

# EXHIBIT 7



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# Transcript of Anthony Fairfax

**Date:** October 31, 2024

**Case:** Williams, et al. -v- Hall, et al. / NC Conf of NAACP, et al. -v- Berger, et al.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

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SHAUNA WILLIAMS, et al., :  
Plaintiffs, : Civil Action  
vs. : No. 23-CV-1057  
REPRESENTATIVE DESTIN HALL, in his :  
official capacity as Chair of the :  
House Standing Committee on :  
Redistricting, et al, :  
Defendants. :

-----x  
NORTH CAROLINA STATE CONFERENCE OF :  
THE NAACP, et al., :  
Plaintiffs. :  
v. : Civil Action  
PHILIP BERGER, in his official : No. 23-CV-1104  
capacity as the President Pro :  
Tempore of the North Carolina :  
Senate, et al., :  
Defendants. :

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(CONTINUED ON NEXT PAGE)

1 (CONTINUED FROM PREVIOUS PAGE)

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5 Deposition of ANTHONY EDWARD FAIRFAX

6 Norfolk, Virginia

7 Thursday, October 31, 2024

8 9:03 a.m.

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23 Job No.: 557637

24 Pages: 1 - 108

25 Recorded By: Jordan Collins, CER

1                   Deposition of ANTHONY EDWARD FAIRFAX,  
2                   held at the offices of:

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6                   Kaufman & Canoles, P.C.  
7                   150 West Main Street,  
8                   Suite 2100  
9                   Norfolk, Virginia 23510

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13                   Pursuant to agreement, before  
14                   Jordan Collins, CER, Notary Public in and for the  
15                   Commonwealth of Virginia.

A P P E A R A N C E S

ON BEHALF OF THE DEFENDANT:

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JORDAN A. KOONTS, ESQUIRE

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ON BEHALF OF THE PLAINTIFF:

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ALSO PRESENT:

HILARY HARRIS KLEIN, ESQUIRE -

SOUTHERN COALITION FOR SOCIAL JUSTICE

HELENA ABBOTT, ESQUIRE - SOUTHERN COALITION FOR  
SOCIAL JUSTICE

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C O N T E N T S

EXAMINATION OF ANTHONY EDWARD FAIRFAX	PAGE
BY Mr. Strach:	6
By Mr. Shenton	105

E X H I B I T S

(Attached to transcript.)

DEPOSITION EXHIBIT	PAGE
Exhibit#	Description
Ex.1	Expert Report of Anthony E. Fairfax 20
Ex.2	Expert Reply Report of 20
	Anthony E. Fairfax
Ex.3	Corrected Expert Report of 20
	Anthony E. Fairfax
Ex.4	S.L. 2023-149 House 69
Ex.5	Appendix E to Corrected Expert Report 95
Ex.6	Appendix E to Original Expert Report 96

1     that's not occurs with the population deviation,  
2     but some other aspect of using the population  
3     deviation. So they could be invalid because the  
4     population deviation may be manipulated in some  
5     ways. So -- insofar as a strict guideline of  
6     meeting it, no. But there's -- that doesn't mean  
7     that there are not some other violations there.

8           Q     All right. What other violations are  
9     you thinking about?

10          A     If, for example, you are over popping --  
11     overpopulating the minority districts and  
12     underpopulating the non-minority districts, the  
13     courts may see that that's somewhat of a violation  
14     of -- of -- and I want to be careful because I'm  
15     not an attorney, but it may be some violation,  
16     let's say, without going into specifics. The same  
17     thing, potentially, I would believe with  
18     partisanship, they may see that, but again, I'm  
19     not an attorney.

20          Q     All right. Did you do any specific  
21     analysis of whether any of the districts in the  
22     enacted House or Senate plans were under or  
23     overpopulated based on race?

24          A     I did not do specific analysis on that.  
25     I did make some comments on Dr. Barber's report



1 that included graphs. And in the graphs, I saw  
2 where it -- it appears that some of the districts  
3 were overly populated and some were under --  
4 underpopulated.

5 Q Okay. But that those conclusions were  
6 based on Dr. Barber's figures?

7 A His graphs that he actually put in his  
8 report.

9 Q Okay. All right. And I'm assuming you  
10 didn't do any analysis of whether districts were  
11 over or underpopulated based on partisanship?

12 A Correct. Same thing. And -- and inside  
13 his report, he had graphs with the partisan  
14 percentage and the same aspect as I made a  
15 notation on that as well.

16 Q In the racial data criteria in Paragraph  
17 24, you say, However, compliance with Section 2 of  
18 the Voting Rights Act typically requires the  
19 consideration of race. Are you giving that as  
20 some sort of legal opinion?

21 A No.

22 MR. SHENTON: Objection.

23 THE WITNESS: No. I'm -- what I'm doing  
24 is giving a map drawer's perspective.

25 BY MR. STRACH: