ENACTED PLAN?

A. IT IS -- IT LOOKS LIKE ABOUT 179,000 OR APPROXIMATELY 30 PERCENT.

Q. OKAY. SO THE BVAP IS ROUGHLY 59 PERCENT. THE WHITE VAP IS ROUGHLY 30 PERCENT.

WOULD YOU AGREE WITH ME THAT THE DIFFERENCE BETWEEN THE WHITE VAP AND THE BVAP IS APPROXIMATELY 29 PERCENTAGE POINTS?

A. YES.

Q. LET'S LOOK AT DISTRICT 2 UNDER ILLUSTRATIVE PLAN 1.

WHAT IS THE BVAP OF DISTRICT 2 IN THAT PLAN?

A. IT IS -- IN DISTRICT 2?

Q. UH-HUH.

A. DISTRICT 2 IS -- SORRY. IT'S JUST OVER 50 PERCENT, 50.16 PERCENT.

Q. OKAY. AND WHAT IS THE WHITE VOTING AGE POPULATION OF DISTRICT 2 IN THE ILLUSTRATIVE PLAN 1?

A. SURE. 37.4 PERCENT.

Q. OKAY. SO QUICK MATH, 50 -- THE DIFFERENCE BETWEEN 50 AND 37 IS APPROXIMATELY 13 PERCENTAGE POINTS?

12:08 1 **A.** YES.
2 **Q.** OKAY. SO YOU WOULD AGREE WITH ME THAT THE DIFFERENCE
3 BETWEEN THE BLACK POPULATION AND THE WHITE POPULATION IS
4 SMALLER IN THE ILLUSTRATIVE PLAN DISTRICT 2 THAN IT IS IN THE
5 ENACTED PLAN DISTRICT 2?
6 **A.** I AGREE.
7 **Q.** BY, IN FACT, 16 PERCENTAGE POINTS?
8 **A.** YES.
9 **Q.** OKAY. LET'S LOOK AT DISTRICT 5.
10 WHAT IS THE "BLACK VOTING AGE" POPULATION PERCENTAGE
11 OF DISTRICT 5 UNDER THE ENACTED MAP ON TOP?
12 **A.** IT'S 50.04 PERCENT.
13 **Q.** OF THE ENACTED MAP?
14 **A.** OH, NO. I'M SORRY. I APOLOGIZE.
15 **Q.** NO PROBLEM.
16 **A.** DISTRICT -- WHICH DISTRICT AGAIN?
17 **Q.** DISTRICT 5.
18 **A.** FIVE? DISTRICT 5 IN THE WHITE NON-HISPANIC NUMBER AGAIN?
19 **Q.** LET'S TRY IT AGAIN.
20 **A.** OKAY.
21 **Q.** DISTRICT 5 --
22 **A.** THANK YOU.
23 **Q.** SURE. THE "BLACK VOTING AGE" POPULATION PERCENTAGE IN
24 DISTRICT 5 IN THE ENACTED MAP ON TOP.
25 **A.** SURE. IT LOOKS LIKE 32.91 PERCENT.

12:09 1 **Q.** OKAY. AND THE WHITE VOTING AGE POPULATION?
2 **A.** IS 60.29 PERCENT OF THE POPULATION.
3 **Q.** SO THAT'S A DIFFERENCE OF APPROXIMATELY 27 PERCENTAGE
4 POINTS?
5 **A.** YES. YES, I AGREE.
6 **Q.** AND WHAT IS THE "BLACK VOTING AGE" POPULATION PERCENTAGE
7 OF THE ILLUSTRATIVE DISTRICT 5?
8 **A.** THE "BLACK VOTING AGE" PERCENT IS 50.04 PERCENT.
9 **Q.** AND THE WHITE VOTING AGE POPULATION?
10 **A.** 43.97 PERCENT.
11 **Q.** THAT'S ROUGHLY A SIX PERCENTAGE POINT DIFFERENCE?
12 **A.** YES.
13 **Q.** SO YOU WOULD AGREE WITH ME THAT DISTRICT 5 IN THE
14 ILLUSTRATIVE PLAN IS FAR MORE RACIALLY DIVERSE THAN DISTRICT 5
15 IN THE ENACTED PLAN. CORRECT?
16 **A.** YES.
17 **Q.** BY ABOUT OVER 21 PERCENTAGE POINTS?
18 **A.** YES.
19 **Q.** WE CAN TAKE THIS DOWN.
20 GOING BACK TO THE SECOND QUESTION THAT YOU ASKED IN
21 YOUR REPORT OR THAT YOU INQUIRED INTO WAS IF THERE IS EVIDENCE
22 THAT RACE APPEARED TO PREDOMINATE -- APPEARED TO PREDOMINATE IN
23 THE DESIGN OF THE ILLUSTRATIVE PLANS. CORRECT?
24 **A.** YES.
25 **Q.** AND YOU CONCLUDED THE ANSWER TO THAT WAS YES?

12:11 1 **A.** YES.
2 **Q.** AND THAT WAS BASED ON THE PLACE SPLITS ANALYSIS THAT WE
3 JUST WALKED THROUGH?
4 **A.** YES.
5 **Q.** YOU INCLUDED NO ANALYSIS OF COMPACTNESS IN EVALUATING
6 RACIAL PREDOMINANCE. CORRECT?
7 **A.** I DID NOT.
8 **Q.** SO YOU DON'T KNOW IF THE EXTENT TO WHICH ANY OF THE SPLITS
9 THAT YOU JUST MENTIONED OR THAT WE JUST DISCUSSED MAKE A
10 DISTRICT MORE OR LESS COMPACT?
11 **A.** I DO NOT KNOW THAT RELATIONSHIP FOR THE ENACTED PLAN NOR
12 ANY OF THE ILLUSTRATIVE PLANS.
13 **Q.** YOU CONDUCTED NO ANALYSIS OF CONTIGUITY IN EVALUATING
14 RACIAL PREDOMINANCE. CORRECT?
15 **A.** I DID DO A QUALITY CONTROL EXAMINATION TO ENSURE THAT ALL
16 THE GEOGRAPHY WAS CONTIGUOUS, AND THEY WERE IN ALL OF THE
17 PLANS.
18 **Q.** BUT YOU DID NO ANALYSIS TO DETERMINE WHETHER ANY OF THE
19 SPLITS THAT YOU DISCUSSED IN YOUR REPORT MADE A LAND BRIDGE
20 NARROWER OR WIDER?
21 **A.** NO.
22 **Q.** YOU DID NOT INQUIRE INTO WHERE INCUMBENTS LIVED WITHIN THE
23 DISTRICTS IN PERFORMING YOUR RACIAL PREDOMINANCE ANALYSIS.
24 CORRECT?
25 **A.** I'VE LOOKED AT THE LOCATION OF THE INCUMBENTS AND

12:12 1 CONFIRMED THAT ALL THE -- IN ALL OF THE PLANS, ALL OF THE
2 INCUMBENTS WERE IN THEIR OWN DISTRICTS.
3 **Q.** YOU PROVIDE NO ANALYSIS OF THE EXTENT TO WHICH ANY OF THE
4 SPLITS THAT YOU MENTIONED IN YOUR REPORT ARE MADE TO AVOID
5 DRAWING OUT OR PAIRING INCUMBENTS, DO YOU?
6 **A.** NO, I DO NOT.
7 **Q.** YOU CONDUCTED NO ANALYSIS OF COMMUNITIES OF INTEREST IN
8 EVALUATING RACIAL PREDOMINANCE. IS THAT CORRECT?
9 **A.** THAT'S CORRECT, I DID NOT.
10 **Q.** YOU DON'T KNOW THE EXTENT TO WHICH ANY OF THE SPLITS THAT
11 YOU MENTIONED IN YOUR REPORT FOLLOW COMMUNITY OF INTEREST
12 LINES. CORRECT?
13 **A.** I DO NOT.
14 **Q.** AND, FOR INSTANCE, YOU WEREN'T IN COURT WHEN MR. TYSON OR
15 MS. SHELTON TESTIFIED ABOUT BATON ROUGE BEING A, QUOTE, "TALE
16 OF TWO CITIES"?
17 **A.** I WAS NOT IN COURT.
18 **Q.** SO YOU DIDN'T TAKE ANY OF THAT INTO ACCOUNT IN DETERMINING
19 WHETHER RACE APPEARED TO PREDOMINATE IN THE DIVISION OF
20 BATON ROUGE?
21 **A.** NO.
22 **Q.** YOU MENTIONED THAT IN ILLUSTRATIVE PLAN 1, IN MR. COOPER'S
23 ILLUSTRATIVE PLAN 1, THE DIVIDING LINE IN BATON ROUGE APPEARS
24 TO FOLLOW FLORIDA BOULEVARD ACROSS. IS THAT CORRECT?
25 **A.** YES, THAT'S CORRECT.

12:13 1 **Q.** YOU PERFORMED NO ANALYSIS OF THE HISTORY OR SURROUNDINGS
2 OF FLORIDA BOULEVARD OR ANY KIND OF SIGNIFICANCE IT HAS IN
3 REFLECTING COMMUNITIES OF INTEREST IN BATON ROUGE?
4 **A.** NO, I DID NOT. MY ANALYSIS WAS COMPLETELY DEMOGRAPHIC.
5 **Q.** SO BASED ON YOUR PLACE SPLITS ANALYSIS, YOU CONCLUDE THAT
6 RACE WAS THE PREVAILING FACTOR IN THE DESIGN OF THE
7 ILLUSTRATIVE MAPS. CORRECT?
8 **A.** BASED ON MY DEMOGRAPHIC ANALYSIS, I CONCLUDE THAT, YES.
9 **Q.** BUT YOU DID NOT EXAMINE ANY OTHER TRADITIONAL DISTRICTING
10 PRINCIPLES IN MAKING THE DETERMINATION THAT RACE PREVAILED.
11 CORRECT?
12 **A.** NO, I DID NOT.
13 **Q.** I WANT TO TURN BRIEFLY BACK TO THE ALABAMA CASE THAT WE
14 STARTED TALKING ABOUT EARLIER.
15 AND, AGAIN, THAT WAS THE MOST RECENT CASE IN WHICH
16 YOU TESTIFIED AND ALSO THE FIRST CASE IN WHICH YOU TESTIFIED.
17 CORRECT?
18 **A.** YES.
19 **Q.** IS IT FAIR TO SAY THAT THE COURT IN THAT CASE ASSIGNED
20 VERY LITTLE WEIGHT TO YOUR TESTIMONY? I BELIEVE YOU SAID AS
21 MUCH ON DIRECT.
22 **A.** YES.
23 **Q.** AND, IN FACT, YOUR TESTIMONY SPECIFICALLY ABOUT THE ISSUE
24 OF THE APPROPRIATE METRIC FOR DETERMINING WHO IS BLACK CAUSED
25 THE COURT TO QUESTION YOUR CREDIBILITY AS AN EXPERT WITNESS.

12:14 IS THAT CORRECT?
A. YES.
Q. THE COURT EXPRESSED CONCERN ABOUT THE NUMEROUS INSTANCES IN WHICH YOU OFFERED AN OPINION WITHOUT A SUFFICIENT BASIS OR IN SOME INSTANCES ANY BASIS.
DO YOU RECALL THAT?
A. YES.
Q. THE COURT ALSO CRITICIZED YOU FOR OPINING ON WHAT YOU SAW AS A DESIRE TO DIVIDE VOTERS BY RACE IN THE ILLUSTRATIVE PLANS OFFERED THERE WITHOUT EXAMINING ALL OF THE TRADITIONAL DISTRICTING PRINCIPLES SET FORTH IN THE LEGISLATURE'S GUIDELINES. CORRECT?
A. YES.
Q. THE COURT FURTHER FOUND YOUR ANALYSIS TO BE PARTIAL, SELECTIVELY INFORMED, AND POORLY SUPPORTED.
DO YOU RECALL THAT?
A. YES.
Q. LAST SET OF QUESTIONS, MR. BRYAN.
WHAT IS THE HOURLY RATE THAT YOU ARE CHARGING THE STATE OF LOUISIANA IN THIS CASE?
A. FOUR HUNDRED AND FIFTY.
Q. AND THAT IS AN INCREASE IN THE HOURLY RATE THAT YOU CHARGED THE STATE OF ALABAMA JUST A FEW MONTHS AGO. IS THAT RIGHT?
A. YES. WE HAD A CHANGE THIS YEAR ACROSS MY COMPANY.

12:15 1 **Q.** APPROXIMATELY HOW MUCH HAVE YOU BILLED FOR THIS CASE THUS
2 FAR?
3 **A.** I HAVE NOT ADDED IT UP. I DON'T KNOW.
4 **Q.** DO YOU HAVE AN APPROXIMATE ESTIMATE ABOUT HOW MANY HOURS
5 YOU'VE SPENT ON THIS CASE THUS FAR?
6 **A.** THROUGH MY COMPANY, A COUPLE OF HUNDRED.
7 **Q.** A COUPLE OF HUNDRED HOURS?
8 **A.** YES. YEAH. I DON'T KNOW THE EXACT NUMBER.
9 **Q.** THANK YOU, MR. BRYAN.
10 **A.** THANK YOU.
11 **MS. KHANNA:** NO FURTHER QUESTIONS, YOUR HONOR.
12 **THE COURT:** REDIRECT.
13 **MS. KHANNA:** I APOLOGIZE, YOUR HONOR. I HAD SOME
14 NOTES FROM CO-COUNSEL. MAY I --
15 **THE COURT:** OKAY. GO AHEAD. GO AHEAD.
16 **BY MS. KHANNA:**
17 **Q.** MR. COOPER [SIC], YOU TESTIFIED EARLIER THAT YOU HAD NOT
18 REVIEWED MISTER -- THE ROBINSON ILLUSTRATIVE PLANS 2 AND 2-A.
19 IS THAT CORRECT?
20 **A.** THAT IS CORRECT. I'M UNAWARE OF THOSE TWO PLANS.
21 **Q.** YOU'RE UNAWARE THAT THEY EXIST?
22 **A.** I'VE HEARD THAT THERE WAS A PLAN 2. I HAVE NOT HEARD THAT
23 THERE WAS A PLAN 2-A. I DON'T KNOW ANYTHING ABOUT THEM.
24 **Q.** YOU DON'T KNOW HOW MANY PIECES OF BATON ROUGE ARE SPLIT IN
25 THOSE PLANS, THEN?

12:16 **A.** I DO NOT KNOW.
Q. YOU DID NO ANALYSIS OF THE ALLOCATION OF BLACK AND WHITE VOTERS IN CITIES SPLIT IN THOSE PLANS. CORRECT?
A. I DID NOT DO ANY ANALYSIS OF THOSE PLANS, NO.
Q. THANK YOU.
A. THANK YOU.
Q. THANK YOU, MR. BRYAN.
THE COURT: REDIRECT.
MR. GORDON: THANK YOU, YOUR HONOR. I'LL MAKE THIS BRIEF.
MR. GORDON, ONCE AGAIN, FOR THE INTERVENOR STATE OF LOUISIANA.

REDIRECT EXAMINATION

BY MR. GORDON:
Q. HELLO AGAIN, MR. BRYAN.
A. HELLO.
Q. A COUPLE OF BRIEF FOLLOW-UP QUESTIONS, AND WE WILL GET YOU OUT OF HERE.
IN THE STATE OF LOUISIANA, IS THE POPULATION OF ANY RACE EVENLY DISTRIBUTED?
A. COULD YOU PLEASE RESTATE THAT? I'M HAVING TROUBLE HEARING.
Q. SURE. SORRY. I'LL LEAN FORWARD.
IN THE STATE OF LOUISIANA, IS ANY RACE EVENLY DISTRIBUTED THROUGHOUT THE STATE?

12:17 1 **A.** NO, IT IS NOT.
2 **Q.** ANYWHERE IN THE UNITED STATES, IS ANY RACE EVENLY
3 DISTRIBUTED THROUGHOUT ANY RELEVANT PIECE OF GEOGRAPHY, ANY
4 LARGE PIECE OF GEOGRAPHY?
5 **A.** WITH VERY, VERY RARE EXCEPTIONS, NO.
6 **Q.** JUST SPEAKING GENERALLY AS A PERSON WHO DRAWS MAPS
7 YOURSELF, WHEN DRAWING MAPS, DOES THE MAP DRAWER TEND TO HAVE A
8 WORKING KNOWLEDGE OF THE DEMOGRAPHICS OF THE STATE WITHOUT
9 HAVING TO LOOK AT, SAY, ANY SPECIFIC DATA?
10 **A.** YES, THEY WOULD.
11 **Q.** AND THAT WOULD INCLUDE THE RACIAL DEMOGRAPHICS GENERALLY
12 OF THE STATE?
13 **A.** YES, THEY WOULD.
14 **Q.** OKAY. SO A MAP DRAWER, IF THEY ARE FAMILIAR WITH THE
15 STATE COULD, SAY, KNOW GENERALLY WHERE CERTAIN -- A SUBSET OF
16 THE POPULATION LIVES TO DRAW THAT POPULATION INTO ANY RELEVANT
17 DISTRICT. IS THAT CORRECT?
18 **A.** WE WOULD, YES.
19 **Q.** DO YOU HAVE ANY REASON TO BELIEVE THAT PROPORTIONAL
20 REPRESENTATION IS REQUIRED BY LAW?
21 **A.** PLEASE SAY THAT AGAIN, PHIL. I'M SORRY.
22 **Q.** SURE. DO YOU HAVE ANY REASON TO BELIEVE THAT PROPORTIONAL
23 REPRESENTATION IS REQUIRED BY ANY STATE OR FEDERAL LAW?
24 **A.** NO.
25 **MR. GORDON:** AND I'D LIKE TO TURN REALLY QUICKLY TO

12:18 1 APPENDIX 4 OF YOUR EXHIBIT 2-KK. I BELIEVE MY FRIENDS OVER
2 HERE JUST LOOKED AT THAT LAFAYETTE GALMON ILLUSTRATIVE PLAN 3,
3 PAGE 93.
4 **BY THE WITNESS:**
5 **A.** OKAY.
6 **MR. GORDON:** AND IF WE'D JUST ZOOM IN ON THE MAP PART
7 THERE.
8 **BY MR. GORDON:**
9 **Q.** AND SO AS A MAP DRAWER, WHAT REASON DO YOU THINK ANYBODY
10 WOULD -- IF THEY WERE DRAWING FROM THE NORTH, FOR EXAMPLE --
11 STOP RIGHT WHERE THIS MAP DRAW -- MAP STOPPED?
12 **MS. KHANNA:** OBJECTION. CALLS FOR SPECULATION.
13 **MR. GORDON:** I'LL REPHRASE, YOUR HONOR.
14 **THE COURT:** THANK YOU.
15 **BY MR. GORDON:**
16 **Q.** IF YOU WERE DRAWING THIS MAP AND YOU WERE DRAWING IT FROM
17 THE NORTH --
18 **A.** UH-HUH.
19 **Q.** -- AND YOUR GOAL WAS TO -- NOT YOUR GOAL -- LET ME START
20 OVER.
21 IF YOU WERE DRAWING THIS MAP AND YOU WERE DRAWING IT
22 FROM THE NORTH, WHAT REASON WOULD YOU HAVE TO STOP WHERE THIS
23 MAP STOPS BETWEEN DISTRICT 5 AND DISTRICT 3?
24 **MS. KHANNA:** SAME OBJECTION, YOUR HONOR.
25 **MR. GORDON:** I'M ASKING FOR WHAT HE WOULD DO IN THIS

12:19 1 POSITION, YOUR HONOR.
2 **THE COURT:** WELL, YOU ARE ACTUALLY ASKING HIM WHAT
3 REASON WOULD HE HAVE.
4 **MR. GORDON:** OH, THAT'S FAIR ENOUGH. ALL RIGHT. LET
5 ME TRY THIS ONE MORE TIME, AND WE'LL SEE HOW IT GOES.
6 **THE COURT:** GIVE IT A SHOT.
7 **MR. GORDON:** I'LL BE READY.
8 **BY MR. GORDON:**
9 **Q.** AS A MAP DRAWER, WHICH WE JUST ESTABLISHED, IF YOU WERE
10 DRAWING THIS MAP -- LET ME BACK IT OUT AND MAKE IT MORE
11 GENERALIZABLE.
12 WHAT ARE -- WHAT ARE SOME REASONS THAT YOU USE WHEN
13 YOU ARE DRAWING MAPS THAT INFORM WHERE YOU DRAW LINES?
14 **MS. KHANNA:** OBJECTION. THIS IS BEYOND THE SCOPE OF
15 BOTH CROSS AND HIS EXPERT REPORT.
16 **THE COURT:** WELL, IT IS. IT'S BEYOND THE SCOPE OF
17 WHAT YOU ENGAGED HIM TO DO.
18 **BY MR. GORDON:**
19 **Q.** ALL RIGHT. OKAY. SO LET'S JUST FOCUS DIRECTLY ON THIS
20 PICTURE RIGHT NOW.
21 BASED ON YOUR TESTIMONY TODAY AND YOUR REPORT AND
22 WHAT YOU ANALYZED, WHAT IS YOUR OPINION AS TO WHY THIS LINE WAS
23 DRAWN DIVIDING DISTRICT 5 AND DISTRICT 3?
24 **A.** AS WE DISCUSSED SHORTLY AGO, THERE'S A VARIETY OF WAYS IF
25 YOU'RE DRAWING FROM THE NORTH TO GO DOWN INTO LAFAYETTE.

12:21 WITHOUT MAKING HIGHLY IRREGULAR, CHECKERBOARD-STRANGE DIVISIONS OF THE CITY, YOU COULD LOOK AT THIS AND SAY THE ONLY THING YOU NEED TO BE ABLE TO DO, IF YOU ARE COMING DOWN FROM THE NORTH AND NEED TO GET POPULATION INTO A DISTRICT, IS TO DRAW THAT LINE -- WHICH IS RELATIVELY UNIFORM EAST TO WEST -- IS YOU WOULD DRAW THAT LINE DIVIDING THE CITY AS FAR SOUTH INTO THE CITY AS YOU WOULD NEED JUST TO GET AN EQUAL AMOUNT OF POPULATION IN THAT DISTRICT. NO MORE, NO LESS.

SO IF I WAS A MAP DRAWER, I WOULD LOOK AT THIS AND I'D SAY THERE'S A NUMBER OF FREEWAYS, WATERWAYS, RAILWAYS. THERE'S OTHER GEOGRAPHIC FEATURES THAT I WOULD LOOK FOR TO SAY IS THERE KIND OF A NATURAL PLACE THAT YOU COULD DIVIDE LAFAYETTE NORTH AND SOUTH IN ORDER TO GET YOUR EQUITABLE POPULATION, WHICH IS THE MOST IMPORTANT, YOU KNOW, REQUIREMENT OF DRAWING THESE PLANS.

SO IF I WERE A MAP DRAWER AND LOOKING AT THIS, I WOULD SAY HOW FAR SOUTH DO WE NEED TO GO TO DRAW A CLEAN LINE TO DIVIDE THE CITY. THE SITUATION IN THIS PARTICULAR PLAN IS THAT THE MAP DRAWER WENT ONLY EXACTLY FAR ENOUGH SOUTH JUST TO ONLY INCLUDE ONLY THE HIGH-DENSITY BLACK POPULATION IN THE CITY. THERE'S OTHER GEOGRAPHIC FEATURES IN THIS CITY THAT THE MAP DRAWER COULD HAVE STOPPED SHORT OR THE MAP DRAWER COULD HAVE CONTINUED GOING FARTHER SOUTH INTO THE CITY TO DIVIDE IT.

MS. KHANNA: OBJECTION.

I APOLOGIZE, YOUR HONOR. OBJECTION. THIS IS

12:22 1 BEYOND THE SCOPE OF HIS TESTIMONY. HE AT NO POINT IDENTIFIES
2 ANY OTHER GEOGRAPHIC OR -- LANDMARKS OR ANYTHING IN THE
3 DISTRICT. LOOKING AT THIS, I CAN'T TELL WHAT ANY OF THOSE
4 WOULD BE.
5 **THE COURT:** HE HAS BEEN TENDERED AND ACCEPTED IN THE
6 FIELD OF DEMOGRAPHY, NOT MAP DRAWING, SO I WOULD SUSTAIN THE
7 OBJECTION.
8 YOU CAN ASK ANOTHER QUESTION.
9 **MR. GORDON:** SURE, YOUR HONOR. THANK YOU.
10 **BY MR. GORDON:**
11 **Q.** AS A DEMOGRAPHER, IF WE WERE TO SPLIT THIS DISTRICT IN
12 HALF, NORTH/SOUTH, WOULD THAT BE A MORE EVEN DISTRIBUTION OF
13 BLACK AND WHITE POPULATION THROUGHOUT LAFAYETTE?
14 **A.** IT WOULD DEPEND ENTIRELY ON WHERE THE SPLIT WAS, WHETHER
15 IT'S NORTH OR SOUTH OF WHERE THIS IS RIGHT NOW. THE FURTHER
16 SOUTH YOU DREW IT, THERE WOULD INCLUDE MORE WHITE POPULATION.
17 IF YOU DREW IT FURTHER TO THE NORTH, YOU WOULD BE EXCLUDING
18 MORE BLACK POPULATION. IT DEPENDS.
19 **Q.** IF YOU DRAW A VERTICAL LINE DIRECTLY NORTH TO SOUTH --
20 **A.** YES.
21 **Q.** -- THROUGH THE DEAD CENTER, WOULD IT BE MORE EQUITABLE TO
22 SPLIT A POPULATION BETWEEN BLACK AND WHITE?
23 **A.** THEN IT WOULD DIVIDE THE POPULATION AND GET YOU MUCH MORE
24 CLOSER TO THE EQUITABLE POPULATION BETWEEN BLACK AND WHITE IN
25 EACH ONE OF THOSE DISTRICTS.

12:24 1 **Q.** THAT'S ALL FOR ME.
2 **MR. GORDON:** ONE MATTER BEFORE I RELEASE THE WITNESS,
3 YOUR HONOR. I NEGLECTED TO MOVE EXHIBITS 2, 2-A, AND 2-B INTO
4 EVIDENCE FOR THE STATE OF LOUISIANA.
5 **THE COURT:** WITHOUT OBJECTION?
6 **MS. KHANNA:** NO OBJECTION.
7 **THE COURT:** ADMITTED.
8 **MR. GORDON:** THANK YOU. THAT'S ALL FOR ME,
9 YOUR HONOR.
10 **THE COURT:** OKAY. THANK YOU, MR. GORDON.
11 THANK YOU, MR. BRYAN.
12 OKAY. WE WILL TAKE A RECESS UNTIL -- WAIT.
13 OKAY. WE WILL TAKE A RECESS UNTIL 1:30.
14 **(WHEREUPON, THE COURT WAS IN RECESS.)**
15 **THE COURT:** BE SEATED.
16 NEXT WITNESS. YES, SIR?
17 **MR. NAIFEH:** YOUR HONOR, PURSUANT TO THE REQUEST THIS
18 MORNING TO KEEP THE RECORD OPEN WHILE WE ESTABLISH THAT ALL THE
19 EXHIBITS HAVE BEEN MOVED IN, IT APPEARS THERE IS A DISCREPANCY
20 BETWEEN THE EXHIBIT LIST THAT THE COURT HAS AND WHAT WE BELIEVE
21 WE MOVED IN WITH RESPECT TO TWO EXHIBITS, TWO OF PLAINTIFFS'
22 EXHIBITS.
23 **THE COURT:** OKAY. WHICH ONES?
24 **MR. NAIFEH:** AND THOSE ARE PR-12 AND PR-91. WE
25 BELIEVE THE TRANSCRIPT SHOWS THAT THEY WERE MOVED IN AND THE

01:34 COURT ALLOWED THEM IN, BUT THE LIST THAT WE HAVE, THAT THE COURT HAS, APPARENTLY DOESN'T INCLUDE THEM.

THE COURT: OKAY. THE RECORD WILL REFLECT THAT PR-12 AND PR-91 ARE IN EVIDENCE, AND THE COURTROOM DEPUTY'S RECORD ENTRY WILL REFLECT THAT.

MR. NAIFEH: THANK YOU.

THE COURT: OKAY. NEXT WITNESS BY THE DEFENDANTS, PLEASE.

MS. RIGGINS: GOOD AFTERNOON, YOUR HONOR.

ALYSSA RIGGINS FOR DEFENDANT SECRETARY OF STATE.

WE WOULD LIKE TO CALL DR. TUMULESH SOLANKY, PLEASE.

THE COURT: AND YOUR LAST NAME IS WIGGINS, MA'AM?

MS. RIGGINS: RIGGINS.

THE COURT: RIGGINS.

MS. RIGGINS: R-I-G-G-I-N-S.

THE COURT: ALL RIGHT. THANK YOU.

TUMULESH K.S. SOLANKY, PH.D.,

HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

THE DEPUTY CLERK: DO YOU WANT TO PUT A SHIELD ON OR --

THE WITNESS: NO. IT'S OKAY IF I REMOVE THIS?

THE COURT: YES. BUT WE CAN GIVE YOU A SHIELD IF YOU WOULD LIKE IT.

THE WITNESS: NO, I'M VACCINATED, BOOSTED.

01:34 **THE COURT:** OKAY. GO AHEAD, MA'AM.

VOIR DIRE

BY MS. RIGGINS:

Q. DR. SOLANKY, CAN YOU PLEASE STATE AND SPELL YOUR FULL NAME FOR THE COURT.

A. SURE. MY FULL NAME IS TUMULESH KUMAR SINGH SOLANKY, AND I'LL SPELL IT: T-U-M-U-L-E-S-H, K-U-M-A-R, S-I-N-G-H, S-O-L-A-N-K-Y.

MS. RIGGINS: AND WE INTEND TO OFFER DR. SOLANKY AS AN EXPERT IN MATHEMATICS AND STATISTICAL ANALYSIS. IS THERE A STIPULATION TO THAT EFFECT?

MR. NAIFEH: NO OBJECTION.

MS. RIGGINS: THANK YOU.

THE COURT: DR. SOLANKY WILL BE ADMITTED TO GIVE OPINION TESTIMONY IN THE FIELDS OF MATHEMATICS AND STATISTICAL ANALYSIS.

DIRECT EXAMINATION

BY MS. RIGGINS:

Q. DR. SOLANKY, HAVE YOU PREPARED AN EXPERT REPORT IN THIS CASE?

A. YES, I HAVE.

MS. RIGGINS: OKAY. AND CAN WE PULL UP A COPY OF THAT REPORT? IT'S EXHIBIT SOS_4 ON THE SCREEN.

AND, YOUR HONOR, MAY I APPROACH TO PROVIDE THE WITNESS WITH A PAPER COPY AS WELL?

01:36 **THE COURT:** YOU MAY.

MS. RIGGINS: THANK YOU.

THE COURT: AND, DR. SOLANKY, WILL YOU VERIFY FOR THE COURT AND THE OPPOSING COUNSEL THAT WHAT YOU HAVE BEFORE YOU IS YOUR REPORT IN THIS MATTER?

THE WITNESS: YES, YOUR HONOR.

THE COURT: OKAY. THANK YOU.

BY MS. RIGGINS:

Q. AND IS YOUR CURRICULUM VITAE ATTACHED TO YOUR REPORT AS APPENDIX 1?

A. THAT IS CORRECT.

Q. OKAY. AND IS THIS A TRUE AND ACCURATE COPY OF YOUR LATEST C.V.?

A. YES, IT IS.

Q. DR. SOLANKY, WHAT IS YOUR CURRENT OCCUPATION?

A. MY CURRENT OCCUPATION IS I'M A PROFESSOR OF MATHEMATICS AND THE CHAIR OF THE MATHEMATICS DEPARTMENT AT THE UNIVERSITY OF NEW ORLEANS, AND I ALSO SERVE AS THE UNIVERSITY OF LOUISIANA SYSTEM FOUNDATION IN MICHAEL AND JUDITH RUSSELL, PROFESSOR IN DATA SCIENCE.

Q. OKAY. AND HOW LONG HAVE YOU BEEN THE CHAIR OF THE MATH DEPARTMENT AT UNO?

A. I HAVE BEEN CHAIR OF THE MATH DEPARTMENT CLOSE TO 14 YEARS.

Q. AND HOW LONG HAVE YOU TAUGHT AT UNO?

01:37 1 **A.** I HAVE TAUGHT CLOSE TO 32 YEARS AT UNO.
2 **Q.** AND CAN YOU DESCRIBE A LITTLE BIT OF SOME OF THE
3 NON-ACADEMIC WORK THAT YOU'VE ALSO DONE?
4 **A.** AMONG THE NON-ACADEMIC WORK, I HAVE PROVIDED MY EXPERTISE
5 TO, FOR EXAMPLE, USDA IN DETERMINING WEATHER PATTERNS IN
6 LOUISIANA. I HAVE CONSULTED WITH NASA REGARDING SOME OF THE
7 LEAKAGE PROBLEMS WHICH WERE FACED BY SOME OF THE MISSIONS IN
8 DISCOVERY AND CHALLENGER. IT'S A LONG -- I HAVE PROVIDED MY
9 EXPERTISE TO FBI IN INVESTIGATING AND EVEN PROSECUTING CRIMES.
10 THE LIST IS LONG.
11 **Q.** OKAY. AND HAVE YOU PREVIOUSLY BEEN QUALIFIED AS AN EXPERT
12 WITNESS IN STATISTICS AND MATHEMATICS IN BOTH STATE AND FEDERAL
13 COURT?
14 **A.** YES, I HAVE BEEN.
15 **Q.** AND IN THE CASES WHERE YOU'VE BEEN QUALIFIED AS AN EXPERT,
16 HAVE YOU PROVIDED EXPERTISE TO BOTH PLAINTIFFS AND DEFENDANTS?
17 **A.** THAT IS CORRECT.
18 **Q.** HAVE YOU ALSO SERVED AS A COURT-APPOINTED EXPERT?
19 **A.** YES, I HAVE. AND RECENTLY IN THE EASTERN DISTRICT OF
20 LOUISIANA I SERVED AS THE EXPERT FOR THE CLERK OF COURT,
21 LOOKING AT THE JURY MATTERS, LOOKING AT HOW -- FROM VOTERS --
22 JURY VENIRES TO SEAT THE JURORS, WHAT STEPS TAKE PLACE, AND I
23 WAS THE EXPERT FOR THE COURT. AND BOTH THE PLAINTIFFS AND
24 DEFENSE HAD THEIR OWN STATISTICAL EXPERTS.
25 AND PRIOR TO THAT, IN A COMPLEX LITIGATION MATTER IN

01:39 LOUISIANA. THIS WAS *STATE OF LOUISIANA VERSUS JANSSEN PHARMACEUTICALS*. THE JUDGE HAD APPOINTED ME TO HELP HIM UNDERSTAND THE COMPLEX LITIGATION MATERIAL, STATISTICAL MODELS DATA, WHICH THE PLAINTIFFS AND DEFENSE EXPERTS HAD INTRODUCED IN THE CASE.

Q. THANK YOU. AND, DR. SOLANKY, CAN YOU BRIEFLY SUMMARIZE WHAT YOU WERE ASKED TO DO FOR THE DEFENDANT IN THIS MATTER?

A. IN THIS MATTER I WAS ASKED TO LOOK AT THE VOTING PATTERNS IN THE STATE OF LOUISIANA AND IN PARTICULAR, LOOK INTO SOME OF THE ILLUSTRATIVE PLANS FOR CONGRESSIONAL DISTRICT 5 AND, IN PARTICULAR, ABOUT THE EAST BATON ROUGE -- EAST BATON ROUGE PARISH.

Q. AND, BROADLY, WHAT DID YOU FIND?

A. BROADLY SPEAKING, WHAT I FOUND WAS THAT IN THE STATE OF LOUISIANA, THE VOTING -- THE PERCENTAGE OF VOTING VARIES. FOR THE PRESIDENTIAL RACES, IT'S THE HIGHEST. FOR SOME OTHER RACES, IT COULD BE VERY -- LOWER, MAYBE EVEN A QUARTER OF WHAT YOU WOULD SEE FOR A PRESIDENTIAL RACE.

I ALSO FOUND THAT EAST BATON ROUGE PARISH VOTES VARY DIFFERENTLY COMPARED TO THE OTHER PARISHES WHICH ARE BEING CONSIDERED FOR THE CONGRESSIONAL DISTRICT 5. AND IN SOME SENSE I ALSO FOUND THAT YOU COULD HAVE ELECTION ON THE SAME DAY FOR TWO DIFFERENT RACE SEATS AND YET THE VOTING PATTERN COULD BE DIFFERENT, MEANING HOW PEOPLE VOTE DEPENDS ON THE CANDIDATE THEMSELVES AS WELL.

01:41 1 **Q.** OKAY. AND IN PREPARING YOUR REPORT IN THIS CASE, YOU HAD
2 QUITE A BIT OF DATA AVAILABLE TO YOU. IS THAT RIGHT?
3 **A.** THAT IS CORRECT.
4 **Q.** AND IS ALL OF THE DATA THAT YOU HAD AVAILABLE TO YOU
5 LISTED IN YOUR EXPERT REPORT?
6 **A.** YES.
7 **Q.** OKAY. THANK YOU. DID YOU PRIMARILY RELY UPON ONE
8 PARTICULAR DATASET IN PREPARING YOUR REPORT?
9 **A.** THAT IS TRUE. NOW, DUE TO TIME CONSTRAINTS, I COULD NOT
10 VERIFY THE VALIDITY OF ALL THE DATASETS WHICH WERE PROVIDED TO
11 ME. AND ONE -- SO THE DATASETS WHICH I RELIED UPON ARE FROM
12 THE SECRETARY OF STATE; AND IN PARTICULAR, I HAD REQUESTED
13 THE -- OF THE SECRETARY OF STATE OFFICE TO PROVIDE TO ME SOME
14 VOTER LEVEL DATA TELLING ME THAT THESE HAD BEEN THE REGISTERED
15 VOTERS FOR THIS PARTICULAR ELECTION AND HOW MANY OF THEM BY
16 VOTER WHO VOTED, WHO DID NOT VOTE, THEIR RACE, THEIR GENDER,
17 THEIR PARISH AND THAT KIND OF INFORMATION. IT WAS VERY
18 VOLUMINOUS DATA.
19 **Q.** THANK YOU. AND SO, DR. SOLANKY, I'D LOVE TO BE ABLE TO GO
20 THROUGH ALL OF YOUR EXPERT REPORT, BUT UNFORTUNATELY I DON'T
21 THINK MY COLLEAGUES WOULD APPRECIATE IF I TOOK UP ALL OF THE
22 REST OF OUR TIME FOR TRIAL.
23 **MS. RIGGINS:** SO, FOREST, WOULD YOU MIND PULLING UP
24 TABLE 5 IN DR. SOLANKY'S EXPERT REPORT, WHICH BEGINS ON PAGE 6.
25 **BY MS. RIGGINS:**

01:43 1 **Q.** DR. SOLANKY, CAN YOU PLEASE GIVE US A HIGH-LEVEL SUMMARY
2 OF WHAT THIS TABLE STARTS TO SHOW?
3 **A.** NOW, IN THIS TABLE I'M LOOKING AT 28 PARISHES, WHICH I
4 FOUND WERE ASSOCIATED WITH THE PROPOSED ILLUSTRATIVE PLANS TO
5 BE ASSOCIATED WITH CONGRESSIONAL DISTRICT 5 IN VARIOUS
6 ILLUSTRATIVE PLANS. AND WHAT I HAVE PROVIDED IN THIS TABLE IS
7 A BREAKDOWN BY THE RACE FOR EACH PARISH INDICATING HOW MANY
8 PEOPLE IN THIS -- IN THAT PARISH OF THAT RACE VOTED AND HOW
9 MANY DID NOT.
10 **Q.** OKAY. AND IS THERE ANYTHING ON THIS CHART THAT WOULD SHOW
11 YOU THE TOTAL NUMBER OF REGISTERED VOTERS BROKEN DOWN BY RACE
12 IN EACH PARISH AS OF THE NOVEMBER 2020 ELECTION?
13 **A.** I'M SORRY. I MISSED OUT. SO I SHOULD HAVE EXPLAINED
14 THIS. WHAT YOU ARE LOOKING AT RIGHT NOW IS JUST FOR THE 2020
15 PRESIDENTIAL ELECTION. AND WHAT STANDS OUT IS THAT THERE IS
16 SOME VARIATION FROM PARISH TO PARISH AND, OF COURSE, THERE IS
17 SOME VARIATION BETWEEN BLACK AND WHITE PERCENTAGE VOTERS.
18 **Q.** OKAY. SO I'D LIKE TO LOOK AT A FEW PARISHES SPECIFICALLY,
19 IF WE CAN. AND I'D LIKE TO START WITH ENTRY 17, WHICH IS ON
20 PAGE 7 OF TABLE 5, AND THAT'S EAST BATON ROUGE PARISH.
21 WHAT DOES ENTRY 17 TELL US GENERALLY ABOUT THE VOTER
22 MAKEUP OF EAST BATON ROUGE PARISH?
23 **A.** IF YOU LOOK AT EAST BATON ROUGE PARISH AND YOU COUNT -- IF
24 YOU NEED TO KNOW HOW MANY TOTAL REGISTERED VOTERS WERE THERE,
25 YOU'LL HAVE TO ADD UP THE NUMBER UNDER "NO," THE COUNT VALUE,

01:44 AND THE COUNT VALUE UNDER "YES."

SO THE SUM OF THOSE TWO NUMBERS WILL TELL YOU HOW MANY REGISTERED VOTERS WERE THERE. AND IF YOU ADD THOSE FOR EAST BATON ROUGE PARISH, YOU WILL SEE THAT ROUGHLY -- I'M ADDING IT AS WE SPEAK RIGHT NOW. SO 85 PLUS 46, SO THAT WOULD BE SIGNIFICANTLY SMALLER THAN THE NUMBER OF WHITE VOTERS IN EAST BATON ROUGE PARISH WHO ARE REGISTERED.

SO THE FIRST THING IS THE TOTAL NUMBER OF WHITE VOTERS IN EAST BATON ROUGE PARISH IS MORE THAN THE TOTAL NUMBER OF BLACK VOTERS. AND WHAT ELSE IS THERE IS THE TOTAL NUMBER OF ACTUAL VOTERS IN EAST BATON ROUGE, WHICH IS 113,622, IS SIGNIFICANTLY LARGER THAN 85,672 BLACK VOTERS WHO VOTED FOR THIS PARTICULAR ELECTION.

Q. AND LET'S LOOK AT THE PARISH DIRECTLY BELOW EAST BATON ROUGE PARISH AT ENTRY 18. AND I THINK THAT'S EAST CARROLL PARISH.

WHAT DOES ENTRY 18 TELL US ABOUT THE VOTER MAKEUP OF EAST CARROLL PARISH?

A. EAST CARROLL PARISH IS DIFFERENT FROM EAST BATON ROUGE PARISH IN THE SENSE THAT IF YOU ADD UP THE TOTAL VOTERS, TOTAL REGISTERED VOTERS, YOU WILL FIND BOTH AMONG THE REGISTERED AND AMONG THE ACTUALLY -- WHO ACTUALLY VOTED.

FOR EXAMPLE, IN THE 2020 PRESIDENTIAL ELECTION IN THIS PARTICULAR PARISH THERE ARE 1,998 BLACK VOTERS WHO VOTED "YES" AND THERE ARE 1,115 WHITE VOTERS WHO VOTED "YES." SO IN

01:47 1 TERMS OF TOTAL REGISTERED AND IN TERMS OF WHO TOTAL VOTED, THIS
2 IS A MAJORITY-BLACK PARISH.
3 **Q.** OKAY. AND LET'S LOOK DOWN A LITTLE FURTHER, STILL ON THIS
4 PAGE, ENTRY 24 FOR IBERVILLE PARISH. WHAT DOES ENTRY 24 TELL
5 US ABOUT THE VOTER MAKEUP OF IBERVILLE PARISH?
6 **A.** NOW, CONTINUING WITH THE SAME MATHEMATICS, IF YOU ADD UP
7 THE TOTAL BLACK VOTERS, THE TOTAL WHITE VOTERS AND YOU ADD UP
8 THE TOTAL WHITE WHO VOTED "YES" OR "NO," THESE TWO NUMBERS ARE
9 PRACTICALLY THE SAME, MEANING IBERVILLE PARISH IN TERMS OF
10 REGISTERED VOTERS IS SPLIT QUITE EVENLY.
11 **Q.** OKAY. AND ENTRY 33, MADISON PARISH, WHAT DOES ENTRY 33
12 TELL US ABOUT THE VOTER MAKEUP OF THAT PARISH?
13 **A.** NOW, MADISON PARISH, IF YOU LOOK AT THE NUMBER OF BLACK
14 VOTERS WHO VOTED, 2,726; NUMBER OF WHITE VOTERS WHO VOTED,
15 1,967. AND THIS IS FOR THE 2020 PRESIDENTIAL ELECTION. SO IN
16 TERMS OF WHO VOTED IN THAT ELECTION AND IN TERMS OF TOTAL
17 REGISTERED VOTERS, THIS IS A MAJORITY-BLACK DISTRICT PARISH.
18 **Q.** OKAY. AND THE CHART CONTINUES ON TO THE NEXT PAGE. I'D
19 JUST LIKE TO LOOK AT TWO MORE PARISHES THERE. ENTRY 46, THIS
20 IS ST. HELENA PARISH. WHAT DOES YOUR CHART TELL US ABOUT ST.
21 HELENA PARISH?
22 **A.** SAME CONCLUSION: THIS IS ALSO PREDOMINANTLY BLACK
23 REGISTERED AND BLACK IN TERMS OF WHO VOTED IN THAT PARTICULAR
24 ELECTION, A MAJORITY-BLACK DISTRICT OR PARISH.
25 **Q.** AND ENTRY 54 -- I'M SORRY -- TENSAS PARISH, WHAT DOES YOUR

01:48 1 CHART REVEAL ABOUT TENSAS PARISH?
2 **A.** SAME CONCLUSION: THERE ARE MORE BLACK VOTERS, REGISTERED
3 VOTERS, AND THERE ARE MORE BLACK VOTERS IN THAT PARTICULAR 2020
4 PRESIDENTIAL ELECTION.
5 **Q.** OKAY. LET'S TURN NOW TO TABLE 6, WHICH SPANS PAGES 9 AND
6 10 OF YOUR REPORT.
7 DR. SOLANKY, CAN YOU PLEASE EXPLAIN AT A HIGH LEVEL
8 WHAT TABLE 6 SHOWS?
9 **A.** NOW, IN TABLE 6 I'M STILL CONSIDERING THE SAME 2020
10 PRESIDENTIAL ELECTION. AND I'M REPORTING HOW MANY VOTES
11 PRESIDENT TRUMP, PRESIDENT BIDEN AND OTHER CANDIDATES GOT BY
12 PARISH, AND I'M ALSO REPORTING HOW MANY TOTAL VOTES WERE CASTED
13 BY BLACK VOTERS, BY WHITE VOTERS AND OTHER VOTERS. AND IN THE
14 VERY LAST COLUMN, I ALSO HAVE THE TOTAL VOTES FOR EACH PARISH.
15 **Q.** OKAY. AND SO IN THE DATA THAT YOU RECEIVED FROM THE
16 SECRETARY OF STATE, DID THE DATA REPORT HOW EACH PERSON VOTED
17 IN EACH ELECTION OR JUST THAT THE PERSON VOTED GENERALLY?
18 **A.** THE LATTER. THE DATA PROVIDES WHO VOTED IN THE ELECTION
19 IN GENERAL. SO -- AND, OF COURSE, IT DOES NOT SAY WHO THEY
20 VOTED FOR. SO -- BUT LOOKING AT THE DATA, IT WAS VERY CLEAR
21 THAT EVERYBODY WHO SHOWED UP TO VOTE THAT PARTICULAR DAY MAY
22 NOT HAVE VOTED FOR EVERY SINGLE ELECTION BEING HELD ON THAT
23 DAY. SO I HAD TO CROSS-TAB THOSE TWO DATASETS. AND IT TURNED
24 OUT IF YOU COUNT THE TOTAL VOTERS, THAT WAS ROUGHLY -- ROUGHLY
25 LIKE FOR THIS 2020 ELECTION, .98 PERCENT MORE, MEANING LESS

01:50 1 THAN ONE PERCENT OF THE TOTAL VOTERS WHO VOTED THAT DAY DID NOT
2 VOTE FOR THE PRESIDENTIAL RACE, PRESIDENTIAL ELECTION.
3 **Q.** OKAY. AND SO HOW DID YOU ACCOUNT FOR THAT ONE PERCENT
4 DIFFERENCE AND THEREBY ASSIGN A VOTE TOTAL BASED ON RACE IN
5 YOUR CHART 6?
6 **A.** FIRST OF ALL, THIS PERCENTAGE NOT VOTING, IT'S NOMINAL,
7 IT'S NEGLIGIBLE, LESS THAN ONE PERCENT. AND HOW I ASSIGNED IT
8 WAS PROPORTIONALLY. SO BASED ON -- SO I ASSUMED THAT WHOEVER
9 VOTED ON THAT PARTICULAR DAY, THE PROPORTION BY RACE WHO DID
10 NOT VOTE FOR PRESIDENTIAL ELECTION IS PROPORTIONAL. AND THAT'S
11 HOW I HAVE OFFERED THESE THREE COLUMNS BY RACE: HOW MANY BLACK
12 VOTERS, HOW MANY WHITE VOTERS, AND HOW MANY OTHER VOTERS. AND
13 THIS IS BASED ON THE DATA WHICH IS AVAILABLE.
14 **Q.** AND, DR. SOLANKY, DID YOU REVIEW REPORTS BY DR. PALMER AND
15 DR. HANDLEY IN THIS CASE?
16 **A.** YES, I HAVE.
17 **Q.** AND WHEN YOU WERE REVIEWING THOSE REPORTS, DID YOU SEE ANY
18 MENTION OF HOW THEY ACCOUNTED FOR THE INDIVIDUALS WHO MAY HAVE
19 VOTED GENERALLY IN AN ELECTION BUT MAY NOT HAVE VOTED IN A
20 PARTICULAR RACE?
21 **A.** I DON'T RECALL READING THAT --
22 **Q.** OKAY.
23 **A.** -- HOW IT WAS HANDLED BY THEM.
24 **Q.** THANK YOU.
25 I'D LIKE TO LOOK ON PAGE 10 OF TABLE 6 AT ONE

01:52 1 PARTICULAR PARISH, IF WE CAN.
2 **MS. RIGGINS:** IBERVILLE PARISH, PLEASE, FOREST.
3 **BY MS. RIGGINS:**
4 **Q.** SO, DR. SOLANKY, WHAT DOES YOUR ROW OF DATA HERE ON TABLE
5 6 REVEAL ABOUT IBERVILLE PARISH?
6 **A.** SO FOR IBERVILLE PARISH IF YOU LOOK AT THE TOTAL VOTES
7 PRESIDENT TRUMP GOT AND PRESIDENT BIDEN GOT -- FOR EXAMPLE,
8 PRESIDENT BIDEN HAD 8,514 VOTES IN HIS FAVOR AND PRESIDENT
9 TRUMP HAD 7,893; AND OF THE TOTAL VOTERS WHO VOTED, NUMBER OF
10 BLACK VOTERS WERE 7,749. SO THE NUMBER OF BLACK VOTERS IS
11 ALMOST 800 LESS THAN THE NUMBER OF VOTES PRESIDENT BIDEN GOT IN
12 THIS PARISH.
13 **Q.** SO COULD PRESIDENT BIDEN HAVE BEEN ELECTED WITHOUT WHITE
14 CROSSOVER VOTERS IN IBERVILLE PARISH?
15 **A.** NO. THERE ARE NOT ENOUGH BLACK VOTERS WHO VOTED IN THIS
16 ELECTION IN THIS PARISH, SO THERE MUST HAVE BEEN SOME VOTES
17 CASTED IN FAVOR OF PRESIDENT BIDEN FROM WHITE VOTERS.
18 **Q.** NOW, I'D LIKE TO TURN TO TABLE 7, WHICH IS ON PAGE 11 OF
19 YOUR REPORT.
20 DR. SOLANKY, CAN YOU GIVE A HIGH-LEVEL EXPLANATION OF
21 WHAT TABLE 7 SHOWS?
22 **A.** SURE. GIVE ME ONE SECOND.
23 NOW, IN TABLE 7 I HAVE LOOKED AT 19 PARISHES. IN
24 THESE 19 PARISHES I LOOKED AT MR. COOPER'S ILLUSTRATIVE PLAN,
25 NO. 1. AND THESE 19 PARISHES ARE ASSOCIATED WITH HIS

01:54 1 ILLUSTRATIVE PLAN 1. SO I HAVE SUMMARIZED THE VOTING PATTERNS
2 IN THOSE 19 PARISHES AND I HAVE PROVIDED HOW MANY TOTAL
3 REGISTERED VOTERS ARE THERE IN THOSE 19 PARISHES. THAT'S THE
4 FIRST COLUMN -- RATHER, THE SECOND COLUMN UNDER "TOTAL," AND
5 THEN WHAT PERCENTAGE OF THOSE TOTALS ARE BLACK VOTERS, WHAT
6 PERCENTAGE OF THOSE TOTAL REGISTERED ARE WHITE. SO THOSE ARE
7 THE NEXT TWO COLUMNS.
8 AND THEN I HAVE ALSO PROVIDED HOW MANY VOTES IN THAT
9 PARISH, THE TWO LEADING CANDIDATES, PRESIDENT TRUMP AND
10 PRESIDENT BIDEN, GOT, AND I HAVE ALSO PROVIDED WHO GOT MORE
11 VOTES AND BY HOW MANY. SO I HAVE PROVIDED THAT BY TRUMP'S LEAD
12 NUMBER OF VOTES, SO HOW MANY VOTES PRESIDENT TRUMP GOT OVER
13 PRESIDENT BIDEN. AND IN THE VERY LAST COLUMN I HAVE PROVIDED
14 THE ELECTION OUTCOME IN THAT PARISH.
15 **Q.** THANK YOU.
16 AND IF WE LOOK AT THE "ELECTION OUTCOME BY PARISH
17 COLUMN," WHICH PARISHES DID PRESIDENT BIDEN CARRY IN 2020?
18 **A.** SO AMONG THOSE 19 PARISHES WE ARE LOOKING AT IN TABLE 7,
19 PRESIDENT BIDEN WON EAST BATON ROUGE, HE WON EAST CARROLL, HE
20 WON MADISON -- AND I'M GOING DOWN -- ST. HELENA AND TENSAS.
21 THOSE ARE THE FIVE PARISHES PRESIDENT BIDEN WON.
22 **Q.** THANK YOU.
23 AND IF YOU ORDER THOSE PARISHES IN TERMS OF THE
24 MARGIN OF VICTORY THAT'S REPORTED IN THE LAST COLUMN ON TABLE
25 7, WHERE DOES EAST BATON ROUGE PARISH FALL?

01:56 **A.** IF YOU LOOK AT THE VOTE MARGINS -- THAT'S THE LAST COLUMN -- EAST BATON ROUGE, PRESIDENT BIDEN WON BY 13 PERCENT. AND THIS 13 PERCENT IS RIGHT IN THE MIDDLE. THERE ARE TWO PARISHES; AND THOSE BEING MADISON AND -- GIVE ME ONE SECOND. I HAVE TO FIND IT. SO THERE ARE TWO PARISHES, MADISON AND EAST CARROLL. SO THOSE TWO PARISHES PRESIDENT BIDEN WON BY A HIGH PERCENTAGE. AND THERE ARE TWO MORE PARISHES, WHICH ARE TENSAS AND ST. HELENA, WHICH HE WON BY LESS THAN -- SO HIS VICTORY PERCENTAGE FALLS RIGHT IN THE MIDDLE OF THOSE FIVE PARISHES.

Q. AND OF THESE FIVE PARISHES THAT PRESIDENT BIDEN CARRIED IN THE 2020 ELECTION, IS THERE ANYTHING DIFFERENT IN TERMS OF VOTER MAKEUP ABOUT EAST BATON ROUGE PARISH?

A. YES.

Q. AND WHAT IS THAT?

A. SO OUT OF THESE FIVE PARISHES THAT PRESIDENT BIDEN WON, FOUR PARISHES ARE SUPER BLACK -- BLACK-MAJORITY PARISHES. THE ONLY PARISH WHICH PRESIDENT BIDEN WON AND WHICH IS NOT A SUPER BLACK-MAJORITY PARISH IS EAST BATON ROUGE PARISH.

Q. THANK YOU.

MS. RIGGINS: FOREST, CAN WE PULL UP FIGURE 1, WHICH IS ON PAGE 12 OF DR. SOLANKY'S REPORT, PLEASE. THANK YOU.

BY MS. RIGGINS:

Q. DR. SOLANKY, CAN YOU EXPLAIN WHAT FIGURE 1 IS, PLEASE?

A. SURE. NOW, IN FIGURE 1 I AM DISPLAYING THE TREND WHICH IS OBSERVED IN THE 19 PARISHES. AND IF YOU THINK OF IT LIKE YOU

01:57 1 ARE MOVING THE CURSOR FROM LEFT TO RIGHT, SO AS WE GO FROM
2 LEFT TO RIGHT, THE PERCENTAGE OF WHITE VOTERS COMPARED TO BLACK
3 VOTERS IS INCREASING.
4 AND ON THE VERTICAL SCALE, IF YOU GO FROM BELOW TO
5 UP, THE VOTE DIFFERENCE BETWEEN PRESIDENT BIDEN AND PRESIDENT
6 TRUMP IS INCREASING. SO IT IS TRUMP MINUS BIDEN VOTE PERCENT.
7 AND I HAVE PLOTTED THAT FOR ALL THE 19 PARISHES IN MR. COOPER'S
8 ILLUSTRATIVE PLAN.
9 **Q.** AND THERE IS A DIAGONAL LINE THAT RUNS THROUGH THIS
10 FIGURE. WHAT IS THAT CALLED?
11 **A.** NOW, THIS DIAGONAL LINE IS WHAT STATISTICIANS DO ROUTINELY
12 TO ESTABLISH A TREND, AND IT'S CALLED A REGRESSION LINE.
13 **Q.** OKAY. AND HOW DID YOU CREATE THIS REGRESSION LINE?
14 **A.** IT'S A VERY STANDARD MATHEMATICAL FORMULA WHICH IS COVERED
15 IN ALL -- EVEN FRESHMAN-LEVEL STATISTICS COURSES.
16 **Q.** AND FOR THOSE OF US WHO STRUGGLED MIGHTILY WITH
17 FRESHMAN-LEVEL STATISTICS COURSES, CAN YOU GIVE US A LITTLE
18 FLAVOR OF HOW ONE WOULD DO THAT?
19 **A.** ABSOLUTELY. NOW, IF YOU IGNORE THAT LINE FOR A SECOND AND
20 JUST LOOK AT THOSE DOTS OR SYMBOLS "B" AND "T," YOU WILL SEE
21 THEY LITERALLY FALL ON A STRAIGHT LINE. SO THE REGRESSION LINE
22 IS A MATHEMATICAL REPRESENTATION OF WHERE THESE POINTS FALL.
23 AND IF YOU LOOK AT THE LINE AND THESE DOTS AROUND IT, THE
24 CLOSER THE DOTS ARE TO THE LINE, MEANING THE BETTER IS THE FIT
25 OF THE REGRESSION MODEL.

01:59 1 **Q.** THANK YOU.
2 AND SO THE LETTERS THAT YOU HAVE ON FIGURE 1, WHAT DO
3 THOSE REPRESENT?
4 **A.** SO I HAVE PLOTTED EACH PARISH USING THE FIRST ALPHABET OF
5 THE CANDIDATE WHO WON THAT PARISH. FOR EXAMPLE, "B" REPRESENTS
6 THAT THIS PARISH WAS WON BY PRESIDENT BIDEN AND "T" REPRESENTS
7 THAT THIS PARISH WAS WON BY PRESIDENT TRUMP.
8 **Q.** AND FOR THE LETTERS THAT APPEAR ABOVE THE DIAGONAL
9 REGRESSION LINE, WHAT DOES THAT MEAN?
10 **A.** SO THIS IS THE TREND LINE, MEANING THIS IS THE OBSERVED
11 TREND IN THE 18 PARISHES. AND THE WAY TO INTERPRET THIS
12 REGRESSION LINE IS ANYTHING WHICH -- ANY POINT WHICH FALLS
13 BELOW THE LINE, THOSE ARE THE PARISHES WHICH ARE MORE
14 SUPPORTING, VOTING FOR PRESIDENT BIDEN COMPARED TO PRESIDENT
15 TRUMP. AND ANY POINT WHICH FALLS ABOVE THE LINE, THAT
16 REPRESENTS THE PARISHES WHICH ARE VOTING MORE FOR PRESIDENT
17 TRUMP COMPARED TO PRESIDENT BIDEN BASED ON THE TREND OBSERVED
18 FROM THOSE 18 PARISHES.
19 **Q.** AND WHERE DOES EAST BATON ROUGE FALL ON FIGURE 1?
20 **A.** NOW, EAST BATON ROUGE PARISH FALLS SIGNIFICANTLY BELOW THE
21 TREND LINE, MEANING IN EAST BATON ROUGE PARISH FOR THE 2020
22 PRESIDENTIAL RACE, THERE WAS SIGNIFICANT VOTING IN FAVOR OF
23 PRESIDENT BIDEN AND AGAINST PRESIDENT TRUMP COMPARED TO THE
24 OBSERVED TREND FROM 18 PARISHES.
25 **Q.** AND IN YOUR EXPERT OPINION, DOES THIS MAKE EAST BATON

02:01 ROUGE PARISH A STATISTICAL OUTLIER AMONG MR. COOPER'S ILLUSTRATIVE PLAN 1 AND THE PARISHES THAT MAKE UP THAT PLAN?

A. THAT IS CORRECT.

Q. OKAY.

A. AND IF I MAY ADD, NOW IN THE FIELD OF STATISTICS WE ALSO COMPUTE CONFIDENCE INTERVALS, SO FOR EACH VALUE HERE, IF YOU LOOK AT THE CONFIDENCE INTERVAL, THAT TELLS YOU HOW MUCH VARIATION IS THERE, HOW MUCH ERROR MARGIN IS THERE; IN OTHER WORDS, HOW MUCH COULD HAVE JUST HAPPENED BY CHANCE ALONE.

AND SO I HAVE TO SEE IF EAST BATON ROUGE PARISH FALLS WITHIN THAT CONFIDENCE INTERVAL. IF IT HAD FALLEN WITHIN THAT CONFIDENCE INTERVAL, THEN THIS VARIATION COULD HAVE BEEN JUST BY CHANCE ALONE, BUT THAT IS NOT THE CASE. THIS IS FAR BELOW WHAT COULD BE ATTRIBUTED TO BY CHANCE ALONE.

Q. THANK YOU, DR. SOLANKY.

DID YOU ALSO PREPARE A SUPPLEMENTAL REPORT IN THIS CASE?

A. YES, I HAVE.

Q. OKAY. AND I'D LIKE TO PULL UP THIS SUPPLEMENTAL REPORT WHICH HAS BEEN MARKED AS SECRETARY OF STATE EXHIBIT 5, PLEASE.

DOES THIS LOOK LIKE A COPY OF THAT SUPPLEMENTAL REPORT ON YOUR SCREEN?

A. YES.

Q. OKAY. AND IS IT ALSO IN THE BINDER THAT I GAVE YOU BEHIND A SEPARATE TAB?

02:03 **A.** YES. I HAVE FOUND THAT PAGE.
Q. OKAY. THANK YOU.
SO WHAT DID YOU LOOK AT IN YOUR SUPPLEMENTAL REPORT?
A. NOW, IN MY SUPPLEMENTAL REPORT I HAVE LOOKED AT OTHER ELECTIONS.
AND, YOUR HONOR, DUE TO TIME CONSTRAINTS, THERE WAS ONLY SO MANY ELECTIONS I COULD LOOK AT TO -- IN THE DATA LOOK AT WHEN I SUBMITTED THE ORIGINAL REPORT.
AND IN THE (UNINTELLIGBLE) REPORTS, ESPECIALLY FROM DR. HANDLEY, SHE CRITICIZED ME THAT I AM DRAWING THESE CONCLUSIONS, I'M DRAWING THESE TRENDS BASED ON ONLY ONE ELECTION. SO I REACHED OUT AND I ANALYZED AS MANY ELECTIONS AS I COULD, GIVEN THE TIME CONSTRAINTS, AND I'VE INCLUDED THOSE IN THE SUPPLEMENTAL REPORT.
Q. OKAY. AND JUST FOR CLARITY, DID YOU ALSO INCLUDE THE RESULTS OF YOUR 2020 PRESIDENTIAL ANALYSIS IN YOUR SUPPLEMENTAL REPORT SO THAT ALL EIGHT -- EIGHT ELECTIONS, EXCUSE ME, THAT YOU LOOKED AT WOULD BE IN THE SAME REPORT?
A. YES, I DID.
Q. OKAY. AND WOULD THOSE BE FOUND AT FIGURE 1 THAT WE JUST LOOKED AT?
A. THAT IS RIGHT.
Q. OKAY.
A. SO THE FIGURE 1 IN THE SUPPLEMENTAL REPORT IS JUST IMPORTED FROM THE ORIGINAL EXPERT REPORT.

02:04 **Q.** THANK YOU.
AND SO I'D LIKE TO TURN TO TABLE 1 IN YOUR SUPPLEMENTAL REPORT, WHICH STARTS ON PAGE 3.
MS. RIGGINS: THANK YOU, FOREST.
BY MS. RIGGINS:
Q. CAN YOU EXPLAIN AT A HIGH LEVEL WHAT TABLE 3 SHOWS?
A. NOW, IN TABLE 1 I'M LOOKING AT -- I'M SUMMARIZING THOSE EIGHT ELECTIONS. SO THE FIRST COLUMN INDICATES WHICH ELECTION AND WHAT WAS THE ELECTION DATE, AND THEN IN THE SECOND COLUMN I'M LOOKING AT TWO TYPES OF COLLECTION OF PARISHES FOR EACH ELECTION, ALL THE PARISHES. AND THEN I LOOK AT THE EAST BATON ROUGE PARISH. I ALSO PROVIDE HOW MANY TOTAL VOTES WERE CASTED IN ALL THE PARISHES AND ALSO IN EAST BATON ROUGE, AND I PROVIDE INFORMATION ON HOW MANY VOTES EACH CANDIDATE GOT, HOW MANY VOTES THEY GOT AND WHAT PERCENTAGE OF THE VOTES -- OVERALL VOTES THEY GOT.
I HAVE SUMMARIZED THE ELECTION OUTCOME BY HOW MANY VOTES THEY WON AND BY WHAT PERCENTAGE OF THE VOTES THEY WON, AND THEN I HAVE SUMMARIZED THE TOTAL VOTES THAT WAS CASTED FOR THAT ELECTION BY THE RACE, AND THEN I ALSO SUMMARIZED WHAT PERCENTAGE BY RACE OF THE OVERALL REGISTERED PEOPLE THAT VOTED. AND I ALSO PROVIDED A COLUMN INDICATING WHAT PERCENTAGE OF THE VOTES THAT WERE CASTED BY -- WERE FROM BLACKS AND WHITE. AND IN THE VERY LAST COLUMN I HAVE SUMMARIZED THE CANDIDATES' RACE.
Q. THANK YOU, DR. SOLANKY.

02:06 WHEN YOU WERE PREPARING TABLE 1, DID YOU MAKE ANY OBSERVATIONS ABOUT TURNOUT FOR PARTICULAR ELECTIONS STATEWIDE IN LOUISIANA?

A. YES, I DID. SO THAT WAS VERY INTERESTING TO SEE; AND IN SOME WERE EVEN EXPECTED THAT THERE IS A SIGNIFICANTLY HIGHER VOTER TURNOUT FOR THE PRESIDENTIAL ELECTIONS AND IT DECREASES SIGNIFICANTLY.

SO, FOR EXAMPLE, IF YOU LOOK AT THE VERY FIRST BLOCK, THE VOTER TURNOUT FOR THE 2020 PRESIDENTIAL ELECTION FOR BLACK VOTERS IT WAS 62.4 PERCENT; FOR WHITE VOTERS IT IS 73.8. SO THIS IS FOR THE PRESIDENTIAL ELECTION. BUT IF YOU LOOK AT SOME OTHER ELECTIONS STATEWIDE, THE TURNOUT COULD BE LITERALLY A FOURTH OF THIS.

Q. AND WHICH ELECTIONS STATEWIDE ON THIS TABLE SHOWS AN ELECTION TURNOUT WITH A QUARTER OF THAT OF THE PRESIDENTIAL ELECTION FOR 2020?

A. SURE. LET'S LOOK AT THE NEXT PAGE. IT'S ON THE NEXT PAGE.

FOR EXAMPLE, LOOK AT THE MIDDLE OF THE PAGE FOR THE SECRETARY OF STATE, ELECTION DATE DECEMBER 8, 2018.

Q. GO AHEAD.

A. SO IF YOU LOOK AT THE PERCENTAGE OF BLACK REGISTERED VOTERS WHO VOTED, 16.5 PERCENT. AND I MENTIONED A FEW SECONDS AGO FOR THE PRESIDENTIAL RACE IT WAS SIXTY-FOUR POINT -- 62.4 PERCENT.

02:07 NOW, IF YOU ALSO LOOK AT THE VERY FIRST ENTRY IN THIS ELECTION, ABOUT HALF A MILLION -- 516,653, SO ROUGHLY HALF A MILLION PEOPLE VOTED. AND IF YOU GO BACK TO THE FIRST PAGE FOR 2020 PRESIDENTIAL ELECTION, THE SIMILAR NUMBER IS WELL OVER TWO MILLION.

Q. THANK YOU.

A. SO HALF A MILLION VERSUS OVER TWO MILLION.

Q. THANK YOU, DR. SOLANKY.

AND WHEN MATHEMATICIANS OR STATISTICIANS ARE LOOKING AT DATA LIKE THIS, WOULD YOU WEIGHT THIS DECEMBER 2018 ELECTION, THE SAME AS AN ELECTION WITH HIGHER TURNOUT?

A. NOW, THIS WAS A SPECIAL ELECTION. AND YOU HAVE TO TAKE INTO ACCOUNT THAT -- HOW FEWER VOTERS PARTICIPATED IN THE ELECTION.

Q. THANK YOU.

AND DID YOU OBSERVE IN THE SAME ELECTION A DIFFERENT TURNOUT DEPENDING ON THE RACE IN ANY PARTICULAR ELECTION?

A. YES, I DID.

Q. OKAY.

A. SO IF YOU LOOK AT THE NEXT PAGE, PAGE 5, AND IF YOU LOOK AT THE TWO ELECTIONS ON THIS PAGE I HAVE, LIEUTENANT GOVERNOR AND ATTORNEY GENERAL, BOTH OF THESE ELECTIONS FALL ON THE SAME DATE: OCTOBER 12, 2019. AND IF YOU LOOK AT THE TOTAL VOTES THAT WERE CASTED, YOU WILL SEE A DIFFERENCE OF SIGNIFICANT NUMBER OF VOTES.

02:09 SO, FOR EXAMPLE, IF YOU LOOK AT EAST BATON ROUGE, 132,589; FOR THE ATTORNEY GENERAL'S ELECTION A HUNDRED AND ONE -- 131,535, SO ALMOST A THOUSAND VOTES LESS. AND WHEN WE GO TO VOTE, IT'S THE SAME BALLOT, PEOPLE CHOOSING TO IGNORE ONE ELECTION AND VOTE FOR ANOTHER. THAT IS ALSO QUITE EVIDENT FROM THIS. AND I CAN LOOK AT THE ENTIRE PARISH AND DRAW THE SAME NUMBER, THE SAME CONCLUSION AGAIN.

Q. THANK YOU, DR. SOLANKY.

AND DID YOU ANALYZE THE SAME 19 PARISHES IN MR. COOPER'S ILLUSTRATIVE FIRST PLAN THAT WE DISCUSSED IN YOUR FIRST REPORT FOR THE NEW SET OF SEVEN ELECTIONS THAT YOU LOOKED AT IN YOUR SUPPLEMENTAL REPORT?

A. YES, I DID.

Q. OKAY. ARE THOSE RESULTS REPORTED ANYWHERE IN YOUR SUPPLEMENTAL REPORT?

A. THEY ARE. SO I HAVE PROVIDED APPENDICES GIVING ALL THE DETAILS FOR THOSE EIGHT ELECTIONS.

Q. OKAY.

A. SO THOSE ARE APPENDIX 1 THROUGH APPENDIX 8.

Q. AND SO I'D JUST LIKE TO LOOK AT ONE OF THOSE BY WAY OF EXAMPLE.

MS. RIGGINS: FOREST, CAN WE LOOK AT APPENDIX 2, PLEASE.

BY MS. RIGGINS:

Q. DR. SOLANKY, CAN YOU EXPLAIN AT A HIGH LEVEL WHAT YOU

02:11 1 FOUND IN APPENDIX 2?
2 **A.** IN APPENDIX 2 I AM LOOKING AT THE 19 PARISHES WHICH WERE
3 PART OF MR. COOPER'S ILLUSTRATIVE PLAN 1. AND THIS IS FOR THE
4 2019 SECRETARY OF STATE ELECTION. AND I HAVE PROVIDED FOR EACH
5 PARISH HOW MANY TOTAL REGISTERED VOTERS WERE THERE, HOW MANY
6 TOTAL VOTES ARE OBTAINED, HOW MANY VOTES ARE CASTED FOR
7 GREENUP, HOW MANY TOTAL WHITE VOTERS WERE THERE FOR THAT
8 PARTICULAR PARISH, HOW MANY BLACK VOTERS, WHO WON, WHAT WAS THE
9 LEAD OF ARDOIN FOR EACH PARISH, WHAT WAS ARDOIN'S VOTE
10 PERCENTAGE FOR EACH PARISH, GREENUP'S VOTE PERCENTAGE.
11 AND I ALWAYS PROVIDED TWO COLUMNS TO LOOK AT: WHAT
12 WAS THE COMPOSITION OF THE VOTERS IN TERMS OF DISPARITY BETWEEN
13 BLACK AND WHITE VOTERS -- THAT'S THE VERY LAST COLUMN -- AND
14 THEN I HAVE ALSO PROVIDED THE DISPARITY BETWEEN THE PERCENTAGE
15 OF THE VOTES. ARDOIN GOT MINUS THE PERCENTAGE OF VOTES GREENUP
16 GOT IN THIS ELECTION.
17 **Q.** THANK YOU, DR. SOLANKY.
18 AND I'D LIKE TO COMPARE TWO SPECIFIC PARISHES IN THIS
19 APPENDIX, IF WE CAN. I'D LIKE TO COMPARE EAST BATON ROUGE
20 PARISH AND EAST CARROLL PARISH. SO WHAT DOES APPENDIX 2 REVEAL
21 ABOUT EAST CARROLL PARISH?
22 **A.** EAST CARROLL PARISH WAS WON BY GREENUP BY 29 PERCENT -- BY
23 25 PERCENT OF THE VOTES. AND SHE GOT 629 MORE VOTES THAN
24 ARDOIN IN THIS ELECTION FROM EAST CARROLL PARISH.
25 THE EAST BATON ROUGE PARISH WAS ALSO WON BY GREENUP.

02:13 AND SHE GOT 16,894 MORE VOTES THAN ARDOIN IN THIS PARISH.
Q. AND COULDN'T MS. GREENUP HAVE CARRIED EAST BATON ROUGE PARISH WITHOUT WHITE CROSSOVER VOTING?
A. NO. AND LET ME EXPLAIN. SO IF YOU LOOK AT HOW MANY VOTES GREENUP GOT IN EAST BATON ROUGE, HER TOTAL VOTES IN EAST BATON ROUGE WERE 85,981. AND IF YOU LOOK AT THE NUMBER OF BLACK VOTERS, THAT'S 68,432, MEANING EVEN IF SHE GOT EVERY SINGLE VOTE FROM A BLACK VOTER, SHE WOULD STILL NEED SEVENTEEN MORE THOUSAND VOTES TO REACH UP TO THE TOTAL OF -- TOTAL NUMBER OF VOTES SHE GOT IN THAT ELECTION.
Q. THANK YOU.
AND WAS WHITE CROSSOVER VOTING REQUIRED FOR MS. GREENUP TO CARRY EAST CARROLL PARISH?
A. NO. SO ON THE CONTRARY, I'M ASKING IF IT IS REQUIRED THEN, SO IT'S NO. AND THE REASON BEING, IF YOU LOOK AT THE NUMBER OF VOTES, BLACK VOTERS IN EAST CARROLL -- GIVE ME ONE SECOND, PLEASE.
SO THERE ARE 1,609 BLACK VOTERS. SHE COULD HAVE EASILY ONE BASED ON THE BLACK VOTERS.
Q. THANK YOU.
A. SO ARDOIN GOT ONLY 941 VOTES.
Q. THANK YOU.
AND I'D LIKE TO TURN BACK TO THE MAIN BODY OF YOUR REPORT AT PAGE 7, FIGURE 2, PLEASE. WHAT DOES FIGURE 2 SHOW?
A. NOW, FIGURE 2 IS A VERY SIMILAR ANALYSIS WHICH I HAD

02:14 1 PROVIDED IN MY ORIGINAL EXPERT REPORT FOR A DIFFERENT ELECTION.
2 AND HERE I'M LOOKING AT THE SECRETARY OF STATE
3 ELECTION ON NOVEMBER 16, 2019. AND, ONCE AGAIN, I HAVE DRAWN A
4 REGRESSION LINE TO PREDICT THE TREND AND THEN I HAVE SPECIFIED
5 THE EAST BATON ROUGE PARISH. AGAIN, IF YOU LOOK AT IT, PUTTING
6 ALL THE MATHEMATICS ASIDE, EVEN BY JUST EYEBALLING YOU CAN SEE
7 THAT THIS REGRESSION LINE FITS THE TREND WHICH IS THERE IN THE
8 18 PARISHES.
9 **Q.** OKAY. WHERE DOES EAST BATON ROUGE FALL IN FIGURE 2
10 RELATIVE TO THE TREND LINE?
11 **A.** SO, ONCE AGAIN, THE INTERPRETATION IS VERY SIMILAR. IF
12 YOU ARE UNDERNEATH THE TREND LINE, THAT MEANS THAT PARTICULAR
13 PARISH IS VOTING MORE IN FAVOR OF GREENUP AND AGAINST ARDOIN,
14 IF YOU WERE BELOW THE TREND LINE. AND IF YOU ARE ABOVE THE
15 TREND LINE, MEANING THERE ARE MORE VOTES FOR ARDOIN COMPARED TO
16 GREENUP BASED UPON THE TREND FROM THE 18 PARISHES.
17 AND IN THIS PARTICULAR ELECTION, THE EAST BATON ROUGE
18 PARISH IS SIGNIFICANTLY BELOW THE TREND LINE, MEANING THE
19 VOTING IN EAST BATON ROUGE PARISH WAS SIGNIFICANTLY IN FAVOR OF
20 GREENUP AND AGAINST ARDOIN COMPARED TO THE TREND FROM THE 18
21 PARISHES.
22 **Q.** AND SO IN THIS ELECTION THAT YOU'VE LOOKED AT, IS EAST
23 BATON ROUGE PARISH A STATISTICAL OUTLIER COMPARED TO THE OTHER
24 18 PARISHES?
25 **A.** YES. AND, ONCE AGAIN, IF WE COULD DO THAT BY LOOKING AT

02:16 1 THE CONFIDENCE BEND AROUND THE REGRESSION LINE AND SEEING IF
2 EAST BATON ROUGE FALLS WITHIN THAT CONFIDENCE INTERVAL OR NOT,
3 AND IT DID NOT.
4 **Q.** THANK YOU.
5 **MS. RIGGINS:** FOREST, WOULD YOU MIND FLIPPING TO THE
6 NEXT PAGE, PLEASE.
7 **BY MS. RIGGINS:**
8 **Q.** THERE ARE TWO SIMILAR CHARTS HERE. DID YOU OBSERVE ANY
9 DIFFERENT TRENDS THEN THE TWO CHARTS THAT WE HAVE ALREADY
10 DISCUSSED TODAY ON THESE CHARTS?
11 **A.** SO I'M LOOKING AT TWO DIFFERENT ELECTIONS HERE: 2019
12 GOVERNOR; 2018 SECRETARY OF STATE, WHERE WE TALKED ABOUT THE
13 LOW VOTING PERCENTAGE. AND THE TREND IS VERY SIMILAR. EAST
14 BATON ROUGE PARISH, EVEN FOR THESE TWO ELECTIONS, IS VOTING
15 SIGNIFICANTLY IN FAVOR OF THE MINORITY-PREFERRED CANDIDATE
16 COMPARED TO THE TREND WHICH IS THERE IN THE 18 PARISHES.
17 **Q.** THANK YOU.
18 AND TURNING TO FIGURE 6 ON THE NEXT PAGE, WHICH
19 ELECTION DID YOU ANALYZE HERE?
20 **A.** SO FIGURE 6 IS LOOKING AT THE PRESIDENTIAL ELECTION FROM
21 2016 AND A VERY SIMILAR TREND. FIRST OF ALL, THE 18 PARISHES,
22 THE VOTING TREND FITS THE REGRESSION MODEL VERY WELL. IN EAST
23 BATON ROUGE, IT IS SIGNIFICANTLY BELOW THE TREND LINE, MEANING
24 EVEN IN THIS ELECTION, MEANING EVEN IN THE 2016 PRESIDENTIAL
25 ELECTION THE PERCENTAGE OF VOTES CASTED IN EAST BATON ROUGE IN

02:18 1 FAVOR OF MS. CLINTON AND AGAINST PRESIDENT TRUMP IS
2 SIGNIFICANTLY DIFFERENT; SIGNIFICANTLY MORE NUMBER OF VOTES FOR
3 MS. CLINTON AND AGAINST PRESIDENT TRUMP.
4 **Q.** AND WHEN YOU WERE DOING YOUR TURNOUT ANALYSIS THAT WE
5 TALKED ABOUT EARLIER IN THE FIRST TABLE IN YOUR REPORT, DID THE
6 2016 PRESIDENTIAL ELECTION HAVE A RELATIVELY HIGH LEVEL OF
7 TURNOUT?
8 **A.** THAT IS RIGHT.
9 **Q.** OKAY.
10 **A.** SO AMONG THE EIGHT ELECTIONS I LOOKED AT, THE TWO
11 ELECTIONS WITH THE PARTICULARLY HIGH TURNOUT, MEANING IN
12 SIXTIES OR EVEN SEVENTIES WERE THE TWO PRESIDENTIAL ELECTIONS.
13 **Q.** AND SO IN YOUR PROFESSIONAL OPINION, IS EAST BATON ROUGE
14 PARISH ALSO A STATISTICAL OUTLIER IN TERMS OF VOTING TRENDS FOR
15 THE 19 PARISHES EXAMINED IN MR. COOPER'S ILLUSTRATIVE PLAN 1?
16 **A.** YES.
17 **Q.** THANK YOU.
18 I'D LIKE TO TALK ABOUT THIS SECOND TABLE IN YOUR
19 REPORT, PLEASE.
20 **MS. RIGGINS:** THANK YOU, FOREST.
21 **BY MS. RIGGINS:**
22 **Q.** CAN YOU EXPLAIN WHAT TABLE 2 REPRESENTS?
23 **A.** NOW, IN TABLE 2 I HAVE SUMMARIZED THOSE EIGHT ELECTIONS.
24 AND I HAVE SPECIFIED WHICH ELECTION -- THAT'S THE FIRST COLUMN
25 -- THE ELECTION DATE. I'M SORRY. THAT'S THE FIRST COLUMN.

02:19 1 THE ELECTION DATE IS IN THE SECOND COLUMN. AND IN THE THIRD
2 COLUMN I'M TALKING THE ABOUT THE R-SQUARED VALUE. SO R-SQUARED
3 IS SOME SORT OF A METRIC WHICH IS ROUTINELY USED TO EVALUATE
4 HOW GOOD OF A FIT A MODEL IS. IN SIMPLE TERMS, R-SQUARED TELLS
5 YOU THAT WHAT PERCENTAGE OF THE VARIATION IN THE DATA THE MODEL
6 IS ABLE TO EXPLAIN.
7 SO, FOR EXAMPLE, FOR THE FIRST NOVEMBER 3, 2020
8 ELECTION, THE REGRESSION MODEL WAS ABLE TO EXPLAIN 94.71
9 PERCENT OF THE VARIATION, WHICH IS A GOOD NUMBER.
10 **Q.** OKAY. AND SO THE CLOSER TO 100, THE BETTER THE NUMBER IT
11 IS?
12 **A.** RIGHT.
13 **Q.** OKAY. AND THE TREND LINES THAT WE WERE LOOKING AT
14 EARLIER, IS IT TRUE THAT THE CLOSER YOU GET TO A HUNDRED FOR
15 YOUR R-SQUARED VALUE, THE TIGHTER THE LETTERS WOULD LOOK
16 VISUALLY ON THOSE FIGURES?
17 **A.** ABSOLUTELY. I THINK THAT'S A VERY NICE WAY TO STATE THAT.
18 **Q.** THOSE OF US WHO STRUGGLED WITH FRESHMEN STATISTICS NEED
19 THE VISUAL. I CAN'T JUST DO THE NUMBERS. SORRY.
20 **A.** SO R-SQUARED WOULD BE 100 PERCENT IF EVERY SINGLE POINT
21 FALLS ON THE EXACT SAME LINE. SO NOTHING IS EVEN SLIGHTLY
22 ABOVE OR BELOW IT.
23 **Q.** THANK YOU.
24 AND THIS LAST COLUMN IN TABLE 2, THE PERCENT CHANGE
25 IN VOTES IN EAST BATON ROUGE PARISH, CAN YOU EXPLAIN THESE

02:21 1 CALCULATIONS, PLEASE?
2 **A.** IN THE FIGURES WHICH WE LOOKED AT EARLIER, I HAD TALKED
3 ABOUT HOW FAR BELOW EAST BATON ROUGE IS COMPARED TO THE TREND
4 LINE, SO I HAVE QUANTIFIED THAT DISPARITY; THAT HAD EAST BATON
5 ROUGE ALSO VOTED SIMILAR TO THOSE 18 PARISHES, THEN WHAT THE
6 VOTE DIFFERENCE WOULD HAVE BEEN. SO THAT HAS BEEN SUMMARIZED.
7 SO, FOR EXAMPLE, FOR NOVEMBER 3, 2020 ELECTION, THE
8 EAST BATON ROUGE PARISH VOTING PATTERN -- THE EAST BATON
9 ROUGE'S VOTING COMPARED TO THE OVERALL TREND FROM 18 PARISHES
10 IS 21.5 PERCENT AWAY FROM TRUMP AND IN FAVOR OF PRESIDENT
11 BIDEN. AND I HAVE SUMMARIZED THAT FOR ALL THE EIGHT ELECTIONS
12 HERE.
13 **Q.** THANK YOU, DR. SOLANKY.
14 I'D LIKE TO LOOK AT PARAGRAPH 20 OF YOUR SUPPLEMENTAL
15 REPORT, PARTICULARLY THE SECOND SENTENCE. CAN YOU READ THIS
16 SENTENCE AND THEN EXPLAIN WHAT YOU MEAN HERE?
17 **A.** OKAY. THE SECOND SENTENCE?
18 **Q.** YES. THE ONE THAT STARTS "THIS TREND."
19 **A.** OKAY. SO "THIS TREND IN FAVOR OF THE MINORITY-FAVORED
20 CANDIDATES IS THERE FOR ALL THE EIGHT ELECTIONS IRRESPECTIVE OF
21 WHETHER THE BLACK MINORITY-FAVORED CANDIDATE WON THE ELECTION
22 OR NOT."
23 **Q.** OKAY. AND SO WHAT OBSERVATION ARE YOU MAKING THERE?
24 **A.** MEANING I LOOKED AT EIGHT ELECTIONS. AND IN SOME OF THE
25 ELECTIONS THE MINORITY-FAVORED CANDIDATE WON, IN SOME OF THE

02:23 ELECTIONS THE -- BUT REGARDLESS OF WHO WON OR WHO LOST, EAST BATON ROUGE PARISH IS SIGNIFICANTLY VOTING IN FAVOR OF THE MINORITY-FAVORED CANDIDATE COMPARED TO THE TREND OBSERVED FROM THE 18 PARISHES.

Q. OKAY. THANK YOU.

AND THERE'S A FOOTNOTE AT THE END OF THIS PARAGRAPH, FOOTNOTE 7. I'D LIKE TO LOOK AT THAT. CAN YOU EXPLAIN WHAT YOU MEAN IN FOOTNOTE 7 WHEN YOU SAY "THE TREND IS STATISTICALLY SIGNIFICANT IN SEVEN OF THE EIGHT ELECTIONS"?

A. SO LET ME READ THE FOOTNOTE. THE TREND IS STILL STATISTICALLY SIGNIFICANT IN THE SEVEN OF THE EIGHT ELECTIONS PRESENTED. THE ONLY EXCEPTION WHERE THE TREND IS NOT STATISTICALLY SIGNIFICANT IS THE NOVEMBER 21, 2015 GOVERNOR ELECTION. AND NOTE THAT THE R-SQUARED VALUE FOR THIS ELECTION IS ALSO SMALLER.

SO LIKE I HAD EXPLAINED EARLIER, THERE IS SOME VARIATION DUE TO CHANCE. AND IN SEVEN OUT OF THOSE EIGHT ELECTIONS, EAST BATON ROUGE SHOWS A VOTING TREND IN FAVOR OF THE MINORITY-FAVORED CANDIDATE -- WAS STATISTICALLY SIGNIFICANT, CANNOT BE EXPLAINED BY CHANCE ALONE. AND THE ONLY EXCEPTION TO THAT WAS THE 2015 -- THE NOVEMBER 21, 2015 GOVERNOR ELECTION WHERE IF YOU -- LET ME LOOK AT THE TABLE. IT'S UNDERNEATH THIS. SO IF YOU LOOK AT THE NOVEMBER 21, 2015 GOVERNOR ELECTION -- SO EVEN IN THAT ELECTION, 10.9 PERCENT OF THE VOTERS -- SO THERE WAS A SHIFT OF 10.9 PERCENT TOWARDS THE

02:25 1 MINORITY-SUPPORTED FAVORED CANDIDATE. BUT THIS 10.9 PERCENT
2 WAS NOT LARGE ENOUGH TO BE RULED OUT BY CHANCE ALONE.
3 **Q.** OKAY. AND IS -- THE 2015 GUBERNATORIAL ELECTION, WAS THAT
4 A UNIQUE ELECTION?
5 **A.** THAT WAS A VERY UNIQUE ELECTION.
6 **Q.** OKAY.
7 **A.** I HAVE LIVED IN LOUISIANA 32 YEARS, AND I HAVE LITERALLY
8 VOTED IN EVERY SINGLE ELECTION HERE. AND IN THIS PARTICULAR
9 CASE IN THE GOVERNOR'S ELECTION, WE HAD TWO LEADING CANDIDATES.
10 **MR. HURWITZ:** YOUR HONOR, I OBJECT TO THIS. I DON'T
11 THINK THIS IS IN THE WITNESS'S REPORT, AND I DON'T THINK HE'S
12 BEEN -- HE HASN'T BEEN QUALIFIED AS AN EXPERT IN POLITICS OR IN
13 LOUISIANA POLITICS OR ANYTHING THAT BEARS ON AN OPINION ABOUT
14 WHETHER A PARTICULAR ELECTION WAS OR WAS NOT UNIQUE.
15 **THE DEPUTY CLERK:** WOULD YOU STATE YOUR NAME, PLEASE?
16 **MR. HURWITZ:** YES. I'M SORRY. IT'S JONATHAN
17 HURWITZ, H-U-R-W-I-T-Z. I HAVE NOT APPEARED PREVIOUSLY FOR THE
18 ROBINSON PLAINTIFFS.
19 **THE COURT:** MA'AM?
20 **MS. RIGGINS:** YES, YOUR HONOR. I WAS JUST ASKING HIM
21 IF HE WAS AWARE OF ANY REASON WHY THIS ELECTION MIGHT HAVE BEEN
22 DIFFERENT AND THE MATH DID NOT FOLLOW THE OTHER TRENDS. THAT'S
23 ALL I WAS ASKING.
24 **THE COURT:** WELL, YOU DIDN'T ASK THAT. YOU DIDN'T
25 ASK IF THE MATH DIDN'T FOLLOW THE OTHER TRENDS. YOU ASKED IF

02:26 THIS ELECTION WAS DIFFERENT. I WILL SUSTAIN THE OBJECTION.

MS. RIGGINS: THANK YOU, YOUR HONOR.

BY MS. RIGGINS:

Q. SO THIS NOVEMBER 2015 GUBERNATORIAL ELECTION, DOES IT FOLLOW THE TREND OF THE OTHER ELECTIONS?

A. NO, IT DID NOT.

Q. OKAY. AND ARE THERE OTHER FACTORS THAT GO INTO ELECTIONS SPECIFICALLY THAT AFFECT TURNOUT LIKE WE'VE TALKED ABOUT?

A. ABSOLUTELY. THE KIND OF MESSAGING OR THE KIND OF TV ADS, I THINK THEY INFLUENCE --

MR. HURWITZ: YOUR HONOR, I HAVE THE SAME --

THE COURT: SUSTAINED.

MR. HURWITZ: EXACTLY THE SAME OBJECTION.

THE COURT: SUSTAINED.

MR. HURWITZ: THIS IS OUTSIDE THE SCOPE OF HIS REPORT AND HIS EXPERTISE, YOUR HONOR.

THE COURT: YOU HAVE TENDERED HIM IN MATH AND STATISTICS. WE HAVE BEEN OUT OF THAT FIELD NOW FOR A FEW MINUTES.

MS. RIGGINS: OKAY. THANK YOU, YOUR HONOR.

BY MS. RIGGINS:

Q. SO, DR. SOLANKY, IN SEVEN OF EIGHT OF THE ELECTIONS, YOU FOUND A STATISTICALLY SIGNIFICANT TREND TOWARDS THE MINORITY-PREFERRED CANDIDATE IN EAST BATON ROUGE PARISH. IS THAT CORRECT?

02:27 1 **A.** THAT IS CORRECT. SO THERE IS A TREND IN ALL THE EIGHT
2 ELECTIONS I LOOKED AT, A TREND IN FAVOR OF THE MINORITY-FAVORED
3 CANDIDATE AND AWAY FROM THE NON-MINORITY-FAVORED CANDIDATE. SO
4 THAT TREND IS THERE IN ALL EIGHT OF THEM. IN ONE OF THE
5 ELECTIONS THE TREND IS NOT THAT LARGE ENOUGH FOR ME TO CLASSIFY
6 IT AS STATISTICALLY SIGNIFICANT.
7 **Q.** BUT THE TREND IS STILL THERE NONETHELESS?
8 **A.** THE TREND IS STILL THERE.
9 **Q.** AND, DR. SOLANKY, AFTER PREPARING YOUR FIRST EXPERT REPORT
10 AND THE SUPPLEMENTAL EXPERT REPORT, HAVE YOU REACHED ANY BROAD
11 CONCLUSIONS?
12 **A.** MY BROAD CONCLUSIONS ARE, FIRST OF ALL, CONSISTENTLY,
13 ELECTION AFTER ELECTION, EAST BATON ROUGE PARISH VOTES VERY
14 DIFFERENTLY COMPARED TO THOSE OTHER 18 PARISHES. IT VOTES
15 SIGNIFICANTLY IN FAVOR OF THE MINORITY-FAVORED CANDIDATE THAN
16 WHAT IS EXPECTED FROM THE OTHER 18 PARISHES.
17 AND THE SECOND CONCLUSION, BROADLY SPEAKING, IS IF
18 YOU LOOK AT SOME OF THE ELECTIONS, SAME ELECTION DATE, SAME
19 BALLOT, THE RACE OF THE MINORITY CANDIDATE IS BLACK IN TWO OF
20 THE ELECTIONS AND YET A LARGE NUMBER OF VOTERS ARE NOT VOTING
21 FOR A CANDIDATE, JUST CHOOSING NOT TO VOTE, SO MEANING THERE
22 ARE OTHER CHARACTERISTICS OTHER THAN RACE WHICH VOTERS ARE
23 RELYING UPON TO VOTE OR NOT VOTE.
24 **Q.** THANK YOU, DR. SOLANKY.
25 I BELIEVE THAT PLAINTIFFS' COUNSEL WILL HAVE A FEW

02:29 QUESTIONS FOR YOU NOW.

THE WITNESS: THANK YOU.

THE COURT: CROSS. SIR, PLEASE MAKE AN APPEARANCE ONE MORE TIME, JUST SO THAT WE HAVE IT ON THE RECORD.

MR. HURWITZ: OF COURSE, YOUR HONOR. AND IS IT OKAY IF I TAKE OFF MY MASK?

THE COURT: YES. AS LONG AS YOU ARE VACCINATED, IT IS YOUR CALL.

MR. HURWITZ: I AM. THANK YOU, YOUR HONOR. JONATHAN HURWITZ. THAT'S J-O-N-A-T-H-A-N, HURWITZ, H-U-R-W-I-T-Z, FOR THE ROBINSON PLAINTIFFS.

CROSS-EXAMINATION

BY MR. HURWITZ:

Q. MR. SOLANKY, GOOD AFTERNOON.

A. GOOD AFTERNOON.

Q. FIRST OF ALL, AM I PRONOUNCING IT CORRECTLY? SOLANKY?

A. YES, YOU DID.

Q. MR. SOLANKY, WHEN WERE YOU FIRST CONTACTED TO PARTICIPATE IN THIS CASE?

A. THE FIRST I WAS CONTACTED ROUGHLY ABOUT THREE -- THREE TO FOUR WEEKS AGO.

Q. THREE TO FOUR WEEKS?

A. I KNOW LESS THAN FOUR.

Q. WAS THAT BEFORE OR AFTER THE ENACTED PLAN BECAME LAW; THAT IS, BEFORE OR AFTER THE GOVERNOR'S VETO WAS OVERRIDDEN?

02:30 1 **A.** I BELIEVE AFTER.
2 **Q.** OKAY. AND WERE YOU CONTACTED -- APART FROM THIS CASE,
3 WERE YOU -- DID ANYONE SPEAK TO YOU AT ANY TIME PRIOR TO THAT
4 FIRST CONTACT ABOUT DOING ANY ANALYSIS OR ANY WORK IN
5 CONNECTION WITH THE 2020 CYCLE CONGRESSIONAL REDISTRICTING IN
6 LOUISIANA?
7 **A.** NO, NOT IN PARTICULAR.
8 **Q.** OKAY. WHO CONTACTED YOU?
9 **A.** MR. TOM FARR.
10 **Q.** AND YOU'VE BEEN ENGAGED BY THE SECRETARY OF STATE. IS
11 THAT CORRECT?
12 **A.** THAT IS RIGHT.
13 **Q.** WHAT IS THE RATE THAT YOU ARE CHARGING THE SECRETARY OF
14 STATE FOR YOUR WORK IN THIS MATTER?
15 **A.** MY HOURLY RATE IS $250.
16 **Q.** $250 AN HOUR.
17 AND APPROXIMATELY HOW MANY HOURS TO DATE HAVE YOU
18 WORKED ON THIS CASE?
19 **A.** NOW, I HAVE NOT ADDED UP MY HOURS, BUT IF YOU NEED A
20 BALLPARK FIGURE, THE LAST THREE WEEKS I'VE BEEN LITERALLY
21 WORKING I WOULD SAY, FIVE, SIX HOURS A DAY. SO I WOULD SAY
22 BALLPARK 70 TO 100 HOURS.
23 **Q.** AND THAT'S THE TOTAL WORK YOU'VE DONE IS 70 TO 100 HOURS
24 ON THIS MATTER, BALLPARK?
25 **A.** APPROXIMATELY.

02:31 1 **Q.** AND THAT'S AT THE $250-AN-HOUR RATE?
2 **A.** CORRECT.
3 **Q.** NOW, YOU HAVE NEVER TESTIFIED IN A CASE INVOLVING THE
4 VOTING RIGHTS ACT PREVIOUSLY. CORRECT?
5 **A.** NO, I HAVE NOT.
6 **Q.** YOU'VE NEVER TESTIFIED IN ANY ELECTION CASE. CORRECT?
7 **A.** NOW, I HAVE PROVIDED MY EXPERTISE TO EASTERN DISTRICT OF
8 LOUISIANA RELATED TO JURY MATTERS, JURY SELECTION, WHICH VOTERS
9 ARE REGISTERED, WHAT PERCENTAGE VOTE. AND I HAVE DONE THAT
10 EVEN PREVIOUSLY HERE IN THIS COURTHOUSE IN A DIFFERENT MATTER.
11 **Q.** YOU HAVE NEVER PUBLISHED ANYTHING IN YOUR ACADEMIC LIFE ON
12 ISSUES OF VOTING RIGHTS. CORRECT?
13 **A.** CORRECT.
14 **Q.** AND YOU HAVE NEVER PUBLISHED ANYTHING OR TESTIFIED ON
15 ANYTHING -- ON ISSUES REGARDING AN ANALYSIS OF VOTING PATTERNS.
16 CORRECT?
17 **A.** THAT IS RIGHT.
18 **Q.** AND YOU HAVE NEVER TESTIFIED IN COURT OR WRITTEN ANYTHING
19 IN YOUR ACADEMIC WORK ON THE SUBJECT OF RACIALLY POLARIZED
20 VOTING. CORRECT?
21 **A.** CORRECT.
22 **Q.** AND ARE YOU FAMILIAR WITH THE NOTION OF RACIALLY POLARIZED
23 VOTING AS A FIELD OF STUDY?
24 **A.** I AM FAMILIAR WITH IT. I HAVE READ SOME OF THE REPORTS,
25 YES.

02:33 1 **Q.** YOU'VE READ SOME OF THE REPORTS IN THIS CASE, AND THAT'S
2 HOW YOU ARE FAMILIAR WITH IT?
3 **A.** CORRECT.
4 **Q.** AND IN THIS CASE YOU DID NOT, YOURSELF, CONDUCT AN
5 ANALYSIS OF RACIALLY POLARIZED VOTING. CORRECT?
6 **A.** NO, I HAVE NOT.
7 **Q.** SO YOU DID NOT USE THE ANALYTICAL TOOLS SUCH AS ECOLOGICAL
8 INFERENCE THAT SOME OF THE OTHER EXPERTS IN THIS CASE HAVE USED
9 SUCH AS DR. HANDLEY AND DR. PALMER? IS THAT RIGHT?
10 **A.** NOW, I HAVE -- I LOOKED AT SOME OF THOSE DATASETS AND I --
11 YOU KNOW, SOME OF THE ECOLOGICAL INFERENCE MODELS I SAW.
12 **Q.** YOU SAW. BUT YOU DID NOT, YOURSELF, ENGAGE IN ANY
13 ECOLOGICAL INFERENCE ANALYSIS. CORRECT?
14 **A.** LET ME FINISH THIS.
15 **Q.** I APOLOGIZE. I DIDN'T MEAN TO INTERRUPT YOU.
16 **A.** SO SOME OF THE ECOLOGICAL INFERENCE MODELS I SAW, THEY ARE
17 BASED ON THE ASSUMPTION THAT VOTING FROM BLACK AND WHITE VOTERS
18 IS SIMILAR IN ALL THE PARISHES, AND -- AND I ATTEMPTED TO SEE
19 THAT THAT IS THE CASE.
20 SO THE WORK WHICH I HAVE PRESENTED HERE LOOKS INTO
21 THAT ASSUMPTION BY OTHER EXPERTS WHICH -- WHO HAVE ASSUMED THAT
22 VOTING BY WHITE VOTERS, VOTING BY BLACK VOTERS IS THE SAME
23 REGARDLESS OF WHICH PARISH YOU COME FROM. SO THAT I ANALYZED
24 AND I FOUND IT TO BE NOT TRUE.
25 **Q.** YOU HAVE NOT ENDEAVORED IN THIS CASE TO ESTIMATE THE

02:34 RACIAL POLARIZATION IN ANY JURISDICTION IN LOUISIANA. CORRECT?
A. IN SOME SENSE I HAVE REPORTED THAT BY REPORTING THE BLACK AND WHITE PERCENTAGE VOTING IN EAST BATON ROUGE AND CONTRASTING IT WITH OTHERS. AND I HAVE ALSO SCIENTIFICALLY STUDIED THE VALIDITY OF THE ASSUMPTION THAT COULD BE JUST ASSUMED THAT THE WHITE AND BLACK VOTERS IN THOSE 18 PARISHES VOTE THE SAME IN -- AS IN EAST BATON ROUGE, AND THE ANSWER IS NO.
Q. IS THE POSITION YOU ARE TAKING, SIR, THAT THE ECOLOGICAL INFERENCE METHOD OF ESTIMATING RACIAL POLARIZATION IS NOT A RELIABLE METHOD?
A. ABSOLUTELY NOT.
Q. IS THAT THE POSITION YOU'RE TAKING?
A. NO, I DID NOT SAY THAT.
Q. OKAY. DO YOU BELIEVE IT IS A RELIABLE METHOD FOR ESTIMATING RACIAL POLARIZATION?
A. ECOLOGICAL INFERENCE IS A PROVEN METHOD. IT HAS BEEN USED EXTENSIVELY, BUT WHAT ASSUMPTIONS YOU BASE IT UPON NEED TO BE VERIFIED AS WELL.
Q. I'D LIKE TO TURN TO YOUR REPORT, IF I MAY. IT'S SOS_05.
DO YOU HAVE THAT IN FRONT OF YOU? AND MAYBE WE CAN PULL IT UP ON THE SCREEN, PAGE 12.
I WANT TO START WITH THE CONCLUSIONS THAT YOU SAY IN YOUR REPORT YOU DREW, AND YOU IDENTIFY IN PARAGRAPH 23 OF YOUR REPORT TWO CONCLUSIONS. RIGHT?
A. OKAY. THIS IS MY SUPPLEMENTAL REPORT OR --

02:36 **Q.** I APOLOGIZE. I'M IN THE WRONG DOCUMENT. LET ME START ALL OVER AGAIN. YOUR EXPERT REPORT IS SOS_04. I APOLOGIZE FOR THE CONFUSION.

A. IT'S OKAY. NOT A PROBLEM.

Q. AND YOUR CONCLUSIONS ARE SHOWN ON PAGE 14 IN PARAGRAPH 30.

MR. HURWITZ: CAN WE PULL THAT UP, MATTHEW, PLEASE? SOS_04.

WE ARE HAVING SOME CONFUSION, YOUR HONOR, ABOUT THE EXHIBIT NUMBER, YOUR HONOR, SO PERHAPS I CAN USE THIS ITEM HERE.

THE COURT: AND HE HAS HIS IN FRONT OF HIM.

MR. HURWITZ: AND HE HAS IT IN FRONT OF HIM.

THE COURT: SO IF YOU CAN REFER HIM TO HIS AND THEN PUT WHAT YOU HAVE ON THE ELMO, THAT WILL PROBABLY HELP, AND THEN YOU WILL KNOW YOU ARE ON THE SAME PAGE.

SO YOU ARE REFERRING HIM TO HIS FIRST REPORT?

MR. HURWITZ: I AM. YES, YOUR HONOR.

THE COURT: OKAY. YOU HAVE THAT BEFORE YOU, SIR? OR YOU CAN LOOK AT THE ELMO.

THE WITNESS: YES.

THE COURT: IF YOU WANT TO MAKE SURE THAT HE IS SHOWING YOU WHAT HE SAYS HE IS SHOWING YOU, YOU CAN LOOK AT YOUR PAPERS.

THE WITNESS: YES, YOUR HONOR.

BY MR. HURWITZ:

02:38 1 **Q.** AND IN YOUR -- WE'RE LOOKING AT YOUR OPENING REPORT,
2 PARAGRAPH 30.
3 DO YOU HAVE THAT IN FRONT OF YOU?
4 **A.** YES, I DO.
5 **Q.** AND THE FIRST OF THE TWO CONCLUSIONS YOU IDENTIFY IS THAT
6 BASED ON THE VOTING PATTERN IN EAST BATON ROUGE FOR THE 2020
7 PRESIDENTIAL ELECTION, IT DOES NOT APPEAR THAT WHITE VOTERS ARE
8 VOTING AS A BLOC TO DEFEAT THE BLACK-MINORITY-PREFERRED
9 CANDIDATE. THAT'S THE FIRST OF THE OPINION YOU OFFER IN YOUR
10 -- OF THE CONCLUSIONS THAT YOU OFFER IN YOUR OPENING REPORT.
11 CORRECT?
12 **A.** THAT IS CORRECT.
13 **Q.** OKAY. AND NOW TO BE CLEAR, YOU DID NOT OFFER AN OPINION
14 IN YOUR OPENING REPORT ABOUT WHETHER OR NOT FOR THE 2020
15 PRESIDENTIAL ELECTION WHITE VOTERS VOTING AS A BLOC WERE ABLE
16 TO DEFEAT THE BLACK-PREFERRED CANDIDATE IN ANY CONGRESSIONAL
17 DISTRICT UNDER THE ENACTED -- THE 2020 ENACTED PLAN. CORRECT?
18 **A.** I AM REPORTING THIS BY PARISH AND REPORTING IT BY PARISH
19 FOR THE 2020 PRESIDENTIAL ELECTION.
20 **Q.** SO THE ANSWER TO THE QUESTION IS YES, YOU DID NOT LOOK AT
21 ANY CONGRESSIONAL DISTRICT IN THE 2020 ENACTED PLAN. CORRECT?
22 **A.** NO, I HAVE NOT LOOKED AT THAT. AND THAT WOULD REQUIRE ME
23 TO BREAK UP SOME OF THESE PARISHES BY PRECINCT AND
24 SIGNIFICANTLY MORE WORK MAKING IT TALK WITH THE MASTER FILE
25 WITH ALMOST FOUR MILLION ENTRIES.

02:39 1 **Q.** SO LOOKING -- OKAY. AND YOU DID NOT AS WELL LOOK AT
2 WHETHER, BASED ON VOTING PATTERNS IN ANY CONGRESSIONAL DISTRICT
3 IN ANY OF THE ILLUSTRATIVE PLANS YOU SAW FOR THE 2020
4 PRESIDENTIAL ELECTION, WHITE VOTERS VOTING AS A BLOC WOULD BE
5 ABLE TO DEFEAT THE BLACK -- THE BLACK OR MINORITY-PREFERRED
6 CANDIDATE?
7 **A.** THAT IS CORRECT. I HAVE LOOKED AT IT BY THE PARISHES.
8 **Q.** OKAY. AND THE ONLY PARISH YOU OFFERED AN OPINION ABOUT IN
9 THAT REGARD IS THE PARISH OF EAST BATON ROUGE. CORRECT?
10 **A.** THAT IS CORRECT. SO THAT IS ONE PARISH WHICH VOTES
11 DIFFERENTLY.
12 **Q.** AND YOU ARE NOT -- VOTES DIFFERENTLY FROM THE OTHER 18
13 PARISHES IN THE REGION THAT YOU LOOKED AT. CORRECT?
14 **A.** THAT IS CORRECT.
15 **Q.** YOU DID NOT REACH ANY CONCLUSION ABOUT WHETHER VOTING IN
16 EAST BATON ROUGE IS RACIALLY POLARIZED. CORRECT?
17 **A.** NO. I'M JUST REPORTING WHAT THE DATA IS. I'M JUST
18 REPORTING WHAT WE HAVE SEEN --
19 **Q.** OKAY.
20 **A.** -- IN EIGHT ELECTIONS. AND WHILE PREPARING THIS REPORT, I
21 ALSO LOOKED AT -- I EXTENDED THOSE 19 PARISHES TO 28 PARISHES
22 WHICH I HAVE IN MY ORIGINAL REPORT. AND VERY SIMILAR
23 CONCLUSIONS.
24 **MR. HURWITZ:** MATTHEW, IF YOU WOULD BRING UP PR-92,
25 PAGE 3. AND I'LL SHUT THIS OFF.

02:41 1 **BY MR. HURWITZ:**
2 **Q.** YOU READ THE EXPERT REPORT OF DR. HANDLEY. CORRECT?
3 **A.** YES, I HAVE.
4 **Q.** AND HAVE YOU SEEN -- IF YOU LOOK ON PAGE 3 OF HER
5 CORRECTED REPORT -- CORRECTED TABLE 4, DR. HANDLEY PROVIDES
6 EFFECTIVENESS SCORES FOR CONGRESSIONAL DISTRICTS IN THE ENACTED
7 CONGRESSIONAL PLAN.
8 DO YOU SEE THAT?
9 **A.** I HAVE NOT SEEN THIS CORRECTED TABLE.
10 **Q.** HAVE YOU SEEN AN EARLIER TABLE?
11 **A.** I HAVE SEEN -- THIS DOES NOT LOOK FAMILIAR, BUT I HAVE
12 SEEN HER -- SOME REPORTS. I BELIEVE THE ORIGINAL REPORT.
13 **Q.** LET'S PULL UP THEN THE ORIGINAL REPORT, WHICH IS PR-12.
14 AND LET'S LOOK AT PAGE 11 AND PULL OUT TABLE 4, PLEASE.
15 HAVE YOU SEEN TABLE 4 BEFORE?
16 **A.** I HAVE SEEN THE TABLE BEFORE.
17 **Q.** AND TABLE 4 SHOWS THAT FOR ENACTED DISTRICT 5, THE PERCENT
18 OF CONTESTS THAT THE BLACK-PREFERRED CANDIDATE WOULD WIN OR
19 ADVANCE TO THE RUNOFF FROM THE 15 ELECTIONS THAT DR. HANDLEY
20 LOOKED AT, 26.7 -- THE BLACK-PREFERRED CANDIDATE WOULD EITHER
21 WIN OR ADVANCE TO THE RUNOFF IN 26.7 PERCENT, AND IN A
22 TWO-PERSON CONTEST BETWEEN A BLACK -- THE BLACK-PREFERRED
23 CANDIDATE WOULD WIN ZERO PERCENT OF THE TIME.
24 DO YOU SEE THAT?
25 **A.** I SEE THAT, YES.

02:43 1 **Q.** AND YOU DON'T DISAGREE -- YOU ARE NOT OFFERING ANY
2 DISAGREEMENT WITH DR. HANDLEY'S CONCLUSIONS IN THAT REGARD.
3 CORRECT?
4 **A.** NO, I HAVE NO DISAGREEMENT. BUT I DID NOT HAVE TIME TO
5 VERIFY THESE. AS A STATISTICIAN BEING IN LOVE WITH NUMBERS,
6 I'D FEEL COMFORTABLE IF I VERIFIED THOSE NUMBERS ON MY OWN.
7 **Q.** OKAY. SO YOU ARE NEITHER AGREEING NOR DISAGREEING WITH
8 DR. HANDLEY'S CONCLUSIONS IN THAT REGARD AS SHOWN IN TABLE 4.
9 CORRECT?
10 **A.** THAT IS CORRECT.
11 **Q.** AND LIKEWISE, IF WE GO TO PAGE 13 OF THE SAME DOCUMENT,
12 TABLE 6, TABLE 6 HAS SIMILAR DATA. BUT FOR -- THE
13 CONGRESSIONAL DISTRICTS IN ONE OF THE ILLUSTRATIVE PLANS, AM I
14 CORRECT THAT YOU ARE NOT DISAGREEING WITH DR. HANDLEY'S
15 CONCLUSIONS AS SHOWN IN TABLE 6, EITHER?
16 **A.** CORRECT. I HAVE NO OPINION ON THE VALIDITY OF THESE
17 NUMBERS OR HOW THESE NUMBERS ARE OBTAINED.
18 **Q.** OKAY. NOW, I WANT TO TURN BACK TO SOMETHING THAT YOU WERE
19 ASKED ABOUT ON DIRECT. IT'S YOUR OPENING REPORT. AND I GUESS
20 WE HAVE TO USE THE ELMO. FIGURE 1. OKAY. CAN WE GO TO
21 PAGE 12 OF THAT REPORT, PLEASE.
22 NOW, YOU HAVE DESCRIBED SOME OF THIS ON DIRECT. YOU
23 SAID THAT THE LINE REPRESENTS THE RELATIONSHIP BETWEEN, ON THE
24 ONE HAND, THE EXCESS OF WHITE OVER BLACK VOTERS AND ON THE
25 OTHER HAND, THE EXCESS OF TRUMP OVER BIDEN VOTES ON A BY

02:45 PARISH-BY-PARISH BASIS FOR THE 19 PARISHES INCLUDING EAST BATON ROUGE. CORRECT?
A. THE PERCENTAGES.
Q. YES. AND THE CHART SHOWS THAT SETTING ASIDE EAST BATON ROUGE, THERE'S A NEARLY -- THERE'S A CLEAR LINEAR RELATIONSHIP BETWEEN THE EXCESS OF WHITE VOTERS OVER BLACK VOTERS IN A PARISH AND THE EXCESS OF TRUMP VOTES OVER BIDEN VOTES IN THAT PARISH. CORRECT?
A. THAT IS CORRECT.
Q. AND YOU EXPLAIN IN YOUR REPORT THAT NUMERICALLY THAT CAN BE EXPLAINED BY SOMETHING CALLED THE R-SQUARED. RIGHT?
A. THE R-SQUARED TELLS YOU -- R-SQUARED IS A METRIC, WHICH TELLS YOU THE FIT OF -- THE QUALITY OF FIT OF THE REGRESSION MODEL.
Q. YES. AND FOR THOSE 18 -- THE R-SQUARED IN THIS CASE FOR THE 18 PARISHES OTHER THAN EAST BATON ROUGE IS OVER 94 PERCENT. CORRECT?
A. THAT IS CORRECT.
Q. AND THAT MEANS THAT THE ONE VARIABLE -- THE NUMBER OF WHITE OVER THE NUMBER OF BLACK VOTERS IN A PARISH, THAT ONE VARIABLE EXPLAINS ALMOST 95 PERCENT OF THE VARIATION FROM PARISH TO PARISH AND HOW MANY VOTES FORMER PRESIDENT TRUMP WON OVER PRESIDENT BIDEN IN THAT PARISH. CORRECT?
A. CORRECT. IT ESTABLISHES THE RELATIONSHIP BETWEEN THE TWO VARIABLES.

02:46 1 **Q.** NOW, YOU DID NOT -- WELL, STRIKE THAT.
2 AM I CORRECT -- I THINK I'VE ASKED THIS BEFORE, SO I
3 APOLOGIZE IF I HAVE -- YOU HAVE NOT ESTIMATED HOW IF -- HOW
4 RACIALLY POLARIZED, IF AT ALL, EAST BATON ROUGE IS. CORRECT?
5 **A.** NO, I HAVE NOT.
6 **Q.** OKAY. NOW, THE OTHER OPINION YOU OFFERED -- IF WE GO BACK
7 TO PAGE 14 OF YOUR REPORT, THE OTHER CONCLUSION YOU OFFER IS
8 THAT EAST BATON ROUGE IS HEAVILY POPULATED AND CONSTITUTES
9 APPROXIMATELY 34.2 PERCENT OF THE TOTAL REGISTERED VOTERS FROM
10 THE 19 PARISHES WHICH ARE BEING CONSIDERED FOR PROPOSED NEW --
11 FOR THE PROPOSED NEW CONGRESSIONAL DISTRICT. RIGHT?
12 **A.** THAT IS RIGHT.
13 **Q.** AND THAT'S DISTRICT 5. RIGHT?
14 **A.** THAT'S -- SO THESE ARE THE 19 PARISHES WHICH I HAVE IN MY
15 REPORT. AND THESE ARE THE 19 PARISHES WHICH ARE BEING
16 CONSIDERED IN MR. COOPER'S ILLUSTRATIVE PLAN 1.
17 **Q.** AND THE OTHER 18 PARISHES IN THAT LIST THEREFORE
18 CONSTITUTE APPROXIMATELY 65 PERCENT -- A LITTLE OVER 65 PERCENT
19 OF THE POPULATION OF THAT REGION THAT YOU LOOKED AT. CORRECT?
20 **A.** CORRECT.
21 **Q.** OKAY. NOW, DR. HANDLEY SUBMITTED A REPORT A FEW DAYS
22 AFTER YOUR REPORT CRITICIZING YOUR OPENING REPORT. CORRECT?
23 **A.** THAT IS CORRECT.
24 **Q.** OKAY. AND ONE OF HER CRITICISMS WAS YOU HAD ONLY LOOKED
25 AT ONE ELECTION. RIGHT?

02:48 1 **A.** THAT IS RIGHT.
2 **Q.** AND HER CRITICISM WAS ONE ELECTION DOESN'T GIVE YOU ENOUGH
3 DATA TO REACH A CONCLUSION ABOUT WHETHER OR NOT WHITES VOTE IN
4 SUFFICIENT NUMBERS AS A BLOC TO DEFEAT THE BLACK-PREFERRED
5 CANDIDATE. RIGHT?
6 **A.** THAT IS CORRECT.
7 **Q.** AND SHE'S RIGHT ABOUT THAT, ISN'T SHE?
8 **A.** SHE'S RIGHT, AND THAT PROMPTED ME TO LOOK AT SOME OF THE
9 ELECTIONS TO SEE. EVEN AS A SCIENTIST MYSELF, I WAS INTRIGUED
10 BY THAT COMMENT AND INTERESTED IN SEEING, LET ME GO OUT AND
11 EXPLORE IF THAT HAPPENS IN OTHER ELECTIONS OR NOT.
12 **Q.** AND DR. HANDLEY'S OTHER MAIN CRITICISM OF YOUR REPORT WAS
13 THAT YOU FOCUSED ONLY ON EAST BATON ROUGE AND NOT ON ANY
14 CONGRESSIONAL DISTRICT. THAT WAS HER OTHER CRITICISM OF YOUR
15 REPORT. IS THAT RIGHT?
16 **A.** THAT IS RIGHT.
17 **Q.** AND YOUR SUPPLEMENTAL REPORT DID NOT ADDRESS THAT SECOND
18 CRITICISM. CORRECT?
19 **A.** THAT IS RIGHT.
20 **Q.** OKAY. YOU CONTINUED TO FOCUS ON EAST BATON ROUGE IN THE
21 SUPPLEMENTAL REPORT IN JUST THE SAME WAY AS YOU WOULD FOCUS ON
22 EAST BATON ROUGE IN THE FIRST REPORT. CORRECT?
23 **A.** THAT IS RIGHT.
24 **Q.** IF WE CAN TURN TO THE -- WELL, IN YOUR SUPPLEMENTAL REPORT
25 YOU LOOKED AT -- INSTEAD OF ONE ELECTION, YOU LOOKED AT EIGHT

02:49 ELECTIONS. CORRECT?
A. YES.
Q. AND HOW DID YOU SELECT THE EIGHT ELECTIONS TO LOOK AT?
A. THERE WAS NO PARTICULAR CRITERIA. I WANTED TO GET A GOOD SPECTRUM OF ELECTIONS: SOME PRESIDENTIAL, SOME GOVERNOR, SOME SECRETARY OF STATE, ATTORNEY GENERAL, LIEUTENANT GOVERNOR.
Q. AND YOU RECOGNIZED THAT SOME OF THOSE EIGHT ELECTIONS ARE ELECTIONS THAT DR. HANDLEY DID NOT LOOK AT. CORRECT?
A. THAT IS CORRECT.
Q. ALL RIGHT.
A. SO LET ME GO BACK AND ANSWER YOUR QUESTION MORE. SO I STARTED LOOKING AT THE ELECTIONS AND I DEFINITELY WANTED TO INCLUDE SOME WHICH DR. HANDLEY HAD IN HER REPORT, TO GET A GOOD SPECTRUM OF ELECTIONS. SOME OF WHICH SHE HAS POINTED OUT FOR -- THAT I DID NOT LOOK AT AND SOME OTHERS -- A GOOD SAMPLE OF ELECTIONS.
Q. AND DR. HANDLEY LOOKED ONLY AT ELECTIONS IN WHICH THERE WAS BOTH A WHITE CANDIDATE AND A BLACK CANDIDATE. CORRECT?
A. I HAVE NOT VERIFIED THAT.
Q. OKAY. DO YOU RECALL HER EXPLANATION THAT IN HER VIEW AND IN THE VIEW OF SOME COURTS, ELECTIONS LIKE THAT WHERE THERE'S A WHITE CANDIDATE AND A BLACK CANDIDATE ARE MORE PROBATIVE OF RACIALLY POLARIZED VOTING? DO YOU RECALL HER SAYING THAT?
A. I RECALL HER SAYING THAT IN THE REPORT?
Q. IN THE REPORT, YES.

02:51 1 **A.** I PARTICULARLY DON'T RECALL HER -- BUT THEN I LOOKED AT
2 SOME ELECTIONS WHERE THERE WAS A BLACK-MINORITY CANDIDATE AND A
3 WHITE-MAJORITY CANDIDATE. I LOOKED AT AT LEAST TWO OF THOSE
4 INSTANCES.
5 **Q.** OKAY.
6 **A.** MAYBE THREE. I'M SORRY. YES, THREE.
7 **Q.** AND IN EACH OF THE -- IN EACH OF THE EIGHT ELECTIONS YOU
8 LOOKED AT IN YOUR SECOND REPORT, THERE WAS A HIGH DEGREE OF
9 CORRELATION -- SETTING ASIDE EAST BATON ROUGE, THERE WAS A HIGH
10 DEGREE OF CORRELATION BETWEEN THE NUMBER OF WHITE VOTERS OVER
11 THE NUMBER OF BLACK VOTERS IN A PARISH ON THE ONE HAND AND THE
12 VOTES FOR THE WHITE-PREFERRED CANDIDATE OVER THE
13 BLACK-PREFERRED CANDIDATE ON THE OTHER HAND; YOU FOUND A HIGH
14 DEGREE OF CORRELATION CONSISTENTLY ACROSS THOSE EIGHT
15 ELECTIONS. CORRECT?
16 **A.** CORRECT. AND THE ONLY ELECTION WHERE THIS WAS SOMEWHAT
17 NOT THERE WAS THE 2015 GOVERNOR'S ELECTION.
18 **Q.** AND IF WE LOOK AT TABLE 2 ON PAGE 11 OF YOUR REPORT --
19 **MR. HURWITZ:** CAN WE PULL THAT UP, MATTHEW?
20 **BY MR. HURWITZ:**
21 **Q.** -- THAT SHOWS, AGAIN, THE R-SQUARED, MEANING THE DEGREE OF
22 FIT AS BETWEEN THOSE TWO VARIABLES. CORRECT?
23 **A.** CORRECT.
24 **Q.** AND THE ONE YOU'RE POINTING TO IS THE NOVEMBER 2015
25 GUBERNATORIAL ELECTION WHERE THE R-SQUARED IS 63 PERCENT.

02:52 1 RIGHT?
2 **A.** CORRECT. SO WHAT I POINTED OUT AND WHAT WE HAVE BEEN
3 TALKING ABOUT -- SO R-SQUARED IS A GOOD METRIC. IT CAN CAPTURE
4 SUCH -- NON-FITTING OF THE REGRESSION CURVE.
5 **Q.** AND THE ONLY OTHER ELECTION YOU LOOKED AT WHERE THE
6 R-SQUARED WAS LESS THAN 90 PERCENT WAS THE NOVEMBER 2019
7 GOVERNOR'S ELECTION INVOLVING, AGAIN, CURRENT GOVERNOR EDWARDS.
8 CORRECT?
9 **A.** CORRECT.
10 **Q.** AND IN THOSE ELECTIONS WHAT WE SEE IS THAT THE STATISTICS
11 SHOWING THE NUMBER OF WHITE VOTERS OVER THE NUMBER OF BLACK
12 VOTERS IS LESS PREDICTIVE OF WHETHER THE PARISH WILL GO FOR THE
13 WHITE-PREFERRED CANDIDATE THEN IN THE OTHER ELECTIONS YOU
14 LOOKED AT. IS THAT A FAIR THING TO SAY?
15 **A.** IT'S A FAIR ANALYSIS. AND I'LL JUST ADD TO IT THAT RACE
16 OF THE VOTER IS ONE FACTOR AND THAT THERE POTENTIALLY COULD BE
17 MORE -- OTHER FACTORS.
18 **Q.** WELL, ONE FACTOR MIGHT BE THE RACE OF THE CANDIDATE.
19 WOULD YOU AGREE WITH THAT?
20 **A.** TRUE.
21 **Q.** AND GOVERNOR EDWARDS, OF COURSE, IS WHITE. CORRECT?
22 **A.** YES.
23 **Q.** AND I WONDER IF WE COULD TAKE A LOOK AT THE WINNERS AND
24 LOSERS OF THE EIGHT ELECTIONS YOU LOOKED AT. SO THERE IS A
25 TABLE BEGINNING ON PAGE 3 AND CONTINUING OVER FOR -- INTO PAGE

02:54 1 5. LET'S START AT THE BOTTOM OF PAGE 3.
2 **A.** OKAY. THAT'S IN MY SUPPLEMENTAL REPORT. RIGHT?
3 **Q.** THAT'S RIGHT, YES.
4 **A.** OKAY.
5 **Q.** AND IT'S ON THE SCREEN AS WELL. SO IT'S ON PAGE 3 OF YOUR
6 SUPPLEMENTAL REPORT.
7 **A.** OKAY. I SEE IT.
8 **Q.** AND THE TABLE -- THE DESCRIPTION IS A LITTLE CONFUSING
9 BECAUSE -- AND I THINK ERRONEOUS -- BECAUSE YOU DESCRIBE THE
10 TABLE AS PARTY AFFILIATION SUMMARY --
11 **A.** YES.
12 **Q.** -- FOR NOVEMBER 2020 GENERAL ELECTION. BUT, IN FACT, IT'S
13 A SUMMARY OF ALL OF THE EIGHT ELECTIONS YOU LOOKED AT. RIGHT?
14 **A.** TRUE. I APOLOGIZE.
15 **Q.** THERE'S NOTHING TO APOLOGIZE FOR.
16 **A.** I WAS UNDER TIME PRESSURE, AND I WAS CREATING DIFFERENT
17 TABLES.
18 **Q.** WE ARE ALL UNDER TIME PRESSURE HERE, SO ERRORS HAPPEN.
19 **A.** SO I MUST HAVE DECIDED TO MERGE TWO TABLES AND JUST CREATE
20 ONE AND FORGOT TO CHANGE THE TITLE.
21 **Q.** AND JUST SO WE -- JUST SO WE CAN CLEARLY UNDERSTAND WHAT'S
22 BEING SHOWN IN THIS TABLE, LET'S USE AS AN EXAMPLE THE 2020
23 PRESIDENTIAL ELECTION ON NOVEMBER 3, 2020. THERE ARE TWO ROWS
24 THAT REFLECT THAT ELECTION. RIGHT?
25 **A.** YES.

02:55 1 **Q.** AND YOU IDENTIFY THE TWO CANDIDATES ON THE RIGHT-HAND
2 SIDE, TRUMP AND BIDEN, BOTH OF WHOM YOU IDENTIFY AS WHITE.
3 CORRECT?
4 **A.** YES.
5 **Q.** AND THEN THE TOP ROW, THAT PORTION OF THE CHART, IS ALL OF
6 THE PARISHES IN LOUISIANA COMBINED. RIGHT?
7 **A.** YES.
8 **Q.** AND THE BOTTOM ROW IS EAST BATON ROUGE PARISH ONLY.
9 CORRECT?
10 **A.** THAT IS CORRECT.
11 **Q.** OKAY. AND YOU HAVE VARIOUS PIECES OF DATA HERE ABOUT
12 NUMBER OF VOTES, WHICH YOU'VE DESCRIBED ON DIRECT; AND THEN IN
13 THE MIDDLE UNDER THE COLUMN "ELECTION OUTCOME" YOU IDENTIFY
14 WHETHER -- WHICH OF THE CANDIDATES WON. CORRECT?
15 **A.** YES.
16 **Q.** SO IF WE WALK THROUGH THIS, THE EIGHT ELECTIONS, AND FOCUS
17 ONLY ON EAST BATON ROUGE, WE SEE THAT IN THE PRESIDENTIAL
18 ELECTION IN 2020 BIDEN WON EAST BATON ROUGE. RIGHT?
19 **A.** CORRECT.
20 **Q.** ONE OF THE WHITE CANDIDATES?
21 **A.** YES.
22 **Q.** AND THEN IN THE SECRETARY OF STATE ELECTION IN NOVEMBER OF
23 2019, WE SEE THAT GREENUP WON EAST BATON ROUGE AND SHE'S A
24 BLACK CANDIDATE. CORRECT?
25 **A.** CORRECT. SO YOU ARE LOOKING AT THE SECOND BLOCK? YES.

02:56 1 **Q.** YES. AND WE CAN -- MAYBE WE CAN SCROLL DOWN JUST A BIT.
2 AND THEN IN THE GOVERNOR'S ELECTION, AS WE HAVE
3 DISCUSSED IN 2019, EDWARDS, WHO IS WHITE, WON EAST BATON ROUGE.
4 CORRECT?
5 **A.** YES.
6 **Q.** IN THE SECRETARY OF STATE ELECTION IN 2018, ARDOIN WON,
7 DEFEATED GREENUP, SO THE WHITE CANDIDATE DEFEATED THE BLACK
8 CANDIDATE IN EAST BATON ROUGE. IS THAT RIGHT?
9 **A.** CORRECT.
10 **Q.** IN THE GOVERNOR'S ELECTION IN 2015, AS WE DISCUSSED,
11 EDWARDS, WHO WAS WHITE, WON EAST BATON ROUGE. RIGHT?
12 **A.** YES.
13 **Q.** AND IN THE PRESIDENTIAL ELECTION OF 2016, CLINTON WON IN
14 EAST BATON ROUGE AND, OF COURSE, BOTH CANDIDATES WERE WHITE.
15 CORRECT?
16 **A.** YES.
17 **Q.** AND THE LIEUTENANT GOVERNOR'S RACE IN 2019, NUNGESSER --
18 IF I'M PRONOUNCING THAT CORRECTLY -- WON EAST BATON ROUGE OVER
19 JONES, WHO IS A BLACK CANDIDATE. CORRECT?
20 **A.** CORRECT.
21 **Q.** AND NUNGESSER IS WHITE. CORRECT?
22 **A.** YES.
23 **Q.** AND IN THE ATTORNEY GENERAL'S RACE IN 2019 IN EAST BATON
24 ROUGE, LANDRY, WHO IS WHITE, DEFEATED JACKSON, WHO IS BLACK.
25 CORRECT?

02:58 1 **A.** YES.
2 **Q.** SO IF I'M UNDERSTANDING THE NUMBERS CORRECTLY, OF THE
3 EIGHT ELECTIONS YOU LOOKED AT, FOUR INVOLVED A BLACK CANDIDATE.
4 RIGHT?
5 **A.** CORRECT.
6 **Q.** AND IN THREE OF THOSE FOUR, EVEN IN EAST BATON ROUGE, THE
7 OUTLIER, THE BLACK CANDIDATE LOST. CORRECT?
8 **A.** CORRECT.
9 **Q.** CAN WE PULL UP GX-30, PAGE 3.
10 SO THIS IS THE REBUTTAL REPORT OF DR. PALMER. HAVE
11 YOU SEEN THIS BEFORE?
12 **A.** YES, I HAVE.
13 **Q.** OKAY. AND IF WE LOOK ON PAGE 3, I'D LIKE TO FOCUS ON
14 PARAGRAPH 10.
15 **A.** CORRECT.
16 **Q.** IN PARAGRAPH 10 DR. PALMER SAYS THAT "ECOLOGICAL INFERENCE
17 ANALYSIS USING PRECINCTS LEVEL DATA FROM EAST BATON ROUGE
18 PARISH SHOWS THAT WHITE VOTERS VOTED AS A BLOC IN EAST BATON
19 ROUGE IN THE 2020 PRESIDENTIAL ELECTION USING THE SAME
20 ECOLOGICAL INFERENCE METHODOLOGY AS I USED IN MY ORIGINAL
21 REPORT. I ESTIMATE THAT 92.5 PERCENT OF BLACK VOTERS AND 23.7
22 PERCENT OF WHITE VOTERS IN EAST BATON ROUGE PARISH VOTED FOR
23 JOE BIDEN."
24 DO YOU SEE THAT?
25 **A.** YES, I DO.

02:59 1 **Q.** AND THAT REPORT, THE REBUTTAL REPORT OF DR. PALMER, WAS
2 SUBMITTED ON MAY 2ND, WHICH WAS A WEEK OR SO BEFORE YOUR
3 SUPPLEMENTAL REPORT WAS SUBMITTED. CORRECT?
4 **A.** THAT IS RIGHT.
5 **Q.** AND YOUR SUPPLEMENTAL REPORT DOES NOT EXPRESS ANY
6 DISAGREEMENT WITH DR. PALMER'S CONCLUSION ABOUT THE LEVEL OF
7 RACIALLY POLARIZED VOTING IN EAST BATON ROUGE PARISH. CORRECT?
8 **A.** SO I HAVE NOT ADDRESSED THAT IN MY SUPPLEMENTAL REPORT.
9 **Q.** THAT'S ALL I'M ASKING.
10 **A.** OKAY. BUT IF YOU WISH, I CAN TELL YOU MORE ABOUT WHAT YOU
11 HAVE ON THE SCREEN RIGHT NOW.
12 **Q.** WELL, HAVE YOU EXPRESSED AN OPINION ABOUT THAT SUBJECT
13 MATTER, THE SUBJECT MATTER OF 10, PARAGRAPH 10 OF MISTER --
14 DR. PALMER'S REBUTTAL EXPERT REPORT IN EITHER OF THE TWO EXPERT
15 REPORTS THAT YOU HAVE SUBMITTED IN THIS CASE?
16 **A.** I HAVE NOT. AND FOR ME TO RUN AN ECOLOGICAL INFERENCE
17 MODEL, I WOULD NEED TO VERIFY THE ASSUMPTIONS ON WHICH SUCH
18 MODELS ARE BASED, MEANING DO WHITES IN ALL PARISHES VOTE THE
19 SAME WAY? IS THAT A FAIR ASSUMPTION OR NOT? AND I LOOKED AT
20 WHAT YOU ARE SHOWING ME RIGHT NOW ON THE SCREEN.
21 IF WE GO TO THE EAST BATON ROUGE PARISH AND LOOK AT
22 HOW MANY BLACK VOTERS ARE THERE AND COMPUTE 92.5 PERCENT OF
23 THEM AND THEN SEE HOW MANY WHITE VOTERS ARE THERE AND COMPUTE
24 23.7 PERCENT OF VOTES, THAT NUMBER WILL FALL SIGNIFICANTLY
25 BELOW THE NUMBER OF VOTES PRESIDENT BIDEN GOT. SO VERY SIMPLE

03:00 ARITHMETIC YOU CAN SEE THAT THERE IS SOME FLAW IN THE RESULT HERE.

Q. OKAY.

A. SO IF I GO WITH THE ASSUMPTION THAT THESE NUMBERS ARE CORRECT, PRESIDENT BIDEN IS FALLING SHORT BY 10, 15,000 VOTES. IT'S A VERY SIMPLE ARITHMETIC. WITH A CALCULATOR, ANYBODY CAN DO THAT.

Q. ON THE SIMPLE ARITHMETIC THAT YOU ARE DESCRIBING, WHAT PERCENTAGE OF WHITE VOTERS DO YOU ESTIMATE IN EAST BATON ROUGE VOTED FOR PRESIDENT BIDEN? IS IT MORE THAN A THIRD?

A. I HAVE ANSWERED THE QUESTION. ECOLOGICAL INFERENCE IS A PROPER WAY TO DO THAT, BUT THAT HAS -- IT HAS TO BE DONE CORRECTLY.

Q. OKAY.

A. MEANING YOU VERIFY THE ASSUMPTIONS AND THEN YOU FIGURE ECOLOGICAL INFERENCE MODEL. SOME OF THE MODELS WHICH I HAVE SEEN IN THE REPORT RELY ON THE ASSUMPTION THAT WHITES VOTE THE SAME, REGARDLESS OF THE PARISH THEY BELONG TO. AND BASED ON THE PRELIMINARY ANALYSIS WHICH I CARRIED OUT, I FOUND THAT ASSUMPTION TO BE UNTRUE, AND I HAVE DOCUMENTED THAT IN THE LAST EIGHT ELECTIONS.

Q. OKAY. NOW, YOU MENTIONED THAT THERE WAS SIMPLE ARITHMETIC THAT YOU COULD DO THAT WOULD SHOW THAT THE 23.7 PERCENT ESTIMATE IN DR. PALMER'S REPORT WAS WRONG. WAS -- BUT YOU DID NOT SAY THAT IN YOUR SUPPLEMENTAL REPORT. YOU CHOSE NOT TO

03:02 1 ADDRESS THAT ISSUE IN YOUR SUPPLEMENTAL REPORT. CORRECT?
2 **A.** AND THE REASON IS, IF I'M GOING TO --
3 **Q.** CAN I ASK YOU JUST TO --
4 **A.** SURE.
5 **Q.** -- ANSWER "YES" OR "NO" AND THEN YOU CAN GIVE YOUR
6 EXPLANATION.
7 **A.** I'M SORRY. GO AHEAD. PLEASE ASK.
8 **Q.** SO MY QUESTION IS: IN YOUR SUPPLEMENTAL REPORT WHICH WAS
9 SUBMITTED MORE THAN A WEEK AFTER DR. PALMER'S REPORT --
10 REBUTTAL REPORT -- YOU CHOSE NOT TO ADDRESS OR DISPUTE DR.
11 PALMER'S OPINION ABOUT RACIAL POLARIZATION IN EAST BATON ROUGE
12 PARISH. CORRECT?
13 **A.** CORRECT.
14 **Q.** OKAY. I HAVE NO FURTHER QUESTIONS. THANK YOU.
15 **A.** THANK YOU.
16 **Q.** THANK YOU, DR. SOLANKY.
17 **THE COURT:** ANY REDIRECT?
18 **MS. RIGGINS:** NO, YOUR HONOR, WE DO NOT HAVE ANY
19 REDIRECT, BUT I DID FORGET TO MOVE IN EXHIBITS. I WOULD LIKE
20 TO MOVE IN SECRETARY OF STATE EXHIBITS 4 AND 5 AT THIS TIME, IF
21 THERE ARE NO -- IF THERE'S NO OBJECTION.
22 **MR. HURWITZ:** UNDERSTANDING THAT THOSE ARE DR.
23 SOLANKY'S OPENING AND SUPPLEMENTAL REPORT, WE HAVE NO
24 OBJECTIONS.
25 **THE COURT:** SO ORDERED. THEY ARE ADMITTED INTO

03:03 EVIDENCE.

YOU MAY STEP DOWN. THANK YOU, SIR.

THE WITNESS: THANK YOU, YOUR HONOR.

THE COURT: OKAY, LADIES AND GENTLEMEN. IT IS TEN MINUTES AFTER 3:00. I AM HAPPY TO STAY ON THE RECORD UNTIL 3:30 IF YOU THINK THAT WE CAN MAKE SOME PROGRESS -- MEANINGFUL PROGRESS -- AND THAT IT'S NOT GOING TO CAUSE A BREAK AT AN ODD TIME. I WILL LEAVE THAT UP TO THE PARTY WHO HAS GOT -- WHO HAS GOT THE CASE RIGHT NOW, THE DEFENDANTS AND INTERVENORS.

MR. WALSH: I THINK IT WILL CREATE AN ODD BREAKING SITUATION.

THE COURT: OKAY. WELL, THEN LET'S BREAK FOR THE DAY. ARE THERE ANY HOUSEKEEPING MATTERS THAT WE NEED TO TAKE UP?

MR. WALSH: NO, YOUR HONOR.

THE COURT: OKAY. THERE IS ONE, AND THAT IS OUR START TIME TOMORROW. AND LET ME JUST -- OKAY. THE COURT HAS TWO SENTENCINGS TOMORROW, ONE AT 9:00 AND ONE AT 9:30. I AM CONFIDENT THAT I CAN GET THOSE DONE BY 10:00.

WHAT THAT MEANS FOR YOU, THOUGH, IS THAT YOU HAVE TO BUS YOUR TABLES. YOU CAN LEAVE YOUR MATERIALS, BUT IF -- YOU KNOW, OBVIOUSLY IF YOU ARE GOING TO LEAVE PAPERS, COVER THEM UP BECAUSE WE WILL HAVE COUNSEL AT THESE TABLES IN THE MORNING. IF YOU COME IN BEFORE 10:00, IF YOU JUST QUIETLY SIT IN THE GALLERY, YOU ARE MORE THAN WELCOME TO SEE THE OTHER

03:05 BUSINESS OF THE COURT.

SO WE WILL START AT 10:00 OR AS CLOSE TO 10:00 AS HUMANLY POSSIBLE, GIVEN THE TWO PROCEEDINGS THAT COME BEFORE YOU.

AND JUST FULL DISCLOSURE, I WOULD HAVE LOVED TO HAVE MOVED ONE OF THEM TO 8:30, BUT THE MARSHAL'S SERVICE CAN'T TRANSPORT PEOPLE TO GET THEM HERE AT THAT HOUR WITH OTHER REQUIREMENTS, SO BEST I COULD DO. SO WE ARE GOING TO BE -- WE WILL BE BACK IN THE MORNING AT 10:00.

(WHEREUPON, THIS MATTER WAS RECESSED UNTIL MAY 12, 2022 AT 10:00 A.M.)

* * *

CERTIFICATE

I, SHANNON THOMPSON, CCR, OFFICIAL COURT REPORTER FOR THE UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF LOUISIANA, CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT TRANSCRIPT, TO THE BEST OF MY ABILITY AND UNDERSTANDING, FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

Shannon Thompson

SHANNON THOMPSON, CCR
OFFICIAL COURT REPORTER