

# EXHIBIT 4

# EXHIBIT 4

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

~~~~~

DONALD AGEE, JR. et al.,

Plaintiffs,

vs. Case No.

1:22-CV-00272-PLM-RMK-JTN

JOCELYN BENSON, et al.,

Defendants.

~~~~~

Zoom Videoconference Deposition of  
LaMAR LEMMONS III

April 20, 2023

10:03 a.m.

Witness Location:

Clark Hill

500 Woodward Avenue, Suite 3500

Detroit, Michigan

Buster Beck, RPR

1 APPEARANCES:

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1 APPEARANCES, Continued:

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3 On behalf of the Defendants Michigan  
4 Independent Citizens Redistricting  
5 Commission, Douglas Clark, Juanita Curry,  
6 Anthony Eid, Rhonda Lange, Steven Terry  
7 Lett, Brittni Kellom, Cynthia Orton, M.C.  
8 Rothhorn, Rebecca Szetela, Janice  
9 Vallette, Erin Wagner, Richard Weiss and  
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1 APPEARANCES, Continued:

2  
3 On behalf of the Defendants Michigan  
4 Independent Citizens Redistricting  
5 Commission, Douglas Clark, Juanita Curry,  
6 Anthony Eid, Rhonda Lange, Steven Terry  
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1 APPEARANCES, Continued:

2  
3 On behalf of the Defendants Michigan  
4 Independent Citizens Redistricting  
5 Commission, Douglas Clark, Juanita Curry,  
6 Anthony Eid, Rhonda Lange, Steven Terry  
7 Lett, Brittni Kellom, Cynthia Orton, M.C.  
8 Rothhorn, Rebecca Szetela, Janice  
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TRANSCRIPT INDEX

APPEARANCES..... 2

INDEX OF EXHIBITS ..... 7

EXAMINATION OF LaMAR LEMMONS III:

By Mr. Lewis..... 8

By Mr. Fleming..... 135

REPORTER'S CERTIFICATE..... 150

EXHIBIT CUSTODY

EXHIBITS RETAINED BY COUNSEL

|    |                   |                                |        |
|----|-------------------|--------------------------------|--------|
| 1  | INDEX OF EXHIBITS |                                |        |
| 2  | NUMBER            | DESCRIPTION                    | MARKED |
| 3  | Exhibit 1         | A document entitled; "NOTICE . | 9      |
| 4  |                   | OF DEPOSITION OF LAMAR         |        |
| 5  | Exhibit 2         | A document entitled; "FIRST .. | 24     |
| 6  |                   | AMENDED COMPLAINT FOR          |        |
| 7  | Exhibit 3         | A document entitled; .....     | 26     |
| 8  |                   | "AFFIDAVIT OF LAMAR LEMMONS    |        |
| 9  | Exhibit 4         | A 72-page document beginning . | 28     |
| 10 |                   | with a cover page entitled;    |        |
| 11 | Exhibit 5         | A 15-page document beginning . | 34     |
| 12 |                   | with a cover page entitled;    |        |
| 13 | Exhibit 6         | A seven-page document .....    | 38     |
| 14 |                   | beginning with a cover page    |        |
| 15 | Exhibit 7         | A ten-page document .....      | 83     |
| 16 |                   | entitled; "Michigan            |        |
| 17 |                   | Independent Citizens           |        |
| 18 | Exhibit 8         | A two-page article from .....  | 98     |
| 19 |                   | Politico                       |        |
| 20 | Exhibit 9         | A 123-page document .....      | 112    |
| 21 |                   | beginning with a cover page    |        |
| 22 |                   | entitled; "DOC 02"             |        |
| 23 |                   |                                |        |
| 24 |                   |                                |        |
| 25 |                   |                                |        |



1           LaMAR LEMMONS III, of lawful age,  
2       called for examination, as provided by the  
3       Federal Rules of Civil Procedure, being by me  
4       first duly sworn, as hereinafter certified,  
5       deposed and said as follows:

6           EXAMINATION OF LaMAR LEMMONS III  
7       BY MR. LEWIS:

8           Q.       Good morning, Mr. Lemmons. It is  
9       nice to meet you remotely today. My name is  
10      Patrick Lewis and I represent the Independent  
11      Citizens Redistricting Commission and the  
12      individual commissioners. With me on Zoom are  
13      my colleagues Nate Fink from Fink Bressack, and  
14      Dima Atiya, also from Baker Hostetler. I'll be  
15      the one asking you questions this morning.

16                So Mr. Lemmons, just to get  
17      started, are you -- can you identify your name  
18      and your current address for the record?

19           A.       Certainly. My name is LaMar, L-A,  
20      capital M, A-R. Lemmons, L-E-M-M-O-N-S. My  
21      address is 8523 Outer Drive, East, Detroit,  
22      Michigan 48213.

23           Q.       All right. Thank you very much.  
24                    And your name is pronounced  
25      Lemmons?

1 Q. When you used that particular  
2 strategy, what door open rates were you able to  
3 achieve?

4 A. A higher rate. I don't remember  
5 off the top of my head. Did I reference it  
6 there? I do know it was higher.

7 And particularly, sometimes the  
8 white canvasser's on one side of the street and  
9 he's getting a higher rate than the black one  
10 on the other side. But as a composite, when  
11 they go to the door together, the white open  
12 door rate is higher. So if you want a higher  
13 rate, you can send a black and a white  
14 together. If you send just across the street,  
15 there's a difference in the response rate.

16 Q. But you don't know what that rate  
17 is as you sit here today?

18 A. I don't know what that rate is, but  
19 since you asked me for my experience, that is  
20 the experience.

21 Q. Okay. Now, Mr. Lemmons, when  
22 someone doesn't answer their door, you can't  
23 know why the person chose not to, correct?

24 A. Absolutely.

25 Q. Okay. And different people might

1 have different reasons to decline to open a  
2 door, right?

3 A. That is correct.

4 Q. So some people might not want to  
5 speak with strangers, for example, right?

6 A. Correct.

7 Q. Some people might not want to be  
8 canvassed by political candidates, right?

9 A. Correct.

10 Q. Some people might just be  
11 preoccupied with something going in their  
12 houses at the moment your worker knocks,  
13 correct?

14 A. Correct.

15 Q. Are there other ways your campaigns  
16 can message to voters besides knocking their  
17 doors?

18 A. Yes.

19 Q. Okay. And can those other ways be  
20 effective means of communicating with voters?

21 A. Yes.

22 Q. Okay. So I want to jump ahead now  
23 to paragraphs 17, 18 appearing on page five. I  
24 have them up on the screen, but let me know  
25 when you get there.

1           Q.     And candidate personalities can  
2     differ, right?

3           A.     Correct.

4           Q.     Okay. And those factors can  
5     sometimes cause black voters to perhaps not  
6     prefer a black candidate; is that right?

7           A.     That's correct.

8           Q.     Okay. I'd like now to turn to  
9     paragraph 18, right below 17 there on page  
10    five. I had a few questions about it.

11                   Sir, you mention the term "Black  
12    democrat primary candidates of choice." What  
13    does that term mean to you?

14           A.     It means that there are -- when  
15    there's a black candidate in the race, the  
16    voters -- the black voter tends to want to  
17    support that black candidate based on that in  
18    most cases.

19           Q.     Okay. And how do you determine who  
20    the black primary candidate of choice is?

21           A.     Well, I can't determine in most  
22    cases if there are multiple candidates, but  
23    when there is a black candidate and a white  
24    candidate, it is clear that the general  
25    preference by the black community is to have a

1 black candidate with similar experience in the  
2 primary.

3 Q. Okay. And do you base that opinion  
4 on the data that you've looked at over the  
5 years?

6 A. I've based that on my experience.  
7 It is my experience that I'm referring to. I  
8 base it on my experience. That's correct. And  
9 the corroborating data, as you know.

10 Q. And the data.

11 So you're -- and your experience is  
12 looking at who won and lost in different  
13 elections, right?

14 A. That's some of it, yes.

15 Q. Okay. All right. So you're  
16 looking at -- so your experience is informed by  
17 looking at election results, right?

18 A. Election results and election  
19 campaigning.

20 Q. Okay. So as you're going out to  
21 canvas, how voters are responding to your  
22 candidate's messages; is that fair?

23 A. Repeat the question, please.

24 Q. So when you say you're looking at  
25 other evidence or other data to support your

1 experience, what other things do you look at to  
2 inform your experience?

3 A. We look at the response of the  
4 voter, juxtaposed to the election results. We  
5 look at things like the name. Sometimes the  
6 black candidate by name is not distinguishable  
7 from a white candidate. So if there's a total  
8 unfamiliarity with both candidates, the person  
9 who has the most black-sounding name is likely  
10 to get a greater -- in the primary, referring  
11 to the primaries -- is a lot likely to get the  
12 vote.

13 So sometimes a white candidate with  
14 a black-sounding name and a black candidate  
15 with a white-sounding name, and not having the  
16 resources or the knowledge as to how to reach  
17 their voters and make that distinction  
18 clarified, I've seen a white candidate win the  
19 black area, not because they were the candidate  
20 of choice, but because they were presumed to be  
21 black. And vice versa, by the way.

22 Q. Okay. All right. And so, that  
23 experience, you're looking at -- you're looking  
24 at how those elections turned out, right?  
25 You're looking at how people vote in those

1 races, right?

2 A. Looking at how people voted and why  
3 they voted. So we also do an analysis  
4 afterwards as to why and how. Because it's  
5 always the next race.

6 Q. And so, as you're going through  
7 that analysis, you're looking at what your  
8 canvassers are reporting back to you, right?

9 A. Yes.

10 Q. Okay. And you're looking at those  
11 sheets that they turn in, those statics that  
12 they generate, correct?

13 A. I am looking at those, too, yes.

14 Q. Okay. So you're basing -- your  
15 experience goes beyond just personally  
16 individual voters that you're speaking to; is  
17 that right?

18 A. Rephrase the question.

19 Q. Sure.

20 So when you talk about your  
21 experience, you're talking about experience  
22 that goes beyond just individual voters that  
23 you personally speak to, correct?

24 A. Absolutely. Absolutely.

25 Q. Understood. All right.

1 period. Every campaign does.

2 Q. Okay. And VAN -- just to make sure  
3 I understand this, is VAN a -- that's a file  
4 that's created by the Michigan Democratic  
5 party; is that correct?

6 A. That's correct.

7 Q. I see.

8 So it's not an official -- it's put  
9 out by the political party, not by the State of  
10 Michigan as a government, correct?

11 A. Correct.

12 Q. Okay. So that file has additional  
13 information in it beyond what would be  
14 maintained, like, for example, at the Board of  
15 Elections, correct?

16 A. Correct.

17 Q. Okay.

18 A. Wait, wait. The Board of Elections  
19 you can go -- if you pull the file, it will  
20 have the race.

21 Q. Okay. All right.

22 A. It's that extensive.

23 Q. But I think you were also  
24 describing -- so when you're measuring voter  
25 turnout by race, are you relying on sort of



1 using that census data and sort of trying to  
2 determine using that and the racial breakdowns  
3 of different neighborhoods to help determine  
4 voter turnout by race?

5 A. Absolutely, yes.

6 Q. And you understand there's  
7 statistical techniques that are used to  
8 estimate voter turnout by race?

9 A. Yes.

10 Q. Okay. And did you use any of those  
11 statistical techniques in this case?

12 A. Yes.

13 Q. Which ones -- which techniques did  
14 you use?

15 A. I used, again, the VAN and  
16 experience and observations.

17 Q. Okay.

18 A. And the census.

19 Q. Okay. But you don't -- in your  
20 affidavit anywhere, you don't report -- you  
21 don't report what those turnout rates were for  
22 a specific election, right?

23 A. No, I don't.

24 Q. I see. Okay.

25 So I'd like to now move on to

1 specific elections were good ones for you to  
2 analyze for your affidavit?

3 A. Well, some of them, as I said, I  
4 was directly involved.

5 Q. Okay.

6 A. And others, I saw the -- I observed  
7 -- I had a keen interest in those races, to see  
8 what the outcome would be.

9 Q. And all of these are in  
10 metropolitan Detroit, correct?

11 A. All of them intersect with the City  
12 of Detroit.

13 Q. Great. Okay.

14 So then, if we go back to paragraph  
15 28 at the bottom of page seven, is that where  
16 you begin to discuss your analysis of those  
17 elections?

18 A. Yes.

19 Q. And I understand you've had  
20 training and experience in analyzing elections,  
21 correct?

22 A. Correct.

23 Q. And did that training and  
24 experience help you conduct the analysis you  
25 did of these 2022 primaries?

1           A.       It did.

2           Q.       And would you agree most people  
3 wouldn't have the ability to analyze elections  
4 in an accurate way without that training and  
5 experience?

6                   MR. FLEMING: I would object to the  
7 form of the question as it calls for  
8 speculation.

9                   But you can answer.

10          A.       I would say that most people would  
11 not have the experience. Not necessarily the  
12 training. There's training, as I referred to  
13 earlier, some autodactical [sic] training that  
14 one can do by learning, or empirical training.  
15 I would say my empirical or my experience is  
16 the guiding reference here.

17          Q.       So I'd like to start with your  
18 analysis here of Senate District 8 in  
19 paragraphs 28 and 29. And specifically in  
20 paragraph 28, you discuss how the northern and  
21 southern portions of the district are, quote,  
22 also characterized by starkly different  
23 demographics, communities of interest and  
24 legislative priorities. Sir, what are the  
25 legislative priorities of the northern portions

1 will jump in the race.

2 Q. I see.

3 And many factors can influence when  
4 there's a candidate of choice, correct?

5 A. Absolutely.

6 Q. Okay. And it's much more than just  
7 looking at just the bare percentage of, you  
8 know, that BVAP number, correct?

9 A. Restate the question.

10 Q. Sure.

11 So the things that can lead, for  
12 example, to black community leaders determining  
13 the candidate of choice for a district can go  
14 well beyond just the percentage of black voting  
15 age population in that district, correct?

16 A. Possibly, yes.

17 Q. Okay. All right. So I'd like to  
18 move on now to Senate District 11. Bottom of  
19 page nine, paragraph 33. And here you mention  
20 -- you identify Veronica Klinefelt as the white  
21 candidate of choice in this election. Do you  
22 agree with that?

23 A. I agree 100 percent.

24 Q. Okay. Do you know how many black  
25 voters voted for her?

1           A.       I don't remember off the top of my  
2 head. But you should know, I supported  
3 Klinefelt.

4           Q.       You supported her. Why did you  
5 support her?

6           A.       I supported Klinefelt because I had  
7 more knowledge as to the other black candidate.  
8 But despite my support and support of community  
9 leaders, we didn't spend any money to really  
10 let people know that the black candidate should  
11 not be the candidate of choice. So she  
12 prevailed overwhelmingly in the black  
13 community.

14          Q.       I see.

15          A.       And that black candidate of  
16 choice -- just a little add -- has currently --  
17 and is innocent until proven guilty -- but has  
18 currently been indicted. But she still  
19 prevailed over Klinefelt in the black  
20 community.

21          Q.       In this -- in -- but in your -- in  
22 paragraph 33, you don't identify a black  
23 candidate of choice, correct?

24          A.       That's correct.

25          Q.       Okay.

1           A.       She was the black candidate -- the  
2       default black candidate of choice.

3           Q.       I see.

4                    But voters -- but black voters did  
5       not choose her, correct?

6           A.       Black voters did choose her. She  
7       was already an elected official. She was the  
8       mayor of Eastpointe.

9           Q.       Okay. But I'm saying for this  
10      particular race, Senate District 11, 2022  
11      primary.

12          A.       There were some black voters that  
13      chose her. What we decided earlier on was to  
14      keep other black candidates out as not to  
15      dilute the black vote. And after interviewing  
16      the leadership -- which I consider myself part  
17      of -- of the black community in that area --  
18      which had -- area that I had represented as a  
19      state representative by the way -- the portion,  
20      the Detroit portion anyway, we decided that  
21      Klinefelt would have been a better choice than  
22      Monique Owens.

23                   But the black community decided  
24      that Monique Owens was their candidate. And  
25      despite our support, which didn't move the

1 numbers, Monique Owens, the black people voted  
2 for Monique Owens, and the white people voted  
3 for Klinefelt as a collective.

4 Q. Okay.

5 A. Overwhelmingly so in both cases.

6 Q. And what data do you rely on to  
7 form the view that the black community in that  
8 district voted for Ms. Owens?

9 A. The census data -- the precinct  
10 data. I'm sorry. The precinct data where the  
11 communities are overwhelmingly black.

12 Q. Okay. I'd like now to turn to  
13 paragraph 34 on page ten. And here you talk  
14 about Senate District 6. Do you see that?

15 A. I do.

16 Q. This was the primary between state  
17 representative Mary Cavanaugh and Darryl Brown  
18 and others; is that correct?

19 A. That's correct.

20 Q. Okay. And how did you -- and you  
21 determined that Representative Cavanaugh was  
22 the clear white candidate of choice, correct?

23 A. No. She was a white candidate of  
24 choice.

25 Q. A white candidate of choice. Okay.

REPORTER'S CERTIFICATE

The State of Ohio, )

SS:

County of Cuyahoga. )

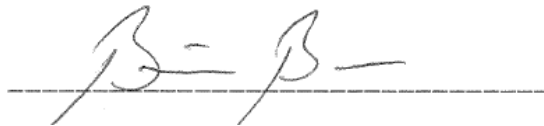
I, Buster Beck, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within named witness, LaMAR LEMMONS III, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by the above-referenced witness was by me reduced to stenotypy in the presence of said witness; afterwards transcribed, and that the foregoing is a true and correct transcription of the testimony so given by the above-referenced witness.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified and was completed without adjournment.



1 I do further certify that I am not  
2 a relative, counsel or attorney for either  
3 party, or otherwise interested in the event of  
4 this action.

5 IN WITNESS WHEREOF, I have hereunto  
6 set my hand and affixed my seal of office at  
7 Cleveland, Ohio, on this 27th day of  
8 April, 2023.

9  
10  
11  
12  
13 A handwritten signature in dark ink, appearing to read 'B- B-', is written over a horizontal dashed line.

14 Buster Beck, Notary Public  
15 within and for the State of Ohio  
16

17 My commission expires February 22, 2025.  
18  
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Page 152

Veritext Legal Solutions  
1100 Superior Ave  
Suite 1820  
Cleveland, Ohio 44114  
Phone: 216-523-1313

April 27, 2023

To: JAMES J. FLEMING

Case Name: Agee, Jr., Donald, et al. v. Benson, Jocelyn, et al.

Veritext Reference Number: 5871024

Witness: LaMar Lemmons, III                      Deposition Date: 4/20/2023

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown above, or email to [production-midwest@veritext.com](mailto:production-midwest@veritext.com).

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,  
Production Department

NO NOTARY REQUIRED IN CA

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DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 5871024

CASE NAME: Agee, Jr., Donald, et al. v. Benson, Jocelyn, et al.

DATE OF DEPOSITION: 4/20/2023

WITNESS' NAME: LaMar Lemmons, III

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have made no changes to the testimony as transcribed by the court reporter.

\_\_\_\_\_  
Date LaMar Lemmons, III

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration Date

DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 5871024

CASE NAME: Agee, Jr., Donald, et al. v. Benson, Jocelyn, et al.

DATE OF DEPOSITION: 4/20/2023

WITNESS' NAME: LaMar Lemmons, III

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

\_\_\_\_\_  
Date

\_\_\_\_\_  
LaMar Lemmons, III

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They have listed all of their corrections in the appended Errata Sheet;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration Date

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ERRATA SHEET  
VERITEXT LEGAL SOLUTIONS MIDWEST  
ASSIGNMENT NO: 5871024

| PAGE/LINE(S) / | CHANGE | /REASON |
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\_\_\_\_\_  
Date LaMar Lemmons, III  
SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 20\_\_\_\_ .

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration Date