Supreme Court of Ohio Clerk of Court - Filed October 22, 2021 - Case No. 2021-1193

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF OHIO, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents*.	Case No. 2021-1193
BRIA BENNETT, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents*.	Case No. 2021-1198
THE OHIO ORGANIZING COLLABORATIVE, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents*.	Case No. 2021-1210

STIPULATION OF EVIDENCE

(deposition transcript and exhibits)

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STIPULATION OF EVIDENCE

(deposition transcript and exhibits)

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	Exhibits to Glassburn deposition transcript	DEPO_01515-1559

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Transcript of Blake Springhetti

Date: October 20, 2021
Case: League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

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IN THE SUPREME COURT OF OHIO

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LEAGUE OF WOMEN VOTERS OF	:	Case Nos. 2021-1193;
OHIO, et al.,	:	2021-1198; 2021-1210
Relators,	:	
v.	:	
OHIO REDISTRICTING	:	
COMMISSION, et al.	:	
Respondents.	:	

- - - - - - - - - - - - - - - - - - -x

VIDEOTAPED DEPOSITION OF BLAKE SPRINGHETTI

CONDUCTED VIRTUALLY

Wednesday, October 20, 2021

11:02 a.m. PST

Job No.: 407176

Pages: 1 - 76

Reported By: Charlotte Lacey, RPR, CSR No. 14224

VIDEOTAPED DEPOSITION OF BLAKE SPRINGHETTI, CONDUCTED VIRTUALLY.

Pursuant to subpoena, before Charlotte Lacey, Certified Shorthand Reporter in and for the State of California.

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Brendan Case, Videographer
Gabriel Martin, AV Technician

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P R O C E E D I N G S

THE VIDEOGRAPHER: Here begins the video 11:02:16
deposition of Blake Springhetti in the matter of League 11:02:19
of Women Voters Ohio, et al., versus Ohio Redistricting 11:02:24
Commission, et al., in the Supreme Court of Ohio. 11:02:34
Today's date is Wednesday, October 20, 2021. The time 11:02:35
on the monitor is 11:02 a.m. Pacific Time. 11:02:38
Your videographer of the day is Brendan Case 11:02:39
representing Planet Depos. This video deposition is 11:02:39
taking place remotely via Zoom video teleconference. 11:02:39
Would counsel present please identify 11:02:51
themselves and state whom they represent. 11:02:52
MR. FU: Yale Fu of Covington & Burling on 11:02:52
behalf of the League of Women Voters Relators. 11:02:58
MR. McTIGUE: Don McTigue on behalf of the 11:03:02
Bria Bennett Relators. 11:03:05
MS. STEWART: This is Danielle Stewart of Reed 11:03:08
Smith on behalf of the Ohio Organizing 11:03:10
Collaborative, et al. 11:03:15
MR. STRACH: This is Phil Strach, Nelson 11:03:17
Mullins, on behalf of Respondents Cupp and Huffman. 11:03:22
MR. WALTON: This is Michael Walton with the 11:03:29
Ohio Attorney General's Office on behalf of Respondents 11:03:29
Ohio Governor DeWine, Auditor Faber, and Secretary of 11:03:31
State LaRose. 11:03:34

MS. FRASER: This is Kirsten Fraser from Organ Law on behalf of the Ohio Redistricting Commission. 11:03:41 11:03:46

THE VIDEOGRAPHER: Your court reporter of the day is Charlotte Lacey representing Planet Depos. 11:03:53 11:03:53

Would the reporter please swear in the witness. 11:03:53 11:03:56

THE REPORTER: Will counsel please stipulate that in lieu of formally swearing in the witness, the reporter will instead ask the witness to acknowledge that their testimony will be true under the penalties of perjury, that counsel will not object to the admissibility of the transcript based on proceeding in this way, and that the witness has verified that he is, in fact, Blake Springhetti. 11:04:22

MR. STRACH: This is Phil Strach, yes. 11:04:22

MR. WALTON: Don McTigue, yes. 11:04:26

MR. FU: Yale Fu, yes. 11:04:30

MS. STEWART: Danielle Stewart, yes. 11:04:36

MS. FRASER: Kirsten Fraser. 11:04:41

THE REPORTER: Mr. Springhetti, do you hereby acknowledge that your testimony will be true under the penalties of perjury? 11:04:41 11:04:41 11:04:52

THE WITNESS: Yes. 11:04:52

THE REPORTER: Thank you. 11:04:54

Proceed, Counsel. 11:04:55

1 MR. FU: Thank you, Charlotte. 11:04:57
2 EXAMINATION 11:04:59
3 BY MR. FU: 11:04:59
4 Q Good afternoon, Mr. Springhetti. 11:05:00
5 A Hello. 11:05:03
6 Q We -- we met off the record, but I'll 11:05:04
7 introduce myself on the record. Again, I'm Yale Fu. I 11:05:07
8 represent the League of Women Voters Relators. 11:05:10
9 Mr. Springhetti, would you please state your 11:05:15
10 full name for the record. 11:05:21
11 A Blake Victor Springhetti. 11:05:21
12 Q Thank you. 11:05:25
13 And would you prefer to go by Blake or 11:05:25
14 Mr. Springhetti for this deposition? 11:05:29
15 A Blake is fine. 11:05:36
16 Q All right. Thank you, Blake. 11:05:36
17 And could you please state your current 11:05:36
18 address for the record. 11:05:37
19 A 52 East Columbus Street, Canal Winchester, 11:05:39
20 Ohio 43110. 11:05:47
21 Q And where are you currently employed? 11:05:47
22 A The Ohio House of Representatives. 11:05:50
23 Q And what is your current title? 11:05:54
24 A Director of Finance. 11:05:57
25 Q Blake, have you ever been deposed before? 11:06:00

A No. 11:06:05
MR. FU: Very quickly, Gabriel, can you please 11:06:09
pull up tab 2. This -- this is the notice of 11:06:12
deposition. 11:06:19
AV TECHNICIAN: And this is going to be 11:06:20
Exhibit 1, correct? 11:06:22
MR. FU: Correct. 11:06:23
(Deposition Exhibit 1 was marked for 11:06:23
identification.) 11:06:26
Q Blake, if you could please take a moment to -- 11:06:37
to review this document and let me know if you've seen 11:06:38
it before. 11:06:40
A So that does not look like something that I've 11:07:29
seen. What I -- what was served to me was two pages. 11:07:32
MR. FU: Okay. And, Gabriel, could you please 11:07:35
go back to the top of this document. 11:07:37
MR. STRACH: Hey, Yale. Yale. 11:07:41
MR. FU: Yeah. 11:07:41
MR. STRACH: Just FYI, we didn't -- we didn't 11:07:42
send the notice to Blake. He got the subpoena, but we 11:07:49
never sent the notice to him. So just FYI. 11:07:52
MR. FU: Okay. Understood. Thank -- thank 11:07:52
you, Phil. 11:07:53
Q Blake, do you understand that you're providing 11:07:53
testimony here today for a case in front of the Supreme 11:07:55

Court of Ohio? 11:08:00
A Yes. 11:08:01
MR. FU: Okay. And, Gabriel, you can -- you 11:08:02
can take that off. 11:08:04
Q So I understand you -- you just said you 11:08:10
haven't been deposed before. Just to help make things 11:08:12
go as smoothly as possible, I'll go over some ground 11:08:16
rules. Does that sound fair? 11:08:20
A Yes. 11:08:21
Q So we have a court reporter, Charlotte, here 11:08:21
today who will be taking down everything that we say. 11:08:23
And one way we can prevent making her job even harder is 11:08:28
to make sure we speak clearly, you know, not too fast, 11:08:34
and to do our best to -- to not speak over each other. 11:08:37
And what I mean by that is when I'm asking questions, 11:08:40
you do your best to wait for me to complete my question 11:08:44
before you start your answer. And when you're 11:08:49
answering, I'll do my best to wait until you complete 11:08:52
your answer before I ask the next question. Is that 11:08:56
fair? 11:08:59
A Yes. 11:08:59
Q And you understand that you are under oath, 11:08:59
which means that you agree to -- which means that you 11:09:06
must testify truthfully and accurately. Do you 11:09:10
understand that? 11:09:12

A Yes. 11:09:13
Q And even though, you know, we're sitting in 11:09:15
different rooms, you're sitting in a conference room, 11:09:20
you know, the oath you gave means that your testimony 11:09:23
has the, you know, same force and effect as if you were 11:09:25
giving testimony in -- in court. Do you understand 11:09:29
that? 11:09:30
A Yes. 11:09:32
Q And is there any reason why you wouldn't be 11:09:33
able to give complete and accurate testimony here today? 11:09:37
A I don't anticipate there being a reason, no. 11:09:44
Q Okay. And going back to the point of -- of 11:09:49
making sure everything we say can be taken down, can you 11:09:52
agree -- and you've been doing a great job of this, but 11:09:56
can you agree to verbalize all of your answers and, you 11:10:00
know, not have any head nods or head shakes? 11:10:04
A Yes. 11:10:06
Q If you don't understand any of my questions, 11:10:08
please let me know, and I'll attempt to clarify, but, 11:10:12
you know, otherwise, I'll assume that you understood 11:10:16
my -- my questions here today. Is that fair? 11:10:17
A Yes. 11:10:21
Q And your counsel may object to some of my 11:10:23
questions. But unless you are instructed not to answer, 11:10:25
you are still to answer those questions. You 11:10:29

1 understand? 11:10:35
2 A Yes. 11:10:35
3 Q So I -- I want to ask, Blake, what did you do 11:10:38
4 to prepare for today's deposition? 11:10:42
5 A Well, I -- so I was served on Saturday, and, 11:10:47
6 you know, I -- for the most part, looked back at, you 11:10:55
7 know, some of the -- basically tried to remember, you 11:11:01
8 know, the month of September and August. There was a 11:11:06
9 lot of moving parts. So it was mainly myself just doing 11:11:12
10 a memory check. 11:11:16
11 Q And you said you looked back at -- at what you 11:11:18
12 did. What did you look back at specifically? 11:11:20
13 A It was more of an internal, not a physical 11:11:28
14 looking at anything. For the most part, it was my own 11:11:31
15 memory looking at some of the public documents that were 11:11:34
16 submitted to the Commission; maps, plans. 11:11:38
17 Q Okay. So you looked at some of the materials 11:11:47
18 submitted to the Commission. You looked at some -- some 11:11:50
19 maps. Can you specify what you mean by that? Do you 11:11:54
20 mean Maptitude files or, you know, you went back and 11:12:02
21 looked on Maptitude? 11:12:02
22 A Yes. I looked at public documents submitted 11:12:02
23 to the Commission, and I looked at Block Assignment 11:12:05
24 Files that I had on Maptitude of maps that were 11:12:10
25 submitted to the Commission. 11:12:12

Q In addition to Block Assignment Files, did you also look back at Shapefiles? 11:12:18 11:12:21

A I did not. 11:12:29

Q Did you look back at anything that wasn't publicly submitted to the Commission? 11:12:33 11:12:36

A Yes. I looked at some of the, you know, notes that I had put together in doing the visual analysis on those Block Assignment Files. 11:12:41 11:12:48 11:12:51

Q And did those notes refresh your recollection about the work you had been doing? 11:12:55 11:12:58

A I would say in part, yeah. It was a -- it was a good exercise. 11:13:04 11:13:07

Q Thank you. 11:13:09

I'll just ask on the record that if you could go back and collect those notes and send them to counsel so they can produce them, I -- I would appreciate that. 11:13:10 11:13:15 11:13:19

MR. STRACH: Yale, we will -- I'll -- I'll ask him to collect those and give them to me. I doubt we'll produce them. But that's a conversation we can have later. 11:13:31 11:13:34 11:13:37 11:13:40

MR. FU: Okay. Thanks, Phil. 11:13:41

Q Blake, did you meet with anyone to prepare for today's deposition? 11:13:41 11:13:44

A Yes. 11:13:45

Q And who did you meet with? 11:13:45

A Phil Strach and Paul Disantis. 11:13:51
Q Okay. And -- and, for the record, they're 11:14:00
currently in -- sitting in the same conference room as 11:14:02
you, correct? 11:14:04
A That's correct. 11:14:04
Q Did you meet with anyone else? 11:14:04
A No. 11:14:06
Q Did you speak with anyone else to prepare for 11:14:06
today's deposition? 11:14:09
A No. 11:14:13
Q Did you speak with anyone other than 11:14:14
Mr. Strach and Mr. Disantis about today's deposition? 11:14:17
A Could you clarify your question? Are you 11:14:23
asking if -- in preparation for this deposition or 11:14:29
generally that I am today being deposed? 11:14:31
Q More generally. Did you -- did you speak with 11:14:34
anyone about the fact that you were being deposed here 11:14:36
today? 11:14:41
A Yes. 11:14:42
Q And -- and who did you speak with about that 11:14:42
other than Mr. Strach and Mr. Disantis? 11:14:45
A Well, in -- in passing, our Chief of Staff. 11:14:50
Q And -- and who is -- 11:14:56
A And -- 11:14:56
Q Oh, sorry. I don't mean to interrupt. 11:14:58

A Yeah. And one other -- one other staff person 11:15:01
in the Ohio House, I -- in passing, Travis Butchello, 11:15:15
just in passing. And then Ray DiRossi, obviously he 11:15:25
knows I'm being deposed today. 11:15:33
Q So you mentioned the Chief of Staff. Who is 11:15:37
that? 11:15:40
A Christine Morrison. 11:15:40
Q And what did you say to Christine Morrison 11:15:49
about you being deposed? 11:15:54
A Just that I was heading over here to be 11:15:57
deposed. 11:16:00
Q Okay. And nothing else? 11:16:01
A No. There was no preparation. 11:16:04
Q Okay. You mentioned speaking with the other 11:16:10
staff member, Travis. What did you discuss with Travis 11:16:13
about today's deposition? 11:16:16
A Just that it was happening. 11:16:19
Q And you mentioned Ray DiRossi. What did you 11:16:23
discuss with Ray DiRossi about today's deposition? 11:16:27
A That it was happening. 11:16:35
Q Were you aware that Mr. DiRossi was deposed 11:16:37
for this litigation as well? 11:16:43
A Yes. 11:16:44
Q Did you discuss with Mr. DiRossi any aspect of 11:16:47
his deposition? 11:16:52

A No. 11:16:55
Q Did you -- what else did you discuss with 11:17:02
Mr. DiRossi about you being deposed here today? 11:17:05
A Just that it was happening. 11:17:12
Q Anything else? 11:17:19
A No. 11:17:20
Q And did you bring any documents with you here 11:17:26
today relating to this case? 11:17:29
A No. 11:17:31
Q Thank you. 11:17:40
I just want to cover a couple other logistical 11:17:40
ground rules since this is a remote deposition. So you 11:17:46
are -- you are participating in this deposition in 11:17:54
addition to being in the conference room. You are 11:17:57
participating via a laptop computer, correct? 11:18:03
A No, an iPad. 11:18:05
Q An iPad. Thank you for -- for clarifying. 11:18:07
And you have Zoom -- 11:18:10
A You're welcome. 11:18:10
Q You have Zoom open as a program on this iPad, 11:18:10
correct? 11:18:15
A Yes. 11:18:15
Q Are there any other windows aside from Zoom 11:18:16
open on this iPad? 11:18:21
A No. 11:18:23

1 Q And just on the record, I -- you know, I would 11:18:28
2 ask that you don't text anyone, e-mail anyone, message 11:18:30
3 anyone, or chat with anyone, you know, while -- while 11:18:35
4 your deposition is occurring; is that fair? 11:18:40
5 A Yes. 11:18:42
6 Q And if anyone attempts to, you know, text you, 11:18:43
7 e-mail you, message you, is it fair, you know, for you 11:18:47
8 to -- to let me know that that's happening? 11:18:52
9 A Yes. 11:18:59
10 Q And I also ask that if anyone enters the 11:19:00
11 conference room that you and Mr. Strach and Mr. Disantis 11:19:04
12 are currently in, that you also note that for the 11:19:10
13 record. Is that okay? 11:19:13
14 A Fine by me. 11:19:14
15 Q Thank you. 11:19:16
16 So I'm going to ask some questions about 11:19:18
17 your -- your education background starting from -- from 11:19:22
18 high school. 11:19:25
19 So where did you go to high school, Blake? 11:19:25
20 A I graduated from Pickerington North High 11:19:29
21 School. 11:19:38
22 Q And is that in a suburb of Columbus? 11:19:38
23 A Yes. 11:19:52
24 Q And when -- when did you graduate from 11:19:53
25 Pickering -- Pickering North High School? 11:19:35

A Could you rephrase the question? There was a lag. 11:19:55 11:19:56

Q No problem. 11:19:56

When did you graduate from Pickering North High School? 11:19:57 11:20:01

A 2012. 11:20:01

Q And after you graduated, did you continue your education? 11:20:03 11:20:05

A Yes. 11:20:08

Q Where did you go? 11:20:09

A Mount Union University. 11:20:14

Q Is Mount Union University in Ohio? 11:20:18

A Yes. 11:20:22

Q And what did you study at Mount Union? 11:20:29

A Political science and economics. 11:20:33

Q And did you graduate with a degree from Mount Union? 11:20:35 11:20:39

A No. 11:20:42

Q Did you transfer to a different university? 11:20:45

A Yes. 11:20:49

Q When did that transfer occur? 11:20:49

A 2013. 11:20:54

Q Thanks. And I don't mean to make this a memory test or anything. But I -- I appreciate it. 11:20:58 11:21:02

And where -- where did you transfer to? 11:21:05

A Kent State University. 11:21:07
Q And did you graduate from Kent State 11:21:11
University? 11:21:15
A Yes. 11:21:16
Q And what -- when -- what was your degree in 11:21:17
when you graduated from Kent State? 11:21:20
A Political science. 11:21:23
Q And in what year did you graduate? 11:21:26
A 2016. 11:21:29
Q Congratulations on the five years since -- 11:21:35
since this graduation. 11:21:38
A Thank you. 11:21:39
Q And what -- did you have employment after you 11:21:40
graduated from Kent State? 11:21:45
A Yes. 11:21:47
Q Let's -- let's just walk through the jobs. 11:21:51
What was -- what was the first job that you had after 11:21:53
graduation? 11:21:56
A Americans for Tax Reform in Washington, D.C. 11:21:59
Q And what were your duties at Americans for Tax 11:22:08
Reform? 11:22:14
A I looked at regional policy. 11:22:14
Q And what type of organization is Americans for 11:22:21
Tax Reform? 11:22:29
A I believe it's a 501(c)(3). 11:22:29

Q Is that a nonprofit? 11:22:37
A Yes. 11:22:40
Q And how long did you work at Americans for Tax 11:22:44
Reform? 11:22:48
A Maybe four months, five months. I don't 11:22:51
recall the exact timeline, but that's generally the 11:22:57
timeline. 11:23:00
Q And where did you go after those four months? 11:23:00
A I moved back to Ohio. 11:23:06
Q Is there a reason why you were only in -- in 11:23:11
D.C. for four or five months? 11:23:13
A I wanted to move back to my home state. 11:23:18
Q Okay. And -- okay. So you -- you were -- so 11:23:25
Ohio is your home state. You went there for -- for high 11:23:32
school. You went there for -- for college. And then 11:23:35
you returned after working four to five months away. Is 11:23:38
it fair to say you're quite familiar with Ohio? 11:23:44
A Generally, yes, I'm familiar with Ohio. 11:23:49
Q And what -- did you have employment when you 11:23:52
moved back to Ohio after working at Americans for Tax 11:23:54
Reform? 11:24:01
A I did. 11:24:01
Q And where did you work? 11:24:01
A The -- the Ohio -- it was OHROC, Ohio House 11:24:04
Republican caucus. 11:24:11

Q Okay. Ohio House Republican caucus. Thank you. 11:24:17 11:24:21

And did you report to anyone specifically when you were working at OHROC? 11:24:22 11:24:25

A I didn't -- I'm trying to recall who my direct report was, but, generally, it was the candidate who was running for the Ohio House at that point in time. 11:24:40 11:24:42 11:24:45

Q And by "candidate," you mean the Republican candidate who was running for Ohio House at the time? 11:24:49 11:24:53

A That's correct. 11:24:57

Q And how long did you work at OHROC? 11:24:58

A Less than a year. 11:25:04

Q And did you move on because you had -- had another job later on? 11:25:10 11:25:15

A Yes. 11:25:17

Q And where -- where did you move to after working at OHROC? 11:25:18 11:25:21

A The Ohio House of Representatives. 11:25:23

Q And you mentioned earlier you're also currently employed by the Ohio House of Representatives? 11:25:35 11:25:38

A Correct. 11:25:41

Q So when did you first start working for the Ohio House of Representatives? 11:25:42 11:25:47

A At the very end of 2016. 11:25:51

Q Starting in -- at the end of 2016, what were 11:26:03

your -- what were your duties at the Ohio House of 11:26:06
Representatives? 11:26:12
A I was a legislative aide. 11:26:12
Q Were you a legislative aide for a specific 11:26:20
representative? 11:26:24
A Yes. 11:26:26
Q And which representative was that? 11:26:27
A Derek Merrin. 11:26:31
Q And Derek Merrin is a Republican, correct? 11:26:40
A Yes. 11:26:45
Q And how long were you a legislative aide for 11:26:46
Derek Merrin? 11:26:52
A For a little over a year. 11:26:53
Q So through the beginning of 2018? 11:27:01
A Yeah. 11:27:09
Q And what did you do after you were a 11:27:14
legislative aide for -- for Derek Merrin? 11:27:17
A I left the Ohio House. 11:27:21
Q And where did you go after you left the Ohio 11:27:26
House? 11:27:31
A I was self-employed. 11:27:31
Q And did, at some point later, you become 11:27:41
employed at the Ohio House of Representatives again? 11:27:44
A Yes. 11:27:47
Q So, first, how long were you self-employed? 11:27:49

A For the remainder of 2018. 11:27:58
Q And you started working for the Ohio House of 11:28:09
Representatives again at the start of 2019? 11:28:11
A Yes, January of 2019. 11:28:13
Q And what were -- what was your title when you 11:28:18
started again at the Ohio House of Representatives in -- 11:28:22
in January 2019? 11:28:25
A Deputy budget director. 11:28:30
Q And what were your responsibilities as deputy 11:28:38
budget director? 11:28:41
A To work on the budgets. 11:28:45
Q When you were deputy budget director, did you 11:28:55
have any responsibilities relating to redistricting 11:29:00
or -- or drawing of maps? 11:29:03
A Could you restate the question? There was a 11:29:06
lag at the end. I think I know what you said, but I 11:29:10
would like to be clear. 11:29:14
Q Of course. Thank you. 11:29:15
When you were deputy budget director, did you 11:29:16
have any responsibilities relating to redistricting or 11:29:20
drawing of maps? 11:29:25
A No. 11:29:28
Q And how long were you a deputy budget 11:29:28
director? 11:29:32
A For almost two years. 11:29:41

Q So through the -- so through the end of 2020, 11:29:49
your title was deputy budget director? 11:29:54
A Yes. 11:29:57
Q And were you deputy budget director for the 11:29:59
House majority? 11:30:03
A Yes. 11:30:06
Q And the -- the Republicans were the majority 11:30:09
party when you were deputy budget director, correct? 11:30:13
A Yes. 11:30:17
Q So you were working for the Republican members 11:30:18
of the House at that point, correct? 11:30:23
A Officially, yes. But, for the record, I, you 11:30:26
know, had correspondence with the minority also. I -- 11:30:30
you know, it -- just for the record. 11:30:36
Q Thank you for clarifying. 11:30:38
So at the end of 2020, when your title 11:30:41
changed, did you change to your current title of 11:30:47
director of finance? 11:30:51
A Yes. 11:30:54
Q Or -- sorry. Did I have that right? Is it 11:30:57
finance director or director of finance? 11:31:01
A Director of finance. 11:31:03
Q Thank you. 11:31:04
And that would be director of finance for the 11:31:08
House majority, correct? 11:31:12

A Yes. 11:31:16
Q And since the end of 2020, the Republicans 11:31:17
have been the majority in the House, correct? 11:31:23
A Yes. 11:31:26
Q So all of your general assembly jobs have been 11:31:29
working for Republicans, correct? 11:31:35
A Yes. 11:31:39
Q Who do you report to in your current position 11:31:41
as director of finance? 11:31:45
A Our Chief of Staff. 11:31:49
Q And you said earlier that is Christine 11:31:56
Morrison? 11:32:00
A Yes. 11:32:01
Q And who does Christine Morrison report to? 11:32:02
A I'm not sure of her official arrangement, but 11:32:09
I would -- I think it's the Speaker of the House. 11:32:15
Q And that's Speaker Robert Cupp? 11:32:17
A Yes. 11:32:22
Q Are there -- are there other members of staff 11:32:27
who report to Christine Morrison? 11:32:30
A Yes. 11:32:39
Q And who are they? 11:32:39
A I am not aware of the official report tree of 11:32:40
the Ohio House, but I can say that the other senior 11:32:44
staff report to Christine. And I believe that all 11:32:49

1 employees technically report to Christine, but I have 11:32:55
2 not reviewed our rules in some time. 11:33:00
3 Q So by "other senior staff," you mean the other 11:33:03
4 senior staff for the House majority? 11:33:30
5 A I believe all members of the -- all staff of 11:33:13
6 the House technically report to Christine, including 11:33:16
7 minority staff members. 11:33:23
8 Q Okay. Thank you for correcting me on that. 11:33:26
9 And what are your current duties as -- as 11:33:36
10 director of finance? 11:33:39
11 A So I am the point person for the four 11:33:43
12 operating budgets. I put in place the structures and 11:33:50
13 the management in facilitation of that -- of that 11:33:55
14 process and of the financing of state operations as well 11:34:01
15 as, you know, review our internal budgets and, you know, 11:34:10
16 work on capital infrastructure budgets, the financing of 11:34:14
17 the State of Ohio and its operations. 11:34:22
18 Q Do you have any responsibilities other than 11:34:26
19 those that you just listed? 11:34:28
20 A Officially, I mean, that's -- that's the bulk 11:34:34
21 of it. I take on other projects that are other than the 11:34:41
22 financing legislation I -- I previously mentioned. 11:34:50
23 Q Is one of the other projects you have taken on 11:34:55
24 relating to redistricting efforts during this current 11:34:57
25 redistricting cycle? 11:35:02

A Yes. 11:35:04
Q Could you describe your responsibilities for 11:35:06
that project, please? 11:35:10
A Sure. My -- my responsibility was mostly 11:35:14
the -- the drawing of -- of maps, legislative maps and 11:35:23
plans. 11:35:34
Q And you were involved in -- in drawing, you 11:35:34
know, the maps and redistricting plans that were 11:35:38
proposed to the Ohio Redistricting Commission by the 11:35:43
legislative leaders, correct? 11:35:49
A Yes. 11:35:50
Q And you were involved in drawing the map that 11:35:54
was initially proposed to the Commission on 11:35:57
September 9th? 11:36:03
A Yes. 11:36:03
Q And you were also involved in drawing the -- 11:36:04
the final map that was enacted by the Commission on 11:36:07
September 16th? 11:36:14
A On September 15th, yeah, it was proposed. 11:36:14
Q Right. So you were involved in drawing the 11:36:20
final map that was proposed on September 15th, correct? 11:36:23
A Yes. 11:36:27
Q Okay. Thank you for the clarification. 11:36:27
So how did you become involved, you know, in 11:36:33
the drawing of maps and redistricting plans? 11:36:35

A I was asked to take on that role. 11:36:43
Q And who asked you to take on that role? 11:36:47
A Our Chief of Staff and the Speaker. 11:36:56
Q So both Christine Morrison and Speaker Cupp 11:36:58
asked you to -- to take on these responsibilities 11:37:02
relating to redistricting that we've just discussed, 11:37:06
correct? 11:37:10
A Yes. 11:37:10
Q And then when were you asked -- when were you 11:37:13
first asked to take on these roles? 11:37:18
A Could you clarify if you are asking when I was 11:37:24
first asked to consider this or asked "Will you do it; 11:37:27
yes or no?" 11:37:34
Q Let's go with the first one. When were you 11:37:35
first asked to consider whether you would take on -- 11:37:37
when were you first asked whether you would consider 11:37:41
taking on these responsibilities? 11:37:44
A Earlier -- I would say in March or April of -- 11:37:51
of this year. 11:37:54
Q So March or April of 2021? 11:37:58
A Yes. 11:38:03
Q And what was your answer when you were first 11:38:06
asked to consider in March or April of this year? 11:38:09
A That I would consider it. 11:38:17
Q Okay. And when were you asked more formally 11:38:18

to take on these responsibilities? 11:38:24
A In July of this year. 11:38:26
Q And who was the one that asked you to take on 11:38:31
these responsibilities in July? 11:38:34
A Christine, our Chief of Staff. 11:38:41
Q And what was your answer to Christine? 11:38:45
A Yes. 11:38:50
Q And when -- when did you start work on drawing 11:38:56
maps and redistricting plans? 11:39:00
A Could -- could you specify what exactly that 11:39:04
it is you're asking? The drawing of maps? Is that what 11:39:12
you're asking, when the drawing -- 11:39:18
Q Oh. Thank -- 11:39:18
A -- when the physical drawing of maps begun? 11:39:19
Q Thank you for -- thank you for asking for that 11:39:22
clarification. 11:39:23
So let me ask a different question. When did 11:39:24
you begin the preparation process for drawing maps? 11:39:28
A The end of -- the very end of July, yeah. 11:39:39
Q And what directions were you given about -- 11:39:52
about the work that was requested of you relating to 11:39:57
drawing maps? 11:40:02
A To find a location to draw maps. 11:40:07
Q And did you indeed find a location? 11:40:20
A Yes. 11:40:25

Q Was that in the offices of the Bureau -- of 11:40:26
the Ohio Bureau of Workers' Compensation? 11:40:31
A In the William Green Building. We do not 11:40:35
occupy office space that is -- that is utilized by 11:40:40
the -- the Bureau of Workers' Compensation, but it is in 11:40:47
the William Green Building. 11:40:51
Q Okay. William Green Building which is also 11:40:52
occupied by the Bureau of Workers' Compensation, 11:40:55
correct? 11:41:00
A In part, yes. 11:41:00
Q Okay. And what were -- what directions were 11:41:05
you given after you found a location in which to draw 11:41:07
maps? 11:41:13
A To -- to first obtain the hardware necessary 11:41:14
to draw maps. 11:41:22
Q And what directions were you given after you 11:41:27
had obtained the -- the hardware necessary to draw maps? 11:41:30
A To then obtain the software necessary to draw 11:41:33
maps. 11:41:38
Q And what software did you end up obtaining to 11:41:40
draw maps? 11:41:43
A Maptitude for Redistricting 2020. Let's see. 11:41:45
I think it's 2020, yeah. 11:41:51
Q Is it okay if we just refer to Maptitude for 11:41:59
Redistricting 2020 as Map -- Maptitude for the rest of 11:41:47

this deposition? 11:42:08
A Yes. 11:42:08
Q And after you obtained Maptitude, what -- what 11:42:09
directions were -- were you given? 11:42:12
A To set up the hardware and to also set up 11:42:17
Maptitude. 11:42:25
Q So after the hardware and the software was set 11:42:27
up for drawing maps, what directions were you given? 11:42:29
A To become familiar with the software. 11:42:38
Q Were you familiar with -- sorry. Let me ask 11:42:42
a -- let me back up one step. 11:42:46
Had you had any experience with drawing maps 11:42:49
prior to being asked to work on this in July 2021? 11:42:53
A I have not drawn legislative maps previously, 11:43:01
no. 11:43:05
Q And you didn't have previous familiarity with 11:43:07
Maptitude for Redistricting 2020 or any other previous 11:43:12
versions of Maptitude? 11:43:19
A Correct. 11:43:21
Q Okay. And did you -- did you indeed receive 11:43:26
instruction or training about the use of Maptitude? 11:43:28
A I received instruction to get familiar with 11:43:37
Maptitude. 11:43:41
Q Yeah. And how did you become familiar with 11:43:41
Maptitude? 11:43:44

A I took a self-course with ten-year-old 11:43:46
redistricting and census data. Specifically population 11:43:54
data. 11:44:04
Q Did you receive any other training other than 11:44:04
the self-course? 11:44:06
A Other than reviewing map -- publicly available 11:44:14
Maptitude tutorials and written guidance of Maptitude, 11:44:17
no. 11:44:24
Q So you didn't receive any -- you didn't attend 11:44:26
any training courses or receive any training other than 11:44:29
the -- the self-course that you took, correct? 11:44:33
A That's correct. 11:44:39
Q And did you provide updates -- sorry. Let 11:44:45
me -- let me actually take one step back as well. 11:44:52
After you became familiar with the use of 11:44:55
Maptitude, did you indeed begin drawing maps using 11:44:58
Maptitude? 11:45:03
A No. I worked to understand the layers, worked 11:45:06
to understand the technicalities of the software. I did 11:45:15
not start drawing plans with ten-year-old data. I more 11:45:21
so, you know, click -- clicked on the various layers and 11:45:28
got acquainted that way. 11:45:34
Q When did you first start drawing maps on -- in 11:45:38
Maptitude? 11:45:42
A Could you clarify your question? Are you 11:45:47

asking about complete maps? 11:45:50
Q When did you start the map drawing process? 11:45:54
So not -- not complete. When did you start drawing maps 11:45:57
more generally in Maptitude? 11:46:01
A I would say sometime in August after we 11:46:07
received the necessary data. 11:46:13
Q And do you mean sometime in August when you 11:46:18
received the national census data? 11:46:21
A Correct. 11:46:25
Q Were you given directions about how to draw 11:46:29
maps after you had the census data? 11:46:33
A I was -- as it relates to drawing maps, I was 11:46:44
instructed to comply with the mandatory sections of 11:46:48
Article XI. 11:46:52
Q And who -- who instructed you to comply with 11:47:00
the mandatory sections of Article XI? 11:47:04
A The Speaker of the Ohio House. 11:47:08
Q Okay. So when you began to -- when you 11:47:15
began -- when you first began to draw maps, Speaker Cupp 11:47:17
instructed you to comply with the mandatory sections of 11:47:23
Article XI; is that correct? 11:47:27
A Yes. 11:47:29
Q And by Article XI, just to clarify for the 11:47:35
record, we mean Article XI of the Ohio State 11:47:35
Constitution, correct? 11:47:40

A Yes. 11:47:41
Q Did Speaker Cupp specify what those mandatory 11:47:43
sections were? 11:47:49
A I don't recall him specifically listing the 11:47:50
sections, no. 11:47:53
Q So he generally just instructed you to comply 11:47:57
with the mandatory sections of the Ohio State -- of 11:48:02
Article XI of the Ohio State Constitution without 11:48:05
specifying specific sections of Article XI, correct? 11:48:10
A Initially, yes. 11:48:16
Q Did he specify which sections they were later 11:48:17
on? 11:48:21
A Yes. 11:48:21
Q And what did he specify -- which sections did 11:48:22
he specify later on? 11:48:25
A Article XI, Sections 2, 3, 4, 5 and 7. 11:48:28
Q And when did Speaker Cupp specify those 11:48:41
sections for you? 11:48:45
A I don't recall the exact date. 11:48:49
Q Was it sometime in August? 11:48:55
A Yes. 11:48:59
Q So it was before you presented -- or it was 11:49:01
before a map had been proposed to the Commission on 11:49:05
September 9th, correct? 11:49:10
A Yes. 11:49:11

Q Did Speaker Cupp give you any other directions 11:49:17
regarding drawing of maps other than to comply with 11:49:22
Article XI? 11:49:30
A As it relates to which map? Could you 11:49:32
clarify? 11:49:38
Q Sure. Let's start with -- let's start with 11:49:40
the House districts, the Ohio House districts. 11:49:42
A Could you clarify the 9/9 map? Or the 9/15 11:49:51
map? 11:49:58
Q Thank you for that. 11:49:59
So let's start with the 9/9 map. So as you 11:50:00
were starting the process for drawing the map that would 11:50:05
end up being proposed on September 9th, what other 11:50:07
directions did you get from Speaker Cupp other than to 11:50:10
comply with Section 11 -- or than to comply with 11:50:15
Article XI? 11:50:22
A Well, I was instructed to put the city of 11:50:22
Cincinnati in the minimum amount of House districts per 11:50:28
the -- per the ratio. So the population of Cincinnati 11:50:34
divided by one ratio of representation for a House 11:50:41
district. 11:50:45
Q And that -- that instruction came from Speaker 11:50:49
Cupp? 11:50:55
A Yes. It's something we had seen in the 11:50:56
proposed -- Democrat proposed map that he instructed me 11:50:59

to put into that proposed map. 11:51:09
Q So this was an instruction that you received 11:51:13
after the proposed Democrat map was available, correct? 11:51:16
A Yes. 11:51:23
Q So it was sometime after September 1st, 11:51:29
correct? 11:51:39
A That's -- that sound -- yes. Yes. 11:51:39
Q Were there any other directions that you 11:51:42
received from Speaker Cupp? 11:51:45
A That's -- that's what I recall from the 11:51:55
initial 9/9 map. 11:51:59
Q So as you were drawing maps relating -- or as 11:52:02
you were drawing maps that would end up being the map 11:52:07
proposed on September 9th, did anyone else give you 11:52:11
instructions other than Speaker Cupp? 11:52:14
A No. 11:52:19
Q As you were drawing the map that would end up 11:52:32
being proposed on September 9th, did you report your 11:52:36
progress to anyone? 11:52:40
A Yes. 11:52:44
Q And who did you report your progress to? 11:52:46
A To the Speaker of the Ohio House. 11:52:50
Q Did you report your progress to anyone other 11:52:55
than Speaker Cupp? 11:52:58
A The -- it was -- I reported to -- I reported 11:53:05

1 progress to the Speaker. In some scenarios, our Chief 11:53:12
2 of Staff was physically there as I was delivering the 11:53:19
3 message to the Speaker of the Ohio House. 11:53:25
4 Q Was anyone else present at these times when 11:53:28
5 you were delivering updates to the -- to the Speaker? 11:53:35
6 A There were occasions when there were others 11:53:42
7 physically there as I was delivering that message. 11:53:46
8 Q And who were these others that were physically 11:53:52
9 present? 11:53:54
10 A In some cases, it was Paul Disantis, Phil 11:53:54
11 Strach, Tom Farr, Ray DiRossi, president of the Ohio 11:54:05
12 Senate, John Barron, and Frank Strigari. 11:54:19
13 Q Thank you for listing those out. 11:54:30
14 Do you recall anyone else being present? 11:54:32
15 A No. 11:54:34
16 Q And when you were providing updates on your 11:54:42
17 progress, what were the different methods that you used 11:54:46
18 to -- to update the Speaker? 11:54:48
19 A I'm sorry. Could you restate that? There was 11:54:51
20 a lag at the end. 11:54:54
21 Q Sure. When you were providing updates on your 11:54:55
22 progress, what were the different methods that you used 11:54:58
23 to update the Speaker? 11:55:02
24 A Well, we were physically -- in most cases, 11:55:08
25 physically in the same room, and I would oftentimes show 11:55:13

him things directly on Maptitude. 11:55:18
Q So you gave updates in person. Were there -- 11:55:23
were there any updates that you gave over e-mail? 11:55:30
A Not that I recall, no. 11:55:35
Q Were there any updates that you gave the 11:55:38
Speaker over text message? 11:55:41
A Not that I recall. 11:55:43
Q And you mentioned sometimes you would give 11:55:47
updates, you know, as he could see your Maptitude 11:55:49
computer screen, correct? 11:55:55
A Yes. 11:55:57
Q So would that be in the office space in the 11:56:01
Green Building that we mentioned earlier? 11:56:05
A Yes. 11:56:08
Q So just regarding the -- the 9/9 map, when -- 11:56:22
when did you provide updates to Speaker Cupp about the 11:56:27
map that would end up being proposed on September 9th? 11:56:31
A Generally, you know, probably -- the first 11:56:39
in -- the first week of September into the second week 11:56:46
of September. 11:56:51
Q So throughout the -- the entire period from 11:56:53
September 1st to September 9th? 11:56:57
A I wouldn't say the entire period. You know, 11:57:00
we were working around the clock to try to -- to get 11:57:05
something prepared. I wouldn't say that we had 11:57:11

1 something -- I wouldn't say that on September 1st, I had 11:57:16
2 something tangible to -- to share. I would just say 11:57:21
3 that generally, through the first week into the second 11:57:25
4 week, in that time frame is when I started having 11:57:29
5 something to share. 11:57:32
6 Q Thank you. 11:57:35
7 So now I want to ask about your work between 11:57:37
8 September 9th and September 15th in drawing maps. 11:57:43
9 What -- what directions did you receive regarding the 11:57:48
10 drawing of maps after September 9th? 11:57:53
11 A To comply with all mandatory sections of 11:57:58
12 Article XI. 11:58:02
13 Q Any other instructions? 11:58:04
14 A To -- there were some -- in -- in the 11:58:14
15 Speaker's endeavor to achieve a ten-year map, he did 11:58:20
16 instruct me to take some of the concepts that was in 11:58:25
17 the -- that was in subsequently submitted Democrat maps. 11:58:30
18 Q Do you recall what any of those concepts were? 11:58:41
19 A Yes. 11:58:43
20 Q And what -- what concepts did you adapt into 11:58:44
21 your map that you were drawing based on this 11:58:49
22 instruction? 11:58:53
23 A Sure. So the instruction that I received from 11:58:55
24 the Speaker, in his endeavor to a ten-year map, was to 11:59:00
25 take the concept in Trumbull County -- for the House 11:59:06

1 district in Trumbull County where the Democrats paired 11:59:13
2 in proposals that were sent Warren with Niles and 11:59:21
3 Girard. That was a concept. 11:59:27
4 Q Any other concepts that you incorporated into 11:59:32
5 the maps you were drawing? 11:59:34
6 A Sure. We maintained Cincinnati in three -- in 11:59:37
7 three House districts, which was a -- a concept that the 11:59:44
8 Democrats cared about. We made some adjustments in 11:59:49
9 Summit County by having Akron be in three House 11:59:56
10 districts and would create a second Democrat-leaning 12:00:03
11 House district. 12:00:11
12 We took the Democrat concept in Montgomery 12:00:13
13 County that put Dayton in two House districts instead 12:00:25
14 of, you know, more than two, which two is the ratio for 12:00:34
15 Dayton, and also kept Dayton wholly contained -- by the 12:00:37
16 way, when I say "Dayton" and "Cincinnati," I mean 12:00:42
17 contiguous portions of Dayton and Cincinnati, for the 12:00:46
18 record. So continuous contiguous portions of Dayton 12:00:52
19 wholly in one Senate district. 12:00:58
20 In Portage County, we took a -- a Democrat 12:01:02
21 concept by placing Ravenna and Kent in one House 12:01:09
22 district. 12:01:17
23 The 23rd House district was a 12:01:21
24 Republican-leaning House district in the 9/9 map. We 12:01:29
25 made some adjustments to that district, concepts similar 12:01:34

1 to the Democrat map that made that district a 12:01:40
2 Democrat-leaning district. And we heard from the 12:01:45
3 public, frankly, on -- in -- in Cuyahoga County. 12:01:48
4 Instead of having, you know, west to east House 12:01:54
5 districts, we had more traditional west side Cleveland 12:01:58
6 districts and east side Cleveland districts, which was 12:02:05
7 something we took from -- from public testimony. 12:02:11
8 Q So these instructions to incorporate concepts 12:02:14
9 from other proposed maps, did you receive them from 12:02:17
10 Speaker Cupp? 12:02:21
11 A Yes. 12:02:22
12 Q In the period between September 9th and 12:02:23
13 September 15th, did you receive instructions regarding 12:02:27
14 your drawing of maps from anyone other than Speaker 12:02:29
15 Cupp? 12:02:32
16 A No. 12:02:34
17 Q Okay. So I'm going to ask a couple questions 12:02:44
18 to just help me visualize, you know, what you're seeing 12:02:47
19 on the computer screen on Maptitude when you're drawing 12:02:52
20 the maps. You know, does -- does Maptitude display data 12:02:55
21 about specific districts as -- as you're starting to 12:02:58
22 draw maps? 12:03:04
23 A Could you rephrase or re -- could you clarify 12:03:08
24 something for me? Are you saying physically are on the 12:03:12
25 map or, generally, does Maptitude provide data 12:03:19

through -- 12:03:26
Q Generally. 12:03:26
A -- the software? 12:03:26
Q Thank you. 12:03:27
Generally, does Maptitude have data available 12:03:29
about the districts as you're drawing the maps? 12:03:31
A Could you say -- could you say that again? 12:03:35
There was a lag again in the middle of your sentence. 12:03:38
Q Sure. 12:03:43
A Sorry. 12:03:43
Q Generally, does Maptitude have data available 12:03:43
about the districts as you're drawing the maps? 12:03:46
A Yes. 12:03:51
Q And just to help me visualize, how is that 12:03:52
data provided by Maptitude? How is it displayed by 12:03:57
Maptitude? 12:04:02
A So Maptitude has the -- what I'll call a 12:04:05
Dataview, which is separate from what I -- I will call 12:04:16
the actual electronic canvas of the counties and the 12:04:23
geography of the state. 12:04:27
Q Thank you. And I -- I didn't know the word 12:04:29
for it, but I appreciate you letting me know, you know, 12:04:31
it -- you -- you refer to it as the Dataview. What data 12:04:35
is provided in the Dataview on Maptitude? 12:04:38
A When we received Maptitude? 12:04:46

Q As you were drawing maps that would end up 12:04:52
being proposed on September 9th, what data was available 12:04:56
in Dataview on Maptitude? 12:05:02
A Population data, district numbers, deviation 12:05:06
percentages, and certain political data. 12:05:16
Q What was the certain political data that was 12:05:26
available? 12:05:29
A We used, in our pursuit -- well, in the 12:05:32
Commission's pursuit for a ten-year map, we used, 12:05:38
particularly, in negotiations, 2016, 2018, and 2020 12:05:42
political data. 12:05:49
Q And by 2016, 2018, 2020 political data, are 12:05:50
you referring to election results data from 2016, 2018, 12:05:54
and 2020? 12:05:59
A Yes. 12:06:03
Q And how was that data presented in the -- the 12:06:05
Dataview? Was it in the form of a political scoring? 12:06:10
Was it in the form of percentage Democrat, percentage 12:06:13
Republican? You know, let me know what you -- you know, 12:06:17
just help me understand what you see on -- on the 12:06:20
Dataview. 12:06:23
A Sure. It's a -- it's a percentage of 12:06:25
Republican and a percentage Democrat. 12:06:28
Q Okay. So as you were drawing the map that 12:06:35
would be proposed to the Commission on September 9th, 12:06:39

1 you know, for each district, you could see, in the 12:06:43
2 Dataview, the percentage of Republican and a percentage 12:06:46
3 for Democrat, correct? 12:06:49
4 A Yes. 12:06:55
5 Q And if you change the boundaries of a 12:06:57
6 district, would those percentages change? 12:07:00
7 A That's speculation. I -- not -- not always 12:07:08
8 does it change. I -- it doesn't always change. 12:07:11
9 Q But it could -- it could change if you changed 12:07:22
10 the boundaries of the district, correct? 12:07:24
11 A It could, yes. 12:07:27
12 Q Other than this percentage value that's given 12:07:31
13 in the Dataview, was the politic -- was there any other 12:07:36
14 political data that was provided by Maptitude in the 12:07:40
15 Dataview? 12:07:44
16 A So to clarify, the -- the data that was 12:07:45
17 provided by Maptitude was -- was not -- did not include 12:07:53
18 '16, '18, and '20. 12:08:01
19 Q Understood. 12:08:06
20 So for the data that was displayed in the 12:08:07
21 Dataview in Maptitude, you know, was there any other 12:08:12
22 political data displayed other than this percentage of 12:08:15
23 Republicans, percentage Democrats that you just 12:08:18
24 mentioned? 12:08:21
25 A No. The display was -- was percentage 12:08:22

Republican and percentage Democrat. 12:08:24
Q Okay. When -- when you were providing updates 12:08:29
to Speaker Cupp and he could see your Maptitude screen, 12:08:34
would the Dataview also be present on your screen? 12:08:38
A It would not be present on this -- the same 12:08:42
screen as -- as the canvas, as I'll call it, which is 12:08:46
what I would reference and point to when instructing -- 12:08:53
not instructing -- updating the Speaker. 12:09:00
Q So did you have multiple display monitors; one 12:09:03
with the electronic canvas and one with the Dataview? 12:09:09
A Yes. 12:09:13
Q And you would point to the monitor that had 12:09:13
the electronic canvas when Speaker -- when you were 12:09:17
giving updates to Speaker Cupp, correct? 12:09:21
A Yes. 12:09:24
Q But there would also be the second screen with 12:09:26
the Dataview, you know, that was in -- that was right 12:09:29
next to the -- the monitor that had the electronic 12:09:32
canvas, correct? 12:09:35
A That did exist, yes. But I -- I don't recall 12:09:42
really utilizing that. I was more focused on the 12:09:45
geography on the canvas monitor. 12:09:49
Q Okay. Just so I have it clear, you have the 12:09:51
two monitors, one with the canvas, one with the Dataview 12:09:54
next to each other, but you were pointing to the 12:09:58

electronic canvas for Speaker Cupp, correct? 12:10:02
A Yes. And I'll also add that the Dataview is 12:10:05
not an easy thing to follow. So without specifically 12:10:08
targeting specific cells in the Dataview, you know, it's 12:10:12
not really something you can look at from 3, 4 feet away 12:10:16
and understand what's actually in there, just for the 12:10:21
record. 12:10:25
Q Thank you. 12:10:25
In using this, you know, political data with 12:10:28
the percentage Republican, percentage Democrat, you 12:10:30
could determine -- so let's say for a full map of 99 12:10:34
House districts, you could determine how many of those 12:10:39
House districts were Republican favoring and how many 12:10:42
were Democrat favoring, correct? 12:10:48
A Could you state the question again? There was 12:10:51
a lag at the beginning of your question. 12:10:55
Q Sure. So for a full Ohio House map of 99 12:10:57
House districts, using the political data that we just 12:11:06
discussed, you could determine how many of those House 12:11:09
districts were Republican favoring and how many of those 12:11:12
House districts were Democrat favoring, correct? 12:11:16
A I -- I don't think that I could look at a 12:11:20
statewide map of 99 House districts and have a specific 12:11:23
inclination on what that index would be or the leanings 12:11:31
of those -- of those districts. I might have an idea, 12:11:33

1 you know, for some, but, you know, without actually 12:11:41
2 having the geography and the -- the data in front of me 12:11:42
3 on Maptitude, I don't know that I would be able to look 12:11:48
4 at said map and make that determination. 12:11:50
5 Q So for the plan that was proposed to the 12:11:56
6 Commission on September 9th, did you make an effort to 12:11:58
7 determine how many of the districts were Republican 12:12:01
8 favoring and how many were Democrat favoring? 12:12:03
9 A So the timeline for the 9/9 map was very 12:12:11
10 tight. We were working on a truncated timeline. And we 12:12:16
11 did not have a complete political analysis that's 12:12:21
12 contemplated, you know, in the -- in the Ohio 12:12:26
13 Constitution Article XI in time for that introduction of 12:12:30
14 that proposed map. 12:12:33
15 Q I think I understand. So when you proposed 12:12:36
16 the 9/9 map, you hadn't had a chance to determine how 12:12:39
17 many of the drawn districts were Republican favoring and 12:12:43
18 how many were Democrat favoring, correct? 12:12:48
19 A That's correct. There was not a complete 12:12:52
20 analysis on -- on that at that time. 12:12:53
21 Q For the -- for the plan that was proposed on 12:12:55
22 September 15th, did you determine how many of the drawn 12:13:00
23 districts were Republican favoring and how many were 12:13:03
24 Democrat favoring? 12:13:06
25 A Yes. 12:13:12

Q And did you provide that -- did you provide 12:13:14
that information to anyone? 12:13:18
A Yes. 12:13:25
Q Who did you provide that information about the 12:13:25
number of Republican-leaning districts and the number of 12:13:27
Democrat-leaning districts to? 12:13:31
A The Speaker of the Ohio House. 12:13:33
Q Did you provide that information to anyone 12:13:36
other than Speaker Cupp? 12:13:38
A I did not provide that to -- that analysis to 12:13:44
anyone else; however, there were some others that were 12:13:50
physically there as I was providing that analysis to the 12:13:53
Speaker. 12:13:56
Q Did Speaker Cupp ask you for that data? 12:13:56
A It was not the -- it was not the data that he 12:14:01
asked for. It was the number of seats that he asked for 12:14:08
as he was -- he and the other members of the Commission 12:14:11
were in pursuit of a ten-year map. 12:14:16
Q So Speaker Cupp asked you for the number of 12:14:19
Republican-favoring seats and the number of 12:14:23
Democrat-favoring seats, correct? 12:14:27
A Yes. 12:14:28
Q Did he also ask you for that information 12:14:29
regarding draft maps that you were working on between 12:14:32
September 9th and September 15th? 12:14:37

A Yes. 12:14:39
Q Did Speaker Cupp tell you why he was asking 12:14:48
for that data other than, you know, generally in the 12:14:50
pursuit of the ten-year map? 12:14:54
A Yes. He was negotiating with the members of 12:14:58
the Commission. And I'll state again, it was -- he was 12:15:01
trying to achieve a ten-year map. And he wanted to 12:15:07
address some of the -- the concepts that the Democrats 12:15:14
were bringing up in that pursuit, which was seats. 12:15:18
Q So other than -- than this Dataview on 12:15:26
Maptitude that we discussed, were there other ways for 12:15:30
you to access political scoring information in -- in 12:15:33
Maptitude? 12:15:37
A No. 12:15:44
Q And does Maptitude have any settings that 12:15:49
allow you to view, you know, whether a -- a district 12:15:53
favors Republicans or favors Democrats by a particular 12:15:58
color on -- on your canvas, electronic canvas? 12:16:03
A It -- it may, but I did not utilize that. 12:16:12
Q So when Speaker Cupp asked you to provide, you 12:16:19
know, a number of seats, you know, during the 12:16:24
negotiation process -- let me -- let me clarify that 12:16:28
question. 12:16:32
During -- when Speaker Cupp asked you to 12:16:33
provide him the number of seats for maps that were 12:16:37

1 Republican favoring and the number that were Democrat 12:16:41
2 favoring, was anyone else present when you were relaying 12:16:44
3 that information? 12:16:48
4 A Yes. 12:16:52
5 Q Who else was present? 12:16:53
6 A That I recall, it would be Paul Disantis, Phil 12:16:57
7 Strach, Tom Farr, and Christine Morrison. 12:17:04
8 Q Was anyone else present any of the times that 12:17:11
9 you relayed this data about political -- the number of 12:17:15
10 seats leaning Republican, the number of seats leaning 12:17:19
11 Democrat to Speaker Cupp? 12:17:27
12 A Yes. 12:17:29
13 Q Who else other than, you know, Paul Disantis, 12:17:29
14 Phil Strach, Tom Farr, and Christine Morrison? Who else 12:17:33
15 was present? 12:17:40
16 A The Speaker, which I said before, but I -- I 12:17:43
17 don't recall if you -- if you mentioned the Speaker also 12:17:48
18 just now. 12:17:51
19 But Ray DiRossi, Senate President Matt 12:17:52
20 Huffman, John Barron, and Frank Strigari. 12:18:00
21 Q Anyone else? 12:18:12
22 A Not that I recall. 12:18:13
23 Q Okay. And you mentioned -- you mentioned 12:18:18
24 this -- this data -- this political scoring data was not 12:18:21
25 provided by Maptitude, correct? 12:18:25

A Yes. 12:18:30
Q And correct me if I'm wrong, but I believe you 12:18:31
mentioned that it was 2016, 2018, and 2020 election 12:18:33
results data that were imported into Maptitude. Is that 12:18:40
correct? 12:18:46
A Yes. 2016, '18, and '20 -- I'm sorry. '16, 12:18:46
'18, and '20 were -- were imported into Maptitude. 12:18:52
Q And what was the source of this -- what was 12:18:55
the source of this political data? 12:18:59
A Well, 2020 came from OU, which is we -- the 12:19:04
State of Ohio contracts with the university for the 12:19:11
purposes of providing occurred. And '18 and '16, we 12:19:15
received the data and geography from the Democrats, 12:19:21
which I believe came from Dave's Redistricting. 12:19:27
Q Did you make the decision that -- that you 12:19:37
would use the 2020 data from OU and the -- the 2016 and 12:19:39
2018 data from Dave's Redistricting? 12:19:45
A No. 12:19:49
Q Who made the decision that you should use that 12:19:50
data and put it into Maptitude? 12:19:53
A The Speaker. 12:19:58
Q So you received instruction from Speaker Cupp 12:20:01
to use the -- the 2016, 2018, and 2020 data that was put 12:20:03
into Maptitude? 12:20:10
A Yes. 12:20:12

Q Were there any other years of election data 12:20:15
that you used in drawing maps? 12:20:21
A There -- there was other election data on the 12:20:29
Dataview. I did not use necessarily all -- I mean, in 12:20:34
drawing maps, I referenced and looked at the Dataview. 12:20:42
But for the purposes of negotiating to a ten-year map, I 12:20:45
think the Commission focused on '16, '18, and '20. 12:20:50
Q What other years' election data did you have 12:20:54
on your Dataview? 12:20:59
A 2012 and 2014. 12:21:00
Q And what was the source of this 2012 and 2014 12:21:03
political data? 12:21:07
A That is -- that is something that -- that Ray 12:21:09
handled. I did not directly handle any of the logistics 12:21:13
of -- of that geography. 12:21:18
Q So from your standpoint, that -- that data 12:21:20
came from Ray? 12:21:22
A Could -- could you say that again? I -- you 12:21:25
were cutting out at the beginning. 12:21:29
Q So from your standpoint, that -- the data for 12:21:31
2012 and 2014 came from Ray DiRossi? 12:21:36
A The files were -- the files were provided to 12:21:40
me from Ray. But I don't think Ray generated the -- the 12:21:47
data or the geography. 12:21:52
Q But you don't know where Ray got that data 12:21:54

from, correct? 12:21:57
A Correct. 12:22:02
Q And you mentioned that you had this 2012 and 12:22:05
2014 data in your Dataview, but you didn't use it during 12:22:09
the negotiations process. Do I have that correct? 12:22:13
A Yes. But, to clarify, it was the Commission 12:22:19
members that were doing the negotiations. The 12:22:23
Commission members were negotiating based on '16, '18, 12:22:28
and '20 data. 12:22:32
Q So prior to the negotiations between 12:22:34
Commission members, was there any point that you did use 12:22:36
the 2012 and 2014 election data when -- when you were 12:22:39
drawing maps? 12:22:44
A I don't -- I don't recall, you know, zeroing 12:22:50
in on -- on that data. It was available on the 12:22:54
Dataview. 12:22:58
Q Was that 2012 and 2014 data available on the 12:23:01
Dataview when -- at any time when Speaker Cupp came to 12:23:06
look at your computer screen? 12:23:12
A Could you ask the question again? There was 12:23:17
another lag in the middle of your sentence. 12:23:20
Q Of course. 12:23:22
Was that 2012 and 2014 data available on your 12:23:23
Dataview at any time when Speaker Cupp was looking at 12:23:28
your computer screen? 12:23:31

A Yes. But, again, our focus in -- in the 12:23:35
updates was on the canvas. 12:23:41
Q Did you ever receive any data regarding the 12:23:44
outcomes of statewide elections in Ohio? 12:23:47
A Yes. 12:23:54
Q And who did you receive that data from? 12:23:55
A So I'll say again, the -- the logistics of 12:24:00
downloading -- receiving and downloading data was done 12:24:06
through -- through Ray. And then -- then I would take 12:24:10
the data and the geography from Ray and input it into 12:24:15
my -- into my Maptitude software. 12:24:20
MR. FU: Okay. Gabriel, can you please put up 12:24:26
tab 15 and mark it as Exhibit 2? 12:24:28
AV TECHNICIAN: Just a moment, please. 12:24:30
(Deposition Exhibit 2 was marked for 12:24:30
identification.) 12:24:53
Q And, Blake, are you familiar with this 12:24:53
document? 12:24:56
A Yes. 12:24:57
Q So for the record, this is a document, you 12:24:58
know, that's been marked as Exhibit 2. 12:25:00
Blake, is this -- is this the statewide 12:25:04
election data that you were just discussing as -- as 12:25:07
having received from Ray? 12:25:10
A No. 12:25:14

Q So Ray provided you with other statewide 12:25:16
election data other than -- than what is shown on this 12:25:20
document? 12:25:22
A Yes. The -- the data that I had referenced 12:25:25
was actually put into Maptitude. This is not what was 12:25:32
necessarily put into Maptitude. 12:25:36
Q Understood. 12:25:39
So Ray also sent you data that could be put 12:25:40
into Maptitude. Did you also receive this -- this 12:25:43
document from Ray that's Exhibit 2? 12:25:47
A I -- yes, I have seen this document. 12:25:55
Q Okay. And just to confirm, you received it 12:26:00
from Ray DiRossi, correct? 12:26:05
A Yes. 12:26:07
MR. FU: Okay. Gabriel, you can take that 12:26:09
down. Thank you. 12:26:13
Q Okay. I just want to ask you a few questions 12:26:15
about Mr. DiRossi now that we're on the topic. 12:26:20
Did you and Mr. DiRossi work together, you 12:26:26
know, to -- to prepare maps to propose to the 12:26:26
Commission? 12:26:32
A Yes. 12:26:32
Q And what was the division of responsibilities 12:26:33
between you and Mr. DiRossi? 12:26:37
A Could you clarify your question? 12:26:42

Q Sure. You know, more generally -- let's start 12:26:46
with the more general question. Did you have a division 12:26:49
of responsibilities between you and Mr. DiRossi for 12:26:53
drawing maps? 12:26:56
A No, I wouldn't -- I wouldn't say we had a 12:27:00
division of responsibilities. 12:27:04
Q So both of you drew both House maps and Senate 12:27:07
maps then, correct? 12:27:11
A Generally, yes. 12:27:14
Q And did you coordinate your work -- sorry. 12:27:22
Strike that question. 12:27:27
What was the -- what was the setup that you 12:27:28
had in the office with computers and maps? Were you in 12:27:32
a workstation in the same room as Mr. DiRossi? 12:27:36
A Yes. 12:27:42
Q So you could just communicate with Dr. DiRossi 12:27:45
directly by speaking as you were working on drawing 12:27:48
maps, correct? 12:27:52
A Yes. 12:27:53
Q When you were working with Mr. DiRossi on 12:27:54
these maps, did you discuss the political data that was 12:27:58
available on the Dataview? 12:28:03
A I -- I don't recall to -- yes, I would say we 12:28:07
did. But I would say most of our conversations were 12:28:14
about geography. 12:28:17

Q Okay. Shifting topics a little bit, did you 12:28:38
ever have direct discussions with -- with Senate 12:28:42
President Matt Huffman about your progress in drawing 12:28:48
maps? 12:28:52
A So I would be -- what I recall is addressing 12:28:57
the Speaker and -- on my progress and that, in some 12:29:03
cases, the Senate President was physically there also. 12:29:09
Q Okay. Got it. So you -- you would directly 12:29:15
address the Speaker in giving these updates, but 12:29:18
sometimes President Huffman was present, correct? 12:29:22
A Yes. 12:29:27
Q Did Mr. DiRossi ever inform you of -- of 12:29:27
feedback about, you know, how to change maps from 12:29:33
President Huffman? 12:29:36
A Not -- not that I recall specifically, no. 12:29:42
Q And did you ever receive any directions from 12:29:48
Senate President Huffman about your work in drawing 12:29:53
maps? 12:29:57
A Not that I recall, no. 12:30:01
Q As you were drawing the maps both for, you 12:30:05
know, the proposed map on 9/9 and 9/16, did you ever 12:30:09
discuss your work on that with Auditor Keith Faber? 12:30:14
A No. 12:30:22
Q Did you ever discuss with any of Auditor 12:30:23
Faber's staffers? 12:30:30

A No. 12:30:32
Q Similar questions. When you were preparing 12:30:32
maps, did you ever discuss your work with Secretary 12:30:35
LaRose? 12:30:43
A No. 12:30:44
Q Did you ever discuss with any of Secretary 12:30:44
Frank LaRose's staffers? 12:30:48
A No. 12:30:51
Q When you were working on the maps, did you 12:30:52
ever discuss with Governor Mike DeWine? 12:30:54
A No. 12:31:02
Q Did you ever discuss with any of Governor 12:31:02
DeWine's staffers? 12:31:07
A No. 12:31:08
Q When you were working on the maps, did you 12:31:14
ever discuss your work with Senator Vernon Sykes? 12:31:16
A No. 12:31:27
Q Did you ever discuss with any of Senator 12:31:27
Sykes's staffers? 12:31:32
A No. 12:31:36
Q Did you ever -- when you were working on these 12:31:36
maps, did you ever discuss any of your work with Leader 12:31:38
Amelia Sykes? 12:31:41
A No. 12:31:41
Q Did you ever discuss with any of Leader 12:31:42

1 Sykes's staffers? 12:31:45
2 A Not directly, no. 12:31:49
3 Q Did you have indirect discussion with Leader 12:31:55
4 Sykes's staffers? 12:32:01
5 A I received inquiries from Leader Sykes's staff 12:32:04
6 indirectly. 12:32:13
7 Q Who did you receive those inquiries from? 12:32:13
8 A I received them from Paul Disantis. 12:32:17
9 Q And did you respond to those inquiries? 12:32:22
10 A No. 12:32:26
11 Q Were you ever invited to participate in 12:32:30
12 conversations with staffers for either Senator Sykes or 12:32:33
13 Leader Sykes? 12:32:40
14 A No. 12:32:41
15 And if I could clarify the previous question, 12:32:43
16 the reason why I didn't respond was because I received 12:32:46
17 the inquiry minutes before the Commission was -- was to 12:32:49
18 convene on the 15th. We -- Paul received a inquiry from 12:32:58
19 Leader Sykes's staff minutes before the Commission was 12:33:04
20 to convene. Just to clarify for the record. 12:33:09
21 Q Okay. Thank you. 12:33:11
22 Were you ever invited to participate in 12:33:18
23 conversations with staffers for any member of the 12:33:21
24 Commission other than in conversations with Ray DiRossi? 12:33:24
25 A Could you clarify the timeline? Are we still 12:33:32

1 talking between 9 and -- 9/9 and 9/15? 12:33:37
2 Q Correct. 12:33:42
3 A No. 12:33:45
4 Q Before September 9th, were you invited to 12:33:47
5 participate in conversations with staffers for any 12:33:52
6 members of the Commission other than Dr. DiRossi? 12:33:55
7 A Not -- not specific to staffers, no. 12:34:00
8 MR. FU: Okay. Gabriel, can you please pull 12:34:19
9 up tab 8? 12:34:21
10 AV TECHNICIAN: Just a moment, please. 12:34:26
11 (Deposition Exhibit 3 was marked for 12:34:26
12 identification.) 12:34:32
13 Q And, Blake, just so you know, there's going to 12:34:32
14 be a break soon. So I know we've been going for a 12:34:35
15 while. 12:34:39
16 MR. FU: Gabriel, can you go to the top -- the 12:34:44
17 very top of this document. 12:34:46
18 Q Okay. Are you familiar with this Article XI, 12:34:49
19 Section 8(C)(2) statement? 12:34:54
20 A Correct. 12:34:56
21 Q And this is the -- the statement that was 12:34:56
22 issued by -- by the Commission pursuant to Article XI, 12:35:01
23 Section 8(C)(2), correct? 12:35:05
24 A Yes. 12:35:07
25 Q Did you have any role in the preparation of 12:35:09

this statement? 12:35:12
A No. 12:35:15
Q So you did not draft any portion of this -- 12:35:18
this statement? 12:35:21
A No. 12:35:23
Q Were you asked by anyone to provide any input 12:35:24
in -- in the preparation of this statement? 12:35:27
A Not that I recall. 12:35:33
Q Did you see this statement prior to it being 12:35:35
issued? 12:35:38
A Yes. 12:35:41
Q When did you see this statement prior to its 12:35:42
issuance? 12:35:45
A It was on the 5th -- it was on the 15th. I 12:35:48
don't recall exactly other than that. 12:35:52
Q And were there any changes made to the 12:35:54
statement between when -- when you first saw it and when 12:35:57
it issued? 12:36:00
A Not that I recall. 12:36:06
Q Okay. Thank you. 12:36:10
MR. FU: Gabriel, you can take that down. 12:36:11
And, Blake, if it's all right with you, I'd 12:36:13
like to take a break. 12:36:16
MR. STRACH: How long do you want to take, 12:36:19
Yale? 12:36:22

1 MR. FU: Can we just come back here at 3:45 12:36:22
2 Eastern? 12:36:26
3 MR. STRACH: Okay. Let me just note, I think 12:36:29
4 we've been sort of on the record for about an hour and 12:36:31
5 35 minutes, and we've agreed to a two-hour deposition. 12:36:37
6 So I'm just going to track that time, if that's okay. 12:36:40
7 MR. FU: Understood. 12:36:43
8 MR. STRACH: Okay. That's fine. 12:36:45
9 THE VIDEOGRAPHER: Please stand by. 12:36:45
10 MR. STRACH: We'll come back at 3:45. 12:36:46
11 THE VIDEOGRAPHER: The time is 12:36 p.m. We 12:36:50
12 are going off the record. 12:36:52
13 We are off the record. 12:36:54
14 (A recess ensued from 12:36 p.m. to 12:36:55
15 12:45 p.m.) 12:45:42
16 THE VIDEOGRAPHER: The time is 12:45 p.m. We 12:45:43
17 are now back on the record. 12:45:46
18 MR. FU: All right. No more questions from 12:45:47
19 me, Blake. Thank you so much for your time. And I'll 12:45:50
20 cede the rest of the -- the remaining time to counsel 12:45:56
21 for the other relators in the case. Thanks again. 12:46:00
22 THE WITNESS: Okay. Thank you. 12:46:01
23 MR. STRACH: See if anybody else has any 12:46:04
24 questions. 12:46:06
25 MR. FU: Does anyone else have any questions? 12:46:06

1 EXAMINATION 12:46:06
2 BY MR. McTIGUE: 12:46:06
3 Q This is Don McTigue. I have just a few 12:46:09
4 questions, Mr. Springhetti. 12:46:12
5 Article XI on the Constitution of 12:46:19
6 Redistricting, it also has a Section 6. Have you read 12:46:22
7 Section 6? 12:46:26
8 A Yes. 12:46:27
9 Q Okay. Now, did you ever have any 12:46:27
10 conversations with Speaker Cupp about Section 6 in 12:46:35
11 connection with the drawing of the maps for this current 12:46:42
12 cycle? 12:46:47
13 A Yes. 12:46:52
14 Q Okay. And what was said during those 12:46:53
15 conversations? 12:47:01
16 A What I recall is discussing the relevant 12:47:05
17 elections. 12:47:09
18 Q The relevant elections being what? 12:47:12
19 A What they are. 12:47:16
20 Q Okay. Could you -- you mean by year? 12:47:22
21 Election -- certain years of elections or elections 12:47:27
22 being statewide versus local? What was discussed? 12:47:30
23 A Yes. Statewide elections and which elections 12:47:34
24 specifically are contemplated in that section. 12:47:41
25 Q I see. And what was it that Speaker Cupp said 12:47:44

1 was contemplated in terms of those elections by that 12:47:50
2 section? 12:47:55
3 A Could you restate the question? There was a 12:47:57
4 lag in the middle to late part of your question. 12:48:00
5 Q Sure. So what -- what elections were 12:48:03
6 specified by Speaker Cupp as being relevant to 12:48:10
7 Section 6? 12:48:17
8 A The statewide elections from 2012 to 2020. 12:48:21
9 Q Okay. Did you ever have any conversations 12:48:29
10 with Speaker Cupp about any attempt to comply with 12:48:34
11 Section 6? 12:48:41
12 A Yes. 12:48:47
13 Q Okay. And what was that conversation? 12:48:48
14 A In the Speaker and the Commission's pursuit of 12:48:54
15 a ten-year map, the instructions that I mentioned 12:49:01
16 previously as it relates to drawing House districts was 12:49:05
17 a lot of that discussion. 12:49:08
18 Q I'm sorry. I'm not quite following that 12:49:14
19 answer. Specifically, what did Speaker Cupp say about 12:49:17
20 Section 6? 12:49:24
21 A Okay. Thank you for the clarification. 12:49:27
22 As it relates to what he said about Section 6, 12:49:31
23 I would reference the Section 8 statement that was 12:49:35
24 approved by the Commission. 12:49:43
25 Q Okay. Did you ever have any conversation with 12:49:45

1 Speaker Cupp about the meaning of the word "attempt" as 12:49:51
2 used in Section 6? 12:49:55
3 A I would again reference the Section 8 12:49:59
4 statement as it was approved by the Commission. 12:50:05
5 Q Okay. But my question is whether you had a 12:50:09
6 conversation with Speaker Cupp about that. I mean, we 12:50:11
7 can read the statement. 12:50:16
8 A I did not have a discussion about the term 12:50:20
9 "attempt." 12:50:23
10 Q Okay. Now, did you ever have a conversation 12:50:25
11 with President Huffman regarding the meaning of the word 12:50:31
12 "attempt" as used in Section 6? 12:50:39
13 A Not that I recall. 12:50:41
14 Q Did you ever have a conversation with 12:50:46
15 Mr. DiRossi regarding the meaning of the word "attempt" 12:50:50
16 as used in Section 6? 12:50:53
17 A Not that I recall. 12:50:57
18 Q And in drawing the maps -- as I understood 12:51:02
19 your earlier testimony, in drawing the maps -- 12:51:06
20 Sorry about that. My dog. You -- he's been 12:51:11
21 so good just till now. 12:51:16
22 You did not make any attempt to factor in 12:51:20
23 Section 6 in the maps you drew, correct? 12:51:24
24 A I would again reference the Section 8 12:51:28
25 statement that was approved by the Commission in its 12:51:34

1 attempt to comply with Section 6. 12:51:37
2 Q Did -- did you have conversations with anyone 12:51:47
3 else other than the individuals I've already asked you 12:51:52
4 about regarding the requirements of Section 6? 12:51:55
5 A Not that I recall, no. 12:52:06
6 MR. McTIGUE: Okay. I have no further 12:52:15
7 questions. Thank you. 12:52:17
8 EXAMINATION 12:52:17
9 BY MS. STEWART: 12:52:17
10 Q I have just a couple more questions, Blake. 12:52:23
11 My name is Danielle Stewart. It's been a long time 12:52:28
12 since we've been introduced at the beginning of this. 12:52:31
13 So I appreciate your time. 12:52:35
14 I think you stated earlier that you received 12:52:36
15 the census data in August; is that correct? 12:52:38
16 A Yes. 12:52:46
17 Q And I believe you also testified that that was 12:52:46
18 the necessary data you were waiting on to actually start 12:52:47
19 drawing maps; is that correct? 12:52:53
20 A Could -- could you restate the question? 12:52:55
21 There was a -- a lag in the beginning part of your 12:52:57
22 question. 12:52:59
23 Q Sure. I believe you also said that the census 12:53:00
24 data you were waiting on was -- was necessary data, is 12:53:06
25 that correct, for drawing the maps? 12:53:10

A Yes, the census data is what was necessary to 12:53:12
draw maps. Yes. 12:53:16
Q And what -- what part of that data was the 12:53:17
necessary part of that data that was incorporated? 12:53:20
A The population data. 12:53:23
Q And that was included in both the 12:53:25
September 9th and the 15th maps? 12:53:29
A Yes. 2020 census population data was included 12:53:34
in the 9/9 and the 9/15 map, yes. 12:53:38
Q And the census data is -- was the only way you 12:53:43
could get that information? 12:53:48
A Yes. As far as I know, yes. 12:53:53
Q But are you sure about that, or -- or is that 12:53:56
speculation? 12:53:59
A As far as I know, I can only get 2020 census 12:54:03
data from the 2020 census. 12:54:07
Q Okay. Was anyone other -- any of the other 12:54:09
Commissioners invited to look at the map besides 12:54:18
President Huffman or Speaker Cupp as you were drawing 12:54:22
it? 12:54:26
A Could you clarify which map you're 12:54:26
referencing? 12:54:30
Q Sure. We'll start with the September 9th one. 12:54:30
Were any of the other Commissioners invited to view the 12:54:35
map as it was in progress? 12:54:43

A No. Not that I recall, no. 12:54:43
Q And what about after the -- the 9th, in 12:54:45
between the 9th and the 15th? Was any of the other 12:54:47
Commissioners invited to view the map? 12:54:52
A The -- the proposed 9/15 map was actually 12:54:57
shared with members of the Commission. 12:55:03
Q Sorry. Between -- all right. Never mind. 12:55:09
And -- and we've sort of discussed at length 12:55:14
that you reviewed parts of Article XI when drafting the 12:55:18
map. Were there any other sections of the Ohio 12:55:23
Constitution that you referenced when drawing the map? 12:55:27
A I was instructed to look at the mandatory 12:55:33
requirements of -- of Article XI. 12:55:37
Q Okay. So you wouldn't have looked at, like, 12:55:39
Article I of the Ohio Constitution? 12:55:43
A Correct. 12:55:46
Q Did you ever have conversations with any of 12:55:54
the incumbent legislators regarding the map drawing 12:55:57
process besides Speaker Cupp? 12:56:05
A Could you clarify what you mean by "process"? 12:56:06
Q Sure. Prior to September 9, have you had 12:56:08
personal conversations with any incumbent legislators 12:56:16
regarding the map drawing? 12:56:25
A Yes. 12:56:28
Q And who were those individuals? 12:56:29

A We -- myself and the Speaker had conversations 12:56:34
with some incumbent members, as their geography in the 12:56:42
proposed map on the 9th would be significantly 12:56:53
different. And the Speaker wanted to make them aware of 12:56:56
that before the map was -- was rolled out. 12:57:00
Q Understood. 12:57:04
Do you recall who those specific individuals 12:57:06
were? 12:57:08
A I recall -- yeah. I recall some, yes. 12:57:14
Q Who were they? 12:57:18
A Tracy Richardson, Diane Grendell, Cindy 12:57:21
Abrams, and Jon Cross. That's -- that's the 12:57:38
conversations I recall. 12:57:42
Q And did any of those members provide any kind 12:57:43
of feedback on the map? 12:57:48
A Yes. 12:57:51
Q And what was that -- let's start with Tracy 12:57:53
Richardson. What -- did she provide feedback? 12:57:58
A Yes. 12:58:02
Q What was that feedback? 12:58:02
A She did not like the changes. 12:58:06
Q Was -- was her feedback incorporated into the 12:58:10
final version that -- on the September 15th? 12:58:14
A No. 12:58:19
Q What about Diane? Was -- did -- or what 12:58:21

feedback did she provide? 12:58:25
A She did not like the changes. 12:58:28
Q All right. And was anything changed regarding 12:58:31
her district between then and the final version? 12:58:34
A Yes. It became even more Democrat-leaning. 12:58:38
Q And what about Cindy Abrams? What feedback 12:58:42
did she provide? 12:58:49
A She did not like the changes. 12:58:50
Q And was anything changed with regard to her 12:58:52
district in the final version? 12:58:55
A No. 12:59:00
Q And what about Jon Cross? What was the 12:59:01
feedback he provided? 12:59:05
A He did not like the changes. 12:59:07
Q And was his district changed at all in the 12:59:09
final version of the map? 12:59:13
A No. 12:59:15
MS. STEWART: I believe that is all of the 12:59:24
questions I have, so I will cede my time to any of the 12:59:26
other relators if they have questions. 12:59:30
THE WITNESS: So I have -- I have one more -- 12:59:42
one more clarifying thing. 12:59:43
MR. STRACH: Okay. All right. 12:59:47
THE WITNESS: There were -- I just remembered 12:59:48
one other discussion that I had on -- as far as 12:59:49

1 incumbents. They -- they did not like the changes. So 12:59:52
2 just wanted to clarify that. 13:00:03
3 Q I appreciate it. I actually have one 13:00:06
4 additional question. 13:00:09
5 I believe you had said you didn't personally 13:00:11
6 really use the 2012 and 2014 data that was in the 13:00:14
7 system. Was that correct? 13:00:18
8 A The -- the '12 and '14 data did not come 13:00:20
9 with -- with Maptitude. 13:00:25
10 Q Right. Sorry. But when -- when it was added 13:00:27
11 to the system, I believe you testified when you were 13:00:31
12 looking at the data screen, that the 2012 and 2014 data 13:00:34
13 wasn't something you paid attention to. Was that 13:00:39
14 correct? 13:00:42
15 A It's something that I paid attention to, but 13:00:43
16 it was not the -- the years that were being negotiated 13:00:47
17 amongst the Commission members. 13:00:52
18 Q Okay. But you did look at those years when 13:00:54
19 you looked at some of the Article VI conversations that 13:00:57
20 you were having with Cupp; is that correct? 13:01:02
21 A I -- I don't recall referencing just -- just 13:01:09
22 '12 and '14 in those discussions. 13:01:13
23 Q Sorry. Let me clarify. The 2012, 2014, 2016, 13:01:20
24 2018, and 2020 were among those -- the datasets that you 13:01:26
25 had conversations with Cupp about? 13:01:32

A Yes. We had discussions about the -- as I 13:01:36
mentioned, the relevant races, yes. 13:01:40
MS. STEWART: That's it. Thank you. 13:01:46
FURTHER EXAMINATION 13:01:46
BY MR. McTIGUE: 13:01:46
Q And this is Don McTigue. I do have a 13:01:53
follow-up question as well. 13:01:57
Regarding the data you used in drawing the 13:02:00
September 9th map, you mentioned, you know, election 13:02:03
data that you imported. Was that -- and you mentioned 13:02:06
how, on the screen, it would show the percentage 13:02:14
Democrat, percentage Republican. Is the data the number 13:02:17
of votes received by Democrat candidate for House, 13:02:23
Democrat candidate for statewide, or, you know, what did 13:02:27
this percentage represent? 13:02:31
A It would be a -- the result, the percentage 13:02:35
result, not votes cast. 13:02:39
Q Okay. So when we say, like, "percentage 13:02:47
result," that would mean -- well, you're looking at this 13:02:50
data -- let me -- let me start that question over. 13:02:56
You're looking at this data based on a 13:03:00
legislative district line or potential line, right? And 13:03:03
it's giving you percentages of Democrat and Republican 13:03:09
based on hypothetical lines. So you don't -- so -- so 13:03:12
you would -- basically, would generate who would have 13:03:20

1 won the election if the election had been just within 13:03:24
2 that district under -- you know, under those 13:03:28
3 hypothetical lines? 13:03:33
4 A I -- I wouldn't say that it would show who 13:03:38
5 would have won the -- the legislative race. 13:03:42
6 Q Okay. You only looked at, though -- that -- 13:03:52
7 or that data was only the data on election results for 13:03:54
8 legislative races, correct? Not statewide? 13:04:01
9 A No. Your -- no. Your -- your question was of 13:04:06
10 the proposed lines, who would have won the races, that 13:04:11
11 race? And I would say that just because of the lines, I 13:04:18
12 would not say that -- that the percentages would 13:04:21
13 indicate who would win that legislative race. The data 13:04:24
14 we used -- 13:04:31
15 Q I -- I understand. 13:04:28
16 A -- was -- was statewide data. 13:04:29
17 Q Okay. When you say "statewide," you're just 13:04:33
18 talking about statewide races or just data from across 13:04:36
19 the state on legislators? 13:04:46
20 A Sure. The -- the statewide -- the relevant 13:04:47
21 statewide races contemplated in Section 6 was the data. 13:04:51
22 Q Okay. 13:04:51
23 A I was just clarifying that the percentages 13:04:56
24 doesn't necessarily mean someone or party would win is 13:04:59
25 my clarification. 13:05:02

Q Yes. No, I get that. Okay. 13:05:03
A Yeah. 13:05:05
MR. McTIGUE: Okay. Thank you. That's all 13:05:07
the questions I had. Thank you. 13:05:08
MR. FU: This is Yale Fu. No further 13:05:12
questions from me. 13:05:14
MR. STRACH: Okay. Don, I think -- I think 13:05:20
he's technically your witness because of your subpoena. 13:05:22
Are we free to release the witness? 13:05:26
MR. McTIGUE: Yes, you are. 13:05:29
MR. STRACH: All right. Thank you. We'll 13:05:31
see -- 13:05:32
THE VIDEOGRAPHER: Please stand by. 13:05:32
MR. STRACH: -- you all later. 13:05:32
MS. STEWART: Thank you. 13:05:34
THE VIDEOGRAPHER: The time is 1:05 p.m. We 13:05:36
are going off the record. 13:05:36
This completes today's deposition. We are off 13:05:41
the record. 13:05:44
Thank you, everyone. 13:05:45
(The deposition concluded at 1:13 p.m.) 13:05:45

CERTIFICATE OF SHORTHAND REPORTER

I, Charlotte Lacey, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was not requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto subscribed my hand this 20th of October, 2021.

_____

Charlotte Lacey, RPR, CSR #14224

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IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF OHIO, *et al.*,	:	Case No. 2021-1193
Relators,	:	
v.	:	
OHIO REDISTRICTING COMMISSION, *et al.*,	:	
Respondents.	:	

NOTICE OF DEPOSITION OF BLAKE SPRINGHETTI

TO: Blake Springhetti
c/o Phillip J. Strach*
Thomas A. Farr*
John E. Branch, III*
Alyssa M. Riggins*
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**Admitted Pro Hac Vice*

PLEASE TAKE NOTICE that, pursuant to the Court Rules, the League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer ("Relators"), by and through their undersigned counsel, will take the deposition of Blake Springhetti, at 2:00 pm on Wednesday, October 20, 2021, remotely, utilizing video technology; or at such other time and locations as may be mutually agreed upon by the parties. If for any reason, the taking of this deposition is not

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concluded, the taking thereof may be adjourned from day to day (or time to time) without other notice than oral proclamation at the time and place appointed, until the same shall be completed.

PLEASE TAKE FURTHER NOTICE that the deposition will be recorded by video and stenographic means.

PLEASE TAKE FURTHER NOTICE that the deposition will be conducted via the Zoom platform through PlanetDepos, or via other teleconferencing ("VTC") services and/or service provider. All participants, including the witness, defending attorney, examining attorney, court reporter, and/or videographer, may appear remotely via one of the options above and may or may not be in the presence of the other participants. Relators reserve the right to (1) utilize instant visual display technology such that the court reporter's transcription of the proceeding will be displayed simultaneously to any laptop, iPad, tablet or other type of display device connected to the court reporter; (2) record the VTC deposition through the use of video technology; and (3) present any exhibits to the VTC deposition electronically.

Dated: October 19, 2021

/s Freda J. Levenson
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CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on October 19, 2021, I caused a true and correct copy of the foregoing Notice of Deposition to be served by email upon the following:

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Counsel for Respondents Matt Huffman, President of the Ohio Senate, and Robert R. Cupp, Speaker of the Ohio House of Representatives
**Admitted Pro Hac Vice*
***Pro Hac Vice Motions Pending*

By: /s/ Freda J. Levenson

2021 10-year look back	Candidate	Democrat	Republican	Candidate	%	%
2020 Presidential	Biden	*2,679,165*	3,154,834	Trump	45.9%	54.1%
2016 Presidential	Clinton	*2,394,164*	2,841,005	Trump	45.7%	54.3%
2012 Presidential	Romney	2,827,709	*2,661,439*	Obama	51.5%	48.5%
2018 US Senate	Brown	2,355,923	*2,053,963*	Renacci	53.4%	46.6%
2016 US Senate	Strickland	*1,996,908*	3,118,567	Portman	39.0%	61.0%
2012 US Senate	Brown	2,762,766	*2,435,744*	Mandel	53.1%	46.9%
2010 US Senate	Fisher			Portman		
2018 Governor	Cordray	*2,067,847*	2,231,917	DeWine	48.1%	51.9%
2018 Auditor	Space	*2,006,204*	2,152,763	Faber	48.2%	51.8%
2018 SOS	Clyde	*2,049,944*	2,210,356	LaRose	48.1%	51.9%
2018 Treasurer	Richardson	*2,022,016*	2,304,444	Sprague	46.7%	53.3%
2018 Attorney General	Dettelbach	*2,084,593*	2,222,440	Yost	47.8%	52.2%
2014 Governor	Fitzgerald	*1,009,359*	1,944,848	Kasich	34.2%	65.8%
2014 Auditor	Carney	1,149,305	1,712,927	Yost	40.2%	59.8%
2014 SOS	Turner	1,074,475	1,811,020	Husted	37.2%	62.8%
2014 Treasurer	Pillich	1,323,325	1,724,060	Mandel	43.4%	56.6%
2014 Attorney General	Pepper	1,178,426	1,882,048	DeWine	38.5%	61.5%
2010 Governor	Strickland			Kasich		
2010 Auditor	Pepper			Yost		
2010 SOS	O'Shaughnessy			Husted		
2010 Treasurer	Boyce			Mandel		
2010 Attorney General	Cordray			Dewine		
Total Votes		30,982,129	36,511,381		721%	879%
		45.90%	54.10%		45.08%	54.92%

Exhibit#

Springhetti 2

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Article XI, Section 8(C)(2) Statement

Pursuant to Article XI, Section 8(C)(2) of the Ohio Constitution, the Ohio Redistricting Commission issues the following statement:

The Commission determined that the statewide preferences of the voters of Ohio predominately favor Republican candidates.

The Commission considered statewide state and federal partisan general election results during the last ten years. There were sixteen such contests. When considering the results of each of those elections, the Commission determined that Republican candidates won thirteen out of sixteen of those elections resulting in a statewide proportion of voters favoring statewide Republican candidates of 81% and a statewide proportion of voters favoring statewide Democratic candidates of 19%. When considering the number of votes cast in each of those elections for Republican and Democratic candidates, the statewide proportion of voters favoring statewide Republican candidates is 54% and the statewide proportion of voters favoring statewide Democratic candidates is 46%. Thus, the statewide proportion of voters favoring statewide Republican candidates is between 54% and 81% and the statewide proportion of voters favoring statewide Democratic candidates is between 19% and 46%. The Commission obtained publicly available geographic data for statewide partisan elections in 2016, 2018, and 2020. Publicly available geographic data for those elections was not available for elections in 2012 and 2014. Using this data, the Commission adopted the final general assembly district plan, which contains 85 districts (64.4%) favoring Republican candidates and 47 districts (35.6%) favoring Democratic candidates out of a total of 132 districts. Accordingly, the statewide proportion of districts whose voters favor each political party corresponds closely to the statewide preferences of the voters of Ohio.

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The final general assembly district plan adopted by the Commission complies with all of the mandatory requirements of Article XI, Sections 2, 3, 4, 5, and 7 of the Ohio Constitution. The Commission's attempt to meet the aspirational standards of Article XI, Section 6 of the Ohio Constitution did not result in any violation of the mandatory requirements of Article XI, Sections 2, 3 ,4, 5, and 7 of the Ohio Constitution.

1

2 SUPREME COURT OF OHIO

3 Case No. 2021-1193

4 ----------x

5 LEAGUE OF WOMEN VOTERS OF OHIO, et al.,

6 Petitioners,

7 v.

8 OHIO REDISTRICTING COMMISSION, et al.,

9 Respondents.

10 ----------x

11

12 REMOTE DEPOSITION OF CHRISTOPHER GLASSBURN

13 Wednesday, October 20, 2021

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22 Reported by:

23 Amy A. Rivera, CSR, RPR, CLR

24 JOB NO. 201342

25

October 20, 2021

1:14 p.m.

REMOTE deposition of CHRISTOPHER GLASSBURN held pursuant to Notice, before Amy A. Rivera, Certified Shorthand Reporter, Registered Professional Reporter, Certified LiveNote Reporter, and a Notary Public of the States of New York, New Jersey, and Delaware.

1

2 R E M O T E A P P E A R A N C E S:

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10 MARK SCHNEIDER, ESQ.

11 MATTHEW WILLIAMS, ESQ.

12 Attorneys for the Witness

13

14 ALSO PRESENT:

15 Harry Black

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CHRISTOPHER GLASSBURN

COURT REPORTER: Good afternoon, Counsel.

My name is Amy Rivera. I am a certified court reporter in association with TSG Reporting, Inc.

Due to the severity of the COVID-19 and following the practice of social distancing, I will not be in the same room with the witness but will record this deposition remotely and will swear the witness remotely.

Do all parties stipulate to the validity of the remote recording and remote swearing and that it will be admissible in the courtroom as if it had been taken following the state's rules where this case is pending?

EXAMINATION

BY MR. BRANCH:

Q. Good afternoon, Mr. Glassburn.

My name is John Branch. I'm here representing Speaker Cupp and Senate President Huffman in three apportionment cases that are pending before the Supreme Court of Ohio.

CHRISTOPHER GLASSBURN

Have you ever been deposed before?

(Discussion off the record.)

MR. BRANCH: We do agree to the stipulations.

MR. FLIEGEL: This is Ben Fliegel on behalf of the Ohio Organizing Collaborative.

We agree.

MR. CLARK: Erik Clark on behalf the Ohio Redistricting Commission.

We agree.

MS. JASRASARIA: Jyoti Jasrasaria on behalf of Bennett relators.

We agree.

MR. CAREY: David Carey on behalf of the League of Women Voters of Ohio relators.

We agree.

MS. MENASHE: Diane Menashe on behalf of respondents Senator Vernon Sykes and Leader Emilia Sykes.

We agree.

MR. SCHNEIDER: Mark Schneider and Matt Williams on behalf of witness Chris Glassburn, G-L-A-S-S-B-U-R-N.

And we also agree to the remote nature

of the deposition.

C H R I S T O P H E R G L A S S B U R N, having been duly sworn by the Notary Public, testified as follows:

MR. SCHNEIDER: One thing I would just indicate, folks, before we begin, Mr. Glassburn has a newborn. He's wearing a mask today. If there's difficulty in understanding him or hearing him, please, just let us know and he could speak up or repeat himself.

MR. BRANCH: Fair enough. Fair enough.

And my apologies about the false start a moment ago.

BY MR. BRANCH:

Q. Mr. Glassburn, have you been deposed before?

A. Yes.

Q. All right. So you've been through this process. You know -- if I ask you a question, can you please answer verbally as the head nods or head shakes will not make it onto the record?

CHRISTOPHER GLASSBURN

A. Yes.

And just mention, I have a broken vertebra in my neck, so my head movement is not in reference to your questions. It's because I'm uncomfortable.

MR. SCHNEIDER: That's something else I should address as well. Mr. Glassburn has had a neck injury. He has difficult pivoting his neck, so from time to time he needs to be able to adjust himself. That's what it's about.

Q. And, Mr. Glassburn, if you need to take a break at any point in time for that or other reasons, feel free to ask for one. I would just ask that you answer any questions that has been posed prior to taking the break.

If for some reason you don't understand a question that I've asked, please ask me to rephrase. If you do answer the question, I will assume that you understand it.

Is that okay?

A. Yes.

Q. You mentioned you've been deposed before.

CHRISTOPHER GLASSBURN

How many times have you had your deposition taken?

A. Once in a case like this, and then other times as a witness to things that were not redistricting related.

Q. How many -- approximately how many times have you been deposed in matters that were not redistricting related?

A. Five or six times.

Q. And when was the most recent time that you were deposed in a matter that wasn't related to a redistricting?

A. Before the age of 18.

Q. Okay. Fair enough.

And the testimony you referenced giving in a redistricting-related matter, was that in previous redistricting litigation in Ohio?

A. Yes.

Q. And do you recall whether that was in a deposition on or about December 14, 2018?

A. That sounds correct.

Q. Do you recall giving the testimony in that deposition?

A. Yes.

CHRISTOPHER GLASSBURN

Q. And did you provide truthful testimony in that deposition?

A. Yes.

MR. BRANCH: All right. Let's go ahead and upload and mark Exhibit 1.

(Exhibit 1, deposition excerpt, was marked for identification at this time.)

MR. BRANCH: And this is going to be a -- well...

Okay. The exhibit was just transmitted through the chat. This is a deposition excerpt from Ohio A. Philip Randolph Institute, et al., versus Speaker Smith, et al.

Counsel, do you have a copy of the Exhibit 1?

MR. SCHNEIDER: I just want to clarify, I've got a segment of that deposition. I've got it beginning with the cover page, page 1, and going through page 31.

Is that accurate?

MR. BRANCH: It is. It's actually -- the excerpt is a little more nuanced than

that. It's page 1 through page 12 and then pages 30 and 31.

MR. SCHNEIDER: Very good.

I would just object for the record to the alteration of the document. It looks like there's some highlights.

MR. BRANCH: And I hear you. I will note for counsel's purpose that there is a file stamp at the top of the document, which it was filed in federal court in the referenced litigation, and I will represent to you that this is what was filed, and so we have not altered the document in any way.

So --

MR. SCHNEIDER: What is the exhibit number?

MR. BRANCH: This is 1.

MR. SCHNEIDER: Got it.

Mr. Glassburn has access to the exhibit.

MR. BRANCH: Thank you.

BY MR. BRANCH:

Q. Mr. Glassburn, does this look like the transcript from the deposition that you gave in

the A. Philip Randolph litigation in 2018?

A. Yes, this is a small portion of it.

Q. Gotcha.

And let's turn to the back of the exhibit, the last two pages with the blue highlighting.

Can you review these two pages of testimony and just let me know if you have any reason to believe that they were not transcribed correctly?

A. I've reread it.

Q. And do you have any reason to believe that the transcript is inaccurate?

A. No.

Q. Okay. Thank you.

MR. SCHNEIDER: For the record, specifically, you're talking about pages 30 and 31 you wanted him to refer to?

MR. BRANCH: That's correct.

Q. All right. And, Mr. Glassburn, you had mentioned that you had a neck injury you were dealing with, and I just want to make sure that -- are you under the influence of any drugs or medications or anything else that would prevent

you from being able to testify truthfully today?

A. No.

MR. BRANCH: All right. Let's upload and mark Exhibit 2.

(Exhibit 2, subpoena, was marked for identification at this time.)

MR. BRANCH: And, Counsel, this is going to be the subpoena that was served on Mr. Glassburn.

MR. SCHNEIDER: Is that included in the e-mailed exhibits?

MS. RIGGINS: Yes, and it was just transmitted through the chat function as well.

MR. SCHNEIDER: Hold on, I'm just looking for it in the pile.

You said it was included in the exhibits?

MS. RIGGINS: Yes, and it's also transmitted through the chat function. You can click on it.

MR. BRANCH: If you click on the chat button on Zoom, there's a link in there.

MR. SCHNEIDER: All right. Thank you.

CHRISTOPHER GLASSBURN

Mr. Glassburn has access to the exhibit.

MR. BRANCH: Thank you.

BY MR. BRANCH:

Q. Mr. Glassburn, can you first review the first three pages of Exhibit 2.

A. Okay.

Q. And what is it?

A. It's a subpoena for me to hand over -- no, this is the subpoena for my deposition.

Q. Fair enough.

And are you appearing here today to testify in compliance with the subpoena?

A. Yes, but I will note that this is not the document that I had received.

Q. Okay.

All right. Let's turn to the fourth page of Exhibit 2.

A. Yeah.

Q. And this is the document entitled, "Subpoena Duces Tecum."

Do you recall receiving this document?

A. No.

Q. Did you receive a subpoena seeking to

require you to produce documents in connection with the three apportionment cases in front of the Ohio Supreme Court?

A. Yes. So I got three subpoenas. They just aren't these ones in specific.

Q. Okay.

Well, let me ask this: I believe you produced approximately 1,064 documents, plus a number of native files to us at 12:08 this afternoon. Is that right?

MR. SCHNEIDER: I could speak to that.

We did transmit those files this afternoon.

MR. BRANCH: All right.

MR. SCHNEIDER: Mr. Glassburn didn't play a role in that.

Q. Were the -- and the documents were produced pursuant to the subpoena?

A. There were three subpoenas that I received, two that were asking -- that were identical asking for a deposition on the 20th, and one that was asking for documents on the 14th.

They're similar to these, but they're just not these.

CHRISTOPHER GLASSBURN

Q. Okay.

What did you do to search for documents?

A. So I went through my e-mails and I went through the folder on my computer that had -- that was for this -- for this client, this purpose, and I looked at my phone and I looked at my account or -- for Vernon Sykes on Dave's Redistricting.

Q. Now, when you refer to your account for Vernon Sykes on Dave's Redistricting, is that the account on Dave's Redistricting with the owner, Senator Vernon Sykes?

A. Yes.

Q. Okay. And what documents did you produce from the Dave's Redistricting account?

A. If there were any map plans that were not published publicly and not already contained in the e-mails, I -- I was looking to see if there was anything that wasn't already included, and so I then just decided, all right, I'm just going to download a copy of each, and so you have each, and they are each labeled with a prefix of "DRA."

Q. Okay.

CHRISTOPHER GLASSBURN

So -- and just to make sure I'm understanding you right, to the extent that you uploaded a map to Dave's Redistricting to the Senator Vernon Sykes owner account, you have produced copies of each of those maps to us in connection with your response to the subpoena?

A. Yes.

Q. Okay. Thank you.

What did you do to look for documents on your phone?

A. I looked to see if I had any text messages from anyone that I know to be part of the process or be part of their relators, and that's -- that's what I looked for.

Q. All right.

And did you search for texts to and from specific people?

A. Yes.

Q. All right.

Did you run any search queries for terms related to redistricting, for example, through your text messages?

A. I looked for any message that I had from the time period of this in its entirety. So

I did not look for specific terms, I looked at everything during the month or month and a half now, I guess, of service.

Q. And for the month, month and a half of service, are you referring to the period of time in which you or Project Govern were engaged to provide redistricting services to the Senate Democratic Caucus?

A. Yes.

Q. And then you mentioned a folder on your computer for this client.

How many computers do you own?

A. Two.

Q. All right.

Can you give me a quick description of the two computers, please?

A. One device is a device I've had for I guess four years now that at the time was of a high enough quality and attributes to be able to handle programs such as Maptitude, and then a second device, which is a Chromebook, that has a larger hard drive on it than a typical hard drive.

Q. Are these computers owned by you individually?

CHRISTOPHER GLASSBURN

A. Yes.

Q. Do you have any other computers that are owned by Project Govern or used by Project Govern?

A. No.

Q. Okay.

Do you have any iPads?

A. No.

Q. All right.

Which computer did you search for responsive documents to the subpoena?

A. Both.

Q. Okay.

I thought -- so you did search both computers, and then you mentioned a folder that you maintained for this client.

Is this client the Senate Democratic Caucus?

A. Yes.

Q. And did you maintain a folder for the Senate Democratic Caucus on both computers?

A. The nature of the Chromebook is that it's not a -- it's not a device that you would -- that I keep files on. It is for if I need to

display something while I'm traveling. I didn't expect to find files, and I didn't have any files on it.

Q. Gotcha.

So the -- so you searched for files on the Chromebook and found no responsive documents?

A. Correct.

Q. All right.

And then you also searched the four-year-old computer?

A. Yes.

Q. Is that a desktop or a laptop?

A. It's a laptop.

Q. All right.

How did you search the four-year-old computer for responsive documents?

A. I looked in that folder that I kept everything for this client on.

Q. All right.

And what was the name of the folder?

A. "Redistricting."

Q. And did you search the entirety of the redistricting folder for responsive documents?

A. Yes.

CHRISTOPHER GLASSBURN

Q. And what was your understanding of what types of electronic files would constitute documents responsive to the subpoena?

MR. SCHNEIDER: Objection to the extent this moves into legal advice.

A. I mean, I asked my counsel for their definition --

Q. And I want -- in fairness to you, I'm not asking you for any -- the contents of any communications with your counsel.

But I just want to know what -- when you looked at the folder and you looked inside the folder, what kind of documents were you looking for, or did you just take the entirety of the folder and produce it?

I'm trying to figure out how you distinguished between things.

A. It's the entirety of everything that I had.

Q. So what's been produced to us is the entirety of your redistricting folder contained on your four-year-old laptop?

A. Yes.

Q. And did you save all of the files on

which you worked for the Senate Democratic Caucus into this redistricting folder on the four-year-old laptop?

A. Yes, or in the actual account on Dave's Redistricting.

Q. And you testified earlier you believe that you've exported and produced all of the Dave's Redistricting files?

A. Correct.

Q. Okay. So let's -- do you maintain any cloud storage accounts?

A. No.

Q. Do you have -- you don't maintain like a Google Drive account or a Dropbox account or a One Drive account or anything like that?

A. Not for this purpose, no.

Q. What do you mean by "not for this purpose"?

A. I mean, like, I have a Google Drive of my baby pictures.

Q. Okay.

A. I don't use it for business.

Q. Okay.

So you've never saved any

redistricting files to the Google Drive account?

A. No.

Q. Okay.

What e-mail accounts do you use?

A. I predominantly use my business account, chris@projectgovern.com. I have a legacy personal account that is c.glassburn@hotmail.com. So everything is attached to one of those two.

Q. Gotcha.

And do you -- have you ever used any other e-mail accounts either professionally or personally?

MR. SCHNEIDER: Objection to scope.

Can you narrow what time period you're describing?

MR. BRANCH: Fair enough.

Q. Within the last 18 months?

A. I have an additional -- I think it's answers@projectgovern that is on my business card, but I don't utilize it. It forwards to chris@projectgovern, and I don't get intake from there.

Q. All right.

Any other accounts?

A. I don't believe so.

Q. Usually, to have a Google Drive account, you've also got to have a Gmail e-mail address associated with it to log in, although perhaps I may have misunderstand the nature of it.

Do you use a Gmail account at all?

A. I don't have a Gmail account that I have access to or use. At one point years ago I had a Gmail account to set up Google Calendar, but I don't -- that was for a previous job that I haven't held for five years now.

Q. Okay.

Were all of the Maptitude files that you worked on in connection with your work for the Senate Democratic Caucus saved into the redistricting folder on the four-year-old laptop?

A. I did not make or use any Maptitude files for this job.

Q. Okay.

So you -- did you use Maptitude at all in connection with your work for the Senate Democratic Caucus during the 2021 redistricting cycle?

A. I did not, no.

CHRISTOPHER GLASSBURN

Q. So you did not sit at a computer and compose or change district lines using the Maptitude program at all during the 2021 redistricting process?

A. Correct.

Q. To the extent that you have produced documents to us today, would you agree that they are documents that you maintained in the course of your work for the Senate Democratic Caucus?

A. Yes.

Q. Okay.

So other than conversations you had with your attorneys, what did you do to prepare for your deposition today?

A. I did the reviews that I've already described in regards to seeing what documents I had to prepare.

Q. What else did you do?

A. That's all I've done.

Q. Did you talk to anybody about your deposition today besides your lawyer?

A. Only those who are my clients or wife to tell them that I had a deposition, but not to prepare for today, just to tell them that I had

one.

Q. And which clients did you talk to about the fact that you were being deposed today?

A. My normal business clients who are up for election in 13 days, candidates for a local office.

Q. Did you talk to Representative Sykes or anybody on her staff about your deposition today?

A. No.

Q. Did you talk to Representative Sykes or anybody on her staff about her deposition?

A. No.

Q. Did you talk to Senator Sykes or anyone on his staff about his deposition?

A. I had a conversation with the Senate legal staff, the two of them, Kristin and Scott, about trying to secure --

MR. SCHNEIDER: Objection as it relates to any attorney-client privilege.

A. Trying to secure representation, as I was previously engaged in the case three years ago. That was the subject of my discussions with them, was to try to get representation from the

Attorney General's Office.

Q. Outside of the referenced conversation with Kristin or Scott, did you talk to anybody else?

Did you have any other conversations with Senator Sykes or his staff about your deposition?

A. No.

Q. And have you talked to Senator Sykes or anyone on his staff about his deposition?

A. No.

Q. And have you spoken with anyone about the deposition of Ray DiRossi?

A. No.

Q. Okay.

I'd like to hear a little bit about your background.

Where are you from originally?

A. From Cleveland.

Q. Where did you go to school?

A. I went to North Olmsted High School. College, undergraduate at American University and Baldwin Wallace. Graduate school, I did some work at Cleveland State.

CHRISTOPHER GLASSBURN

Q. All right.

So after you finished school, what did you do?

A. I worked for then Representative Armond Budish in the Ohio House of Representatives. I was also an elected official at the time for the North Olmsted Board of Education.

Q. Then where did you do work?

A. I intermittently worked for Mr. Budish in the state House and the Democratic Caucus in the Ohio House in the state House in a couple of different stints, and in between, ran my own -- started by own business called "Glassburn Advisers."

Q. And what types of work did Glassburn Advisers do?

A. Typically, election work, but a limited amount of redistricting work.

Q. And when did you start Glassburn Advisers?

A. I couldn't tell you the exact dates off the top of my head.

Q. What's your best recollection?

CHRISTOPHER GLASSBURN

A. It would be intermittently used in the period between 2011 and 2015 --

(Discussion off the record.)

MR. SCHNEIDER: I think Mark was shifting some papers around. So the question I had was: When did you start Project Govern.

THE WITNESS: So to the -- the court reporter's question, I said after '15, I took another -- I took a full-time job somewhere else. I worked for Cuyahoga County -- sorry -- I mean January 2015, to be clear on that.

I started Glassburn Advisers in October of 2016. And left Cuyahoga County when I did that.

BY MR. BRANCH:

Q. And just to be clear, you just -- you testified that you started at Glassburn Advisers in October of 2016. Is that correct?

A. It was dated the 1st of January 2017, but that's functionally when I started. It was October of '16.

Q. All right.

CHRISTOPHER GLASSBURN

Other than Glassburn Advisers and Project Govern are there any other entities owned by you or in which you have any interest?

A. No.

Q. All right.

And you referenced your spouse earlier in the deposition.

Does she have an ownership interest in any entities that you're aware of?

A. No.

Q. So we discussed earlier that you've been engaged by the Senate Democratic Caucus to provide redistricting services for the 2021 redistricting cycle, right?

A. Yes.

Q. All right.

Did you enter into a contract with the Senate Democratic Caucus to provide these services?

A. Yes.

MR. BRANCH: Okay. Let's call up VSYKES_406 through 414.

(Exhibit 3, e-mail dated August 16, 2021, Bates stamped VSYKES_0406 through 414,

was marked for identification at this time.)

BY MR. BRANCH:

Q. And, Mr. Glassburn, I'll represent to you, you'll see a notation in the bottom right-hand corner of the document, VSYKES, underscore, and then a number.

"VSYKES" is shorthand for, obviously, Senator Sykes, and this is a document that Senator Sykes produced to us in connection with the litigation.

Can you take a moment to review the document?

MR. SCHNEIDER: Just for my clarification of the exhibit, is this -- I apologize --

MR. BRANCH: It's Exhibit 3.

MR. SCHNEIDER: This will be Exhibit 3, and just so I can locate it in the stack here, is there a date on that?

MR. BRANCH: It's -- the e-mail is dated Monday, August 16, 2021. The Bates number is VSYKES_406 through 414.

MR. SCHNEIDER: Bear with me. I'm just finding the exhibit.

CHRISTOPHER GLASSBURN

BY MR. BRANCH:

Q. Mr. Glassburn, do you have the document up on the computer?

A. You froze and I didn't hear anything between Mr. Glassburn and you taking a drink of your pop, or whatever that is.

Q. I was asking if you had the document up on your computer?

A. Yes.

Q. Okay. Can we --

MR. SCHNEIDER: Excuse me. So this is August 16, 2021.

All right. Mr. Glassburn has the exhibit, and that will be No. 3?

MR. BRANCH: Yes.

MR. SCHNEIDER: Thank you.

Q. Mr. Glassburn, what does the page marked VSYKES_0406 appear to be?

A. It is Randall Routt forwarding an e-mail to a number of Senate staff from me about a contract with Senate Democrats.

Q. All right.

First thing I want to do is go through the folks that are on that top e-mail.

Who's Mr. Routt?

A. He is a -- I don't know his official title, but he is a policy staff person for the Senate Democrats.

Q. And is Mr. Routt involved in the Senate Democrats redistricting efforts in 2021?

A. Yes.

Q. And to the best of your knowledge, what role does Mr. Routt have with regard to the Senate Democratic Caucus' work on redistricting in the 2021 cycle?

A. Mr. Routt is my primary contact with the Senate Democrats. With me living in Cleveland and him being on staff in Columbus, there were functions that he did that required somebody in person to do when I wasn't physically in Columbus. But otherwise, Randall's primary role was to handle redistricting on the official staff side.

Q. Was he responsible for composing any of the district lines for the maps that Senator Sykes submitted to the Commission?

A. No.

Q. All right.

Who's George Boas? I apologize.

A. George Boas is another very senior staffer with the Senate Democrats on -- again, he's on policy, but I couldn't tell you his exact job title.

Q. All right.

What about Mike Rowe?

A. Mike Rowe is the chief of staff for the Senate Democrats.

Q. Okay.

And I believe you mentioned Kristin Rothey was an attorney for the Senate Democrats earlier. Is that right?

A. Yes.

Q. And the same for Scott Stockman, is he -- is Mr. Stockman an attorney for the Senate Democrats?

A. Yes.

Q. Okay. Let's turn to the remainder of Exhibit 3.

Can you let me know what you believe this is?

A. This is a version of the redistricting contract that I proposed and ultimately was accepted by the Senate Democrats.

CHRISTOPHER GLASSBURN

Q. Is this the version of the contract that was actually accepted by the Senate Democrats?

A. I can't say that with absolute certainty because this is one that was signed by both me and Kenny Yuko. It's one of the later versions if it's not the latest, but I can't say with certainty which one it is.

Q. Do you know if you produced the final signed version of the Project Govern Ohio redistricting contract with the Senate Democratic Caucus to us in the production of documents we received earlier today?

A. Yes.

Q. Okay. And is that yes, you produced it, or yes, you know?

A. Yes, I produced it.

Q. Okay. Thank you.

Did your contract with the Senate Democratic Caucus have any requirement that the Senate Democratic Caucus indemnified you for legal expenses incurred in connection with the services you provided under the contract?

A. It was a topic that was discussed, but

ultimately not included in the final contract.

Q. When you said, "It was a topic that was discussed," were any promises ever made to you to reimburse you for any legal expenses in the event that you became ensnared in the litigation over the redistricting maps?

A. No.

Q. Has anybody ever promised to reimburse you for your legal fees incurred in your participation in any litigation related to the redistricting services that you provided for the Senate Democratic Caucus?

A. No.

Q. And are you still providing services for the Senate Democratic Caucus?

A. Yes.

Q. All right.

And Exhibit 3 references a total fee from the Senate Democratic Caucus to you -- excuse me -- to Project Govern of $55,000.

Is that what you ultimately agreed to with the Senate Democratic Caucus?

A. Yes.

Q. And approximately how much of that

$55,000 has been paid to you to date?

A. Sixteen thousand.

Q. All right.

There have been documents produced in this case that have indicated that another group called "HaystaqDNA" was involved on behalf of the Democratic Caucuses in their redistricting efforts.

Do you have any familiarity with HaystaqDNA?

A. I met the -- or became familiar with the organization in the course of this specific suit and that they will be -- not this suit, this redistricting, that they became the consultant for the House Democrats.

Q. All right.

What -- who is HaystaqDNA?

A. I dealt with a person named Anh Volmer, but I don't -- I don't have any other contact with that organization, and to be honest, don't really know much about them.

Q. All right. And I just want to make sure I understood that right.

Did you testify that Ms. Volmer was

the only person with Haystaq with whom you had any contact?

A. Yes. I think she copied one of her bosses on e-mails on occasion, but I didn't ever interact with that person.

Q. Okay.

And did you communicate with Ms. Volmer via e-mail?

A. Yes.

Q. And have you produced all of your e-mails with Ms. Volmer to us?

A. Yes.

Q. All right.

And did you communicate with her over the phone?

A. Yes.

Q. When did you first start talking to Ms. Volmer?

A. It would have to have been after -- after August 31st, because I don't recall ever dealing with -- with them prior to our -- the Senate Democrats' first map.

And, again, I want to look back at e-mails or documents that would give me an exact

CHRISTOPHER GLASSBURN

date, but her participation was not until considerably later in the process.

Q. Gotcha.

What was -- strike that.

It's my understanding that Senator Sykes was the member of the Commission who submitted the Democratic maps to the Commission for consideration. Is that right?

A. On behalf of the Senate Democrats for the first maps, and then there were joint maps with the House Democrats, again, late in the process.

Q. Okay. So let me make sure I understand the timeline right.

So I believe that the Democratic maps were submitted on August 31st, September 1st, September 13th, and September 15th.

Is that timeline correct?

A. I thought we did one more in between the 1st and the 13th, but that -- that's generally correct.

Q. Okay.

And did you produce -- I believe a moment ago you testified that you produced the

September -- excuse me -- the August 31st map independent of HaystaqDNA and the Democratic House Caucus. Is that right?

A. Yes.

Q. And did you also produce the September 1st map independent of HaystaqDNA and the House Caucus?

A. Yes.

Q. Did you produce the September 13th map in connection or cooperation with HaystaqDNA and the House Caucus?

A. Yes.

Q. So it would be fair to say that at some point between September 1st and September 13th, you began having communications with Haystaq about the composition of the September 13th map that was submitted to the Commission?

A. Yes.

Q. What prompted you to begin to have conversations with Haystaq about the map that ultimately became the September 13th map?

A. Well, until that point, our process had been -- been internal in terms of my contact

was with Leader Yuko, Senator Sykes and Randall Routt predominantly and their interaction with members of the Senate Democratic Caucus.

Prior to the September 13th map -- and, again, I can't give you the exact date -- we -- Senator Sykes and Yuko wanted us to start integrating the House Democrats, and the House Democrats asked us to talk to the Haystaq folks or Ann Volmer to communicate their interest.

Q. Was there -- do you know why the House Democrats didn't participate in the August 31st map?

MR. SCHNEIDER: Objection as to speculation.

MR. BRANCH: I'm just asking what he knows.

MR. SCHNEIDER: If you know.

A. Do I know why the House Democrats didn't want to participate? Is that the question?

Q. I'll ask the question a different way.

Do you have any belief as to the reason why the Senate Democratic Caucus submitted its own map on August 31st rather than a joint map with the House Democratic Caucus?

CHRISTOPHER GLASSBURN

MR. SCHNEIDER: Again, objection as to improper speculation as to other people's motives.

A. I can tell you that in my role as their consultant, I consistently advocated for us following the rules of the Constitution, including the timeline, and so it was the priority for us to submit a map in accordance with the timeline of the Constitution.

Q. Was -- do you have any evidence that the Senate -- excuse me -- that the House Democratic Caucus shared your concern about complying with the timelines contained in the Constitution?

MR. SCHNEIDER: Objection, again, as to speculation as to what the House Caucus might have used as motivation or contingents.

A. Leader Sykes very publicly at multiple of the Commission meetings that were held, as he appealed hearings, but prior to the end of the month in August indicated that she wanted maps produced by the Commission.

So I would take her at her face value

that that's what she wanted and what her Caucus wanted.

Q. Gotcha. Okay.

Do you have any idea why the House Caucus hired a DC-based consultant for redistricting?

MR. SCHNEIDER: Objection as to speculation again.

A. No, I don't.

Q. Gotcha.

What role did Haystaq play in composing the lines for the House districts in the September 13th plan?

A. Their role was to communicate the House Democrats' desires. Their role was also to be an aggregator of their House members', you know, interests.

It wasn't my role to talk to or solicit advice or requests from individual Democratic House members. So that was their role.

The September 13th map was -- I was the predominant drawer and person who assembled the record -- the map that was submitted.

Q. Gotcha.

CHRISTOPHER GLASSBURN

And when you say, "predominant drawer," who else besides you participated in composing any district lines for the September 13th plan?

A. Well, Auditor Faber, Secretary LaRose, Senators Yuko and Sykes, and whatever was communicated to me by Randall Routt.

Q. Okay.

With regard to the electronic files that composed the September 13th plan, did anyone besides you sit at a computer and edit those files?

A. Haystaq could see our drawing of the -- I don't think it was until the September 15th map that they could see it as we drew it, but they saw our maps and gave verbal feedback, but I am the person who drew that map.

Just make sure that they drew the lines except for me.

Q. Okay. That's -- that's what I was looking for. I appreciate that.

But in -- I think you testified a second ago that with regard to the September 15th plan, Haystaq could see the lines as you drew

them, but with regard to the September 13th plan, how did they provide input?

A. We had multiple Zooms where we -- they could see on the Zoom the screen, so...

Q. When you say, They could see the zoom on the screen, do you mean that they could see the General Assembly districting map that you were preparing on the screen during the Zoom?

A. Yes.

Q. And would they give you feedback during the Zoom meeting?

A. Yes.

Q. All right.

And what type of feedback would they typically give you?

MR. SCHNEIDER: Objection as to the hearsay.

A. They would tell us about how they had looked at an area differently or how they would do an area differently than we did.

Q. Can you give me an example of a geographic area that Haystaq provided input on for you?

MR. SCHNEIDER: Same objection.

CHRISTOPHER GLASSBURN

A. In Franklin County, Columbus area, they tried to express to us, as did -- I think for the 15th map or the 13th map, but possibly also the 13th map -- Sam Herd, the chief of staff of the House Democrats, the -- what the Franklin County House Democratic members would like to see different.

Q. And do you remember what the difference was that they wanted?

MR. SCHNEIDER: Same objection.

A. So they -- one example would be there's an area called "Clintonville" that a member of the House wanted to be contained in an entire state House district.

Q. Okay.

Do you recall any other specific requests from Haystaq about making changes to any of the redistricting maps you drew?

MR. SCHNEIDER: Same objection.

A. Not -- I can't recall in specific, no.

Q. What about in the level of detail like you just testified to as far as there was a House member who wanted Clintonville in an entire state House district?

CHRISTOPHER GLASSBURN

MR. SCHNEIDER: Same objection.

A. I'm not sure I understand the question.

Q. So you just testified about -- you gave the Clintonville example as a change to the redistricting plan that Haystaq asked for. Is that right?

A. Yes.

Q. Are there any other examples like the Clintonville example that you can recall of Haystaq requesting changes to a redistricting map that you had drawn or were in the process of drawing?

MR. SCHNEIDER: Objection, hearsay.

A. I don't recall other specific examples like that.

Haystaq was brought into this process very late and had considerable difficulty with the Ohio-based rules.

Q. What do you mean by the "difficulty with the Ohio-based rules"?

A. The constitutional reform in Section 3 specifies the preservation of communities, including counties, municipalities, townships.

There was difficulties because the dataset provided by the State and by the Census Bureau does not identically match those boundary lines.

So Haystaq had difficulty following the rules. So it was difficult to make use of suggestions if they weren't following the rules.

Q. And just again, so I understand this, Haystaq -- was Haystaq drawing districts itself and then suggesting changes -- strike that.

To the best of your knowledge, was Haystaq drawing districts and then suggesting changes to your districts based on what they were drawing?

A. My understanding is that Haystaq independently drew maps. I didn't -- I -- I don't recall instances of seeing those maps. They would make assertions based on their drawings, and those assertions generally did not follow Section 3.

So we couldn't integrate suggestions that did not follow the rules.

Q. Did you integrate any suggestions at all that Haystaq made?

A. They were limited.

Q. Say that again, I'm sorry?

A. They were limited. The integration was limited.

Q. And when you say, "limited," are we talking about 1 suggestion, 5, 10, 15?

A. I'd say probably less than 10.

We had a lot of discussion back and forth and, again, the normal result was that the request or exploration was not -- we were not able to follow the rules to achieve what they asked for, so ultimately, there wasn't a use of that change.

Q. Do you think Haystaq brought much value to you in drafting the maps that were proposed to the Commission?

A. My concern was to provide value to my client, the Senate Democrats.

Q. But you don't have an opinion as to whether Haystaq was helpful or hurtful in the process of you preparing the Senate Democratic Caucus' redistricting maps?

A. Haystaq had very limited value towards any of the final products that we furnished for the Commission.

Q. Gotcha.

CHRISTOPHER GLASSBURN

All right. Let's -- you mentioned some complications with regard to the data that was used to compose the redistricting maps?

A. Yes.

MR. BRANCH: Actually, let's do this. Let's go off the record for about a five-minute break.

Mr. Williams, I notice you've been moving around a little bit. I want to give you an opportunity and I want to double-check something on my end, but let's go off the record for about five minutes and we'll come back on.

Does that work?

THE WITNESS: I'm Mr. Glassburn, but --

MR. BRANCH: I'm sorry, Mr. Glassburn.

MR. SCHNEIDER: We'll agree to a five-minute break.

MR. BRANCH: Thank you.

Let's go off the record.

(Recess taken from 2:16 p.m. until 2:25 p.m.)

CHRISTOPHER GLASSBURN

BY MR. BRANCH:

Q. Mr. Glassburn, you testified a moment ago that some of the suggestions offered by Haystaq violated Section 3.

Were you referring to Article XI, Section 3 of the Ohio Constitution?

A. Yes.

Q. And do you recall which provisions of Section 3 the suggestions from Haystaq violated?

A. Haystaq, especially in areas such as Franklin County or Summit County, that the -- again, the political subdivision layers did not match the Ohio Constitutional requirements, had difficulty making suggestions that followed those boundaries in those areas where they did not match.

Cuyahoga county, for example, does match, and so that was different.

Q. And when you say that the political subdivision layer doesn't match the Ohio Constitution's requirement, can you elaborate on what that means a little bit more, please?

A. In the sense -- the census has a layer called "minor civil divisions" in the geographic

information. In places like Cuyahoga County, where we have, what, 57 municipalities and two townships, it's -- it's clear that a city is a city, and cities are interchangeable to municipality in Ohio law.

In places like Franklin County, where there are hundreds of noncontiguous fragments of townships, townships are not a political subdivision that is always consistently or accurately depicted in the minor civil division geographic layer, and so Franklin County is a challenge because of that.

Q. And so -- and, again, this is -- you know this far better than I do. I'm just trying to make sure I understand.

Using the example of Franklin County, there are large numbers of townships whose fragments may not be accurately described in the minor civil division layer of the census data?

A. Correct.

Q. And then how would you be able to draw accurate district lines in Franklin County that accounted for the fragments of townships that you referenced?

A. So I have the advantage of having looked at these communities for 15 years to the prior redistricting. The rules prior to the constitutional reform also dealt with these political subdivisions. So I've been trying to learn, understand, and know where those boundaries are for quite some time.

There are some general rules of how townships work in Ohio going back to the northwest ordinance, and I'm trying desperately not to be going into the minutia here, but generally speaking, townships are 6 miles by 6 miles squared.

So you look for all fragments inside that square, but there are any number of exceptions to that and I'm familiar with most of those exceptions, but you look at other layers, such as the precinct layer, and if you're still not certain, you look at -- you know, you go online and you look the map of that county and see where its township maps are.

Both myself and the redistricting experts for the Republicans had challenges with this as well, but we have more familiarity with

the state.

Q. And because you had more familiarity with the state, you were better able to identify the issues you describe with the townships?

A. Yes.

Q. And better able to attempt to fix them, right?

A. Yes.

Q. Okay.

Other than the issues with the townships that you just described, what Section 3 violations occurred in the suggestions made by Haystaq?

A. So my interpretation of Section 3 to oversimplify is don't split communities unless it is essential to do so.

So I always in all of our drafts and in how I describe this process to anyone, and especially my client, the Senate Democrats, said, Our job, our goal is to always have the minimum number of splits and to follow the prioritization of counting township municipalities and to keep whatever fragments contiguous to the extent that that was possible.

CHRISTOPHER GLASSBURN

That means that there is a -- at some point, a fewest amount of counties you can split across the state, the fewest number of cities, the fewest numbers of townships, etc.

And so it's not always obvious when you're looking at a district in isolation, okay, well, you may have one community split, one of those levels split, it's not necessarily that that split in and of itself is the problem, but if you have too many splits across the state, then that is a problem.

So it was generally the difficulties with the government layers and, again, keeping that aggregate amount of splits in any -- across the state and within any area to the level as small as possible.

Q. Gotcha.

And you testified a moment ago that your view of the part of section 3 we're talking about was don't split communities unless it's essential to do so.

And did you mean by communities the counties, townships, and municipalities?

A. Yes.

CHRISTOPHER GLASSBURN

Q. Okay.

And other than splitting townships -- strike that.

And your concern with the Haystaq suggestions were that they were impermissibly splitting counties, townships, or municipalities, in your view?

A. Either because they didn't know what the boundary or didn't appreciate what the boundary was or because they were doing it too much, yes.

Q. Okay.

And then other than impermissibly splitting townships, counties, or municipalities, did you identify any other violations of Section 3 in the suggestions made by Haystaq?

A. Well, that's really all Section 3 concerns, so, no.

Q. And did you identify any other violations of Section 11 of the Ohio Constitution -- excuse me -- Article XI of the Ohio Constitution in your review of the suggestions that Haystaq made to the redistricting plans?

CHRISTOPHER GLASSBURN

A. Haystaq was concerned with our House versions -- the House portion, I should say, of our integrated House and Senate. You have to draw a House map and a Senate map. They were concerned with the House version.

On occasion, they would want to do something that, again, in the House map in isolation would look perfectly reasonable or permissible but didn't involve splitting any community; however, it might have caused a Section 6 problem in terms of pairing House districts within counties for -- you know, you're putting three -- you have to put three House districts and a Senate district.

And, again, that was especially because my client was the Senate, we had an increased sensitivity to following the Senate rules.

Q. That's fair.

Do you recall any specific examples of the -- of a Section 6 issue with regard to pairing of House districts and a suggestion made by Haystaq?

MR. SCHNEIDER: Objection, hearsay.

A. The main one that comes to mind was in Franklin County for the 12th House seat, you would have 11 seats inside of Franklin County and the 12th would go to a bordering county.

Their desire was for the 12th District to go to Delaware County. Because Delaware County has more than one House seat in it, it would create a pairing issue, and so Delaware County is not eligible to be a pairing partner in terms of House districts with Franklin County.

Q. Do you know why they wanted the 12th House District in Franklin County to go over to Delaware County?

MR. SCHNEIDER: Objection as to speculation and calls for hearsay.

A. I can't tell you intent. I can tell you what the district suggestion did or was, is that they wanted to continue the City of Columbus, which goes across county borders, as does the City of Westerville, but I don't think Westerville was involved.

But there are Franklin County communities that go across the border to Delaware County to the north -- or that the district, I

should say, suggestion was to connect those communities to the 12th Franklin seat, but as I said, Delaware County is not eligible.

Q. Gotcha.

Do you recall any other examples of violations of the Section 6 pairing rule by suggestions made by Haystaq?

MR. SCHNEIDER: Objection, calls for hearsay.

A. I don't have another example off the ton of my head, no.

Q. Okay.

And then do you recall any other violations of Article XI of the Ohio Constitution by suggestions made by Haystaq?

MR. SCHNEIDER: The same objection.

A. Again, if a suggestion would not integrate into following the rules in connection -- in Article XI of the Constitution we didn't use it.

So I -- I didn't carefully catalog suggestions that we just didn't use 'cause they weren't on their face usable.

Q. Yeah. And that's -- that's completely

fair.

I was just asking if you recalled any of the other issues that could have occurred.

A. I don't in specific.

Q. Okay.

And I just want to clarify something you testified to earlier. You had mentioned, I thought -- and I may be wrong -- did you use Dave's Redistricting to actually draw each of the maps that was submitted to the Ohio Redistricting Commission by Senator Sykes?

A. Yes.

Q. And were the maps submitted to the Redistricting Commission by exporting the final map files from Dave's Redistricting and then submitting that export from you to the Redistricting Commission?

A. I provided the export file to Randall Routt. The equivalency files, that is a -- it's an .csv file. You've got a number of them in the evidence that I handed over. It lists district and census block. It's an Excel file.

Q. Gotcha.

A. It's got a usable file.

Randall then took that and submitted it with whatever else he submitted to the Commission on behalf of Senator Sykes.

Q. Okay.

So you exported from -- strike that.

You drew the district lines and finalized the district lines, then exported the redistricting plan via csv file from Dave's Redistricting, and then turned them over to Mr. Routt and Mr. Routt ensured that they got submitted to the Commission?

A. That is correct.

Q. And to the best of your knowledge, the -- whatever was submitted to the Commission was the same plan as that you generated through Dave's Redistricting?

A. Yes.

Q. Where did you get the data that you used to generate the redistricting plans in Dave's Redistricting?

A. I used the website Dave's Redistricting.

Q. Did you load any -- strike that.

Does Dave's Redistricting allow you to

load any additional information into the program to allow you to consult it in drawing maps?

A. I believe that was a feature that has been added recently, but it's not a feature I used.

Q. Gotcha.

Now, my understanding of Dave's Redistricting is one of the features it has is it can show the partisan lean or partisan data related to districts that you're drawing within the program. Is that right?

A. Yes.

Q. Do you recall what type of partisan election information you viewed in connection with your preparation of the August 31st map?

A. By that juncture, Dave's had a -- you could select any number of elections. I left on as a -- singularly left on the -- what they call the "composite of 2016 to 2020."

Q. And what do you mean by you "singularly left on"?

A. So you can't display, say, the composite of 2016 to 2020 and then also display the presidential and then also display the

attorney general. You pick one.

So I picked and left on that 2016 to 2020.

Q. Okay.

In drawing the April 31st redistricting map, did you look at --

MS. RIGGINS: August.

MR. BRANCH: I'm sorry, August.

Q. In drawing the August 31st, 2021 redistricting map, did you look at any election data other than the 2016-to-2020 composite?

A. After drawing, I was asked what the 2020 presidential was, and so I looked after drawing, but not prior to drawing.

Q. Okay.

Other than the 2020 presidential, did you -- strike that.

Other than the 2016-to-2020 composite and the 2020 presidential, did you consider any partisan election data in either drafting or analyzing the August 31st map?

A. Randall Routt had the state's dataset on his computer, and he provided that as part of the testimony.

CHRISTOPHER GLASSBURN

I am aware that that exists. I did not peruse it carefully, and I don't have it -- you know, I don't have it memorized or I can't speak to it.

Q. Do you recall whether you perused the dataset you just testified about prior to or after the submission of the August 31st claim to the Commission?

A. I never made use of Maptitude. In order to make use of the datasets for the additional races that aren't in Dave's, you would have to use Maptitude. I did not do that.

So I don't know those. I didn't use Randall's computer.

Q. Okay.

So in -- again, this may be my misunderstanding of Dave's, but you had said a moment ago that -- I thought that Dave's had a number of options with regard to display of partisan election data, and you singularly left on the 2016-to-2020 composite when you were drafting the August 31st map. Is that accurate?

A. Yes.

Q. All right.

What other datasets -- what other partisan datasets were available on Dave's?

MR. SCHNEIDER: Are you saying what he used or what was available?

Q. What was available, to the best of your recollection?

A. So Dave's has consistently added datasets over time, so I can't say with absolute certainty which ones were available at which time.

However, I know there's an option to have, again, just presidential 2020. I know that there's an option to have U.S. Senate, I believe, for 2018, and maybe also '16, but I'm not certain about '16. I think president for '16 is an option. They have a blended one for '12 and '16 presidential as an option. I think '18 attorney general is an option. Right, I don't know beyond that.

Q. Gotcha.

And did you use the Senate 2018 partisan data in analyzing the August 31st plan?

A. Not prior to creating it. I think I was asked a question once of the results for how many districts were in there, and I looked to

answer the question but, again, that wasn't -- I didn't produce an analysis of that. I was asked the question, I think, and I answered it.

Q. Okay.

Well, what about -- you mentioned the blended 2012-to-2016 presidential dataset.

A. Yes.

Q. Did you look at that prior to the submission of the August 31st plan to the Commission?

A. I -- I didn't look at that, period.

Q. Did you look at that dataset in connection with your preparation of any of the plans that you submitted to the Commission?

A. No.

Q. All right.

For your work -- you mentioned that you live in Cleveland.

Did you do all your redistricting work in connection with the 2021 cycle in Cleveland?

A. I specifically live in the suburb of North Olmsted. The August 31st map was predominantly drawn from my home office in North Olmsted.

CHRISTOPHER GLASSBURN

Subsequent maps, I was predominantly physically in Columbus. So those would be -- have done in Columbus, predominantly in the actual Senate Minority conference room.

Q. So did -- did the Senate Democratic Caucus essentially set up an office for you in the Senate Minority conference room?

A. So we had had -- "we" being the Senate Democrats had extended offers to all of the Republican statewide officials, the Republican legislative members of the Commission, and Senate -- or House Democratic Leader Emilia Sykes to brief them and show them our map.

And we did those briefings in the -- except for our very first briefing of all the repairs that we did, all of those meetings in the Senate Minority conference room, and -- and I just continued working in there from that point forward.

It wasn't an office in any traditional sense other than I was allowed access to a room. But there wasn't any other special preparation that wasn't for those meetings.

Q. Do you recall on or about the first

day that you started working in the Senate Minority conference room on the redistricting process?

A. It's got to be either September 1st or 2nd.

Q. So it was after the submission of the August 31st map?

A. Yes.

Q. Okay.

And who else would generally work in the Senate Minority conference room with you on the redistricting process?

A. Well, we had meetings with -- we had a number of meetings with other, Faber and Secretary LaRose. We had a few meetings with designated staff persons for all of the Republican members of the Commission.

But aside from meetings, no, I didn't have people in there working with me as a general rule. No one else drew maps.

Q. Gotcha.

So other than conducting meetings, you worked alone in the Senate Minority conference room?

CHRISTOPHER GLASSBURN

A. Yes.

Q. All right.

MR. BRANCH: Let's do this, let's upload -- we're going to mark as -- I believe we're on Exhibit 4, a text message string.

This is -- and I'm going to read these out for the record. It's four separate Bates numbers from Senator Sykes' production, although they are not sequential. They appear to be the same text string.

It's VSYKES_0009841, VSYKES_0010515, VSYKES_0010606, and VSYKES_0011360.

(Exhibit 4, text messages, Bates stamped VSYKES_0009841, VSYKES_0010515, VSYKES_0010606, and VSYKES_0011360, was marked for identification at this time.)

BY MR. BRANCH:

Q. And can you let me know when you've either got a hard copy in front of you or an electronic copy pulled up on your computer?

A. I have a digital copy in front of me.

MR. SCHNEIDER: Mr. Glassburn has

Exhibit 4.

MR. BRANCH: Thank you, and appreciate your patience with this process.

BY MR. BRANCH:

Q. And, again, I'll represent to you that this is a text message string that was produced to us by Senator Sykes.

Would Senator Sykes have the ability to produce text messages from you?

A. I suppose --

Q. Strike that. That was a poor question.

Senator Sykes wouldn't have the ability to download text messages from your phone and produce text messages to us that were sent to you, right?

MR. SCHNEIDER: Objection as to that, speculation.

If you know the answer, you could answer.

A. I don't understand the question.

Q. I'm just trying -- so Senator Sykes produced this document to us. I'm just trying to establish that it's very likely not a text message

string that was screenshotted from your phone. It's not clear for us whose phone this is off of.

MR. SCHNEIDER: And, again, as to speculation about where this came from, if you are able to answer that question, but I would object to the speculation.

A. This is not my conversation, and I've never seen it before.

Q. Fair enough.

Let's turn to -- let's turn to page 3. I'm just going to ask you a couple of quick questions about a statement in here.

And I'd like you to read into the record the -- let's say the five messages starting with, "Thank you" down.

MR. SCHNEIDER: I'm going to object to lack of foundation. I'm going to object for hearsay.

Which specific page are you referring to?

MR. BRANCH: VSYKES_0010606, starting with "Thank you."

MR. SCHNEIDER: You want him to read that aloud is what you're saying, this

document --

MR. BRANCH: Yes, please.

BY MR. BRANCH:

Q. Can you please read the five messages starting with "Thank you" into the record.

A. The first message from somebody named Rachel says (as read): Thank you. Also I -- also can I see you soon? I miss our Friday calls. LOL.

The respondent says: "LOL."

Next comment is: "Sure."

Next comment is: "When they let me out of our Redistricting bunker."

And there's some kind of e-mail emoji that I don't know what that means.

Q. Can you read the next message?

A. "LOL same tbh."

Q. All right.

MR. SCHNEIDER: And, again, for the record, I'm objecting to this line of questioning from these -- these apparent text messages that have been unidentified on the basis of foundation and hearsay.

MR. BRANCH: All right. You

interposed your objection already.

BY MR. BRANCH:

Q. Did you work with anybody by the name of Rachel in the Senate Minority conference room?

A. No.

Q. Are you aware of -- were there any restrictions on who could come in or out of the conference room?

A. The door could be locked, so when I wasn't there, I locked the door. So...

Q. All right.

Were there any rules imposed on the Senate Democratic Caucus staff or members on who could go into the Senate Minority conference room while you were working there?

A. I don't recall anyone being prohibited entry.

Again, I locked the door when I wasn't there to not, you know, leave my computer or whatever unattended.

Q. Okay.

And are you aware of whether anybody referred to the Senate Minority conference room as the "redistricting bunker"?

CHRISTOPHER GLASSBURN

MR. SCHNEIDER: Objection, hearsay and speculation.

A. No, we did not have any bunker of -- no.

Q. Okay.

Did the Senate Democratic Caucus, in addition to the Senate Minority room, rent out any space or set any space aside for redistricting work?

A. No.

Q. And so they never rented space at a hotel, reserved a conference room or anything like that offsite from the legislative buildings for meetings related to redistricting?

A. I don't live in Columbus, so I had a hotel room for nights I was in Columbus, and then there was one night where I worked all night in the conference room, but I did not do any redistricting work in my hotel room.

So I don't -- and I'm not aware of anything besides the Minority conference room being used for this purpose.

Q. Okay.

And just do you recall what night you

worked all night on the redistricting maps?

A. It was towards the end of the process. I believe it was either the 13th or the 14th.

It was to integrate what Auditor Faber and Secretary LaRose asked for in our feedback from them.

Q. Okay.

And I believe what you're testifying about is making changes to the September 13th proposal from Senator Sykes. Is that right?

A. I believe that that's it, but we talked to Auditor LaRose and Secretary -- yes, Auditor Faber and Secretary LaRose we talked to prior to the 13th map as well.

Again, if you want me to look at documents, I could probably come up with certainty the exact date that I work all night, but it was -- that whole time period was a pretty short period.

Q. I understand. I understand.

And given the compressed time, I'm trying to get your best recollection of everything. So let's move quickly then to the September 15th map, the last map that

Senator Sykes submitted to the Commission.

And is it -- I think you testified earlier, you're the person that actually composed the lines for the September 15th map, right?

A. Yes.

Q. All right.

And what input were you given on how to draw the lines on the September 15th map?

A. I was asked by Senator Sykes and Leader Yuko to integrate as many changes as possible requested by Secretary LaRose and Auditor Faber and very late Speaker Cupp. That was the focus of the September 15th proposal, was to make additional changes that they were -- requested.

Q. Gotcha.

Were that -- was that the only instruction you were given in regard to preparation of the September 15th map?

A. Again, we had a consistent, primary directive to follow the rules of the Constitution. We had already established what we -- having drawn multiple maps by that point, what we were seeking in areas of the state that we had members. So there wasn't much to change in those areas.

CHRISTOPHER GLASSBURN

There was some requests to change by Secretary LaRose specifically in Summit County, in Cuyahoga County area, like, in general. At that point, we knew what we had and what we were seeking in those areas.

We don't have in the Senate -- the Senate Democrats don't have members in large parts of the state. And so we wanted to defer to the Republican commissioners, to the extent they wanted to give us feedback, as to how they felt those areas should be drawn in addition to the metro areas or other parts of the state, but we spent more time on those areas that, again, Secretary LaRose and Auditor Faber were focused on.

Q. Gotcha.

And you said a moment ago that the Senate Democrats don't have members in significant parts of the state.

Why is that?

A. That's a pretty big philosophical question, I guess.

MR. SCHNEIDER: Object on speculation grounds.

CHRISTOPHER GLASSBURN

Go ahead.

A. We have a currently gerrymandered map that does not favor or give Democrats a fair shake, if that's what you're asking.

Q. You mentioned the rural part of the state, and my understanding of your statement about not -- the Senate Democrats not having members in part of the state, was it the Senate Democrats don't have members in the rural part of the state. Is that correct or --

A. At this time, there are eight Senate Democrats, and none of them have what I think anyone would categorize as a rural district.

Q. Okay.

MR. SCHNEIDER: Just for a point of clarification, are you asking him if there are Democratic voters in rural parts of the state or Democratic-sitting Senators in rural parts of the state?

MR. BRANCH: I was asking about the Senators.

Q. So was it a factor in the negotiations with the auditor, the secretary of state, that you would take into account requests that they had

that could pertain to the rural part of the state?

Is that accurate -- an accurate summary of what you testified to earlier?

A. I don't think that that's a -- no, I don't think that's accurate.

Q. Okay.

Can you clarify? Because I think you were trying to draw -- you were trying to describe for us where you and the -- strike that.

I think you were trying to clarify where the Senate Democrats were willing to take in input from the auditor and the secretary of state on the map that you were drawing and where they weren't.

So what I'm trying to get at is sort of where the compromise is able to be made and where they were not.

A. We were willing and did talk about every part of the state with the auditor and the secretary.

I had already had the benefit of input from Senate Democratic members about areas where they represent and live. I didn't have any prior input from that Democratic members in western Ohio

or most of the rural areas of Ohio, but there are no Senate Democratic members there.

So we sought input on the entire state, but because there was no input already from anyone on what district, say, Allen County should be in, we thought that -- especially wanted to make sure that they told us what they thought was the right way to reflect the communities of that area.

But we talked about Cuyahoga County. We talked about Summit County, where Senate Democrats have members right now, and then every county throughout the state. I wouldn't say there was something off the table, so to speak, if that's what you're asking.

Q. No, I appreciate that.

I guess I'm going to go back to -- were you given any instructions to -- with regard to drafting the September 15th map other than to integrate as many changes as possible as requested by the auditor, the secretary of the state? And I think you mentioned some changes were requested by Speaker Cupp.

A. Again, other than to follow the rules

and to continue to honor the rules of the Constitution and continue to honor the feedback we had already received from Senate Democratic members and limited feedback from the House Democratic, the team, no. I mean, it was do -- make the most integration possible.

That was, again, follow the rules, No. 1. No. 2, integrate as much as possible.

Q. All right.

And what was your understanding of what the rules required with regard to Article XI, Section 6 and the partisan breakdown of the Senate and the House?

A. Well, there's different segments of Section 6. I assume you're referring to (B) and (C), or which ones -- how do you want me to proceed through this?

Q. Let's look at (B.)

A. Okay.

MR. SCHNEIDER: When you say, "Let's look at (B)," is there an exhibit you would like us to take look at?

MR. BRANCH: We can put -- we can send a copy of Article XI, Section 6, but I -- I

think -- I think Mr. Glassman has some familiarity with it.

MR. SCHNEIDER: I just want to make sure Mr. Glassburn is accurate with exactly what you're referring to, rather than having him recite the Constitution from the top of his head.

MR. BRANCH: Fair enough. Fair enough. We'll upload it to the chat.

MR. SCHNEIDER: I'm assuming that wasn't sent along with exhibits, so we'll just be following along in a digital form?

MR. BRANCH: That's right.

MR. SCHNEIDER: Is that going to be marked as an exhibit then?

MR. BRANCH: I was not planning on marking the Constitution as an exhibit, but I'm happy to do so.

Let's mark it as Exhibit 5.

(Exhibit 5, Ohio Constitution, was marked for identification at this time.)

BY MR. BRANCH:

Q. So this is Article 11, Section 6 of the Constitution, and my -- my question was: Were

you given any instructions as to what the rule was to follow with regard to what Article XI, Section 6, Subsection (B) required for the September 15th map?

A. So 6(B) had been a topic in the public hearings over and over again. Senator Sykes continuously asked witnesses and all the members of the Commission to define what they felt that 6(B) meant.

To me, again, my opinion, 6(B) is clear and unambiguous. There were statewide elections for federal and state partisan offices throughout that period. You take those races, you add them up, what's the average? It's 45.9 percent Democratic and the inverse, Republican, 54.1 in a two-way -- you know, eliminating third-party votes.

So to me, that was the -- that was the ratio of proportional representation that was -- that's the proportion. That's the statewide proportion, is 45.9 percent Democratic and 54.1 percent Republican.

So that was a -- that that -- I had expressed that that was my interpretation of 6(B)

multiple times, and so no, I was not instructed additionally as to what that means.

Q. All right.

So what is -- you've noted that you believe that the proportional representation percentage was 45.9 to 54.1.

What do you believe the rule is that is required by Article XI, Section 6 in drawing Ohio redistricting maps?

A. So I'm not an attorney. I -- my interpretation of Article VI is that you must follow the provisions of Sections 2, 3, 4, 5, and 7 of the Constitution.

Within that context, Article VI would say that you should get to the closest ratio of proportionality that you can while following those rules in 2, 3, 4, 5, and 7, and that you can't deliberately benefit one party or the other in general.

Then once you've done all of that, can you make it more compact? Do so.

That's what it means to me.

Q. So just on the compactness issue, it's your belief that a districting plan first has to

comply with Sections 2, 3, 4, 5, and 7 of Article XI, then it has to comply with the proportionality -- proportional representation, is I think how you described it, requirement in Section 6(B) and the primarily favor or disfavor requirement in Section 6(A), and then you look at compactness?

A. It seems to me that (A), (B), and (C) are coequal.

Q. Okay.

So you've got to look at them together?

A. Yes.

Q. Okay.

And in your preparation of the September 15th map, you used the September 13th map as a base map and then made changes to get to the September 15th map, right?

A. Yes.

Q. Did you have a partisan breakdown of the House or the Senate that you thought was a hard floor with regard to complying with Section -- excuse me -- Article XI, Section 6 of the Constitution?

A. One of the documents that I provided to you is a large poster about this, but we also included it, I believe, in the testimony for August 31st, which is that proportionality from the Democratic side would suggest that the optimal ratio is 45 House seats on the Democratic side, and then 15 Democratic Senate seats, with the inverse of 54 Republican House seats and 18 Republican Senate seats.

However, we have closely -- so you ask yourself, if you don't do that, what's the next closest? And you work your why out from that.

So the maps, I believe the ratio was -- and I could be mistaken, but I believe the ratio was 44 -- 44 House and 14 Senate Democratic seats in the -- in the 13th and 15th maps. They were close to that, if that's not the exact numbers.

Again, the goal was to get to a ratio that was as close to the optimal ratio as possible. That is, we did not meet the optimal ratio but we came close.

The Commission maps consistently were not in the same universe of being close to those

ratios. So I would say, yes, closely, that corresponds.

Q. And do you believe that the September 15th map that Senator Sykes submitted to the Commission was as close as possible to the 45.9/54.1 split that you described?

A. No. It is possible to draw 45 and 15. We draw less than that to accommodate the requests of the Republican commissioners.

Q. Okay. And was it constitutionally permissible for you to draw the 44/14 split that you described in the September 13th and the September 15th map?

MR. SCHNEIDER: Objection as it calls for a legal conclusion.

A. So if you're asking my interpretation of Article XI of the Constitution, both Section 3 and Section 6 are areas that tell you as a map drawer to do the best possible.

We put forward on the Democratic side what we felt was the most compliant way to do that. That was determined to be not acceptable by the Republican commissioners, so in a good-faith effort to continue trying to come to a compromise,

we accepted some premises of the Republican commissioners as to what was permissible, what was -- what was the best way to handle an issue or not.

The first and most important to the Republicans was the issue of -- with our August 31st and September 1st maps was they were not satisfied with that we had a Section 6 -- not Section 6 -- Section 4, the Senate issue, in Trumbull County in that our map had not put both House districts in the same Senate seat.

In resolving that and resolving it the way the Republican suggested that we resolve it with a House district in Summit County, Cuyahoga County, and Geauga County, that made it no longer feasible to draw 15 Democratic Senate seats, the maximum became 14.

So if you accept the premise that it is preferable or somehow more compliant in Section 3 and 4 to eliminate that Trumbull County issue at the expense of splitting multiple communities in Cuyahoga County, then that does become the optimal ratio.

But, again, we explicitly asked the

Republican commissioners and their staff, tell us what you think this means. Tell us what you think the law is here.

And they refused to answer. They refused to provide anything else. So we followed the procedures that were in the Republican maps.

Q. I want to unpack a couple of things that you said there.

A. Yes.

Q. You said you accepted some of the premises of the Republican commissioners, and then discussed the Trumbull County Section 4 Senate issue.

Other than the Trumbull County issue, what premises of the Republican commissioners were accepted and incorporated into the September 13th Democratic map?

A. To be clear, it's Trumbull County, T-R-U-M-B-U-L-L.

Q. Thank you.

A. It -- one of the other big legal questions was: Do you have an obligation to put as many districts, House districts and Senate districts, within a city or a township if one

existed that exceeds the ratio of one state House seat.

For example, do you need to put in the City of Cleveland three whole House seats because you can? Or because Cleveland exceeds the ratio of one House representation, then you can split it as much as you want.

The way that the Republicans drew their maps, they did not honor preserving Cleveland or major cities. They split those communities excessively consistently.

We asked, Is this your interpretation? And we were given no response.

So we accepted the premise that, for example, again, Cleveland, where it is possible to draw three house districts and a single additional district that goes into pairing with other communities, we accepted their premise that that wasn't absolutely required to do and had in our maps, I believe, two whole seats in Cleveland, and then fragments of two others or maybe three others in those following maps.

That was also necessary to do, by the way, to resolve the Trumbull issue, but this was

consistent throughout the State of Ohio in terms of these larger cities.

So -- and we were very clear with the Republican commissioners and their staff. We're not saying this is permissible or not, but we are going to continue to try to provide compromises and solutions, so we'll follow the procedure that your map followed. And they -- again, Secretary LaRose and Auditor Faber, at least -- continued negotiating on that premise.

Q. Gotcha.

And when you said it was consistent with other issues in the different cities in Ohio, what -- what do you mean by that?

A. So we believe, and in our initial 31st map again, that you had to draw as many House districts in a city that you could.

So take the City of Akron, you can put one state House seat entirely in it and you can put the rest of it in just one other seat with other suburban communities. So the Republican map did not put Akron any seat singularly in Akron and divided it multiple times.

We -- again, we stuck to trying to

keep as many whole districts as possible, but where there was a question or a request to make a change in the district, if that was the stumbling block, we were willing to bend on that rule to meet the request of the Republican commissioners.

Q. Can you give me a couple of examples as to where you made that -- like, did you compromise in the September 13th map in how you drew Akron based on that interpretation?

A. So we were trying to draw Summit County in the way that, again, specifically Secretary LaRose -- that was his area of the state -- him and Auditor Faber somewhat divided the state in terms of who gave us feedback on what regions. Between the two of them, they kind of split between the two. And so to meet Secretary LaRose's request, we redrew areas of Summit County.

We intended to keep one seat wholly just being the City of Akron, and in the process of going back and forth, we actually made a mistake and the seat that we entirely meant to keep with Akron alone, we had one very small suburb attached to it.

CHRISTOPHER GLASSBURN

But that was, again, in the process of trying to accommodate the Republican commissioners.

Q. All right.

Then can you give me any other examples of changes that you made to your districting map as -- as requested by the Republican Commission members.

A. In Hamilton County, where Cincinnati is the major city, we had drawn our map where the City of Cincinnati could have two districts entirely in it and just one remaining district of a portion.

In our final map, I believe we have two districts that have portions of Cincinnati -- or is it three?

But we added -- we added a portion, and then we made a mistake with another district that both -- both sides made. The Republicans made a mistake there as well, whether it was an inadvertent township lack associated to Cincinnati that I don't think was intended by them or us.

Q. Gotcha, gotcha.

A. I'm sorry to talk over you.

In terms of the intended product, we added a split to the City of Cincinnati to make what Auditor Faber had requested possible.

Q. All right.

And were these changes that occurred between the September 1st map and the September 13th map or the September 13th map and the September 15th map?

A. Both.

Q. Gotcha.

A. The September 13th map was an attempt to integrate the changes from -- again, primarily from Auditor Faber and Secretary LaRose.

What happened though is in the course of doing that, I discovered ways to do even less splits than what had been suggested. And so I followed, again, the most literal, toughest interpretation of 3 -- Section 3 possible, and so that meant that not all of the changes that Auditor Faber and Secretary LaRose were integrated into the 13th map.

They told us that again, and so we did a second try of it, and that was the product that was the September 15th map.

CHRISTOPHER GLASSBURN

Q. Okay.

So with regard to the September 15th map, were you still -- when you were drafting it in Dave's Redistricting, did you still have the 2016-to-2020 composite election score up?

A. Yes.

Q. And when you made changes to the 2013 map that resulted in the 2015 -- sorry, sorry.

When you made changes to the September 15th map that resulted in the September -- I'm sorry, I got my dates confused.

When you made changes to the September 13th map which resulted in the September 15th map, did any districts partisan lean shift from Republican to Democrat or Democrat to Republican as measured in the 2020-to-2016 election composite?

A. Yes.

Q. What districts changed?

A. So September 13th used the Republican commissioner's map as its base, and so I would say categorically those districts were different from how we had approached the two earlier maps of August 31st and September 1st.

So there's not a -- I don't have an apples-to-apples comparison for you, again, other than to say specifically Trumbull County was no longer part of any Democratic Senate seat because Trumbull County now was wholly partnered with Portage County.

Q. Gotcha.

And just so I'm understanding this right, the September 13th map that you drafted did not use the August 31st or the September 1st map as its base. What it used was the September 9th map that the Commission adopted for consideration as its base, and you made changes to that map to generate the September 13th map. Is that accurate?

A. Yes. That was the request of all of the Republican commissioners, staff representatives. We met with all of them at the same time, and that is what they asked us to do.

Q. And did you meet with them during the weekend after the presentation of the September 9th map?

A. I believe that was the time. Yes, it was on a weekend date. I think it was a Saturday.

Q. Gotcha.

And were you having -- after the September 9th map was introduced, did you have any meetings with Republican staffers repeatedly? Can you describe those meetings?

A. So our first meeting, we had representatives from the five commissioners, but we didn't have any -- we didn't have Mr. DiRossi or anyone else who purported to be a map drawer on behalf of any of the Republican commissioners, and so our first natural question was, you know, is there going to be someone coming to this meeting or any subsequent meetings?

And the answer was no. The Republican staff requested that the Democrats use their map to provide changes and wanted us to suggest changes to that map. And they -- and, again, in that first meeting, they were absolutely clear that if we did not resolve the Trumbull County issue that they were concerned with, that that was the nonstarter if that was not resolved to the way that they wanted it done, again, with the additional splits in Cuyahoga County and Geauga and all of that.

So we said, Okay, we will do that. Can you tell us, though, your interpretation of the balance of satisfying those Senate districts to House districts? Can you tell us your interpretation of how to handle cities or any entity that has more than one House ratio representation in terms of splitting?

And so they said, We'll get back to you.

We had a second meeting, and they said, We have -- we don't have an interpretation to give you.

Q. Gotcha.

And when was the second meeting?

A. I think it was the next day.

Q. And who attended the first meeting on Saturday?

A. For the Republicans, there was one or two staff representatives of each of the five commissioners. A gentleman -- I think his name is Roadhouse -- from Secretary LaRose's office was the main spokesperson for the group. He was primarily the only one who talked.

On the Democratic side, we had myself,

Randall Routt. I believe we had our two Senate Democratic attorneys, and there may have been on the house Democratic side, their attorneys, Sarah Cherry and their policy expert -- again, I don't know his exact title -- Andy DiPalma.

I don't recall the names of all of the -- of the Republican attendees. I can give you general descriptions, if that's what you're looking for.

Q. About how many people came on the Republican side?

A. Six or seven.

Q. Was each Republican member of the Commission represented at the meeting?

A. For those initial meetings, yes.

Q. All right.

And I guess the same question with regard to the meeting on Sunday, who was there and was each office -- each Republican member of the Commission represented by someone?

A. I believe all of them were. Again, Mr. -- again, I think his name is Roadhouse -- spoke primarily on behalf of the -- the Republicans.

In the first meeting, there was a Republican staff member on behalf of the House whose name I can't recall who was the main spokesperson about the Trumbull County question. Frank Strigari from the Senate Republicans chimed in on that a little bit as well.

But, again, in terms of -- in general, the conversation was with Mr. Roadhouse, and then the follow-up conversation, again, was led by Mr. Roadhouse.

Q. Fair enough.

Did you have any meetings with representatives from the Republican members of the Commission after the referenced Sunday meeting?

A. I don't recall having an all-staff meeting of that ilk again. There may have been one additional, but I don't recall that.

Our subsequent meetings were with Secretary LaRose and his staff and Auditor Faber and his staff. The Governor's office dropped out of participation, not as a -- you know, we're not going to participate, they just -- they just didn't.

And, again, we didn't -- we offered

meetings continuously to all of the commissioners, and it was always the two that I continue to describe, the auditor and the secretary, who participated.

Q. Gotcha.

And did the meetings and some of the representatives from the individual Republican members of the Commission, did those continue on through September 15th?

A. There were meetings through September 15th, but following the staff meetings -- again, I'm having difficulty recalling a meeting where Secretary LaRose wasn't with his staff or Auditor Faber was not with his staff. They -- they came.

Q. Okay.

So they were participating directly in the discussions with you and with the Minority members of the Commission?

A. Yes. Now, this was a -- following that weekend, there was regular legislative business going on. So, you know, I'm certain there was at least one meeting, for example, where I was the only -- or myself and Randall were the

only Democratic staff, and we met with Auditor Faber. We did not have a full complement on our side of the aisle as everyone had described at every meeting.

Q. Gotcha, gotcha.

Let me ask you a couple more questions about the September 13th map.

Other than -- let me back up.

Who made the decision to agree to use the September 9th plan as the base map?

A. I mean, that was the request of the Republican commissioners' staff. We relayed that to Senator Sykes and Senator Leader Yuko and House Leader Sykes.

I recall specifically Leader Yuko and Senator Sykes saying, Yes, go ahead and do that. I don't recall whether we got an explicit yes or no from Leader Sykes in the House.

Q. Fair enough.

Do you recall about when you were informed by Leader Yuko and Senator Sykes to go ahead and use the September 9th map as the base map?

A. I mean, immediately subsequent to the

meeting, so I guess that Saturday.

Q. All right.

And then did they give you any other instructions on how to draft the September 13th map other than to use the September 9th map as the base map and to incorporate the requested changes from the auditor and the secretary of state?

A. I told them I would do that and that I would continue to integrate my understanding of the -- the suggestions and requests made of the Senate Democratic members that we had used as the basis of our first maps.

So beyond that, we eventually integrated in discussions with the House Democrats. I believe we did that before the September 13th map, so yes, I was told to, you know, listen to and hear what changes the House Democrats wanted.

Those are the factors. Again, follow the Constitution and integrate these parties.

Q. And do you recall what input the House Democrats gave into what ultimately became the September 13th map?

A. Again, that was predominantly conveyed

to us through Haystaq, and the House chief of staff later on, I believe between the 13th and 15th map, but maybe before the 13th, Sam Herd, but Sam was late in the process.

Q. Gotcha.

A. In the documents I've provided, there's dates and times of when we had meetings that involved Sam, so whatever that says, that's when she started participating.

Q. Gotcha.

And but in all fairness, you provided us with a thousand-plus documents less than an hour before the depo, so we've not really had a chance to go through them. So if I'm asking questions that are answered by the documents, that's why.

A. Yeah, I'm not trying to challenge. I'm just saying that whatever that date, that's the exact answer. I don't recall the exact answer.

Q. Okay. I appreciate that. I appreciate that.

Did Leader Yuko or Senator Sykes ever give you guidance on what they believed the

Constitution required the partisan lean or breakdown of the House or the Senate should be for the September 13th map?

MR. SCHNEIDER: Objection, calls for hearsay.

A. In our August 31st map testimony that accompanied the introduction of that, we conveyed what we believed to be the ratio of representation called for in Section 6, which is the 45.9 that I've described to you in the House and Senate.

That was our consistent guideline, and up to that point and afterwards, Senator Sykes continued to ask all the Commission members and experts and people testifying, Do you have an interpretation of this? What does this mean to you?

But we never got a different interpretation until the explanation provided on September 15th by the -- I guess it was Senator Huffman's staff, but we never had an explanation or guidance on that prior to that.

Q. Gotcha.

And what I asked was a little different. I wanted to know, in connection with

your preparation of the September 13th map, did Senator Sykes or Senator Yuko provide you with any guidance on what the partisan breakdown of that map should look like?

MR. SCHNEIDER: Same objection.

A. The nature of the services I provided to the Senate Democrats is that, in these situations, they asked me what to do, and I said, the statewide is -- the statewide proportionality is clear. It's the 10-year average.

So we did not have an additional conversation about that because we had covered that many times before. That was the understood interpretation of the Constitution.

Q. Okay.

So just to be clear, your testimony is that Leader Yuko and Senator Sykes did not provide you with guidance on what the partisan breakdown of the September 13th map should be?

A. They had previously indicated that they agreed with the interpretation that I had provided of the 45.9. I didn't have a need to ask to reiterate that point, so no, I did not get told again to do that. It was -- it was already

established as that's what the law requires.

Q. And the standard that had been established as to what the law requires, is that -- is the standard that is referenced in your August 31st testimony before the Commission?

A. I need to look back at that testimony.

Again, you have to follow Sections 2, 3, 4, 5, and 7 first, and then Section 6. So no, Section 6 does not and the 45.9 does not take precedence over that, if that's what you're asking, but the standard of what is the ratio and how close do you get to it? Yes, we put that in writing for the Commission on August 31st.

Q. Did you have a floor or a hard stop on the number of Democratic-leaning seats that you were told not to draw a map to endanger in regard to the September 13th map?

MR. SCHNEIDER: Objection as to form of the question and calls for hearsay.

A. No.

Q. All right.

And the same question as to the September 15th map, were you given any sort of hard number of Democratic-leaning seats that you

were not allowed to draw a map to endanger?

MR. SCHNEIDER: Same two objections.

A. Still no.

Q. All right.

And is it your understanding that the September 15th map that you prepared complied with all the redistricting requirements contained in the Ohio Constitution?

A. Again, with the caveat that we followed the Republican commissioner's interpretation of -- or the way that their map handled the issues of large municipalities and the Senate pairing issue, yes. It was the closest -- closest complying map in terms of the fewest splits possible with Section 3 and -- well, it was close to the fewest splits. It wasn't the absolute fewest, because we had to increase a handful for Faber and LaRose, but it was very close there, and it was as close to the ratio as was possible given the limitations we were provided.

MR. SCHNEIDER: Before we go on, Chris, I see you're adjusting yourself.

How are you doing?

CHRISTOPHER GLASSBURN

THE WITNESS: I know he's on a roll. I'll tough it out until he gets to the next subject. But, yeah, I'd like a break.

MR. BRANCH: Let me close the loop on this for a moment, and then we can -- we can take a break.

BY MR. BRANCH:

Q. I just -- with respect to the 15th map -- the September 15th map, other than the -- which I think you've characterized as the additional municipality, county, or township splits that integrating the changes from Faber and LaRose caused and addressing the Trumbull County issue in a way that I think you testified accommodated the Republican request, are you aware of any other Constitutional issues raised by the Senate Democrats' September 15th map?

A. There are a small handful of errors mostly made by both the September 15th map, ours, and by the commissioner's map.

But these are, again, what I would categorize as technical errors and are resolvable. They're not, at least for our -- the September 15th map, they're not intentional,

purposeful errors.

Q. All right.

Can you describe what these errors are?

A. One of the documents that you received was I did a count of all of the errors and splits of the House Republicans -- the House map that was passed by the Commission on the 15th as well as our proposals on the 15th and the 13th.

I can tell you one example off the top of my head that all three maps made the same error on is in Butler County, which is just north of Cincinnati, all three maps made a mistake of preserving what was -- what was interpreted, I can say for myself, as a municipality that is technically not a municipality.

So for the purpose of preserving that municipality -- well, it's actually a village. The village goes across township lines. So preserving that township by preserving that village, we split a township.

It was -- again, on our side, that's unintended. It's not essential to facilitate the maps. Republicans made the same mistake.

CHRISTOPHER GLASSBURN

Q. Okay. This is an issue in Butler County --

A. It's in Butler Township. I'm blanking on the name of the village.

Q. Okay. I appreciate the level of detail.

What other -- what other errors constituted the small handful of errors that you mentioned?

A. I believe our map has -- one of them has, for example -- I think one of them -- again, I'd have to look at the actual counts 'cause we're talking about a lot of seats.

I believe there are 10 township splits in the Commission pass map. I believe one is the 13th and -- I think the 15th has 10, and the 13th has 8.

Again, these are predominantly errors. There are no intentional -- speaking for the Democratic plans, there are zero intended township splits. I believe the Republicans have at least two intended township splits, but, again, it appears that they made mistakes as well with the Commission pass map and maybe a little more than

what we made.
Q. Gotcha.
So you've identified the issue regarding Butler County and the municipality that wasn't a municipality causing a township split, and then I think you said -- you know, and I apologize, it was a little bit confusing to me -- that there were 10 township splits in the Commission map?
A. I believe those are the counts. Again, we'd have to look at the document I submitted, but it has a count and listing by district of all 99 House seats for those 3 plans, what are the splits of every district.
Q. Okay.
And so other than the township splits you've mentioned and the Butler County issue, what other errors were made in either the -- Senator Sykes' plan that was submitted on the 13th or the 15th?
A. Those are predominantly it.
Again, in Cincinnati, we had intended to have two seats entirely within the city, and one of ours has a small township fragment attached

to it. That was not intended.

Again, the Republican Commission map made the same mistake with a different township fragment but the same mistake.

And, again, in Summit County, we had intended on having a House seat entirely in the City of Akron, and the seat that we intended to be entirely in Akron has a portion -- the Summit County portion, the City of Tallmadge.

Q. Gotcha.

A. But, again, in aggregate, these are still fewer mistakes or splits than the Commission map.

Q. Gotcha.

So we've got the Butler County issue, the 10 township splits versus 8 I think you had said, the Cincinnati issue, and the Summit County issue.

Are there any other errors in the map submitted by Senator Sykes on either of 13th or the 15th?

A. I believe that is it.

Again, the -- the document I -- that you will have a chance to look at after this, I

suppose, has the exact detailing of all three maps' issues.

Q. All right.

And so other than that, other than the issues identified by you here, or possibly identified in the document that you've referenced, you believe that the September 15th map and the September 13th map comply with the Ohio Constitution?

A. Yes.

Q. Okay.

Were there any geographic areas of Ohio that you encountered unexpected issues in preparing the redistricting maps?

A. Could you be a little more specific?

MR. SCHNEIDER: Is this a good time to take a break?

MR. BRANCH: That's fair. Let's go off the record and take about a 10-minute restroom break.

MR. SCHNEIDER: Thank you.

(Recess taken from 3:57 p.m. until 4:17 p.m.)

CHRISTOPHER GLASSBURN

BY MR. BRANCH:

Q. Mr. Glassburn, I want to turn back to the discussion of the -- the small handful of errors made in the redistricting maps that you were talking about.

And it seemed like the -- one of the focuses of the discussion was about the -- what you believe were impermissible splits of different municipal units in Ohio, municipalities or townships or counties.

I think you had used Akron as an example of the issue and the distinction between the Commission plan and the Sykes' plan, and are you familiar enough with the Akron split issue to kind of go back through that with me?

I just want to make sure that I've got an understanding of what you identified as a problem there and sort of how you came to that conclusion.

A. Section 3 of Article XI is very dense. However, it provides that if you put a county entirely or you put a district entirely within a county or entirely within a city, that exceeds the ratio of representation that you're not splitting

the city.

So Akron is larger than a state House seat and smaller than a Senate seat. So it should, by following that procedure, have a state House seat entirely within it and a single other seat in which the remainder of the City of Akron should be paired with surrounding whole communities.

That is the least splits answer, which, again, the Constitution provides, if you have to split, how to go about doing that.

The -- again, the Republican Commission map doesn't try. It's -- it's got Akron in three different seats, no real seat wholly in the city.

Our Commission maps -- our maps provided on the 13th and 15th were seeking to follow the -- follow the procedure of having a state House seat in Akron wholly and then the remainder in a single seat.

In going through our various permutations and because of how fast the process went in accommodating the request that Secretary LaRose made, we inadvertently included the Summit

portion of the City of Tallmadge with the whole Akron seat.

That's our mistake. Our mistake doesn't change the proportionality and, again, in aggregate is fewer than what the Commission tried to -- did do, which does affect the proportionality. It divides the City of Akron to create Republican seats where they don't naturally exist.

Q. Gotcha.

Now, you described the determination of putting a district entirely in the City of Akron as the least splits answer?

A. Yes.

Q. And is it your understanding that the least splits answer is required by Article XI, Section 3 of the Ohio Constitution?

A. That was -- that was the issue we put before the Republican Commission members. To the extent that we could do so and still meet what they were asking for, we did try to follow that provision of putting whole seats inside of the major metros.

Q. Okay. So -- so again --

A. So, again, we were trying to do that as part of the procedure.

Q. So your understanding of what the Constitution requires is that if a major metropolitan area can have a House district within the municipality lines, it is constitutionally required to put the state House seat within the municipality lines?

A. Yes. That's what we believe.

The more precise way to define it, though, is that the Constitution doesn't consider a whole -- a district wholly in a city to be a split. That's the precise way to categorize it.

If a whole district is not inside, if it's Cleveland plus something, Akron plus something, then the Constitution categorizes that as a split.

Q. Okay.

What happens -- okay.

But you'd agree -- let's say if you got a county where you have sufficient population for more than three House districts and one municipality in which you can locate the entirety of a House district, so you would have three whole

House districts and part of a fourth drawn in that county, right?

A. Okay. I mean, are we talking about a specific county?

Q. This is a hypothetical county.

You have one municipality within which you could -- that has population in excess of one House district and two other House districts -- excuse me -- enough population for two other entire House districts.

If the requirement that you believe is imposed, which is you have to put the state House seat -- or you have to put at least one state House seat entirely within the municipal boundaries, what happens if that causes other townships in the county to be divided in the drawing of the other districts in the county?

MR. SCHNEIDER: Objection to the hypothetical calling for speculation.

Go ahead.

A. So in the case of Ohio, it is not necessary whether -- whether you subscribe to what I said about the big cities or you don't. Either way it is not necessary to divide any townships in

the entire state, period.

The reason they're divided in our map is because it was accidental. The reason it's divided in the Commission map is it's facilitating creating Republican seats that don't naturally exist.

Q. So your belief is that it is never excusable for a township -- strike that.

Your belief is that it is never constitutional for a township to be divided by any House or Senate district?

A. It's not that there isn't a reason that a township could be split, it's that in this census, in this 2020 data, it's not necessary to do. You can draw state maps that don't divide townships and you can draw them again while following the proportionality and compactness, which is what we attempted to do.

The Commission did not attempt to follow the fewest splits and didn't attempt to follow the proportionality.

Q. And what -- is it your belief that all of the examples of the Commission not following what you believe is the requirement that no

townships be split in the 2021 redistricting map are included in the spreadsheet you turned over in response to our subpoena?
A. Can you restate the question?
I want to make sure I understand what you're asking.
Q. You stated a moment ago that the Commission plan violated -- strike that -- the Commission plan impermissibly split the townships.
And are all of the examples of the Commission impermissibly splitting townships contained in the spreadsheet you turned over shortly before your deposition earlier today?
A. Yes.
Q. Okay.
And your understanding of the requirement of Section 3 of the Constitution is that no township should be split, period, where possible, right?
A. Correct.
Q. And that --
A. Since it's not -- since it's not necessary to split a township, you should not.
Q. When is it necessary to split a

township?

A. It came very close in Stark County to being required. In Stark County, Ohio, where the City of Canton is, for example, the Republican commissioners identify that they had a split, and they said it was necessary because of the population.

The population of those House seats, for reasons I can get into if you would like, are those House seats all have to be very overpopulated if you are -- to the upper limit if you are not putting a fourth seat in that county.

So the Republican commissioners split a township. We, in our response, were able to help and we showed them, here's how you fix this. Here's how you don't split that township. Doesn't change the proportionality. It doesn't change -- doesn't cause other splits, and it's possible to, again, draw the entire state without splitting a township.

So I don't see where the Constitution would say, go ahead and start splitting townships, and when I say it's possible to draw no township splits, that doesn't mean you have to split

something else to facilitate that. It's just -- it works out that way. It's not necessary.

Q. So -- but it would have been permissible if it was required to split a township to require -- to comply with the requirement that districts contain substantially equal population?

A. Splitting a township does not -- is not necessary to keep all districts within plus or minus 5 percent population variance. It's not necessary to reduce splits of cities or counties.

So, again, I'm not seeing where this would come up in this 2020 census. Populations could change in the future, and we may very well have a township or handful of townships that have splits for population reasons. This time, it was not necessary.

Q. Okay.

But if, hypothetically speaking, the example you just gave, it would be constitutional to split a township in order to comply with the population requirement -- equal population requirement of the Constitution, right?

MR. SCHNEIDER: Objection to the premise based on a hypothetical not in

existence and the improper speculation it calls for.

A. The Republican Commission map splits Nimishillen Township, I think, around the City of Louisville in Stark County right now. It is not necessary to do that to draw seats that split no other communities and are within the population limits.

There is a reason they did that. I don't know what it is. It's not a mistake. It's there on purpose.

So no, that is not a permissible split.

Q. And the townships that you're talking about are all townships that are completely contained in the same county, correct?

A. Townships do not go across county borders.

Q. Okay.

And what's the population of the largest township -- approximate population of the largest township in Ohio?

A. In the Cincinnati area, and in Summit County in particular and in Butler County, there

are townships that are on the order of 50 or 60,000 people.

There's a long Ohio government history answers as to why those communities exist the way they do, but the bottom line is, yes, they exist.

But, again, it was not necessary to split any of them to draw a map that followed Section 3, and it certainly was not necessary to do so to -- for proportionality reasons, we were able to draw the ratio or one seat off the ratio without violating those provisions.

Q. Is it your understanding that Article XI, Section 3 of the Ohio Constitution requires districts to be drawn so as to split the smallest possible number of townships in totality?

A. It is -- it is the role of the Supreme Court to determine the -- that kind of -- make that determination.

When you're in any given area, if you have to draw districts within county borders, the question becomes -- and then up to that one other seat that goes out of the county if that's necessary. It becomes a question can you draw all the seats within that area without dividing

communities or not?

And so if the answer is you can draw the whole -- all the seats in that county without dividing communities, no, I don't see how that would possibly be constitutional to deliberately do that.

Again, the Commission map doesn't -- doesn't try to follow that standard. So there certainly is a lesser answer than what the Commission map is, and the maps that were provided by the Senate Democrats, all of them showed that that was not necessary.

Q. Is it -- in drawing the redistricting maps, is it your belief or understanding that the Section -- Article XI, Section 3 of the Ohio Constitution places any priority on municipalities as opposed to townships as far as which should get split first?

A. It specifies that townships are ahead of municipalities in the protection order, county, township, municipality.

Q. Okay.

So if -- if faced with a decision between splitting a township and splitting a

municipality, the Constitution requires that the municipality should be split first?

A. I believe that's what it says.

Q. Okay.

A. But, again, there's specific provisions about which municipalities of which population, but as an oversimplification, yes, that is the rank order.

Q. How long have you had -- let me back up.

When did you generate the spreadsheet of the list of issues with the Commission's plan -- adopted plan and the -- Senator Sykes' September 15th plan?

A. We had awareness of the laws of the various maps, the Commission map from the 9th and the 15th, and as we went along, we explained those and pointed those out to the Republicans as well.

Again, our -- our splits are to facilitate population balancing. The Republicans consistently wanted splits to facilitate specific creation of Republican seats or Republican members. So in the process of that, we were aware of that, and that was a topic.

After we were done, once we were past September 15th, I put together, again, that list on September -- finished it on September 25th. Because we're talking about, again, hundreds of issues across 99 seats, across 3 different plans or more plans, you want to be very precise, and so I went through at the time to document them all.

Q. All right.

And have you been in communication with Senator Sykes and Leader Yuko about the issues that you identify with the plans in the spreadsheet we've been discussing?

A. I have not provided the spreadsheet we're discussing to anyone.

Q. All right. And thank you for that. But that's not the question that I asked.

A. Okay.

Q. Have you communicated any of the issues that you've identified in this spreadsheet to Leader Yuko or Senator Sykes?

A. I've communicated, again, the issues for all of the plans to all of the participants as we went along.

There are a handful -- again, for

example, the Ross Township question that all three maps made an issue of, I have not had a conversation with Senator Yuko or Sykes about that, but the -- but the vast majority of issues with any of the maps are -- were known by all -- all parties.

Q. How would -- how did you communicate the issues with the maps to the Republican members of the Commission?

A. We literally sat down with Secretary LaRose and Auditor Faber and drew the maps with them on a television screen making changes as they asked.

Q. That -- you're referring to changes made from your September 13th map, right?

A. I'm talking about the 13th and the 15th maps.

So, for example, after the 13th map, because I had diagnosed a lesser splitting way of counties in west -- northern and western Ohio, I implemented that in the September 13th map.

We followed up with Auditor Faber, who asked us to do it a different way, which caused more splits, and even though that was more splits,

we did it because that's what he asked.

Q. Okay.

So you have -- and, again, I have not had time to look at it in any detail, but it looks like you've got more issues identified in the spreadsheet than just the splits caused by the changes requested by the auditor and secretary of state, right?

A. There are the mistakes that I've described to you already that were caused by, again, going too fast and trying to do this in a 24-hour period or 48-hour period between the 13th and 15th maps.

Q. All right.

And --

A. Do I inherently blame Secretary LaRose for us including Tallmadge with Akron?

I mean, that was not a specific request, but in the process of accommodating what he did want, it was an accidental mistake. So in that sense, yes, the mistake is because we tried to accommodate the Republicans.

Q. But you said a moment ago that -- and if I'm misunderstanding your testimony, please

correct me -- that you had communicated all these issues to everybody in the process?

A. Every issue that I was aware of we communicated. We went systemically through counties.

I can't tell you how many dozens of questions Secretary LaRose asked about some accounting. We sat and stared at it together, and he said, What about this? What about that? Can we do this?

And I would say, No, that causes a split here. That causes a split there. We've a split here and we need to resolve this.

Q. But these are issues that came up in the context of you working with the auditor and secretary of state to make changes that they were asking for in the map you drafted, right?

A. Yes.

Q. This is not included in any sort of analysis that you had done of the enacted map, right?

A. We had communicated to the -- and we said -- "we," I mean the Senate Democrats in their communications even, in their PR, stated that

there were too many community splits in the Republican maps at each step of the way, and we said that. That was not -- that was not some secret.

Q. All right.

A. If you want to draw 67 Republican House seats, you've got to split communities you're not allowed to split.

Q. All right. You mentioned community splits.

How many townships were split by the September 15th Sykes' plan?

A. Again, I think the answer is 10, off the top of my head, but whatever the spreadsheet says is the answer.

Q. And -- and your testimony today is that every time the Sykes' plan split a township, that was a clerical mistake?

A. Yes.

I am very strict about -- about what these splits are. They are minutia.

Q. And what is it you're basing your conclusion on that the intent of the enacted plan in splitting townships was to facilitate

Republican-leaning seats.

A. So as I said, there's a mixture of both. There's mistakes, and then there is clear intent.

The Butler County and Ross Township that I described, that's a mistake. That doesn't change partisanship. That doesn't change anything. It changes a very small amount of people. That's clearly a mistake. All three maps made it.

An example that is there to facilitate additional Republican seats is -- is more like Stark County with the splitting of Nimishillen Township around Louisville.

Q. And what is it about the splitting of that township that leads you to the conclusion that it was split to facilitate a Republican-leaning seat?

A. Again, we're not talking about a small fragment of a township or a noncontiguous township. We're talking about a whole township that completely surrounds a city. So you know that you've got to use the whole piece. It's very clear you've got to use the whole piece.

CHRISTOPHER GLASSBURN

So if you're dividing it, that's not a mistake. That is clearly there.

Look, their goal was to get 67 seats. There were things they had to do to get there.

Q. What is it --

A. Is how you get there.

Q. What is it about the split of the township outside I think you said Louisville that led you to the conclusion that it was done for the purpose of drawing a more Republican seat?

What facts do you base that conclusion on?

A. It enables you to weaken the Democratic index of the seat at -- that involves the City of Canton in a way that you couldn't otherwise do. And it facilitates the surrounding county seats to be in a different configuration than otherwise.

Part of the minutia of all this is those township blocks are squares, and so they're not -- for the most part, you've got to go, you know, to the side, up, down, the other side. If you can split one of those, that completely changes the array of possibilities, and that's --

that's what they did.
Q. So there's no other reason in your mind that this township could have been split other than to facilitate a Republican-leaning seat?
A. The splitting of Nimishillen Township is -- does not change the map from 55 to 67 seats. The bigger splits that are done for partisan reasons are to split the bigger cities more often than to segment Democrats into seats where they are the minority.
This split in particular takes an area of the state that is very difficult to work around, but we demonstrated and showed them how to do it without splitting anything, and they chose to do it anyway.
This wasn't a split that was originally part of their September 9th plan. They chose to put this in to facilitate.
It's just one example of dozens.
MR. BRANCH: Let's do this, Ms. Rivera, can you give me a check on time? We had agreed to three-and-a-half hours. How much time do we have on the record?

CHRISTOPHER GLASSBURN

(Pause.)

MR. BRANCH: Okay. Give me one more moment.

BY MR. BRANCH:

Q. Mr. Glassburn, a couple of last questions.

Did you coordinate any of your redistricting efforts with people or groups outside the Senate Democratic Caucus, with the exception of the members of the House Democratic Caucus that you've described already today?

A. Just the Republican Commission staff, as I have said at different time intervals.

Q. Did you have any meetings with anyone from a group called "All On The Line"?

A. I had one -- I was asked to participate in one Zoom meeting -- Randall Routt asked me to participate in one Zoom meeting.

Q. Do you remember approximately when that was?

A. I do remember. In the production of the documents, I saw that Zoom invited September 3rd.

Q. And do you remember who all was

participating in that Zoom meeting?
A. It was myself, Randall Routt from the Senate, and on the other group, there was Katie Shanahan and three people who were staffer associated with her. I can't -- I can't recall their names.
Q. Gotcha.
And what was the purpose of this meeting with All On The Line?
A. They asked us to explain the Senate Democratic map as it was updated on September 1st to them.
Q. Why did they do that?
A. They wanted to understand why we did what we did.
Q. And what do you mean by why you did what you did?
A. They had produced their own maps within -- and put in the public domain, and they wanted to understand from us why we didn't do similar things to what they did.
Q. And when you said they produced their own maps and put it in the public domain, are these maps that members of All On The Line

uploaded to the Ohio Redistricting Commission's public database?
A. I believe they did so in their role as part of their -- I forget the name of the group -- the Citizens' Redistricting Commission, or something to that effect.
Q. Okay.
So it's your understanding that All On The Line facilitated the submission of the Citizens' Redistricting Commission map to the Ohio Redistricting Commission?
A. I would not say that. I would say that my understanding was they were a member of that and that map was what they wanted to -- they wanted -- they were comparing to what we had.
Q. Okay.
What was the difference between the Senate Democratic Caucus' map and the map that was being discussed at the All On The Line meeting?
A. We were -- so it was a half-an-hour discussion, and the overwhelming majority of the discussion was, you know, please take us through the state and explain why -- them asking us, take us through the state and explain why you did what

you did.

That was at least 20 minutes if not more of the discussion, and then at the end -- well, throughout that, they said, Well, why didn't you split here? Why do you have this?

And we said, Again, we were strict adherence to following Section 3. Do the best you can, you know, and we will see if anyone puts forward something that does it better.

There never was somebody that came forward and did it better and did fewer splits. Their map had a large number of more splits.

Q. Was there -- other than the large number of additional splits, were there any other additional issues with the -- the Citizens' Redistricting map that you identified?

A. To be honest, and this -- when you look at their map and you see the number of splits, you know that it's not -- it wasn't the least you could do, and it wasn't particularly close, the same thing with the Commission map.

So -- so you don't -- you don't go that direction. There's not a lot of benefit to doing that.

CHRISTOPHER GLASSBURN

Q. You were able to divine the intention of some of the splits that the Commission adopted plan as being for the purpose of creating Republican-leaning districts in your review of the Citizens' Redistricting Commission plan.

Do you believe that the preparers of that plan decided to split some of the municipalities or townships that it split in order to create Democratic-leaning districts?

MR. SCHNEIDER: Objection to the mischaracterization of the testimony that this individual is divining intent. He indicated how he drew his conclusions based on timing as well as results, and the actions determined intent.

Here, I object to the hypothetical, the unfair speculation it calls for, and the attempt to try to mischaracterize some third-party group who had no role in this process.

MR. BRANCH: And, Counsel, I think you're in violation of Rule 37 in your objection in that you're to the point of suggesting testimony to your client. And so

please stay within the boundaries of the rules here.

MR. SCHNEIDER: As I would ask you to as well.

My objection is noted for the record.

MR. BRANCH: Thank you.

BY MR. BRANCH:

Q. I interpose the same question, which is essentially: Similarly to the analysis that you performed of the splits in the Commission plan, did you draw any conclusion about whether the splits in the Citizens' Redistricting Commission plan was for the purpose of drawing Democratic-leaning districts?

A. So the way I have consistently answered this issue, and will say the same to you, is with our Senate Democratic maps, we prove that it was possible to follow the ratios to draw 45 House and 15 Senate.

If you accepted the limitations the Republican commissioners put forward about Trumbull County and elsewise, we did 44 and 14.

It wasn't necessary to split to facilitate that ratio of Democratic seats. So can

I divine that their intention was to split to create Democratic seats? No, because it wasn't necessary to do so.

So I don't know why they did. Maybe they're just not as familiar with Ohio geography, I don't know. It wasn't necessary.

Q. You couldn't draw a conclusion from the sole fact that those townships or municipalities were split as to the purpose of that split in the Citizens' Redistricting Commission plan?

MR. SCHNEIDER: Objection to the improper speculation.

A. Again, I come back to it wasn't necessary to split communities to facilitate the ratio you're talking about. So why they would do that when they didn't need to, that's my question, right?

Q. But you don't have a belief as to why they did that?

MR. SCHNEIDER: Objection, again, to the speculation. That's improper.

A. My job with this and I remain laser focused on, was to provide the -- be most

CHRISTOPHER GLASSBURN

compliant with Section 3 and all the other sections of Article XI, map possible to the Senate Democrats at all times, and that was my focus.

When I was presented material that didn't do that, which wasn't very often, there wasn't much use for me to do with it.

Q. I'm going to ask you a yes-or-no question: When you reviewed the Citizens' Redistricting Commission map and analyzed the splits of county -- excuse me -- of municipalities and townships contained in that map, did you come to a belief as to the purpose of some of those splits?

MR. SCHNEIDER: Objection to the improper speculation.

A. I've given you an answer here, so...

Q. It was a yes-or-no question. Please answer the question as it's been posed.

A. The way that I saw that map -- their map --

Q. It was a yes-or-no question, Mr. Glassburn, and you can answer "yes" or "no" --

MR. SCHNEIDER: He doesn't have to answer "yes" or "no" to answer your

question.

MR. BRANCH: Counsel, he can answer the question "yes" or "no," and then he can explain his answer. But it's a pretty clear yes-or-no question.

MR. SCHNEIDER: He's asking you if you could divine that intention?

MR. BRANCH: No, I'm asking him if he formed a belief in his mind as to the purpose for those splits.

BY MR. BRANCH:

Q. It's a yes-or-no question, sir.

A. I did not form a belief -- I'm not trying to be hostile with you, so I'd appreciate the same in return.

But the reason is, is when they first released those maps, they did a statewide image with no files, no nothing. And when you look at that statewide image, you could see a ton of squiggly lines.

So that was -- you didn't have to be an expert to look at that and say, That's not necessary, and so I didn't invest much time in it.

Q. Okay. No, that's -- I mean, you

answered "yes" or "no." That's what I was looking for. I appreciate that.

Did you do any work with League of Women Voters of Ohio in preparing the maps that were submitted to the Commission by Senator Sykes?

A. What do you mean by "work"?

Q. Did you communicate with the League of Women Voters at all about the maps or your preparation of the maps that Senator Sykes submitted to the Commission?

A. Director of the League attended the Commission hearings. At the August 31st hearing, she asked me for the files for the map that we presented.

When we uploaded the files on the State's site, they would take a long time to post those, so we posted links for the public and sent out to the media and anybody else, but she asked for that link, and I provided that link to her.

That is the nature of -- that is -- if that's work, that's the work that I did.

Q. All right?

And did they -- did the League of Women Voters of Ohio provide any suggestions to

you as to how to draw any of the General Assembly districting maps?
MR. SCHNEIDER: Objection, calls for hearsay.
A. To me specifically, no. They testified at multiple hearings, and we listened to the testimony of everyone who testified, but no, nothing outside of that.
MR. BRANCH: Let's call up GLASSBURN1004 and 1009.
We're going to mark as Exhibit 6, a document Bates stamped GLASSBURN001004, 1005 and 1009.
(Exhibit 6, e-mail chain, Bates stamped GASSBURN001004, 5, and 9, was marked for identification at this time.)
BY MR. BRANCH:
Q. Mr. Glassburn, I'll represent to you that this is part of your production --
MR. SCHNEIDER: Before we get into that, I'm just trying to identify, is that in your exhibits?
MS. RIGGINS: Yes. It's Bates labeled with the number he gave us. It's beginning

CHRISTOPHER GLASSBURN

GLASSBURN001004, and it was just transmitted through the chat.

MR. SCHNEIDER: And how many pages is that?

MS. RIGGINS: Three.

MR. SCHNEIDER: 1004, 1005, and what else?

MR. BRANCH: 1009.

MR. SCHNEIDER: Okay.

And that is number?

MS. RIGGINS: Six.

MR. SCHNEIDER: Got it.

Mr. Glassburn has the exhibit.

MR. BRANCH: Thank you.

BY MR. BRANCH:

Q. Can you take a moment to review the document and let me know what it is?

A. So, yes. On September 13th, there was a hearing in Warrensville Heights, Ohio, by the Commission where I introduced the September 13th map on behalf of the Senate Democrats and the House Democrats.

In the course of the questions that followed, I believe it was the Republican

commissioner who asked me -- and in my testimony I covered -- the questions about the winners of League of Women Voters' contest. They had two winners for their contest for maps. And I discussed that their winners had not followed Section 3.

And this e-mail came shortly after I said that while I was live doing it in the testimony. So I did not read it contemporaneously, but I surmised that Ms. Miller with the League was very dissatisfied with what I had to say.

Q. Did you reach back out to her and have a conversation with her about her e-mail?

A. No, I did not.

Q. So you never responded to her e-mail?

A. I did not.

Q. Did you ever have any discussions with Ms. Miller outside of the hearings about the strategy for preparing the General Assembly districting maps?

A. No.

Q. Have you had any discussion with Ms. Miller since the -- since September 15th

regarding the General Assembly districting maps?

A. No.

Q. And have you had any discussion with Ms. Miller since -- obviously, since September 15th about this litigation?

A. No.

Q. All right. Let's turn to the third page, GLASSBURN1009.

This is an e-mail from -- can you tell me what the e-mail is?

A. So in the afternoon of September 14th, which is what this e-mail is dated, I have an unsolicited e-mail from Ms. Miller. I don't know what it is. I did not click on the links. And as you might have imagined from the negotiation process and the fact that I stayed up all night drawing maps on the 14th, I did not have time to deal with this contemporaneously, and I didn't never deal with it.

It was in my e-mail files, so I provided it to you today. I don't know what it is.

MR. BRANCH: Okay. I don't think I have any more questions.

CHRISTOPHER GLASSBURN

EXAMINATION

BY MR. FLIEGEL:

Q. Mr. Schneider, my name is Ben Fliegel. I represent the Ohio Organizing Collaborative.

I have five minutes of questions and I'll restrict my questions to five minutes.

First, thank you very much.

You had no role in drafting the General Assembly district plan that was ultimately adopted by the Ohio Redistricting Commission on September 16th. Is that correct?

A. September 15th?

No, I did not have a role in their map.

Q. And in the course of the 2021 redistricting process, were you ever asked by anyone to draw a map primarily to favor or disfavor a political party?

A. No.

Q. Okay.

My last topic of questions, you testified earlier about the map proposed on August 31st. And you testified that information that you used to draw that map came from Dave's

Redistricting.

Do you remember that testimony?

A. I believe that the political data -- well, the data that I used to draw that map was Dave's Redistricting. I believe that Randall Routt, in the -- the numbers that were provided about the districts provided the numbers from the official dataset for the state, which is not the Dave's.

Q. That makes sense.

My question was when did you first have enough information to begin drawing proposed maps?

A. Once we -- within 36 hours, I suppose, of the census data being released.

Q. And do you remember that date approximately?

A. August 6th -- no, it was like August 12th, because they came in three or four days early.

MR. FLIEGEL: All right. That's all my questions.

Thank you very much.

THE WITNESS: I'm sorry. I should

CHRISTOPHER GLASSBURN

restate one thing on that.

On the question of the favor or disfavor, I interpreted the question as being based on the Senate Democrats are the people that I worked with on our side of the aisle.

We did get asked to draw more Republican seats by Secretary LaRose and Auditor Faber. But it was not specified how many it was to adhere to adhere to adhere.

MR. FLIEGEL: I appreciate the clarification.

MR. BRANCH: All right. Can we go off the record?

I think we're done.

Ms. Rivera, thank you.

Mr. Glassburn, appreciate your time.

MR. SCHNEIDER: Just making sure, any further questions by the relators or respondents?

MS. MENASHE: On behalf of respondents of the Senator and the Leader Sykes, no questions.

Thank you. Appreciate it.

MS. LEVENSON: Nothing on behalf of the statewides.

MR. CLARK: Nothing on behalf of --

MR. SCHNEIDER: I'm sorry. Go ahead.

MR. CLARK: This is Erik Clark. Nothing on behalf of the Commission. Thank you.

(Whereupon the proceedings were concluded at 5:09 p.m.)

oOo

I, CHRISTOPHER GLASSBURN, the witness herein, do hereby certify that the foregoing testimony of the pages of this deposition to be a true and correct transcript, subject to the corrections, if any, shown on the attached page.

_____

CHRISTOPHER GLASSBURN

Subscribed and sworn to before me this _____day of _____,_____.

_____

CERTIFICATE

I, AMY A. RIVERA, a Certified Shorthand Reporter, Registered Professional Reporter, Certified LiveNote Reporter, and Notary Public of the State of New York, do hereby certify that prior to the commencement of the examination CHRISTOPHER GLASSBURN, was duly sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Amy A Rivera

_____

Notary Public of the State of New York
My commission expires December 6, 2021
License No. XI00939

Dated: October 21, 2021

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ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: LEAGUE OF WOMEN VOTERS OF OHIO, et al., v. OHIO REDISTRICTING. COMMISSION, et al.

Dep. Date: October 20, 2021

Deponent: Christopher Glassburn

Reason codes:

1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

Page ____ Line ____ Reason _____

From _____ to _____

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CHRISTOPHER GLASSBURN

Subscribed and sworn to before me

this day of 2021.

_____

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
~~~~~~~~~~~~~~~~~~~~

OHIO A. PHILIP RANDOLPH INSTITUTE, ET AL.,

Plaintiffs,

vs. Case No. 1:18-cv-00357-TSB

RYAN SMITH, SPEAKER OF THE OHIO HOUSE OF REPRESENTATIVES, ET AL.,

Defendants.
~~~~~~~~~~~~~~~~~~~~

Deposition of
CHRISTOPHER GLASSBURN

December 14, 2018
9:09 a.m.
Taken at:
Baker & Hostetler LLP
127 Public Square
Cleveland, Ohio

REPORTER: Penny Sherman
JOB NO. 151984

Exhibit 1

1

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Glassburn

THE VIDEOGRAPHER: This is the start of the videotaped deposition of Christopher Glassburn in the matter of the Ohio A. Philip Randolph Institute et al. versus Ryan Smith, Speaker of the Ohio House of Representative, et al., in the United States District Court for the Southern District of Ohio, Case No. 118-cv-00357-TSB.

This deposition is being held at 127 Public Square, Suite 2000, Cleveland, Ohio on December 14, 2018, at approximately 9:09 a.m.

My name is Tobias Smith from TSG Reporting Inc., and I am the legal video specialist.

The court reporter is Penny Sherman in association with TSG Reporting.

Would counsel please introduce yourselves.

MR. LEWIS: Good morning. I'm Patrick Lewis, counsel for the interveners.

MR. OPPENHEIMER: David Oppenheimer, counsel for the witness, Mr. Glassburn.

MS. ZIGLER: Lydia Arko Zigler with the Ohio Attorney General's Office, counsel for

Mr. Glassburn.

MR. FRAM: Robert Fram, Covington & Burling, counsel for the plaintiffs.

MR. LEWIS: I note, we have a telephonic appearance from Alyssa Riggins at Ogeltree, Deakins.

THE VIDEOGRAPHER: Will the court reporter please swear in the witness.

CHRISTOPHER GLASSBURN, of lawful age, called for examination, as provided by the Ohio Rules of Civil Procedure, being by me first duly sworn, as hereinafter certified, deposed and said as follows:

EXAMINATION OF CHRISTOPHER GLASSBURN

BY MR. LEWIS:

Q. Good morning, Mr. Glassburn. My name's Patrick Lewis. I am an attorney representing a group of interveners in this case.

To start out, if you could kindly state your full name and current address for the record.

A. My name is Chris Glassburn. My real name is Christopher. I live at 23993 Fairlawn Drive, North Olmsted, Ohio, 44070.

Q. You are being represented by Mr. Oppenheimer and Ms. Zigler, correct?

Q. And did you ever provide any map-making services to Cuyahoga County?

A. No.

Q. In 2011, did you become involved in the redistricting of Ohio's congressional districts?

A. Yes.

Q. How did you become involved?

A. I had been involved in looking at the issue of both redistricting and reapportionment since 2008 or 2009, and it was a continuation of my interest and role with the House Democrats.

Q. What got you started looking at redistricting back in 2008 and 2009?

A. Reapportionment for the state of Ohio had a specific process outlined in the Ohio Constitution. I looked at that process to get an idea what would happen in the next decade. When I learned of the rules and started trying to plot that out, I realized that those rules were not going to have favorable outcomes for democrats, regardless of which party was in control.

And so, I increasingly learned more about redistricting and reapportionment so that I could better understand the process for the

upcoming decade.

Q. What about the way reapportionment worked, then, made you believe that the rules would not favor the democrats?

A. Ohio's Constitution outlined for reapportionment a very specific process for geographic political subdivisions, a process to which districts were supposed to be drawn in a certain order, with certain rules that take effect, this one after the next, as an overly simplistic generalization.

In the decades prior to the 1990s, you had greater diversity within county borders. However, large cities from that point forward extended beyond, and their suburbs extended beyond the original counties, say, Cuyahoga County or Franklin.

And so the geographic outlay of where people live and how the state is drawn, would force more higher democratic index seats to be drawn within the major metro counties and not make those residents available to be partnered with similar residents in their suburban bedroom counties.

Q. So this -- what did you study to lead

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, *et al.*,

Relators,

v.

Ohio Redistricting Commission, *et al.*,

Respondents.

Case No. 2021-1 193

Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A)

SUBPOENA TO TESTIFY AT DEPOSITION

TO:

Christopher Glassburn — 23993 FAIRLAWN DR NORTH OLMSTED OH 44070
Name — Address

You are hereby commanded to be and appear at

Taft Stettinius & Hollister LLP
200 Public Square Suite 3500,
Cleveland OH, 44114

on the 20th day of October 2021 at 9:30 a.m., and:

☒ Attend and give testimony at a deposition that will be recorded by video and stenographic means.

Subpoena Issued By:

W. Stuart Dornette (0002955) (513) 381-2838 dornette@taftlaw.com
W. Stuart Dornette, Counsel for Huffman and Cupp, Supreme Ct. No. Phone No. Email Address

Return of Service: I received this subpoena on the 11 day of OCTOBER 2021, and served the above party by DELIVERING TO MEGAN MURPHY, WIFE FOR CHRISTOPHER GLASSBURN AT 23993 FAIRLAWN DR., NORTH OLMSTEAD OH 44070 ON 10/12/2021 11:50 AM. DESCRIPTION: 42/WF/5'6/160/SALT/PEPPER HAIR

BENJAMIN PURSER, PROCESS SERVER — Signature — 10/13/2021
Name — Signature — Date

NOTE: READ ALL INFORMATION ON THE SECOND PAGE OF THIS SUBPOENA

Exhibit 2

Rule 45. Ohio Rules of Civil Procedure, Parts C & D:

(C) Protection of persons subject to subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.

(2)(a) A person commanded to produce under divisions (A)(1)(b), (iii), (iv), (v), or (vi) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing, or trial.

(b) Subject to division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b), (iii), (iv), (v), or (vi) of this rule may, within fourteen days after service of the subpoena or before the time specified for compliance if such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to production. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.

(3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:

(a) Fails to allow reasonable time to comply;

(b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;

(c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by Civ.R. 26(B)(5), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;

(d) Subjects a person to undue burden.

(4) Before filing a motion pursuant to division (C)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (C)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

(5) If a motion is made under division (C)(3)(c) or (C)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

(D) Duties in responding to subpoena.

(1) A person responding to a subpoena to produce documents shall, at the person's option, produce them as they are kept in the usual course of business or organized and labeled to correspond with the categories in the subpoena. A person producing documents or electronically stored information pursuant to a subpoena for them shall permit their inspection and copying by all parties present at the time and place set in the subpoena for inspection and copying.

(2) If a request does not specify the form or forms for producing electronically stored information, a person responding to a subpoena may produce the information in a form or forms in which the information is ordinarily maintained if that form is reasonably useable, or in any form that is reasonably useable. Unless ordered by the court or agreed to by the person subpoenaed, a person responding to a subpoena need not produce the same electronically stored information in more than one form.

(3) A person need not provide discovery of electronically stored information when the production imposes undue burden or expense. On motion to compel discovery or for a protective order, the person from whom electronically stored information is sought must show that the information is not reasonably accessible because of undue burden or expense. If a showing of undue burden or expense is made, the court may nonetheless order production of electronically stored information if the requesting party shows good cause. The court shall consider the factors in Civ. R. 26(B)(4) when determining if good cause exists. In ordering production of electronically stored information, the court may specify the format, extent, timing, allocation of expenses and other conditions for the discovery of the electronically stored information.

(4) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(5) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a receiving party must promptly return, sequester, or destroy the specified information and any copies within the party's possession, custody or control. A party may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim of privilege or of protection as trial preparation material. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

AFFIDAVIT OF SERVICE

State of Ohio **Supreme Court**

Case Number: 2021-1193

Plaintiff:
LEAGUE OF WOMEN VOTERS OF OHIO, et al.

vs.

Defendant:
OHIO REDISTRICTING COMMISSION, et al.

Received these papers on the 11th day of October, 2021 at 10:19 am to be served on **CHRISTOPHER GLASSBURN, 23993 FAIRLAWN DR, NORTH OLMSTEAD, OH 44070**

I, BENJAMIN PURSER, being duly sworn, depose and say that on the **12th day of October, 2021** at **11:50 am, I:**

effected service by delivering a true copy of the **SUBPOENA, WITNESS FEE** to: **Megan Murphy, Wife** for CHRISTOPHER GLASSBURN at the address of: **23993 FAIRLAWN DR, NORTH OLMSTEAD, OH 44070**, the within named person's usual place of **Abode**, who resides therein, who is fifteen (15) years of age or older and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 42, Sex: F, Race/Skin Color: White, Height: 5'6", Weight: 160, Hair: Salt & Pepper, Glasses: N

BENJAMIN PURSER, the undersigned, being duly sworn, deposes and says that I was, at the time of service, over the age of 18 and not a party to this action. I reside in the State of Ohio.

STATE OF OHIO, COUNTY OF SUMMIT

Subscribed and Sworn to before me on the 13th day of October, 2021 by the affiant who is personally known to me.

Notary Public
CATHRENE M. DRAKE
My Commission Expires: 07/07/2024

NOTARIAL SEAL STATE OF OHIO

Cathrene M. Drake
Resident Summit County
Notary Public, State of Ohio
My Commission Expires:
July 7, 2024

BENJAMIN PURSER
Process Server

10/13/2021
Date

Our Job Serial Number: NEO-2021001365
Ref: 4845563

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IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, *et al.*,

Relators,

v.

Ohio Redistricting Commission, *et al.*,

Respondents

Case No. 2021- 1193

Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A)

SUBPOENA DUCES TECUM

TO:

Christopher Glassburn — 23993 FAIRLAWN DR NORTH OLMSTED OH 44070
Name — Address

You are hereby commanded to be and appear at:
Taft Stettinius & Hollister, 200 Public Square Suite 3500, Cleveland OH, 44114 on the 14th day of October 2021 at 10:00 a.m.,
and: ☒ Produce the documents, electronically stored information, or tangible things identified in Attachment A.

Subpoena Issued By:

W. Stuart Dornette (0002955) (513) 381-2838 dornette@taftlaw.com
W. Stuart Dornette, Counsel for Huffman and Cupp, Supreme Ct. No. Phone No. Email Address

Return of Service: I received this subpoena on the 11 day of OCTOBRER 2021, and served the above party by DELIVERING TO MEGAN MURPHY, WIFE FOR CHRISTOPHER GLASSBURN AT 23993 FAIRLAWN DR. NORTH OLMSTEAD OH 44070 ON 10/12/2021 11:50 AM. DESCRIPTION: 42/WF/5'6/160/SALT/PEPPER

Name BENJAMIN PURSER, PROCESS SERVER Signature Date 10/13/2021

NOTE: READ ALL INFORMATION ON THE SECOND PAGE OF THIS SUBPOENA

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(2)(a) A person commanded to produce under divisions (A)(1)(b), (iii), (iv), (v), or (vi) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing, or trial.

(b) Subject to division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b), (iii), (iv), (v), or (vi) of this rule may, within fourteen days after service of the subpoena or before the time specified for compliance if such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to production. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.

(3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:

(a) Fails to allow reasonable time to comply;

(b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;

(c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by Civ.R. 26(B)(5), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;

(d) Subjects a person to undue burden.

(4) Before filing a motion pursuant to division (C)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (C)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

(5) If a motion is made under division (C)(3)(c) or (C)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

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(2) If a request does not specify the form or forms for producing electronically stored information, a person responding to a subpoena may produce the information in a form or forms in which the information is ordinarily maintained if that form is reasonably useable, or in any form that is reasonably useable. Unless ordered by the court or agreed to by the person subpoenaed, a person responding to a subpoena need not produce the same electronically stored information in more than one form.

(3) A person need not provide discovery of electronically stored information when the production imposes undue burden or expense. On motion to compel discovery or for a protective order, the person from whom electronically stored information is sought must show that the information is not reasonably accessible because of undue burden or expense. If a showing of undue burden or expense is made, the court may nonetheless order production of electronically stored information if the requesting party shows good cause. The court shall consider the factors in Civ. R. 26(B)(4) when determining if good cause exists. In ordering production of electronically stored information, the court may specify the format, extent, timing, allocation of expenses and other conditions for the discovery of the electronically stored information.

(4) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(5) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a receiving party must promptly return, sequester, or destroy the specified information and any copies within the party's possession, custody or control. A party may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim of privilege or of protection as trial preparation material. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

ATTACHMENT A

Pursuant to Rules 26 and 45 of the Ohio Rules of Civil Procedure, Respondents Huffman and Cupp hereby propound to Christopher Glassburn a subpoena duces tecum, which is to be responded to by October 14, 2021. Documents responsive to the following requests shall be produced to the offices of Taft Stettinius & Hollister, 65 E. State Street, Columbus, OH, 43215

DEFINITIONS AND INSTRUCTIONS

A. The following terms shall have the meanings indicated below:

(1) The terms "you," and "your" shall mean Christopher Glassburn, in your capacity as an individual, employee, volunteer, or consultant for any members of the Ohio Redistricting Commission, any Relators in the following Supreme Court cases: 2021- 1193, 2021 1198; 2021-1210, any organizations involved in redistricting or evaluating any redistricting plans presented to the Ohio Redistricting Commission, or any organization involved in analyzing districts in Ohio, as well as your present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, attorneys, and other persons or entities acting or purporting to act on your behalf.

(2) The term "Commission" shall mean the Ohio Redistricting Commission.

(3) The term "Proposed Plans" means any plans or draft plans of Ohio legislative districts, or drafts plans, considered by or submitted to the Ohio Redistricting Commission, including but not limited to those introduced by Vernon and/or Emilia Sykes, or any other plans or draft plans of Ohio legislative districts utilizing 2020 census data.

(4) The term "Enacted Plan" shall mean the General Assembly maps introduced by the Ohio Redistricting Commission on September 15, 2021, and Enacted on September 16, 2021.

(5) The term "person" shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.

(6) The term "document" is used in the broadest possible sense and shall mean, without limitation, any kind of written, printed, recorded or graphic matter, data or mapfiles, files used in any .gis system, however produced

or reproduced, of any kind or description, whether sent or received or neither, including originals, copies and drafts and both sides of originals, copies and drafts, and including but not limited to papers, books, letters, correspondence, telegrams, cables, telex messages, electronic messages or electronic mail (whether or not stored or recorded on-line or off-line in archive storage), financial statements, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone conversations or other conversations, or of interviews, or of conferences or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, expense account records, lists, tabulations, summaries, sound recordings, videotapes, word processing disks and/or memory or archive systems, computer disks and/or memory or archive systems, computer printouts, data processing input and output, magnetic tapes, magnetic disks, microfilms, all other records kept by electronic, magnetic, photographic, optical or mechanical means, and things similar to any of the foregoing, however denominated.

(7) The term "communication" shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.

(8) The terms "relating to" and "concerning" shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

D. The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular request may make appropriate.

E. These requests are continuing so as to require further and supplemental responses if You receive or discover additional information between the time of original response and the time of any hearing, trial, or other presentation of evidence in this matter.

F. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

(1) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;

(2) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and

(3) a brief description of each such document or other material,

including:

(a) the date of the document;

(b) the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);

(c) the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);

(d) the paragraph of this request to which the document or other material is responsive; and

(e) in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

G. With respect to each document request, Respondents Huffman and Cupp request that You identify and produce all documents that are known to You or that You can locate or discover that are in Your possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of Your or, as applicable, of Your employees, agents, representatives or other persons acting on Your behalf or under Your control.

H. Respondents Huffman and Cupp request that You produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Respondents Huffman and Cupp will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

I. All documents are to be produced in electronic form. If the document is a map file or used in a GIS software or other software such as maptitude, then those documents should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For all other documents, PDF's are sufficient.

J. If a responsive Communication, document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate Communication, document, or tangible thing and shall be produced.

K. Produce any password-protected documents with any applicable passwords.

DOCUMENTS TO BE PRODUCED

1. All documents and communications concerning the drawing of any General Assembly districts following the 2020 census.

2. All documents or communications concerning any payments made to you, whether directly or indirectly (including through a company that you own and/or operate in whole or part) for your work in relation to drafting any Proposed Plans.

3. All documents and communications concerning the procurement of space for any purpose related to drawing Ohio's state legislative districts, including invoices, receipts, and booking confirmations for stays at any hotel, Airbnb, or other short-term lodging.

4. All documents and communications concerning any factors or guidance you considered in the creation of any Proposed Plans.

5. All documents and communications concerning any instructions you received from anyone concerning the creation of any Proposed Plans.

6. All documents and communications concerning information or data you viewed or considered regarding any Proposed Plans.

7. All communications between you and the following individuals concerning the creation of any Proposed Plans or the redistricting of Ohio's legislative districts using 2020 census data: Vernon Sykes (including his staff or agents); Emilia Sykes (including her staff or agents); Kenny Yuko (including his staff or agents); any agent or member of any agent or member of: Project Govern, Democratic National Committee, the Ohio Democratic Party, the National Democratic Campaign Committee, the National Democratic Redistricting Committee, the National and Ohio Chapters of All On the Line, Fair Districts Ohio, Fair Vote, Cook Political Report, DemCast, Common Cause Ohio, Democratic Legislative Campaign Committee, Ohio AFL-CIO, the ACLU, the ACLU of Ohio, the League of Women Voters of Ohio, the League of Women Voters of Local Chapters in Ohio, the National and Ohio chapters of the Council on American-Islamic Relations, and any Relator or agent for any Relator in cases 2021-1193, 2021-1198, 2021-1210 currently pending before the Ohio Supreme Court.

8. All documents, communications, and analysis done by You regarding the Enacted Plans.

9. All documents and communications concerning information or data you viewed regarding any analysis done on the Enacted Plan.

10. Documents sufficient to establish all persons who assisted you in the creation of any Proposed Plans or analyses of the Enacted Plan.

4837-8356-4542 v.2

AFFIDAVIT OF SERVICE

State of Ohio **Supreme Court**

Case Number: 2021-1193

Plaintiff:
LEAGUE OF WOMEN VOTERS OF OHIO, et al.

vs.

Defendant:
OHIO REDISTRICTING COMMISSION, et al.

Received these papers on the 11th day of October, 2021 at 10:19 am to be served on **CHRISTOPHER GLASSBURN, 23993 FAIRLAWN DR, NORTH OLMSTEAD, OH 44070**

I, BENJAMIN PURSER, being duly sworn, depose and say that on the **12th day of October, 2021** at **11:50 am, I:**

effected service by delivering a true copy of the **SUBPOENA DUCES TECUM** to: **Megan Murphy, Wife** for CHRISTOPHER GLASSBURN at the address of: **23993 FAIRLAWN DR, NORTH OLMSTEAD, OH 44070**, the within named person's usual place of **Abode**, who resides therein, who is fifteen (15) years of age or older and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 42, Sex: F, Race/Skin Color: White, Height: 5'6", Weight: 160, Hair: Salt & Pepper, Glasses: N

BENJAMIN PURSER, the undersigned, being duly sworn, deposes and says that I was, at the time of service, over the age of 18 and not a party to this action. I reside in the State of Ohio.

STATE OF OHIO, COUNTY OF SUMMIT

Subscribed and Sworn to before me on the 13th day of October, 2021 by the affiant who is personally known to me.

Notary Public
CATHRENE M. DRAKE
My Commission Expires: 07/07/2024

NOTARIAL SEAL STATE OF OHIO

Cathrene M. Drake
Resident Summit County
Notary Public, State of Ohio
My Commission Expires:
July 7, 2024

BENJAMIN PURSER
Process Server

10/13/2021
Date

Our Job Serial Number: NEO-2021001366
Ref: 4845571

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Date:	Mon, 16 Aug 2021 1:59:06 PM -0400
Subject:	Fwd: Revised Contract
From:	Routt, Randall <Randall.Routt@ohiosenate.gov>
To:	Boas, George <George.Boas@ohiosenate.gov>; Rowe, Mike <Mike.Rowe@ohiosenate.gov>; Rothey, Kristin <Kristin.Rothey@ohiosenate.gov>; Stockman, Scott <Scott.Stockman@ohiosenate.gov>;
Attachments:	Project Govern Redistricting Services - OSDC Aug 16.pdf

Sent from my iPhone
Begin forwarded message:

> **From:** Project Govern <chris@projectgovern.com>
> **Date:** August 16, 2021 at 1:58:23 PM EDT
> **To:** "Routt, Randall" <Randall.Routt@ohiosenate.gov>
> **Subject: Revised Contract**

Exhibit 3

Project Govern

Ohio Redistricting Contract

Submitted by:
Project Govern Inc
Chris Glassburn, President
August 16th 2021

DEPO_01543
CONFIDENTIAL VSYKES_0000407

The 2021 redistricting process operates within an extremely limited time frame due to a variety of factors related to the Covid pandemic and United States Census Bureau delays. With extensive redistricting and public relations experience serving clients across the State of Ohio, we pride ourselves on having the unique capabilities to meet the moment

SERVICE PLAN APPROACH TO REDISTRICTING

Scope

Project Govern advises our clients and their staff on all relevant aspects of the redistricting process pursuant to federal and state law. Our team produces mapping products using the latest data from the United State Census Bureau. This includes implementation of the 2021 August Census release and the Ohio Redistricting Task Force official data for use in this process.

Note- 2019 American Community Survey Data can be made available.

All products include relevant maps and data files will be prepared using GIS software, detailed demographic analysis and provision of all necessary products to convey legal descriptions and shape files. Project Govern stands ready to conduct and assist public engagement and community meetings to explain the redistricting process, gather public input and produce maps or alternatives.

Project Govern will remain available to our client, their staff and any designees time permitting for the period of any agreed upon contract.

Latest Data Updates

It appears likely that adjustments to existing districts will be necessary to meet constitutional requirements, balance population and meet commission redistricting criteria. Depending on choices made by the commission, it may be further necessary to conduct "Gingles Tests" concerning racial minority districts. Project Govern is prepared to assist in these matters in an expedited manner.

On August 5th, the United States Census Bureau announced that the projected release date of data necessary for redistricting will now be August 12th. Project Govern anticipates full conversion of data by no later than August 17th.

DEPO_01544

CONFIDENTIAL VSYKES_0000408

INITIAL GA TIMELINE

On August 6th, the Ohio Redistricting Task Force indicated there would be at least 9 public hearings. The extremely tight timeline for this process will make data and public engagement challenges more difficult and expensive than a traditional lengthier process. The following is not an exhaustive list, but an approximate timeline of services to be provided. This timeline is subject to change by agreement of the parties. Timeline is designed to provide for the most essential processes in the minimal time possible:

- **Monday, August 16th or earlier**
  - Project Govern meets individually with leadership and staff for introductions.

- **Wednesday, August 18th**
  - Determine guidelines for preliminary public testimony and records submissions on mapping. Meet individually with all interested parties necessary to move forward.

- **Thursday, August 19th**
  - Project Govern briefing with client leadership and staff to review new Census data.

- **Friday, August 20th – Monday August 23rd**
  - Project Govern meets individually with interested parties on the Census data.

- **Tuesday, August 24th**
  - Project Govern meets with client leadership and staff to develop parameters for a primary General Assembly map (GA) and alternatives. Identification of any required Gingles Testing must be completed by this date.

- **Wednesday, August 25th**
  - Project Govern produces necessary GA mapping products for client leadership.

- **Thursday, August 26th**

  Public release of a GA primary map(s) package. Submission of package to necessary body.

- **Monday, August 23rd – Monday August 30th**
  - Public engagement and media tour. Interested party meetings as needed.

- **Monday, August 30th – Tuesday, August 31st**
  - Project Govern analyzes any GA majority maps released. Provides necessary modifications to client map and proposes amendments for majority map.

- **Wednesday September 1st**
  - Ohio GA first map deadline.

DEPO_01545

CONFIDENTIAL VSYKES_0000409

- Thursday September 2nd – Wednesday, September 15th
  - (If needed) GA second deadline process.

- Thursday September 2nd – Wednesday, September 15th
  - Project Govern provides analysis of any majority GA map(s) or proposals. Provides necessary modifications to client map and proposes amendments for majority map.

CONGRESSIONAL REDISTRICTING

The following is not an exhaustive list, but an approximate timeline of services to be provided. This timeline is subject to change by agreement of the parties.

- Thursday September 2nd – Monday, September 30th
  - Stage 1 Congressional redistricting process. (Legislature)

- Friday, September 3rd – Monday September 6th
  - Review census data in specific regard to congressional redistricting. Determine preliminary strategy for congressional public testimony and records submissions on mapping. Meet individually with all interested parties necessary to move forward.

- Tuesday, September 7th
  - Project Govern meets with client leadership and staff to develop parameters for a primary congressional map and alternatives. Identification of any required Gingles Testing must be completed by this date.

- Wednesday, September 8th
  - Project Govern produces necessary congressional mapping products for client leadership.

- Thursday, September 9th or when directed

  Public release of a GA primary map(s) package. Submission of package to necessary body.

- Friday, September 10th – Friday September 17th
  - Public engagement and media tour. Interested party meetings as needed.

- Saturday, September 18th – Tuesday, September 21st or upon release
  - Project Govern analyzes any majority congressional maps released. Provides necessary modifications to client map and proposes amendments for majority map.

- Tuesday September 21st – Thursday, September 30th or until map selection

DEPO_01546

CONFIDENTIAL VSYKES_0000410

- Project Govern provides analysis of any majority congressional map(s) or proposals. Provides necessary modifications to client map and proposes amendments for majority map.

- **Tuesday October 1st – Saturday, October 30th**
  - (If needed) Stage 2 Congressional redistricting process. (Redistricting Commission)

- **Tuesday, October 1st – Saturday October 5th**
  - Review data and status with Redistricting Commission leadership, staff and interested parties. Determine preliminary strategy for additional public testimony and records submissions on mapping. Meet individually with all interested parties necessary to move forward.

- **Tuesday, October 8th – Wednesday October 9th**
  - Project Govern meets with client leadership and staff to develop parameters for a primary congressional map and alternatives. Identification of any required Gingles Testing must be completed by this date.

- **Thursday, October 10th**
  - Project Govern produces necessary congressional mapping products for client leadership.

- **Thursday, October 10th or when directed**
  - Public release of map(s) package. Submission of package to necessary body.

- **Friday, October 11th – Friday October 18th**
  - Public engagement and media tour. Interested party meetings as needed.

- **Saturday, October 19th – Tuesday, October 22nd or upon release**
  - Project Govern analyzes any majority congressional maps released. Provides necessary modifications to client map and proposes amendments for majority map.

- **Saturday, October 19th – Saturday October 30th or until map selection**
  - Project Govern provides analysis of any majority congressional map(s) or proposals. Provides necessary modifications to client map and proposes amendments for majority map.

- **Sunday October 31st – Saturday, November 30th**
  - (If needed) Stage 3 & 4 Congressional redistricting process.

- **Sunday October 31st – Tuesday, November 2nd**
  - Halloween, Election weekend, Election Day – limited redistricting activity.

PROJECT GOVERN

- **Wednesday, November 3rd – Friday November 5th**
    - Review status to date with legislative leadership and staff. Determine any further strategy for congressional public testimony and records submissions on mapping. Meet individually with all interested parties necessary to move forward.

- **Monday, November 8th**
    - Project Govern meets with client leadership and staff to develop parameters for a final congressional map and alternatives. Identification of any new required Gingles Testing must be completed by this date.

- **Tuesday, November 9th**
    - Project Govern produces necessary congressional mapping products for client leadership.

- **Wednesday, November 10th or when directed**
    Public release of final map(s) package. Submission of package to necessary body.

- **Wednesday, November 10th – Friday November 19th**
    - Public engagement and media tour. Interested party meetings as needed.

- **Saturday, November 20th or until map selection**
    - Project Govern provides analysis of any majority congressional map(s) or proposals. Provides necessary modifications to client map and proposes amendments for majority map.

PROJECT GOVERN

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Organizational Profile
Project Govern

Chris Glassburn, Lead Consultant & Mapmaker

23993 Fairlawn Drive
North Olmsted, OH 44070
440-570-9726
Chris@ProjectGovern.com

Chris Glassburn is the one of the top consultants providing campaign management, public engagement, and electoral data services in Ohio. In 2011, Glassburn served as the redistricting consultant and mapmaker for the Ohio House Democratic Caucus for Congressional Redistricting. Glassburn also served as the Democratic minority consultant and mapmaker for the Ohio Apportionment Board and as the Democratic mapmaker for plaintiffs in Wilson v. Kasich (decided 4-3 against, with current Supreme Court Chief Justice O'Connor dissenting).

A vigorous advocate of fair redistricting practices, Glassburn has spoken on dozens of public panels on redistricting reform. Since 2014, Glassburn has periodically served as a redistricting consultant to the Ohio League of Women Voters in their efforts to end gerrymandering. He was a lead co-author of both Ohio Constitutional Amendments that were overwhelming passed by voters to reform apportionment of the Ohio General Assembly (2015) and redistricting for Congress (2018).

From 2014 to 2016 Glassburn served as the Senior Policy Advisor to Cuyahoga County Executive Armond Budish. In his role for Cuyahoga County Glassburn held responsibility for assisting in the creation and passage of the biennial budget, supervising the agenda and alternate chairing the board of control, policy lead on behalf of the County Executive and lead of appointments to board and commissions.

In January 2017, Glassburn founded the firm Project Govern. Glassburn most recently has served as a consultant to issue campaigns in the May, 2021 Primary Election. In total, Glassburn has served as the lead consultant and/or campaign manager to over 120 individual candidate or issues campaigns with over a 90%-win rate. Some of his non-partisan/candidate clients have included the Sherwin Williams, Innovation Ohio, The Cuyahoga County Port Authority, the County Action Committee (Cuyahoga County HHS Levy), The Cleveland Clergy Coalition, LEAD Ohio and numerous confidential private sector clients.

Glassburn is a lifelong Northeast Ohioan and serves as a City Councilman and Leader of the Democratic Party in North Olmsted, Ohio. He and his wife Megan live in North Olmsted.

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Scope of Work, Budget and Terms

Activity	Fee	Note
Engagement & Data		
Base Engagement Fee	$50,000	Fixed fee including August monthly service through January, 1, 2022
Software licensing	$3,000	Maptitude
Travel stipend	$2,000	Coverage of travel costs
Total	$55,000	

Additional Terms

- Invoices for service will be submitted. The total of the base engagement fee and other costs shall be due in 4 payments: $16,000 due September 1st, $13,000 October 1st, $13,000 November 1st and $13,000 December 1st for services rendered until Jan 1, 2022.
- Invoices will be submitted for each payment due.
- Project Govern provide consulting services and products consistent with all mapping standards to the best of our ability. However, Project Govern is not a law firm nor offers legal services. Neither party is responsible for any legal fees of the other party that are incurred in litigation regarding legislative or congressional redistricting.

Agreement

Project Govern agrees to provide the above work and services as described above to the Ohio Senate Democratic Caucus, its designee on the Ohio Redistricting Commission and to the OSDC or interested parties as designated for the compensation and terms described effective August 16th, 2021. By signing this agreement, the parties agree to the terms as well, contingent upon the approval of the Democratic Co-Chair of the Ohio Redistricting Task Force and the Director of the Ohio Legislative Service Commission.

Chris Glassburn

8/16/21

Chris Glassburn

President, Project Govern

Senator Kenny Yuko

Minority Leader, Ohio Senate Democratic Caucus

1:35

RC

Rachel >

Thu, Sep 2, 7:33 PM

What's up with the press event tomorrow morning about our map?

Thu, Sep 2, 8:53 PM

I have no idea. What event?

9/3/2021, at 10 a.m., **to discuss and analyze the Ohio Senate Democratic Caucus' proposed General Assembly maps** that were shared with the Ohio Redistricting Commission on Tuesday -- and you are invited.

WHO: Fair Districts Ohio

- Jen Miller, Executive Director of League of Women Voters of Ohio
- Dr. Chris Cusack, Technical Manager of the Fair Districts Mapping Competition and Professor Emeritus of Geography, Keene State College
- Brian Glassman, Legal Writing Professor Emeritus

Text Message

Exhibit 4

1:36

RC

Rachel

- Brian Glassman, Legal Writing Professor Emeritus

Is that not your group?

Ahh nope we're Equal Districts. Fair Districts is League of Women Voters and Common Cause

Ah I see

Too many groups to keep them straight

It's odd they didn't invite the people who made the maps....

Or give us a heads up

Right

That's an eerily Republican move

May I tell a couple people about this?

Text Message

CONFIDENTIAL VSYKES 0010515

1:37

RC

Rachel >

about this?

Sure

Thank you! Also can I see you soon?? I miss our Friday calls lol

Lol

Sure

When they let me out of our Redistricting bunker.

😛

Lol same tbh

I'm going to lose my shit tomorrow if they criticize our map when no one else has presented anything.

So there. Got that off my chest. Lol

Text Message

CONFIDENTIAL VSYKES 0010606

1:37

RC

Rachel >

As you should

That's why our coalition exists lol.

Off the record of course

Of course

Fri, Sep 3, 7:54 AM

We're hearing they're going to have Chris Cusack review your maps. Splits etc.

Prof Emeritus Brian Glassman is going to discuss Section 5 and numbering.

Catherine Turcer is going to call for a timeline for official mapmaking, details on how, and time for public deliberation.

Ok. Thanks.

Text Message

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Exhibit 5

Ohio Constitution

The 1851 Constitution with Amendments to 2017

XI.06 Additional district standards

The Ohio redistricting commission shall attempt to draw a general assembly district plan that meets all of the following standards:

(A) No general assembly district plan shall be drawn primarily to favor or disfavor a political party.

(B) The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.

(C) General assembly districts shall be compact.

Nothing in this section permits the commission to violate the district standards described in Section 2, 3, 4, 5, or 7 of this article.

This site is not the official publication of Ohio's Constitution. For the official publication, please contact the Secretary of State's office. This version is published with approval from the Secretary of State's office. To report any problems with this site, or errors to the content, please write to the webmaster@lis.state.oh.us.

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Exhibit 6

Re: Democratic Amendment Map Links

Jen Miller <director@lwvohio.org>
Mon 9/13/2021 5:42 PM
To: Project Govern <chris@projectgovern.com>

I don't understand what the strategy was there.

Jen Miller
Executive Director
she/her/hers
League of Women Voters of Ohio / Education Fund
100 E. Broad St. Suite 1310
Columbus, OH 43215
Ph: 614-469-1505
www.lwvohio.org

Text **vote-note to 31996** for voting and election reminders.

By texting vote-note you agree to receive mobile updates from the League of Women Voters of Ohio. Reply with HELP for help, STOP to quit. Message & data rates may apply.

Please support the League's work by becoming a member today! Click here to join.

From: Project Govern <chris@projectgovern.com>
Sent: Monday, September 13, 2021 5:27 PM
Subject: Democratic Amendment Map Links

House
https://davesredistricting.org/join/332e19eb-be6c-4cc6-a936-9e390876d715

Sykes/Sykes Sept 13 - House

Redistricting Map

davesredistricting.org

Senate
https://davesredistricting.org/join/5bc0a3f8-8429-41cf-98b7-14175b551ad2

Fw: BIPOC overlays

Jen Miller <director@lwvohio.org>
Tue 9/14/2021 3:02 PM
To: Project Govern <chris@projectgovern.com>

Here you go – apologies for the delay, we are working on similar projects in multiple states at the same time. Please let me know if you can't open these – you should also be able to zoom in on areas if you need to pull things out.

https://arcg.is/0DCqi0

2:40

https://arcg.is/1OXOSC0

CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on October 22, 2021, I caused a true and correct copy of the following documents to be served by email upon the counsel listed below:

1. **Stipulation of Evidence (Deposition Transcripts and Exhibits)**
2. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 1 of 7 (pages 1 - 314)**
3. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 2 of 7 (pages 315 - 451)**
4. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 3 of 7 (pages 452 - 832)**
5. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 4 of 7 (pages 833 - 983)**
6. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 5 of 7 (pages 984 - 1250)**
7. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 6 of 7 (pages 1251 - 1559)**
8. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 7 of 7 (pages 1560- 1892)**

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/s/ Freda J. Levenson