



In the Matter Of:

DAVID TANGIPA

vs

GAVIN NEWSOM

PAUL H. MITCHELL

December 10, 2025

CERTIFIED COPY

DAVID TANGIPA vs GAVIN NEWSOM
Paul H. Mitchell on 12/10/2025

UNITED STATES DISTRICT COURT
FOR THE
CENTRAL DISTRICT OF CALIFORNIA

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DAVID TANGIPA, et al.,)
)
Plaintiffs,)
)
vs.)
)
GAVIN NEWSOM, in his)
official capacity as the)
Governor of California,)
et al.,)
)
Defendants.)
)



No.
2:25-cv-10616-JLS-WLH-
KKL

--o0o--

Videoconferencing Videotaped Deposition of

PAUL H. MITCHELL

Wednesday, December 10, 2025

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ARRAY - JOB NO. 103797

Certified Shorthand Reporters

Reported by: LINDA J. HART, CSR License 4357, RMR/CRR

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1 Exhibit 24 ABC 10 article, "The Next Steps 314
2 in California Democrats' plan to
3 counter Texas Republicans'
4 redistricting push.

5 CERTIFIED QUESTIONS
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7 Page 25, lines 2 & 3

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1 BE IT REMEMBERED, that on Wednesday, the 10th
2 day of December, 2025, commencing at the hour of 10:08
3 a.m. thereof, at Hanson Bridgett, LLP, 500 Capitol Mall,
4 Suite 1500, Sacramento, California, before me, Linda J.
5 Hart, a Certified Shorthand Reporter, in and for the
6 County of Sacramento, State of California, there
7 personally appeared

8 PAUL H. MITCHELL,
9 called, as a witness, by the Plaintiffs, who, being by
10 me first duly sworn, was thereupon examined and
11 interrogated as hereinafter set forth:

12 THE VIDEOGRAPHER: Good morning. Here begins 10:08:18
13 media number one of the deposition of Paul Mitchell, 10:08:21
14 Volume 1 in the matter of David Tangpia, et al. versus 10:08:25
15 Gavin Newsom, et al., verse -- scratch verse. 10:08:31

16 This case is in the United States District 10:08:36
17 Court for the Central District of California and the 10:08:39
18 case number is 2:25-cv-10616-JLS-WLH-KKL. 10:08:43

19 Today's date is December 10th, 2025 and the 10:08:53
20 time is 10:08 a.m. 10:08:57

21 This deposition is taking place at Hanson 10:09:00
22 Bridgett, LLP, 500 Capitol Mall, Suite 1500, Sacramento, 10:09:04
23 California. The videographer is Nicholas Coulter, 10:09:12
24 appearing on behalf of Array Legal Services. 10:09:15

25 Would counsel please identify yourselves and 10:09:19

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1	state whom you represent?	10:09:21
2	MS. HAMILL: Julie Hamill, the United States	10:09:22
3	of America.	10:09:24
4	MR. MEUSER: Mark Meuser, Dhillon Law Group on	10:09:25
5	behalf of the plaintiff.	10:09:29
6	MR. WOODS: Clinton Woods from the California	10:09:29
7	Department of Justice on behalf of the State defendants.	10:09:31
8	MR. GREEN: David Green with the California	10:09:34
9	Department of Justice, also on behalf of the State	10:09:36
10	entities.	10:09:40
11	MR. ZARONE: Jake Zarone, Hansen Bridgett, on	10:09:40
12	behalf of Mr. Mitchell.	10:09:42
13	MR. MANOLIUS: Kimon Manolius, the same.	10:09:43
14	MS. MADDURI: This is Lali Madduri from Elias	10:09:52
15	Law Group on behalf of the Democratic Congressional	10:09:52
16	Campaign Committee, and I will be joined by my	10:09:56
17	colleague, Christopher Dodge.	10:09:59
18	MR. deNEVERS: Orion deNevers, Arnold and	10:10:02
19	Porter, on behalf of the LULAC defendants.	10:10:03
20	MS. FERNANDEZ-GOLD: Sofiya Fernandez-Gold,	10:10:06
21	Democracy Defenders, on behalf of defendant intervenor	10:10:10
22	LULAC.	10:10:10
23	MR. OSETE: Jesus Osete for the plaintiff	10:10:16
24	intervenor United States of America.	10:10:17
25	MR. RIVERA: Thomas Rivera on behalf of	10:10:22

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1	defendant intervenor LULAC.	10:10:24
2	MR. COLOMBO: Michael Colombo on behalf of	10:10:29
3	plaintiffs.	10:10:31
4	THE WITNESS: They keep popping out, there's	10:10:33
5	more and more of them.	10:10:34
6	MR. AULISI: Dominic Aulisi on behalf of	10:10:36
7	plaintiffs.	10:10:37
8	THE VIDEOGRAPHER: Would the reporter please	10:10:45
9	swear in the witness?	10:10:46
10	THE REPORTER: Good morning. My name is Linda	
11	Hart, Certified Shorthand Reporter No. 4357, from L.J.	
12	Hart & Associates, appearing on behalf of Array	
13	Reporting.	
14	Can I ask you to raise your right hand,	
15	please?	
16	Do you solemnly swear to tell the truth, the	
17	whole truth, and nothing but the truth in this matter	
18	now pending?	
19	THE WITNESS: Yes.	10:11:06
20	THE REPORTER: Go ahead.	10:11:08
21	MS. HAMILL: Thank you.	10:11:09
22	EXAMINATION	10:11:09
23	By: JULIE HAMILL, Attorney at Law, counsel on behalf of	10:11:09
24	the Plaintiffs:	10:11:14
25	MR. MANOLIUS: Do you want them up on the	10:11:14

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1	screen or --	10:11:16
2	MR. MEUSER: If we could, less delaying right	10:11:16
3	now.	10:11:20
4	MS. HAMILL: Is it okay to proceed while we're	10:11:21
5	working that out?	10:11:22
6	MR. MANOLIUS: Yeah, of course. I had sent	10:11:23
7	you the number, I think.	10:11:24
8	MR. MEUSER: Well, I sent you the Zoom that	10:11:25
9	they are working off of it --	10:11:28
10	MR. MANOLIUS: Okay.	10:11:29
11	MR. MEUSER: -- so what you have got there is	10:11:30
12	your Zoom and what they, you know, what he's working off	10:11:32
13	is the official Zoom so --	10:11:35
14	MR. MANOLIUS: Do you have the other Zoom	10:11:37
15	number?	10:11:39
16	THE WITNESS: Looks like she's doing	10:11:39
17	something.	10:11:42
18	MS. HAMILL Q: If it's okay if we could start.	10:11:42
19	A Go for it.	10:11:44
20	Q Okay. Thank you for being here today.	10:11:45
21	A Of course.	10:11:47
22	Q You're obviously a very popular person,	10:11:47
23	Mr. Mitchell.	10:11:50
24	A And I can't confirm or deny that.	10:11:50
25	Q Have you had your deposition taken before?	10:11:52

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1	A	Once.	10:11:54
2	Q	When was that?	10:11:55
3	A	I can't -- I don't know the exact year.	10:11:56
4	Q	Ten, 20 years ago?	10:11:58
5		MR. MANOLIUS: If you know.	10:12:02
6		THE WITNESS: Ten-ish.	10:12:03
7		MS. HAMILL Q: Okay. And what was the case	10:12:04
8		about?	10:12:06
9	A	The case was about a CVRA case in Santa	10:12:06
10		Clarita somewhere.	10:12:11
11	Q	Do you remember the case name?	10:12:13
12	A	No.	10:12:14
13	Q	Santa Clarita, California Voting Rights Act	10:12:14
14		case?	10:12:18
15	A	Yeah. I believe it was a school district, a	10:12:18
16		community college district or something like that.	10:12:19
17	Q	Were you an expert witness?	10:12:21
18	A	No.	10:12:22
19	Q	Were you a percipient witness?	10:12:23
20	A	I don't know the terminology.	10:12:24
21	Q	Did you draw maps in that case?	10:12:26
22	A	I did an analysis jurisdiction.	10:12:28
23	Q	Okay. Who did you do the analysis for?	10:12:30
24	A	I don't recall the exact client.	10:12:33
25	Q	So you had your deposition taken before,	10:12:43

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1	probably a long time ago, you probably need a little	10:12:45
2	refresher.	10:12:47
3	A Please.	10:12:48
4	Q I'm sure your counsel explained to you how	10:12:48
5	this is going to go. We're not in a courtroom, but	10:12:51
6	you're under oath and so everything that you say here is	10:12:54
7	under penalty of perjury.	10:12:56
8	We're going to try to talk slow or speak	10:12:57
9	slowly so that the court reporter can get down	10:13:00
10	everything that is said.	10:13:02
11	(Zoom interruption.)	10:13:06
12	Let's try not to talk over each other and then	10:13:07
13	when you answer my questions, please use words like	10:13:10
14	"yes" or "no," instead of sounds like, "Uh-huh, huh-uh,"	10:13:13
15	or a nod or a shake of the head.	10:13:16
16	Does that make sense?	10:13:18
17	A Yes.	10:13:19
18	Q Perfect. Okay. I'm going to ask you	10:13:20
19	questions. Your attorney is going to object.	10:13:23
20	I also understand that your attorney intends	10:13:26
21	to instruct you not to answer on the grounds of	10:13:30
22	privilege for certain questions.	10:13:32
23	Unless your attorney instructs you not to	10:13:34
24	answer, you must answer my questions.	10:13:36
25	A (Witness nodding head.)	10:13:38

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1	Q	Okay. Is there any reason why you can't give	10:13:39
2		your best testimony today?	10:13:41
3	A	No. I do have a little bit of a cold, but	10:13:42
4		that shouldn't impair me. I have some cough drops.	10:13:45
5	Q	Are you taking any medication that would	10:13:48
6		impede your ability to recall events?	10:13:50
7	A	No.	10:13:51
8	Q	And as the map drawer in this case, I suspect	10:13:52
9		the Judicial Panel is going to have questions for you	10:13:57
10		next week at the preliminary injunction hearing.	10:14:00
11		Are you willing to come down to Los Angeles	10:14:02
12		next week to testify at the preliminary injunction	10:14:05
13		hearing in this case?	10:14:07
14	A	I haven't made a decision.	10:14:08
15		MR. MANOLIUS: Yeah, objection. He's not	10:14:10
16		under subpoena, so he doesn't need to answer that now	10:14:13
17		for that proceeding.	10:14:15
18		MR. WOODS: I'd also object that it calls for	10:14:20
19		a legal conclusion.	10:14:21
20		MS. HAMILL Q: I was just asking if you would	10:14:22
21		be willing to come down to testify during the	10:14:24
22		preliminary injunction hearing next week in this case?	10:14:26
23		MR. MANOLIUS: Same objections. All of them.	10:14:29
24		MR. WOODS: Same.	10:14:32
25		THE WITNESS: (Shrugging shoulders.)	10:14:35

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1	MS. HAMILL Q: Is that a "yes" or a "no"?	10:14:36
2	A I am not willing to commit to anything.	10:14:37
3	Q Unwilling to commit to anything?	10:14:39
4	A Thank you.	10:14:41
5	Q And are you available next Monday?	10:14:41
6	MR. MANOLIUS: Objection, vague. For what?	10:14:45
7	THE WITNESS: I don't know.	10:14:48
8	MS. HAMILL Q: Do you have any travel or work	10:14:48
9	obligations scheduled for next Monday?	10:14:50
10	A I don't know.	10:14:53
11	MR. MANOLIUS: Objection. Relevance.	10:14:54
12	MS. HAMILL Q: And would you be available for	10:14:58
13	remote video testimony, if not available to travel to	10:14:59
14	Los Angeles next week?	10:15:02
15	MR. MANOLIUS: Same objection.	10:15:04
16	MR. WOODS: Join.	10:15:05
17	MS. HAMILL Q: Yes or no?	10:15:08
18	A I don't know.	10:15:09
19	Q You don't know? And you live in Sacramento,	10:15:10
20	which is more than 100 miles away from Los Angeles; is	10:15:12
21	that correct?	10:15:16
22	A Yes.	10:15:16
23	Q When did you first learn about this case?	10:15:18
24	MR. MANOLIUS: Objection. Vague. As to what?	10:15:25
25	THE WITNESS: Could you clarify?	10:15:28

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1	MS. HAMILL Q: Do you know why we're here	10:15:29
2	today?	10:15:31
3	A Yes. You mean, the lawsuit? I first learned	10:15:31
4	about the lawsuit when, I don't know, I don't know the	10:15:36
5	exact date, whenever it first popped up.	10:15:40
6	Q Was it before you received your subpoena?	10:15:42
7	A Yes.	10:15:45
8	Q How long before your subpoena?	10:15:47
9	A I don't recall.	10:15:49
10	Q Did you learn about it the day that it was	10:15:50
11	filed?	10:15:52
12	MR. MANOLIUS: Objection. Calls for	10:15:52
13	speculation.	10:15:53
14	THE WITNESS: I don't have that information.	10:15:53
15	(Reporter clarification.)	10:15:53
16	MR. MANOLIUS: Sure. Sorry about that.	10:15:53
17	MS. HAMILL Q: So I don't want you to guess or	10:16:00
18	speculate, but I am entitled to your best estimates.	10:16:02
19	A My best estimate is that I would have known	10:16:05
20	when it was publicized in the news, but I wouldn't have	10:16:07
21	had knowledge about it before then.	10:16:11
22	Q So you've known about it since November?	10:16:12
23	MR. MANOLIUS: Objection. Calls for	10:16:14
24	speculation. He's already said he doesn't know.	10:16:15
25	THE WITNESS: I don't recall the exact date.	10:16:19

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1 I wouldn't know. I mean, if that's when the case was -- 10:16:20
2 you apparently know the date that it was filed, so 10:16:23
3 whenever the date it was filed or whenever it was 10:16:26
4 publicized in the news, I'm up-to-date in the news, so 10:16:28
5 whenever it was filed in the news is when I would have 10:16:31
6 known about it. 10:16:33
7 MS. HAMILL Q: And so when I say the phrase 10:16:33
8 "Prop 50 map," do you understand what I'm referring to? 10:16:37
9 A Yes. 10:16:39
10 **Q And what is your understanding of that?** 10:16:39
11 A It is the map that was approved by voters on 10:16:41
12 the ballot on the November election. 10:16:43
13 **Q Okay.** 10:16:46
14 (Whereupon Plaintiff's Exhibit 1 10:16:46
15 was marked for identification.) 10:16:46
16 MS. HAMILL Q: Okay. I am marking as 10:17:05
17 Exhibit 1 the subpoena to Paul Mitchell to testify at a 10:17:06
18 deposition in a civil action. This was dated for a 10:17:13
19 December 5th appearance and it was issued on 10:17:24
20 November 26th, and all the counsel on the line received 10:17:26
21 a copy of this via e-mail. 10:17:40
22 Have you seen this document before? Your 10:17:47
23 counsel -- 10:17:54
24 A This looks like a document I received. 10:17:55
25 **Q And when did you receive it?** 10:17:56

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1	A	I don't recall the exact date I received it.	10:17:58
2		It was on two different dates.	10:18:04
3	Q	You received a subpoena on two different	10:18:07
4		dates?	10:18:10
5	A	Yes.	10:18:11
6	Q	When? Do you know what dates?	10:18:13
7	A	Maybe twice on one day.	10:18:14
8	Q	Okay.	10:18:16
9	A	Two different servings, specifically.	10:18:16
10	Q	I am going to mark as Exhibit 2 the proof of	10:18:19
11		service of subpoena.	10:18:21
12		(Whereupon Plaintiff's Exhibit 2	10:18:21
13		was marked for identification.)	10:18:21
14		THE WITNESS: No, I'm not 5-foot-7 inches.	10:18:35
15		(Reporter clarification.)	10:18:35
16		THE WITNESS: I object to being 5-foot-7	10:18:35
17		inches in this declaration.	10:18:44
18		MS. HAMILL Q: And how tall --	10:18:44
19		MR. WOODS: Object to that characterization.	10:18:44
20		THE WITNESS: 180 pounds. Mark, you can be	10:18:48
21		bad.	10:18:49
22		MR. MEUSER: I didn't do that. I didn't do	10:18:49
23		that.	10:18:51
24		MS. HAMILL Q: And how tall are you,	10:18:51
25		Mr. Mitchell?	10:18:53

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22

1	A	I'm 5'10".	10:18:53
2	Q	And do you live at 545 Wilhaggin Drive?	10:18:55
3	A	Yes.	10:18:58
4	Q	Have you seen this document before?	10:18:58
5	A	No.	10:19:00
6	Q	We'll mark as Exhibit 3 subpoena to testify at	10:19:01
7		a deposition in a civil action, and this is with a date	10:19:17
8		of December 10th, 2025, which is today's date.	10:19:20
9		(Whereupon Plaintiff's Exhibit 3	10:19:20
10		was marked for identification.)	10:19:31
11		MR. WOODS: Sorry, counsel. Shouldn't he be	10:19:31
12		referring to the exhibits that you're marking, rather	10:19:33
13		than the counsel copy?	10:19:36
14		MS. HAMILL: Sure.	10:19:41
15		MR. WOODS: That's just --	10:19:43
16		MS. HAMILL: If that's how you want to play.	10:19:45
17	Q	Have you seen this document before,	10:19:46
18		Mr. Mitchell?	10:19:48
19	A	Yes, I believe so.	10:19:49
20	Q	And is this the document that reflects the	10:19:52
21		meeting location and the time of the deposition today?	10:19:55
22	A	Yes, it does look like that.	10:19:57
23	Q	Okay. And can you look down to the second	10:19:59
24		check mark on this document is for production. Have you	10:20:04
25		seen this before?	10:20:13

DAVID TANGIPA vs GAVIN NEWSOM
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23

1	MR. MANOLIUS: The check mark?	10:20:15
2	MS. HAMILL Q: The section of the document	10:20:16
3	that says "production" and the text that follows.	10:20:18
4	A I've seen something that looks like this, yes.	10:20:22
5	Q Okay. So it says, "Your files, including,	10:20:25
6	without limitation, all correspondence, memoranda,	10:20:27
7	analyses, reports, tables, figures, charts, invoices,	10:20:30
8	slide decks, talking points, electronic maps and data	10:20:36
9	files, and other documents relating to your conception,	10:20:40
10	drafting, revision, analysis, or presentation of the	10:20:44
11	California congressional map placed on the November 2025	10:20:48
12	ballot as Proposition 50."	10:20:51
13	Have you seen that before?	10:20:54
14	A Yes.	10:20:57
15	Q And did you endeavor to find the documents	10:20:57
16	requested in this subpoena?	10:21:01
17	MR. MANOLIUS: Objection. Attorney-client	10:21:02
18	privilege. Don't answer the question.	10:21:04
19	MS. HAMILL: So you won't tell me if you	10:21:08
20	looked for the documents.	10:21:10
21	MR. MANOLIUS: I am telling you that we have,	10:21:12
22	his counsel has been engaged in a search for documents.	10:21:15
23	MS. HAMILL: Thank you.	10:21:19
24	MR. MANOLIUS: I also note that we issued an	10:21:23
25	objection very late last evening or late after the	10:21:25

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24

1 midnight with regard to that. 10:21:28

2 THE REPORTER: When you mark the exhibits 10:21:31

3 don't cover up any writing with the sticker. 10:21:45

4 MS. HAMILL Q: So you are the owner of 10:21:47

5 Redistricting Partners, LLC; correct? 10:21:49

6 A Yes. 10:21:51

7 Q **And you're also the agent for service?** 10:21:51

8 A I don't know what that term means. 10:21:54

9 Q **And Redistricting Partners principal address** 10:21:57

10 **is your home; correct?** 10:21:59

11 A It's either my home or my accountant's office. 10:22:03

12 I don't know which one. 10:22:06

13 Q **And Liz Stitt serves as chief administrative** 10:22:07

14 **officer and senior line drawer with Redistricting** 10:22:10

15 **Partners?** 10:22:13

16 A No. 10:22:13

17 MR. MANOLIUS: Objection. Vague as to time. 10:22:13

18 You can answer. 10:22:15

19 THE WITNESS: She is in England right now, so 10:22:17

20 she left our -- she left as an employee in sometime in 10:22:19

21 the summer. I don't know exactly when. 10:22:24

22 MS. HAMILL Q: And she does contract work for 10:22:28

23 you; correct? 10:22:29

24 A No. Right now she's working in England, so 10:22:30

25 she doesn't have an employment contract with us of any 10:22:33

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25

1	kind.	10:22:36
2	Q Have you worked with Ms. Stitt at all on the	10:22:36
3	Proposition 50 maps?	10:22:39
4	MR. MANOLIUS: Objection. Legislative	10:22:40
5	privilege. You don't have to answer. Don't answer.	10:22:42
6	MS. HAMILL Q: So you're asserting a	10:22:46
7	legislative privilege to the question of whether Liz	10:22:52
8	Stitt worked with you at all on the Proposition 50 maps?	10:22:56
9	MR. MANOLIUS: He is not, I am. Actually, let	10:22:59
10	me correct that.	10:23:02
11	You can certainly ask if she was in	10:23:02
12	communication with Mr. Mitchell regarding this project.	10:23:04
13	I believe the answer is no, but you can ask that	10:23:07
14	question and he'll answer.	10:23:10
15	THE WITNESS: Yes. Sorry. Yes, she was.	10:23:12
16	MS. HAMILL Q: So Liz Stitt was in	10:23:15
17	communication with you regarding this project --	10:23:17
18	A Yes.	10:23:19
19	Q -- which means the Proposition 50 maps?	10:23:19
20	A Yes.	10:23:24
21	Q Are there any other members of the	10:23:24
22	Redistricting Partners team?	10:23:25
23	MR. MANOLIUS: Of any kind?	10:23:30
24	MS. HAMILL Q: Let's say from July 2025 to the	10:23:31
25	present.	10:23:33

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1	MR. MANOLIUS: Okay.	10:23:34
2	THE WITNESS: Can I ask you a clarification?	10:23:36
3	MS. HAMILL Q: Yes, you may.	10:23:39
4	A Okay. So the fact is Liz -- Redistricting	10:23:40
5	Partners has no employees, Liz Stitt was the last	10:23:45
6	employee, so when you say Redistricting Partners' team	10:23:47
7	can you clarify what you mean by that?	10:23:50
8	Q Have you heard of Evan McLaughlin?	10:23:51
9	A Yes.	10:23:54
10	Q And Joe Armenta?	10:23:55
11	A Yes.	10:23:57
12	Q And Jacob Thomas Fisher?	10:23:57
13	A Thompson.	10:23:57
14	Q Thompson-Fisher?	10:23:57
15	A Yes.	10:23:59
16	Q Stacey Reardon?	10:23:59
17	A Yes.	10:24:00
18	Q And those people worked with you to help you	10:24:01
19	draw maps?	10:24:02
20	MR. MANOLIUS: Objection, compound. You can	10:24:04
21	answer.	10:24:06
22	MR. WOODS: Vague.	10:24:07
23	THE WITNESS: Do you want to split out the	10:24:07
24	people a little bit? The first three do, but Stacey	10:24:09
25	Reardon didn't help draw any maps.	10:24:15

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27

1	MS. HAMILL Q: And did you direct their work?	10:24:21
2	A Yes.	10:24:23
3	Q So is it fair to say that you drew the Prop 50	10:24:25
4	maps?	10:24:30
5	MR. MANOLIUS: Objection. Calls for	10:24:30
6	information that's privileged under the legislative	10:24:32
7	privilege. I instruct you not to answer.	10:24:34
8	MS. HAMILL Q: And in asserting that	10:24:36
9	legislative privilege, I need to understand the	10:24:38
10	circumstances under which you're asserting it. So were	10:24:43
11	you under contract with the California Legislature to	10:24:47
12	draw the Proposition 50 maps?	10:24:50
13	MR. MANOLIUS: Objection, vague as to time.	10:24:52
14	MS. HAMILL Q: Ever, at any time.	10:24:55
15	A No.	10:24:58
16	Q Were you under contract with any particular	10:24:59
17	legislator to draw the Proposition 50 maps?	10:25:01
18	MR. MANOLIUS: Objection. Vague as to "under	10:25:04
19	contract." You mean, in a paid capacity? Is that what	10:25:06
20	you're asking?	10:25:08
21	MS. HAMILL: Under any contract, paid or	10:25:09
22	unpaid.	10:25:11
23	MR. WOODS: Objection. Calls for a legal	10:25:14
24	conclusion. You can answer, if you can.	10:25:16
25	MR. MANOLIUS: And vague.	10:25:17

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1 THE WITNESS: I don't know what an unpaid 10:25:19
2 contract means, so if you're saying was I -- I was not 10:25:22
3 paid by anybody in the Legislature to draw the map. 10:25:29

4 MS. HAMILL Q: Did you have an agreement with 10:25:32
5 someone in the Legislature to draw the Proposition 50 10:25:33
6 maps? 10:25:37

7 MR. MANOLIUS: Objection. Vague as to the 10:25:37
8 term "agreement." 10:25:38

9 THE WITNESS: If you can define that. 10:25:40

10 MS. HAMILL Q: You want me to define 10:25:41
11 "agreement"? 10:25:42

12 A Well, I mean, is agreement a direction or is 10:25:43
13 agreement a passive, you're the one doing it. 10:25:47

14 **Q Did anyone in the Legislature ask you to draw 10:25:51**
15 **the Proposition 50 maps? 10:25:54**

16 MR. MANOLIUS: Objection. Calls for 10:25:58
17 information that's protected under the legislative 10:25:59
18 privilege. Don't answer. 10:26:02

19 MS. HAMILL: Can you please explain to me on 10:26:04
20 what grounds Mr. Mitchell is invoking this privilege? 10:26:06
21 He is not a member of the Legislature, so I am very 10:26:11
22 confused as to how this applies to his work. 10:26:14

23 MR. MANOLIUS: I've read the cases, so no, I 10:26:17
24 am not going to explain it here or we've made our 10:26:23
25 objection. 10:26:28

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1 MS. HAMILL: There's -- we are entitled to a 10:26:29
2 factual explanation of how this privilege would even 10:26:31
3 remotely apply to this work. We don't have any 10:26:34
4 understanding that Mr. Mitchell was working for the 10:26:37
5 Legislature, is a legislator or would be in any way 10:26:39
6 entitled to invoke this privilege. 10:26:44

7 MR. MANOLIUS: We disagree with you. He is -- 10:26:46
8 his, his work went to the Legislature, and so in that 10:26:53
9 regard the providers of that work and of any comments to 10:27:04
10 him are -- their comments are protected under the 10:27:10
11 legislative privilege to the Legislature. 10:27:15

12 MS. HAMILL: The comments. Okay. 10:27:18

13 **Q When did your work go to the Legislature?** 10:27:18

14 MR. MANOLIUS: Objection, vague. If you know. 10:27:21

15 THE WITNESS: I think that there's different 10:27:22
16 ways to characterize the process of going to the 10:27:29
17 Legislature, either the public, there was at some date, 10:27:33
18 I don't recall exactly the date, the DCCC submitted it 10:27:37
19 the through the portal in official capacity was sent to 10:27:41
20 the Legislature at that point. If there's further 10:27:45
21 questions aside from that -- 10:27:47

22 MS. HAMILL Q: So your counsel sent an e-mail 10:27:51
23 about one o'clock this morning asserting that you will 10:27:54
24 not testify about your work on the maps starting 10:27:58
25 July 2nd. And so I'm trying to understand the 10:28:04

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1 significance of this date, if you submitted the maps to 10:28:09
2 the Legislature, the DCCC submitted the maps to the 10:28:11
3 Legislature August 15th. 10:28:15
4 MR. MANOLIUS: Okay. So objection, lacks 10:28:17
5 foundation, but you can certainly talk about July 2nd. 10:28:19
6 THE WITNESS: That was a meeting with the 10:28:22
7 chief of staff and the speaker on a bike ride. 10:28:24
8 MS. HAMILL Q: Did you catch that? 10:28:27
9 A It was a meeting with the chief of staff and 10:28:28
10 the speaker. 10:28:31
11 Q You're a fast talker. 10:28:31
12 A So sorry. 10:28:32
13 Q It's okay for me. 10:28:34
14 A Yeah. Yeah. 10:28:35
15 Q But we need to slow it down so that the court 10:28:35
16 reporter can make a clear record. 10:28:38
17 A Yeah. 10:28:39
18 Q So you on July 2nd, you had a meeting with the 10:28:40
19 chief of staff of the speaker. Is it Rivas? 10:28:43
20 A Rivas's chief of staff. 10:28:48
21 Q Rivas's chief of staff on July 2nd, and you 10:28:50
22 didn't enter into a contract? 10:28:56
23 MR. WOODS: Objection. Calls for a legal 10:28:59
24 conclusion. 10:29:01
25 MR. MANOLIUS: And also vague as to time. 10:29:01

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1	MS. HAMILL Q: You didn't enter into an	10:29:03
2	agreement?	10:29:06
3	MR. MANOLIUS: Same thing.	10:29:06
4	MR. WOODS: Same objections.	10:29:07
5	MS. HAMILL Q: And we're pretending that we	10:29:08
6	don't know what "agreement" means?	10:29:10
7	A I don't know if agreement means understanding	10:29:11
8	or agreement means a service that I'm required or	10:29:13
9	obligated to perform.	10:29:18
10	Q How about an understanding?	10:29:19
11	A Yes, an understanding.	10:29:20
12	Q An understanding on July 2nd that you would be	10:29:22
13	undertaking to draw the Prop 50 maps?	10:29:24
14	MR. MANOLIUS: Objection. Misstates his	10:29:27
15	testimony. You can answer.	10:29:28
16	THE WITNESS: You may state that I would draw	10:29:31
17	maps.	10:29:32
18	MS. HAMILL Q: That you would draw maps?	10:29:32
19	A (Witness nodding head.)	10:29:34
20	Q What kind of maps?	10:29:34
21	A Statewide congressional maps.	10:29:36
22	Q And so that understanding was reached on	10:29:39
23	July 2nd?	10:29:41
24	A (Witness nodding head.)	10:29:44
25	Q Is that correct?	10:29:46

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1	THE REPORTER: Your answer?	10:29:46
2	THE WITNESS: Yes.	10:29:51
3	MS. HAMILL Q: So you listed a number of	10:29:51
4	people earlier. You listed Evan McLaughlin, Joe	10:29:53
5	Armenta, Jacob Thompson-Fisher.	10:30:00
6	Was there anyone else involved in drawing the	10:30:01
7	maps?	10:30:03
8	MR. MANOLIUS: Objection. Lacks foundation	10:30:05
9	and calls for speculation. You mean, at Redistricting	10:30:07
10	Partners or anywhere else?	10:30:11
11	MS. HAMILL Q: With respect to your work on	10:30:12
12	the proposition 50 maps, was there anyone else involved	10:30:16
13	on your team?	10:30:19
14	A Team being an abstract term of, like, all the	10:30:21
15	former employees of Redistricting Partners that might	10:30:25
16	have come together to help draw this, whether they were	10:30:28
17	paid or not?	10:30:30
18	Q Yes.	10:30:31
19	A Daniel Lopez. I'm not trying to play hide the	10:30:31
20	ball on anything, but I can't recall other names, but	10:30:41
21	there might have been somebody else that kind of the	10:30:43
22	extended team that had some input at some point. Those	10:30:46
23	are the ones that come to mind. If another one comes to	10:30:49
24	mind, I can tell you later, so --	10:30:52
25	Q And can you walk me through the process of	10:30:54

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1	drawing the Proposition 50 maps?	10:30:57
2	MR. MANOLIUS: Objection. Calls for	10:30:58
3	information that's protected under the Legislative	10:31:00
4	privilege. I instruct you not to answer.	10:31:02
5	MS. HAMILL Q: What factors did you consider	10:31:05
6	while you were drawing the Proposition 50 maps?	10:31:07
7	MR. MANOLIUS: Same objections. Don't answer.	10:31:09
8	MS. HAMILL Q: What was your methodology that	10:31:13
9	you used to draw the Proposition 50 maps?	10:31:16
10	MR. MANOLIUS: Same objection. Don't answer	10:31:18
11	the question.	10:31:20
12	MS. HAMILL Q: What redistricting platform do	10:31:21
13	you use?	10:31:24
14	MR. MANOLIUS: Objection. Vague as to time.	10:31:24
15	MS. HAMILL: At any time.	10:31:27
16	MR. MANOLIUS: Is that like a -- you mean,	10:31:29
17	like, computer program? I am just not very techie.	10:31:31
18	MS. HAMILL Q: I'll ask the witness. Do you	10:31:34
19	understand what I mean when I say --	10:31:35
20	A (Witness nodding head.) Yes, I understand.	10:31:37
21	MS. MANOLIUS: Okay. I am sorry.	10:31:39
22	MS. HAMILL: There's no instruction not to	10:31:39
23	answer.	10:31:43
24	MR. MANOLIUS: You can answer.	10:31:44
25	THE WITNESS: There are multiple programs we	10:31:46

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1 use. One the primary programs we use is kind of an 10:31:48
2 in-house program, I almost couldn't really define it, 10:31:51
3 but Maptitude is one of the other programs that we use, 10:31:54
4 QGIS. We have at times had employees use State 10:31:59
5 redistrictings app, just because it's easy and 10:32:04
6 accessible to experiment with something. And then, of 10:32:06
7 course, normal programs: Excel, Access, database 10:32:11
8 programs, Tableau. 10:32:14
9 **Q Do you have a favorite program?** 10:32:16
10 MR. MANOLIUS: Objection. Vague as to reason, 10:32:19
11 but -- 10:32:22
12 THE WITNESS: It depends on the use. My 10:32:23
13 favorite program is probably our internal program that 10:32:24
14 allows us to produce maps quickly. 10:32:27
15 MS. HAMILL Q: Is that something that is 10:32:30
16 proprietary to you, it's something you created? 10:32:31
17 A Absolutely, created it from scratch. 10:32:34
18 **Q Is it similar to a Maptitude or to a Dave's** 10:32:36
19 **redistricting map?** 10:32:39
20 MR. MANOLIUS: Objection, vague. Go ahead. 10:32:40
21 THE WITNESS: It -- if you have seen 10:32:43
22 Redistricting Partners' maps, they have a certain look 10:32:44
23 to them. They all look the same. It's the program that 10:32:47
24 does that, it's the program that makes the maps from a 10:32:49
25 shapefile. 10:32:54

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1	MS. HAMILL Q:	Okay. Does it have a name?	10:32:55
2	A	Syzygy.	10:32:57
3	Q	Syzygy.	10:32:59
4	A	Sorry.	10:33:00
5	Q	How do you spell that?	10:33:01
6	A	S-y-z-y-g-y. Is that correct?	10:33:01
7	Q	Is sounds a little like KIWISI; you know it	10:33:05
8		when you see it?	10:33:08
9	A	You know it -- no, there you go. No.	10:33:08
10		Syzygy is some obscure word that Jacob	10:33:11
11		Thompson-Fisher liked and so that's what he calls it.	10:33:16
12	Q	So what data was available to you while you	10:33:20
13		were drawing the Proposition 50 map?	10:33:25
14	MR. MANOLIUS:	Same objection. Don't answer	10:33:28
15		the question.	10:33:29
16	MS. HAMILL:	And just to clarify, you're	10:33:30
17		objecting on the grounds of legislative privilege?	10:33:33
18	MR. MANOLIUS:	Yes, I am sorry. Yes,	10:33:36
19		legislative privilege.	10:33:37
20	MS. HAMILL Q:	And what inputs go into the	10:33:38
21		data that you use or went into the data that you used to	10:33:40
22		draw the Proposition 50 maps?	10:33:44
23	MR. MANOLIUS:	Same objection. I instruct you	10:33:46
24		not to answer.	10:33:48
25	MS. HAMILL Q:	Where do you get your data when	10:33:49

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1 you're drawing maps? 10:33:51

2 MR. MANOLIUS: Objection. Vague as to what 10:33:52

3 maps when. 10:33:54

4 MS. HAMILL Q: There's no instruction. 10:33:58

5 A Oh. 10:33:59

6 MR. MANOLIUS: As a general manner. 10:34:00

7 THE WITNESS: It depends on the client. 10:34:03

8 In California, the law requires you to use the 10:34:06

9 statewide database. 10:34:09

10 In other states, we use just raw census. And 10:34:11

11 then if we were looking at other data for other 10:34:17

12 purposes, there's other sources. 10:34:20

13 I am vice president of a company called 10:34:21

14 Political Data, so we don't really use that data much at 10:34:23

15 all, but if we were, we would use that for my other 10:34:27

16 company. 10:34:30

17 MS. HAMILL Q: Is that PDI? 10:34:30

18 A Uh-huh. 10:34:31

19 THE REPORTER: Yes? 10:34:33

20 THE WITNESS: Yes, it is. Sorry. 10:34:35

21 MS. HAMILL: Thank you. 10:34:35

22 THE WITNESS: And I'm sure there are other 10:34:38

23 sources, like, there's -- I forget the name. There's a 10:34:39

24 national redistricting data set that use public, other 10:34:47

25 public sources of data. 10:34:52

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1 MS. HAMILL Q: And in California, do you 10:34:53
2 produce the political data or do you buy it? 10:34:54
3 MR. MANOLIUS: Objection. Vague as to time 10:34:57
4 and under what circumstance. You can answer. 10:34:59
5 THE WITNESS: When I use political data, the 10:35:02
6 two main sources would be the statewide database and the 10:35:07
7 other source would be PDI. 10:35:10
8 MS. HAMILL Q: And the statewide database is 10:35:14
9 free; correct? 10:35:17
10 A Yes. 10:35:17
11 **Q Do you use consumer data?** 10:35:19
12 MR. MANOLIUS: Objection, vague. As a general 10:35:23
13 matter. 10:35:26
14 THE WITNESS: No, I have never used consumer 10:35:27
15 data in a redistricting project that I recall. 10:35:30
16 MS. HAMILL Q: Does any of the data that you 10:35:33
17 use have racial assumptions built in? 10:35:35
18 MR. MANOLIUS: Objection. Vague as to when 10:35:38
19 and under what circumstances and what project. 10:35:40
20 THE WITNESS: Could you clarify "racial 10:35:43
21 assumptions," what you mean by that? 10:35:45
22 MS. HAMILL Q: Does it have a meaning to you 10:35:49
23 when I say "racial assumptions"? 10:35:51
24 A That seems more overly broad, potentially. 10:35:53
25 The data that I use includes data on race, if that's 10:35:56

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1 what you're asking. 10:35:59

2 **Q Okay. And what does that look like?** 10:36:00

3 MR. MANOLIUS: Again, vague as to time and 10:36:03

4 project. 10:36:05

5 THE WITNESS: Generally, census data is in two 10:36:07

6 parts. You have geography and you have data, meaning 10:36:10

7 the counts, and so the data would look like numbers 10:36:14

8 assigned to geographies, and then when those two are 10:36:18

9 paired together you can use that in redistricting. 10:36:22

10 MS. HAMILL Q: And so do you work with CVAP 10:36:25

11 for certain racial groups and input that into geography, 10:36:28

12 generally? 10:36:33

13 MR. MANOLIUS: Objection. Vague as to time 10:36:34

14 and project. If -- I guess, at any time. 10:36:35

15 THE WITNESS: In general, we use the CVAP data 10:36:40

16 that's adjusted by the statewide database, consumer 10:36:44

17 adjusted dataset, and that's updated most recent dataset 10:36:48

18 we would be using at any time. 10:36:52

19 MS. HAMILL Q: And the adjusted is to 10:36:54

20 eliminate the prison population; is that right? 10:36:56

21 A The prison population reallocation. 10:36:57

22 **Q Okay.** 10:37:00

23 A It doesn't eliminate the prison population, it 10:37:00

24 just moves them into different census block groups.

25 **Q Oh, it does?**

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1 A Yeah. So, like, if some place has 120 people,
2 but the prison population says four people were living
3 there when they were arrested, it now has 124 people.

4 Q Oh, interesting.

5 A Yeah, that's the reallocation. 10:37:15

6 Q Do you ever disaggregate election results from 10:37:28
7 precincts and match them to census blocks? 10:37:30

8 MR. MANOLIUS: Objection. Vague. I don't 10:37:32
9 understand the question. 10:37:33

10 MR. WOODS: Join. 10:37:34

11 THE WITNESS: Basically, I can talk? Yes. 10:37:36

12 MS. HAMILL Q: How do you do that? 10:37:38

13 A It's technical, but, generally, what you do is 10:37:41
14 you take a precinct and you disaggregate that precinct 10:37:47
15 data down to the census blocks based on a weighting. 10:37:55

16 Oftentimes the weighting is how many people 10:38:00
17 are in those census blocks or how much -- what the CVAP 10:38:01
18 total population is in that census block or what the 10:38:16
19 total voter count is -- 10:38:19

20 (Reporter clarification.) 10:38:19

21 -- in that census block. So if we had a 10:38:21
22 hundred votes cast and we needed to assign it to five 10:38:25
23 census blocks and every census block had 20 people, then 10:38:29
24 we would assign like that. 10:38:33

25 If every census block had one-fifth of the 10:38:35

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1 population, we would assign it like that. 10:38:38

2 However, if one census block had a half of the 10:38:40

3 population, one census block had a third of the 10:38:43

4 population, the next census block had a sixth of the 10:38:46

5 population and the other two were blank, we would then 10:38:50

6 not assign votes to this blank census blocks, we would 10:38:53

7 assign the votes to the populated census blocks at the 10:38:55

8 appropriate ratio of the weighted field. So that is a 10:38:58

9 technical answer. 10:39:06

10 **Q Does vote by mail impact your data in 10:39:13**

11 **California any way? 10:39:13**

12 MR. WOODS: Objection. Ambiguous. 10:39:17

13 MR. MANOLIUS: Objection. Vague as to time 10:39:17

14 and project. 10:39:19

15 THE WITNESS: One critical way that vote by 10:39:20

16 mail can impact is that when counties report both by 10:39:22

17 mail data in election results separately from the total 10:39:26

18 votes cast in one area, there was an election maybe 10:39:29

19 going back, like, 2008 where some counties didn't 10:39:34

20 report, like, there wasn't the total vote but there was 10:39:38

21 the vote by mail vote, things like that. 10:39:42

22 There were irregularities. That's the only 10:39:44

23 kind of thing. Generally, we just go with the total 10:39:47

24 vote layer, as long as it's there, and with the 10:39:49

25 exception of one very strange old election result, 10:39:51

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1	there's, it's always been fine. We don't worry. The	10:39:55
2	vote by mail doesn't impact it.	10:39:59
3	MS. HAMILL Q: So we received some documents	10:40:06
4	from the DCCC, which is a party in this case. Are you	10:40:09
5	familiar with the DCCC?	10:40:11
6	A Yes.	10:40:12
7	Q Okay. And in these documents they shared some	10:40:13
8	communications between you and people with the DCCC.	10:40:15
9	Have you seen those documents?	10:40:19
10	A No.	10:40:20
11	Q Have you been in contact with the lawyers for	10:40:21
12	the DCCC?	10:40:23
13	A Not that I'm aware of.	10:40:25
14	Q And so in these communications, they represent	10:40:27
15	that the DCCC liked the Proposition 50 map that you	10:40:33
16	drew. And so I'm wondering, was there a request for	10:40:37
17	proposals from the DCCC for the Proposition 50 map?	10:40:40
18	MR. MANOLIUS: Objection. Lacks foundation.	10:40:45
19	MR. WOODS: Join.	10:40:48
20	MR. MANOLIUS: Vague as to time. And I am not	10:40:48
21	sure what you mean by like it, but you can answer.	10:40:51
22	THE WITNESS: Um, could you repeat the	10:40:55
23	question?	10:40:56
24	MS. HAMILL Q: Was there a request for	10:40:56
25	proposals?	10:40:58

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1	A	No.	10:40:59
2	Q	There was no request for proposals from the	10:41:00
3		DCCC for a Prop 50 map?	10:41:03
4	A	No. And a suggestion would be that we didn't	10:41:06
5		know what Prop 50 was when we were drawing the maps, so	10:41:09
6		you might --	10:41:13
7		MS. HAMILL Q: Okay. That's a good	10:41:13
8		clarification to make, because early when I said, when I	10:41:14
9		was trying to sort of establish what we're going to be	10:41:18
10		discussing, when I talk about the Proposition 50 map I'm	10:41:21
11		also talking about the maps that you drew to get there,	10:41:25
12		because nobody knew it was called Prop 50 until it	10:41:27
13		actually got to the ballot; right?	10:41:31
14		MR. MANOLIUS: Objection. Calls for	10:41:32
15		speculation, lacks foundation. You can answer.	10:41:33
16		THE WITNESS: Further, we didn't know we were	10:41:38
17		doing a ballot measure, necessarily --	10:41:39
18		MS. HAMILL Q: Okay.	10:41:41
19	A	-- or even doing a map that would be real,	10:41:42
20		necessarily.	10:41:44
21	Q	Because it started off as a bluff; correct?	10:41:45
22	A	(Witness nodding head.)	10:41:47
23		MR. MANOLIUS: Objection. Calls for	10:41:48
24		information that is protected by the legislative	10:41:52
25		privilege. Don't answer the question.	10:41:54

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1	MS. HAMILL Q: Okay. So let me rephrase. Was	10:41:56
2	there a request for proposals from the DCCC to draw a	10:41:59
3	new congressional map for California in the summer of	10:42:03
4	2025?	10:42:08
5	MR. MANOLIUS: To Mr. Mitchell?	10:42:10
6	MS. HAMILL Q: No. Just a request for	10:42:12
7	proposals issued that you were aware of.	10:42:13
8	MR. MANOLIUS: Oh.	10:42:16
9	THE WITNESS: Oh, I am not aware of that at	10:42:17
10	all.	10:42:18
11	MS. HAMILL Q: Was there a request for	10:42:18
12	proposals from the State of California to draw a new	10:42:20
13	congressional map for the State of California in the	10:42:23
14	summer of 2025?	10:42:25
15	MR. MANOLIUS: To the extent communications	10:42:27
16	were with the Legislature, then we will assert the	10:42:32
17	legislative privilege. Don't answer the question.	10:42:35
18	If there's somebody else made a request of	10:42:37
19	you, you can answer.	10:42:39
20	THE WITNESS: Nobody made a request to me in	10:42:41
21	an official capacity in a way like a request for	10:42:44
22	proposal. Sorry to go fast.	10:42:46
23	Nobody -- let me revise that. I never saw a	10:42:49
24	request for proposal to draw maps from any entity.	10:42:52
25	MS. HAMILL Q: How did you end up in	10:42:58

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1	communication with the DCCC regarding this map that	10:43:01
2	became the Prop 50 map?	10:43:05
3	MR. MANOLIUS: Objection. Lacks foundation,	10:43:08
4	calls for speculation and vague as to time. Go ahead.	10:43:09
5	THE WITNESS: Could you repeat the question,	10:43:14
6	please?	10:43:15
7	MS. HAMILL: Would you mind repeating it for	10:43:16
8	me?	10:43:17
9	THE WITNESS: So sorry.	10:43:26
10	(Whereupon the record was read as	10:43:26
11	follows: "Question: How did you	10:43:00
12	end up in communication with the	10:43:00
13	DCCC regarding this map that	10:43:04
14	became the Prop 50 map?")	10:43:05
15	MR. WOODS: Objection. Lacks foundation.	10:43:31
16	MR. MANOLIUS: I renew my objection.	10:43:33
17	THE WITNESS: I honestly don't recall.	10:43:39
18	THE REPORTER: Your answer again?	10:43:41
19	THE WITNESS: I don't recall.	10:43:43
20	THE REPORTER: Thank you.	10:43:43
21	(Whereupon Plaintiff's Exhibit 4	10:43:43
22	was marked for identification.)	10:44:12
23	MS. HAMILL Q: I am marking for identification	10:44:12
24	as Exhibit 4 the DCCC Responses to Plaintiffs' First Set	10:44:18
25	of Interrogatories.	10:44:26

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1		Have you seen this document before?	10:44:38
2	A	No.	10:44:39
3	Q	I want to direct your attention to page one.	10:44:40
4		Take a minute to review it.	10:44:54
5	A	Okay.	10:44:55
6		MR. MANOLIUS: The whole page?	10:44:58
7		MS. HAMILL: Yes.	10:44:59
8		MR. MANOLIUS: Okay.	10:45:01
9		THE WITNESS: So interrogatory number one, the	10:45:06
10		words here, that means that's what they were asked?	10:45:09
11		MR. MANOLIUS: Yeah. The way it works is a	10:45:11
12		question and a response.	10:45:13
13		THE WITNESS: The response. All right.	10:45:16
14		MR. MANOLIUS: And we are stopping at the	10:45:59
15		bottom of the page --	10:46:02
16		MS. HAMILL: Yes.	10:46:03
17		MR. MANOLIUS: -- because the response	10:46:03
18		continues to line 16 on page two.	10:46:04
19		MS. HAMILL Q: And if you'd prefer to review	10:46:08
20		the entire response to interrogatory number one that	10:46:10
21		continues on the next page, feel free to do that.	10:46:13
22	A	Okay.	10:46:16
23		MR. MANOLIUS: We'll just start with the first	10:46:17
24		part.	10:46:19
25		THE WITNESS: Okay. I stopped at the bottom	10:46:23

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1 of one. 10:46:24

2 MS. HAMILL Q: Okay. And so if you look at 10:46:25

3 page one, line 19, the sentence that begins in the 10:46:27

4 middle of line 19 says, "The DCCC reviewed an initial 10:46:31

5 draft of the map for the first time on August 3rd, 10:46:36

6 2025," and called that, "The draft map." And then it 10:46:40

7 says, "DCCC liked the draft map." 10:46:43

8 Do you see that? 10:46:46

9 A Yes. 10:46:47

10 **Q Does that refresh your recollection about how 10:46:48**

11 **you first got in touch with the DCCC regarding the map? 10:46:51**

12 MR. MANOLIUS: Objection. Vague as to time, 10:46:55

13 lacks foundation. You can answer what you know. 10:46:57

14 THE WITNESS: No, it doesn't refresh my 10:47:01

15 memory, because the question here is about when they 10:47:04

16 first saw the map. 10:47:07

17 MS. HAMILL Q: Did you provide a copy of the 10:47:09

18 map to the DCCC on August 3rd? 10:47:11

19 A I have no reason to disbelieve what they have 10:47:15

20 written, but I don't recall. 10:47:18

21 **Q Can you please turn to the next page -- 10:47:20**

22 A (Witness complied.) 10:47:25

23 **Q -- and review the second part of the DCCC's 10:47:28**

24 **response to interrogatory number one? 10:47:33**

25 A The first paragraph? 10:47:57

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1	MR. MANOLIUS: Through line 16, I think she	10:47:58
2	said.	10:48:01
3	MS. HAMILL Q: Correct. Thank you.	10:48:01
4	A Okay.	10:48:02
5	Q Yes.	10:48:04
6	Q Okay. So according to DCCC in these	10:48:24
7	interrogatory responses, they looked at a draft map that	10:48:29
8	you drew on August 3rd and then they recommended some	10:48:33
9	changes to it, and then August 14th is when your revised	10:48:36
10	map was submitted to the State Legislature.	10:48:43
11	Does that reflect your recollection of how	10:48:46
12	this all transpired?	10:48:49
13	MR. MANOLIUS: Objection, compound.	10:48:50
14	MS. MADDURI: Objection, to the extent you're	10:48:53
15	misstating the document.	10:48:55
16	MR. MANOLIUS: And let me add objection, lacks	10:48:56
17	foundation, calls for speculation.	10:48:58
18	MR. WOODS: Join.	10:49:03
19	MS. MADDURI: Join. Yes. This is Lali	10:49:03
20	Madduri and I represent the DCCC.	10:49:11
21	THE REPORTER: Thank you.	10:49:13
22	MS. HAMILL: Is there --	10:49:17
23	MR. MANOLIUS: Can you read the question back?	10:49:18
24	I am sorry. I lost track.	10:49:19
25	(Whereupon the record was read as	10:49:19

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1 follows: "Question: Okay. So 10:48:24
2 according to DCCC in these 10:48:26
3 interrogatory responses, they 10:48:29
4 looked at a draft map that you 10:48:32
5 drew on August 3rd and then they 10:48:33
6 recommended some changes to it, 10:48:35
7 and then August 14th is when your 10:48:39
8 revised map was submitted to the 10:48:42
9 State Legislature. 10:48:45
10 Does that reflect your 10:48:46
11 recollection of how this all 10:48:48
12 transpired?") 10:48:50
13 MR. MANOLIUS: Objection. Lacks foundation, 10:49:43
14 calls for speculation, and as to the substance of the 10:49:45
15 any changes, I instruct you not to answer under 10:49:51
16 legislative privilege. 10:49:56
17 THE WITNESS: I think you misstated your 10:50:00
18 question. You meant August 15th. You said August 14th 10:50:01
19 for the map being submitted to the Legislature. 10:50:06
20 MS. HAMILL Q: Oh, thank you. You're right. 10:50:09
21 So what happened -- 10:50:12
22 A To that, to that August 15th, I am aware of 10:50:12
23 that date. To the rest of the dates, I'm just trusting 10:50:15
24 that the DCCC is correct. I don't recall. 10:50:20
25 Q Okay. Thank you. 10:50:22

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1	A	Is that okay?	10:50:24
2	Q	Do you recall making changes to the map after	10:50:26
3	August 3rd of 2025?		10:50:28
4		MR. MANOLIUS: Objection. Legislative	10:50:30
5		privilege and instruct you not to answer.	10:50:32
6		MS. HAMILL Q: And what changes were made to	10:50:35
7		the map between August 3rd and August 14th of 2025?	10:50:36
8		MR. MANOLIUS: Same objections. Don't answer.	10:50:41
9		MS. HAMILL Q: Did you bring a copy of your	10:50:44
10		August 3rd version of the map with you today?	10:50:50
11	A	(Witness shaking head.) No.	10:50:53
12	Q	Did you bring any data files for the	10:50:58
13	August 3rd map?		10:51:03
14	A	No.	10:51:05
15		MR. MANOLIUS: And, again, just to point out,	10:51:05
16		our objection covered this material.	10:51:07
17		MS. HAMILL Q: And what considerations did you	10:51:09
18		make when deciding which of the DCCC's proposed changes	10:51:11
19		to incorporate in the map?	10:51:15
20		MR. MANOLIUS: Same objections. I instruct	10:51:17
21		you not to answer.	10:51:19
22		MS. HAMILL Q: Did you consider race at all in	10:51:20
23		reviewing the proposed changes from the DCCC and making	10:51:27
24		changes to the map?	10:51:32
25		MR. MANOLIUS: Same objections. I instruct	10:51:33

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1 you not to answer under legislative privilege. 10:51:35

2 MS. HAMILL Q: Isn't it true that the changes 10:51:37

3 you made after August 3rd and before August 14th were 10:51:39

4 designed to preserve a racial quota or a racial target 10:51:43

5 in certain districts in the Proposition 50 map? 10:51:50

6 MR. MANOLIUS: Same objections. I am going to 10:51:53

7 add lacks foundation, calls for speculation, and I 10:51:54

8 instruct you not to answer under legislative privilege. 10:51:57

9 MS. HAMILL Q: Can you walk me through all of 10:52:00

10 the changes that you made between the draft map on 10:52:02

11 August 3rd and the submitted map on August 14th? 10:52:06

12 MR. MANOLIUS: Objection. Calls for a 10:52:09

13 narrative and also lacks foundation, and I instruct you 10:52:10

14 not to answer due to legislative privilege. 10:52:14

15 MS. HAMILL Q: What people and groups were you 10:52:17

16 talking to during this period of time as you were making 10:52:19

17 changes to the map after August 3rd? 10:52:22

18 MR. MANOLIUS: Objection. Lacks foundation. 10:52:24

19 You can certainly ask him who he talked to, but not the 10:52:26

20 purpose of the communication, so with that understanding 10:52:29

21 if you talked to anybody about it you can tell counsel 10:52:32

22 who. And just for the time period, just to make sure, 10:52:37

23 okay, August 3rd to 14th? 10:52:45

24 MS. HAMILL: Correct. 10:52:47

25 MR. MANOLIUS: Sorry. Thank you. And, again, 10:52:47

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1 the two dates, the 3rd through the 14th or 15th. 10:52:52

2 THE WITNESS: In all honesty, I don't recall 10:52:56

3 for those particular dates of exactly who I would have 10:52:59

4 talked to during those times beyond the Redistricting 10:53:05

5 Partners' staff. 10:53:10

6 MS. HAMILL Q: Can you give me your best 10:53:10

7 estimate generally within that rough time period of who 10:53:11

8 you were talking to when you were making changes to the 10:53:15

9 map? 10:53:18

10 MR. MANOLIUS: Again, lacks foundation with 10:53:18

11 regard to the making changes to the map as being 10:53:20

12 associated with any specific conversation. 10:53:23

13 With that understanding and without 10:53:26

14 undermining legislative privilege, you can answer who 10:53:29

15 you recall talking to during that time period about 10:53:34

16 redistricting. 10:53:37

17 THE WITNESS: Can I ask my attorney a 10:53:39

18 question? I don't know how this works. 10:53:40

19 MR. MANOLIUS: No, you can't. I mean, I would 10:53:41

20 love you to, but no, you can't. 10:53:44

21 THE WITNESS: Um, I spoke to Redistricting 10:53:47

22 Partners' staff during this period of time, probably 10:53:55

23 spoke to my wife a few times. 10:53:59

24 During this period of time, I believe that was 10:54:03

25 when I spoke with Dustin Corcoran, a friend of mine, 10:54:06

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1 just personal friend. There are legislative staff that 10:54:10
2 I spoke with. I don't know if I'm allowed to state who 10:54:16
3 those people are. 10:54:20
4 MR. MANOLIUS: You can answer who but not what 10:54:21
5 you talked about. 10:54:23
6 THE WITNESS: Okay. Michael Wagaman, Steve 10:54:24
7 Omara. 10:54:28
8 MS. HAMILL Q: And I am sorry. As you're 10:54:29
9 going through this list -- 10:54:30
10 A Yeah. 10:54:31
11 Q -- would you mind sharing with me the 10:54:31
12 legislators, who he worked for, the names of the 10:54:34
13 legislator? 10:54:36
14 A Yeah. 10:54:37
15 MR. MANOLIUS: If you know. 10:54:37
16 THE WITNESS: Yeah. And I apologize if I'm 10:54:38
17 not going to get everybody, I'll do my best to answer. 10:54:40
18 MS. HAMILL Q: Sure. 10:54:43
19 A Steve Omara, the Chief of Staff to Assembly 10:54:44
20 Speaker Rivas. 10:54:48
21 Jason -- I am blanking, starts with an L, 10:54:49
22 Little, Lytle, with the chief of staff for the pro tem 10:54:56
23 of the State Senate. 10:54:59
24 Michael Wagaman, who is -- works for the 10:55:01
25 Legislature broadly. 10:55:07

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1 Jeff Gozzo, G-o-z-z-o, who works for the 10:55:15
2 Legislature, State Senate, I believe. 10:55:20

3 Multiple members of Congress, maybe a few 10:55:22
4 different legislators, Christopher Cabaldon, local 10:55:37
5 legislator, Matt Weiner, who used to work for the 10:55:43
6 congressional delegation, staff to members of Congress, 10:55:54
7 and I probably told a handful of reporters that I 10:56:08
8 couldn't talk to them. 10:56:11

9 **Q Did you talk to any advocacy groups?** 10:56:13

10 MR. MANOLIUS: During the same time period, 10:56:15
11 August 3rd to August 15th? 10:56:17

12 MS. HAMILL: Same period. 10:56:19

13 MR. WOODS: Objection. Vague. 10:56:20

14 MR. MANOLIUS: Same objection. And I am 10:56:21
15 assuming about what? About redistricting? 10:56:24

16 THE WITNESS: Do you want to say about the 10:56:28
17 Prop 50 maps? 10:56:30

18 MS. HAMILL Q: Yes. 10:56:31

19 A Yes. I did talk to a number of different 10:56:32
20 advocacy groups. 10:56:35

21 MR. MANOLIUS: That's it. That's the answer. 10:56:40
22 The question is whether you had or not. 10:56:43

23 MS. HAMILL Q: Can you list them for me? 10:56:45

24 A Okay. I'm afraid that I might not be 10:56:46
25 comprehensive -- 10:56:48

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1	Q	Sure.	10:56:50
2	A	-- but I can do my best.	10:56:50
3		During that period of time prior to the maps	10:56:53
4		beings submitted to the Legislature, I spoke with --	10:56:57
5		does spoke with mean include, like, sending e-mail,	10:57:07
6		getting an e-mail from?	10:57:10
7	Q	Yes.	10:57:11
8	A	So I received some unsolicited e-mails from	10:57:12
9		different groups.	10:57:16
10	Q	And were these groups attempting to sway your	10:57:18
11		actions?	10:57:21
12		MR. MANOLIUS: Objection.	10:57:22
13		THE WITNESS: I can't speak to the content.	10:57:23
14		MR. MANOLIUS: Yeah. That calls for	10:57:24
15		information that's privileged under the legislative	10:57:26
16		privilege. I instruct you not to answer. Wait for the	10:57:28
17		next question.	10:57:33
18		THE WITNESS: I still haven't answered her	10:57:34
19		first question.	10:57:36
20		MR. MANOLIUS: Oh, okay.	10:57:39
21		THE WITNESS: So, NDRC -- do you need what	10:57:40
22		that stands for? National -- NDRC --	10:57:48
23		MS. HAMILL Q: (Shaking head.)	10:57:55
24	A	-- Catalyst California, Asian Law Caucus, OC	10:57:56
25		Action, Delores Huerta Foundation. I'm traveling up and	10:58:13

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1 down the state thinking about different groups up and 10:58:33
2 down the state that I might have talked to. 10:58:36

3 Black Power Network. Oh, and then I'd say 10:58:37
4 multiple democratic party, like, county democratic 10:58:50
5 party, different counties, so it might just be an 10:58:54
6 umbrella. 10:58:54

7 And to amend my earlier response about people, 10:59:03
8 I forgot to mention political consultants and pollsters. 10:59:06
9 I am sorry. I forgot that earlier. 10:59:14

10 **Q Okay. So according to these DCCC responses to 10:59:16**
11 **the interrogatories that we have marked as Exhibit 4, on 10:59:23**
12 **August 14th the DCCC bought your revised version of the 10:59:29**
13 **August 3rd map. 10:59:33**

14 **Does that comport with your recollection of 10:59:34**
15 **what transpired? 10:59:36**

16 MR. MANOLIUS: Where is that line -- 10:59:37

17 MS. HAMILL: It's on page two -- 10:59:54

18 MR. MANOLIUS: Uh-huh. 10:59:56

19 MS. HAMILL: -- lines 11 to 12. 10:59:57

20 MR. MANOLIUS: Okay. On the same day. I have 10:59:59
21 got that. Yeah. 11:00:02

22 THE WITNESS: That aligns with my 11:00:03
23 understanding. 11:00:06

24 MS. HAMILL Q: And how much did they pay for 11:00:07
25 it? 11:00:09

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1 A I think, I mean, I think I know the answer. 11:00:09
2 \$108,000. 11:00:19
3 **Q Did anyone else pay you for the map?** 11:00:21
4 A The -- identifying the structure of the 11:00:24
5 payment is for the map was only the DCCC, only the DCCC 11:00:33
6 paid me for the map. 11:00:37
7 MS. HAMILL: I am going to mark as Exhibit 5 a 11:01:18
8 document entitled, "Political Consulting Agreement," 11:01:21
9 begins at the bottom with a Bates stamp of DCCC000183 11:01:26
10 and goes through DCCC000192. 11:01:34
11 (Whereupon Plaintiff's Exhibit 5 11:01:34
12 was marked for identification.) 11:01:46
13 MR. WOODS: This is five? 11:01:46
14 MR. MEUSER: This is five. 11:01:48
15 MS. HAMILL Q: Have you seen this document 11:02:03
16 before? 11:02:06
17 A Yes. 11:02:06
18 **Q And what is this document?** 11:02:06
19 A This is a contract for services. 11:02:07
20 And to clarify my earlier statement, my 11:02:10
21 understanding of clarification, DCCC paid me for the 11:02:12
22 map, that was the way that they chose to clarify it. 11:02:16
23 I believe the other parties to this were 11:02:19
24 paying for my services, my consulting services, so I 11:02:22
25 don't know how they -- you asked me how they 11:02:26

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1 characterized it, so that's how I've seen it. 11:02:28

2 DCCC has characterized it as they were paying 11:02:31

3 me for the map, and I don't know how the other groups 11:02:34

4 would characterize my -- the agreement. 11:02:36

5 **Q And those other groups are the House Majority 11:02:38**

6 **PAC -- 11:02:42**

7 A And Jeffries for Congress. 11:02:42

8 **Q -- and Jeffries for Congress. So those two 11:02:44**

9 **entities did not pay you for the map? 11:02:47**

10 MR. MANOLIUS: Objection. Calls for 11:02:49

11 speculation as to what they were thinking, but you can 11:02:50

12 give your understanding. 11:02:55

13 THE WITNESS: The only entity that has claimed 11:02:56

14 they paid for the map was the DCCC. I had a contract 11:02:58

15 for -- 11:03:01

16 MS. HAMILL Q: And what was -- 11:03:02

17 A -- services with three different groups 11:03:02

18 included on this. 11:03:04

19 **Q And what was your understanding of your 11:03:05**

20 **obligation under this agreement, because I notice it's 11:03:08**

21 **lacking a scope of work? 11:03:11**

22 MR. MANOLIUS: Objection. Calls for a legal 11:03:12

23 conclusion, but you can give your understanding. 11:03:14

24 THE WITNESS: My understanding of the scope of 11:03:17

25 work was in two parts. It was early creation of 11:03:19

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1 potential maps, and then a more fulsome creation of a 11:03:27
2 final map. 11:03:33
3 **Q And how was that scope of work relayed to you?** 11:03:34
4 MR. MANOLIUS: Objection. Lacks foundation, 11:03:39
5 calls for speculation. If you know. 11:03:41
6 THE WITNESS: Through staff. 11:03:43
7 MS. HAMILL Q: Through telephone calls? 11:03:45
8 A Yeah, or -- yeah, probably. 11:03:48
9 **Q Is it in writing anywhere?** 11:03:50
10 A I don't think so. 11:03:52
11 **Q And so this political consultant agreement or** 11:03:54
12 **consulting agreement says that it's entered into** 11:04:01
13 **effective as of July 15th, 2025, so that's 13 days after** 11:04:04
14 **that initial July 2nd conversation you said you had with** 11:04:09
15 **the chief of staff to Speaker Rivas; correct?** 11:04:14
16 A What page is that on? 11:04:19
17 MR. MANOLIUS: For the instruction? 11:04:21
18 MS. HAMILL Q: I am looking at the first 11:04:23
19 paragraph of the agreement. 11:04:25
20 A Okay. Okay. Then, yes, it does say 11:04:26
21 July 15th. 11:04:29
22 **Q Do you recall doing work under this contract** 11:04:29
23 **prior to July 15th?** 11:04:32
24 A No. 11:04:34
25 **Q Do you know if anyone else submitted maps to** 11:04:39

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1 the legislative portal that was opened on August 14th by 11:05:02
2 the State Legislature? 11:05:06
3 A I don't have any personal knowledge of if that 11:05:08
4 happened. 11:05:12
5 Q Are you aware? 11:05:12
6 A I know comments were submitted. I don't know 11:05:15
7 that other maps were submitted. 11:05:18
8 Q Is it your understanding that the Legislature 11:05:19
9 was going to implement your map regardless of whether 11:05:22
10 other maps were submitted? 11:05:25
11 MR. MANOLIUS: Objection. Calls for 11:05:26
12 speculation, lacks foundation. You can answer. 11:05:27
13 MR. WOODS: Same objection. 11:05:30
14 THE WITNESS: I didn't have a written 11:05:32
15 agreement from them, but I expected that to be the case, 11:05:36
16 yeah. 11:05:39
17 MS. HAMILL Q: Are you aware of the 11:05:39
18 Legislature considering any other maps from any other 11:05:45
19 people? 11:05:49
20 MR. MANOLIUS: Objection. Lacks foundation, 11:05:50
21 calls for speculation. You can answer, if you know. 11:05:53
22 MR. WOODS: Join. 11:05:56
23 THE WITNESS: I'm aware that other people 11:05:57
24 were -- I'm aware that legislators were looking at other 11:06:01
25 maps, whether they were maps on Twitter, maps that other 11:06:06

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1 people were sending to them, but I wasn't a part of any 11:06:09
2 of those discussions. 11:06:12
3 **Q Are you aware of any groups submitting maps,** 11:06:13
4 **like advocacy groups submitting maps to the Legislature?** 11:06:17
5 A I'm not aware of that. 11:06:22
6 **Q Do you know if the map that was submitted to** 11:06:24
7 **the portal on August 14th is the same map that went onto** 11:06:41
8 **Proposition 50?** 11:06:46
9 A 15th. You keep saying 14th. You mean, 15th. 11:06:47
10 **Q Was it not submitted to the portal on the** 11:06:52
11 **14th?** 11:06:55
12 A Oh, I think you want to check that. 11:06:56
13 **Q You're right. Thank you, Mr. Mitchell.** 11:07:03
14 A That's all right. 11:07:05
15 **Q August 15th.** 11:07:06
16 MR. MANOLIUS: So what's the question again? 11:07:07
17 I lost it. 11:07:09
18 MS. HAMILL Q: I'll rephrase it. 11:07:11
19 Do you know if the map that was submitted on 11:07:16
20 August 15th is the same map that went to the voters with 11:07:21
21 Proposition 50? Were there any changes made between 11:07:29
22 that map -- 11:07:32
23 A There were changes made. 11:07:32
24 MR. MANOLIUS: Wait, wait, wait. Objection. 11:07:34
25 Calls for speculation, lacks foundation. And to the 11:07:36

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1 extent changes were made in the legislative process, I'd 11:07:43
2 instruct you not to answer under legislative privilege. 11:07:47

3 MS. HAMILL Q: If changes were made to the map 11:07:51
4 that was submitted on August 15th, wouldn't those have 11:07:58
5 been made in a public session? 11:08:02

6 MR. MANOLIUS: Objection. Calls for 11:08:06
7 speculation, lacks foundation. If you know. 11:08:07

8 THE WITNESS: There were media reports that a 11:08:10
9 map, that the map was changed, so I don't even have to 11:08:15
10 go into the legislative process, but there were media 11:08:18
11 reports there were very minute changes to the map, 11:08:22
12 technical changes made to the map before it was put on 11:08:23
13 the ballot. 11:08:26

14 MS. HAMILL Q: Do you know what those 11:08:27
15 technical changes were? 11:08:28

16 MR. MANOLIUS: Objection. Lacks foundation, 11:08:30
17 calls for speculation and calls for information that is 11:08:31
18 protected under the legislative privilege. 11:08:34

19 THE WITNESS: Are you telling me not to 11:08:36
20 answer? 11:08:37

21 MR. MANOLIUS: Yes, I am. Sorry. 11:08:38

22 MS. HAMILL Q: What did you read about what 11:08:39
23 those technical changes were? 11:08:40

24 MR. MANOLIUS: You mean, public press 11:08:42
25 accounts? 11:08:44

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1	MS. HAMILL: Yes.	11:08:45
2	MR. MANOLIUS: Compound question. Calls for	11:08:46
3	speculation and lacks foundation, but you can answer	11:08:54
4	what you saw in the media.	11:08:58
5	THE WITNESS: In the media, generally, I don't	11:08:59
6	recall if it was in a news article or if it was just	11:09:01
7	something that was said on Twitter or something like	11:09:04
8	that; a single census block in City of Commerce, and	11:09:09
9	then adjustment of the boundary in Santa Ana that was,	11:09:14
10	you know, several census blocks, minuscule technical	11:09:18
11	changes.	11:09:23
12	At some point, I want to take a break if I	11:09:34
13	can, just because --	11:09:36
14	MS. HAMILL: Do you want to take a break right	11:09:37
15	now?	11:09:38
16	THE WITNESS: Yeah, that would be great.	11:09:38
17	THE VIDEOGRAPHER: The time is 11:09 a.m. We	11:09:40
18	are going off the record.	11:09:43
19	(Whereupon a recess was taken.)	11:21:35
20	THE VIDEOGRAPHER: All right. We are back on	11:21:35
21	the record. The time is 11:22 a.m. and this marks the	11:22:08
22	beginning of videotape number two in the deposition of	11:22:13
23	Paul Mitchell, which is being taken at Hanson Bridgett,	11:22:17
24	LLP, 500 Capitol Mall, Suite 1500, Sacramento,	11:22:20
25	California.	11:22:25

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1 The videographer is Nicholas Coulter here on 11:22:26
2 behalf of Array Legal Services. The time is, yes, 11:22 11:22:30
3 a.m. 11:22:38
4 MS. HAMILL: All right. I am marking as 11:22:38
5 Exhibit 6 a section of the production from the DCCC. 11:22:42
6 The documents are numbered at the bottom Bates number 11:22:48
7 DCCC00005 through DCCC00009. 11:22:53
8 (Whereupon Plaintiff's Exhibit 6 11:22:53
9 was marked for identification.) 11:22:53
10 THE WITNESS: Do you need this one back? 11:23:09
11 MS. HAMILL Q: Yeah. Can you take just a 11:23:12
12 minute or two to familiarize yourself with this 11:23:25
13 document, please? 11:23:30
14 MR. MANOLIUS: Do you have another one? 11:23:31
15 MR. MEUSER: Here, I'll give you this one. 11:23:33
16 MR. MANOLIUS: That's okay. 11:23:35
17 MR. MEUSER: I have one in here, so I'm not 11:23:36
18 worried yet. 11:23:39
19 THE WITNESS: Okay. That was confusing. I 11:23:58
20 thought it was going in the opposite order because it 11:25:12
21 was going -- 11:25:14
22 MS. HAMILL Q: Have you seen the document, on 11:25:16
23 the first page which is marked in the Bates number 11:25:20
24 ending in five, you've seen this document before? 11:25:23
25 MR. MANOLIUS: Objection. So is this 11:25:26

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1 naturally occurring in this -- 11:25:29

2 THE WITNESS: No. 11:25:32

3 MR. MANOLIUS: -- packet? This is a question 11:25:32

4 for counsel, because I see a cover letter, but then 11:25:34

5 there's other things on the back. Are -- is this a 11:25:37

6 packet of information or is it just a number of things 11:25:41

7 stuck together? 11:25:44

8 MS. HAMILL Q: Do you recognize this set of 11:25:45

9 documents as an e-mail chain between you and the DCCC, 11:25:47

10 including a .pdf of the DCCC cover letter that went to 11:25:53

11 the State Legislature? 11:25:57

12 MR. MANOLIUS: Same objection. It's very hard 11:25:58

13 for me to advise and object when I'm not sure if these 11:26:01

14 all go together at once or not, so if you can make that 11:26:04

15 representation it would be helpful. You can answer, if 11:26:07

16 you understand. 11:26:12

17 THE WITNESS: Are you saying that this icon 11:26:13

18 here that says CA map submission cover letter is this 11:26:15

19 thing on the front, that this is all e-mails? 11:26:19

20 MS. HAMILL Q: I would like to avoid 11:26:21

21 testifying since I am not under oath here, but these are 11:26:22

22 not our documents. These were produced to us. 11:26:25

23 So I'm wondering if you recall this 11:26:27

24 communication wherein you're exchanging e-mails with the 11:26:29

25 DCCC. 11:26:32

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1 A I recall the communication of these e-mails 11:26:33
2 that are behind the letter that they sent to the 11:26:35
3 Legislature. 11:26:38
4 Q And do you recognize this letter that's the 11:26:38
5 first page of this set of documents -- 11:26:40
6 A Yes. 11:26:42
7 Q -- marked ending in the number five? 11:26:42
8 A Yes. 11:26:44
9 Q You've seen this letter before? 11:26:44
10 A Yes. 11:26:46
11 Q And -- 11:26:47
12 MR. WOODS: Mr. Mitchell if you could wait 11:26:49
13 until she finishes her question -- 11:26:51
14 THE WITNESS: Sorry. Thank you. 11:26:54
15 MS. HAMILL Q: And what is your understanding 11:26:56
16 of this letter that's in the front? 11:26:59
17 MR. MANOLIUS: Objection. Irrelevant. You 11:27:01
18 can answer, if you have an understanding. 11:27:05
19 THE WITNESS: This is a letter that would be 11:27:08
20 attached to the draft maps and sent into the portal as a 11:27:09
21 zipped file of some kind. 11:27:14
22 MS. HAMILL Q: Okay. And so it's your 11:27:16
23 understanding that this was a letter that the DCCC 11:27:17
24 submitted with the maps that you drew into the 11:27:20
25 legislative portal on August 15th? 11:27:23

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1 MR. MANOLIUS: Objection. Lacks foundation, 11:27:25
2 calls for speculation, and to the extent you're asking 11:27:28
3 for what's transmitted to the Legislature, that's 11:27:31
4 covered by legislative immunity, legislative privilege 11:27:34
5 and don't answer that portion of the question. 11:27:38
6 MS. HAMILL Q: Isn't the legislative portal 11:27:42
7 public? 11:27:45
8 A Are you asking me that question? 11:27:48
9 Yes, it is. 11:27:50
10 Q Yes. It is public. Are you still going to 11:27:51
11 stand on the privilege? 11:27:53
12 MR. MANOLIUS: Again, I just -- what's 11:27:54
13 submitted, yes, I'll stand on the privilege. The fact 11:27:56
14 that it was submitted, it's fine for him to answer. 11:27:59
15 That's the distinction I was drawing upon. 11:28:02
16 THE WITNESS: Yes. 11:28:04
17 MS. HAMILL Q: Okay. So let's go through 11:28:05
18 these e-mails, and it is an odd e-mail chain that 11:28:10
19 goes -- 11:28:16
20 A The inverse way I thought it was. 11:28:16
21 Q Correct. 11:28:18
22 MR. MANOLIUS: Yes. 11:28:19
23 THE WITNESS: Sorry. 11:28:20
24 MS. HAMILL Q: Again, these are not mine. I 11:28:20
25 did not produce these. 11:28:23

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1 So it looks like we start, I'm looking at the 11:28:25
2 second page of this Exhibit 6, the bottom of the page 11:28:28
3 ends in the number six -- 11:28:34
4 A Uh-huh. 11:28:35
5 Q -- we start on August 15th at 5:42 p.m. 11:28:36
6 Julie Merz is saying, "Paul, here is final, 11:28:40
7 lawyer-approved language for the cover letter. Will 11:28:44
8 send an updated version on DCCC letterhead in a few 11:28:47
9 minutes." 11:28:52
10 Do you recall receiving that e-mail? 11:28:52
11 A Yes, and I'd like to clarify that's Eastern 11:28:54
12 Standard Time. 11:28:58
13 Q Correct. And then you respond at 5:56 Eastern 11:28:58
14 Standard Time, you say, "Thank you. At this point, I 11:29:07
15 will take it. Thank you. Paul." 11:29:09
16 Were you sort of exasperated at that point? 11:29:13
17 MR. MANOLIUS: Objection. Relevance, lacks 11:29:16
18 foundation, calls for speculation. You can answer. 11:29:21
19 THE WITNESS: I characterize that as being at 11:29:24
20 the end of a very long process. 11:29:30
21 MS. HAMILL Q: Were you unhappy with the 11:29:33
22 letter that the DCCC submitted to the Legislature? 11:29:35
23 MR. MANOLIUS: Objection. Relevance -- 11:29:38
24 THE WITNESS: No. 11:29:40
25 MR. MANOLIUS: -- lacks foundation, calls for 11:29:40

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1 speculation. You can answer. 11:29:42

2 THE WITNESS: No, I just was tired. 11:29:44

3 MS. HAMILL Q: So turning to the third page of 11:29:49

4 this exhibit, the bottom of the page ends in the number 11:30:06

5 seven. 11:30:10

6 About a little more than halfway down the page 11:30:10

7 there's an August 15th e-mail at 5:56 p.m. from Julie 11:30:12

8 Merz to you and she said, "And attached is the .pdf 11:30:19

9 version on letterhead with metadata stripped. Please 11:30:23

10 attach this version to your zip file with all the goods, 11:30:26

11 send it back to us and we can then give you back your 11:30:29

12 freedom." 11:30:32

13 What was she referring to? 11:30:34

14 MR. MANOLIUS: Objection. Calls for 11:30:36

15 speculation, lacks foundation. You can answer. 11:30:37

16 MR. WOODS: Join. 11:30:40

17 THE WITNESS: There's two things there that 11:30:41

18 you're asking. Are you asking about what metadata 11:30:45

19 stripped is referring to or what freedom is referring 11:30:48

20 to? 11:30:51

21 MS. HAMILL Q: Yes. Let's start with metadata 11:30:51

22 stripped. 11:30:54

23 A That means that they were taking off the .pdf, 11:30:54

24 the properties to show, like, what computer it was 11:30:59

25 created on, who created it, so that would have been 11:31:03

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1 their choice to do that when they produced the document. 11:31:07

2 **Q The cover letter?** 11:31:10

3 A Uh-huh. 11:31:11

4 **Q And then what does she mean by "give you back** 11:31:15

5 **your freedom"?** 11:31:17

6 MR. MANOLIUS: Same objections. 11:31:18

7 THE WITNESS: Just that it had been a long 11:31:20

8 process. 11:31:21

9 MS. HAMILL Q: How long was the process? 11:31:22

10 A It was, you know, roughly a month, but most 11:31:25

11 condensed into the last two weeks. 11:31:31

12 **Q How many hours did you put into the process?** 11:31:33

13 MR. MANOLIUS: You can answer. I mean, vague 11:31:38

14 as to time as to when, but if you're talking about the 11:31:40

15 last two weeks or if you're talking about the whole 11:31:43

16 process. 11:31:45

17 THE WITNESS: Last two weeks was probably 15, 11:31:46

18 16 hours a day. 11:31:49

19 MS. HAMILL Q: Do you have an estimate of 11:31:52

20 total hours that you put into this project, and when I 11:31:53

21 say this project I am referring to what became the Prop 11:31:56

22 50 map? 11:31:59

23 MR. MANOLIUS: Say, from July 2nd onward? 11:31:59

24 I'll object as to vague. 11:32:02

25 THE WITNESS: I don't, I don't recall. 11:32:06

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1	MS. HAMILL Q: 200 hours?	11:32:09
2	MR. MANOLIUS: Same objection. Calls for	11:32:11
3	speculation.	11:32:13
4	THE WITNESS: I would have to sit down with a	11:32:14
5	piece of paper and figure out what 200 hours is and how	11:32:16
6	much time that is per day, so I don't know.	11:32:18
7	MS. HAMILL Q: Okay. But it was your	11:32:21
8	full-time job from July 2nd through August 15th?	11:32:23
9	A No.	11:32:26
10	Q What else were you doing then?	11:32:26
11	A I work for Political Data. I'm the	11:32:28
12	vice-president.	11:32:31
13	Q Were you working full time at PDI during this	11:32:31
14	time?	11:32:35
15	A I was technically, for the last two weeks, I	11:32:35
16	was on a vacation, because I had planned a vacation as	11:32:38
17	people all know famously.	11:32:42
18	Q But before that vacation time, were you going	11:32:45
19	into an office for PDI?	11:32:48
20	A I work from home.	11:32:51
21	Q Okay. Were you working full time for PDI from	11:32:52
22	home during this period of time?	11:32:56
23	A I'm a full-time employee, but it's not like I	11:32:57
24	clock hours, so if there are other projects I'm working	11:33:01
25	on it's understood by the company that I'm working on	11:33:04

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1 other projects. 11:33:07

2 Q Going back to this e-mail, and we're on the 11:33:08

3 page that ends in number seven, the second full 11:33:10

4 paragraph of the 5:56 p.m. e-mail says, "The talking 11:33:14

5 points will be more expansive and incorporate more of 11:33:19

6 your helpful context." 11:33:22

7 Do you know if she is referring to talking 11:33:24

8 points in the DCCC letter or is she talking to other 11:33:25

9 talking points? 11:33:29

10 MR. MANOLIUS: Objection. Calls for 11:33:29

11 speculation, vague as to time, lacks foundation. You 11:33:30

12 can answer. 11:33:36

13 MR. WOODS: Join. 11:33:36

14 THE WITNESS: I don't recall. 11:33:43

15 MS. HAMILL Q: Did the DCCC give you talking 11:33:47

16 points for the Prop 50 map? 11:33:49

17 MR. MANOLIUS: Objection. Vague as to time. 11:33:52

18 THE WITNESS: I don't recall if it was 11:33:55

19 something that I created or they created or they took my 11:34:02

20 things and modified them to be their things. I don't 11:34:05

21 recall. 11:34:08

22 MS. HAMILL Q: Turning to the next page of 11:34:08

23 this exhibit, the bottom of the document ends in the 11:34:17

24 number eight. The second line says, "These maps became 11:34:20

25 public and now we need to be able to say these are 11:34:25

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1 submitted to the Legislature." 11:34:27

2 What did you mean by that? 11:34:29

3 MR. MANOLIUS: Objection. Calls for 11:34:37

4 speculation, vague. 11:34:38

5 THE WITNESS: And this might speak to my tone 11:34:41

6 in the earlier message. People were tweeting the maps, 11:34:46

7 so the maps had become -- the maps had been put online, 11:34:52

8 reporters had the maps, so it was at that point let's 11:34:57

9 hurry up and get these submitted. 11:35:02

10 MS. HAMILL Q: How did the maps become public? 11:35:05

11 MR. MANOLIUS: Objection. Calls for 11:35:07

12 speculation. 11:35:08

13 MR. WOODS: Join. 11:35:09

14 MS. HAMILL Q: Did you -- 11:35:11

15 A Reporters have their ways of getting maps and 11:35:11

16 I have been dealing with reporters for the last several 11:35:14

17 days who would call me and say, "Oh, I have a copy of 11:35:17

18 the map." (Witness shrugging shoulders.) 11:35:21

19 **Q Are you aware of anyone from your staff** 11:35:24

20 **leaking the maps to reporters?** 11:35:26

21 MR. MANOLIUS: Objection. Lacks foundation, 11:35:27

22 calls for speculation. You can answer. 11:35:29

23 THE WITNESS: No. There was no -- no, none of 11:35:31

24 our staff woke up saying we're going to, you know, I'll 11:35:37

25 give an example, if that helps. 11:35:41

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1	Q	(Nodding head.)	11:35:43
2	A	Some -- there were points in time where on a	11:35:44
3		Zoom, a map would be shown and then someone would be	11:35:47
4		creative and read the URL at the top of the web browser	11:35:51
5		and if they typed that into the top of their web	11:35:55
6		browser, all of a sudden they have a copy of the map and	11:35:59
7		then every reporter will get it, but that was only in,	11:36:01
8		like, the last 12 hours.	11:36:02
9	Q	So if somebody had a copy of the URL that was	11:36:04
10		used for the map drawing, they could put it into their	11:36:08
11		own computer and view it on their own computer?	11:36:11
12		MR. MANOLIUS: Objection. Lacks foundation,	11:36:14
13		calls for speculation. You can answer.	11:36:15
14		THE WITNESS: The wet map version of the maps,	11:36:17
15		not working, that's wet map versions, like a Google map,	11:36:20
16		off of the map.	11:36:25
17		MS. HAMILL Q: Interesting.	11:36:25
18	A	So at that point, meaning that they become	11:36:25
19		public, it means that, like, Politico had posted a tweet	11:36:28
20		that we think these are the congressional maps. That's	11:36:32
21		in public record. You can pull it up.	11:36:35
22	Q	And so the next e-mail in this same chain, on	11:36:38
23		the same page, Friday, August 15th at 6:02 p.m., Julie	11:36:41
24		Merz says to you, "DCCC would prefer to hit 'send,' so	11:36:56
25		please just send to us in a zip file and we will	11:37:01

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1	submit."	11:37:04
2	Why couldn't you just submit the map directly?	11:37:06
3	MR. MANOLIUS: Objection. Calls for	11:37:09
4	speculation, lacks foundation, relevance. Go ahead.	11:37:10
5	THE WITNESS: They wanted to be the one to	11:37:15
6	submit the map. That was their decision, not mine.	11:37:16
7	MS. HAMILL Q: Do you have an understanding of	11:37:19
8	why?	11:37:20
9	MR. MANOLIUS: Same objections.	11:37:20
10	THE WITNESS: I do not have an understanding	11:37:21
11	as to why.	11:37:22
12	MS. HAMILL Q: So, ultimately, is it your	11:37:23
13	understanding that the DCCC submitted to the Legislature	11:37:36
14	on August 15th, the map that you drew?	11:37:39
15	MR. MANOLIUS: Objection. Calls for	11:37:43
16	speculation, lacks foundation, and as to the specifics	11:37:47
17	of the map I instruct you not to answer, and I insert	11:37:52
18	the legislative privilege.	11:37:56
19	MS. HAMILL: Is it a full instruction?	11:37:58
20	MR. MANOLIUS: Yes.	11:38:00
21	MS. HAMILL: Don't answer at all?	11:38:01
22	MR. MANOLIUS: Yeah. Thanks. Sorry about	11:38:02
23	that.	11:38:04
24	MS. HAMILL: Marking as Exhibit 7 another set	11:38:05
25	of e-mails between you, Mr. Mitchell, and the DCCC.	11:38:13

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1 (Whereupon Plaintiff's Exhibit 7 11:38:13
2 was marked for identification.) 11:38:21
3 MS. HAMILL Q: And these also came from the 11:38:21
4 DCCC production and they are Bates stamped -- 11:38:28
5 A Oh. 11:38:30
6 Q -- as DCCC000043 to DCCC000045. 11:38:31
7 A (Witness reading.) Okay. 11:38:52
8 Q Do you remember having this exchange with 11:40:25
9 DCCC? 11:40:27
10 A Yes, I recall. 11:40:28
11 Q And so this appears to be an e-mail exchange 11:40:29
12 earlier the same day, August 15th, before the 11:40:32
13 communications that we just went over in Exhibit 6; 11:40:37
14 correct? 11:40:40
15 A Yes. 11:40:40
16 MR. MANOLIUS: Objection. Calls for 11:40:40
17 speculation. Give me a minute. Lacks foundation. Go 11:40:41
18 ahead. 11:40:49
19 THE WITNESS: Yes. 11:40:49
20 MS. HAMILL Q: And is your e-mail that's shown 11:40:49
21 on the first page of this exhibit, August 15th, 11:40:54
22 11:33 a.m., is your e-mail to the DCCC, is this what you 11:40:59
23 wanted the DCCC to say in their letter that went along 11:41:08
24 with the submission of the Prop 50 map? 11:41:11
25 A I'd like to amend my prior comment about the 11:41:14

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1 word term "talking points," that's not something I 11:41:17
2 normally use, but this is the subject line of this 11:41:20
3 e-mail is talking points. 11:41:22

4 So in the prior comment I made about the 11:41:24
5 August 15th e-mail when you asked me if I -- asked me 11:41:27
6 about talking points, then I presume this is what they 11:41:32
7 were referring to. So I don't want it to be, talking 11:41:36
8 points isn't normally how I phrase things, so -- I 11:41:39
9 didn't know that I called this talking points, but this, 11:41:44
10 go on. I'm sorry. Ask the question again. I am sorry. 11:41:48

11 MS. HAMILL: Do you have my question to read 11:41:52
12 back? 11:41:53

13 (Whereupon the record was read as 11:41:53
14 follows: "Question: And is your 11:40:50
15 e-mail that's shown on the first 11:40:52
16 page of this exhibit, 11:40:55
17 August 15th, 11:33 a.m., is your 11:40:59
18 e-mail to the DCCC, is this what 11:41:00
19 you wanted the DCCC to say in 11:41:08
20 their letter that went along with 11:41:10
21 the submission of the Prop 50 11:41:12
22 map?") 11:41:14

23 MR. MANOLIUS: Objection. Lacks foundation, 11:42:17
24 calls for speculation, and to the extent that this talks 11:42:23
25 about how maps were drawn, I instruct you not to answer 11:42:26

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1 under legislative privilege. 11:42:30

2 So you can, again, acknowledge that this 11:42:33

3 e-mail occurred, but I will instruct you not to answer 11:42:35

4 beyond that. 11:42:41

5 THE WITNESS: So without getting into how maps 11:42:42

6 are drawn, I would say that I was not trying to tell 11:42:43

7 them how to draw that, write their letter. I was trying 11:42:48

8 to provide things that I thought were good messaging 11:42:52

9 points for their letter. 11:42:56

10 MS. HAMILL Q: And can you tell me what the 11:42:58

11 FAIR MAPS Act is that you were referring to on the first 11:43:00

12 page of this exhibit? 11:43:03

13 MR. MANOLIUS: What it is? You can answer 11:43:05

14 that. 11:43:09

15 THE WITNESS: So the FAIR MAPS Act is a state 11:43:10

16 law that actually applies to municipal, like 11:43:12

17 supervisorial, city, county, school board, other 11:43:15

18 redistrictings here in the state. 11:43:19

19 It is parallel to the state commissions 11:43:22

20 criteria, and it's the type of criteria we use in all of 11:43:26

21 our municipal redistrictings, and so it is a, you know, 11:43:30

22 absent -- it is a good framework for redistricting, even 11:43:36

23 in other states I might try to apply a lot of the 11:43:41

24 framework as kind of best practices. Think of it as a 11:43:44

25 best practices in the state law. 11:43:47

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1 **Q** **Okay. And do you know what that criteria is?** 11:43:49

2 MR. MANOLIUS: Objection. Calls for a legal 11:43:55

3 conclusion. You can answer, your understanding. 11:43:57

4 THE WITNESS: I do know what that criteria is, 11:44:00

5 but I wouldn't want to have to do it like a test, like, 11:44:03

6 line them all out right now, but I do know what those 11:44:05

7 criteria are, generally. 11:44:08

8 MS. HAMILL Q: To the best of your 11:44:10

9 recollection at this moment, can you share with me as 11:44:10

10 much of the criteria as you can remember? 11:44:12

11 **A** Well, it's criteria such as, you know, 11:44:15

12 preserving communities of interest, following city and 11:44:18

13 county boundaries. You know, when we do city council 11:44:21

14 redistricting we follow neighborhood boundaries, and 11:44:25

15 following essentially the same criteria as the state 11:44:31

16 redistricting commission. 11:44:34

17 Obviously, those criteria also include things 11:44:36

18 like partisanship and incumbency. Those we were 11:44:39

19 allowing ourselves to look at when we're drawing lines, 11:44:44

20 but other than that, kind of the best practices. 11:44:47

21 **Q** **Is race one of the criteria?** 11:44:49

22 **A** Complying with the Voting Rights Act I believe 11:44:52

23 might be one of the criterias, like number two on the 11:44:55

24 criteria after equal population. 11:44:58

25 **Q** **And how, what's your understanding of how the** 11:45:00

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1	Voting Rights Act interrelates to race?	11:45:02
2	MR. MANOLIUS: Objection. Calls for a legal	11:45:07
3	conclusion, lacks foundation. I have said it. I'll	11:45:10
4	instruct you not to answer.	11:45:20
5	MS. HAMILL: You're instructing not to answer	11:45:25
6	on a legal conclusion?	11:45:27
7	MR. MANOLIUS: Yep.	11:45:28
8	MS. HAMILL Q: I am not asking for a legal	11:45:28
9	conclusion. I'm asking for your understanding and how	11:45:30
10	you use it in your work. So when I said race, you said	11:45:32
11	Voting Rights Act, and I'm wondering in your mind how	11:45:35
12	those two relate.	11:45:39
13	MR. MANOLIUS: In his work, generally?	11:45:41
14	MS. HAMILL: In your work, generally.	11:45:42
15	THE WITNESS: So the Voting Rights Act is	11:45:45
16	designed to ensure that voting power of protected	11:45:48
17	classes aren't diluted by the redistricting maps,	11:45:54
18	generally. That's kind of layperson terminology.	11:46:06
19	MS. HAMILL Q: And can you identify the	11:46:10
20	protected classes in California?	11:46:12
21	MR. WOODS: Objection. Calls for a legal	11:46:17
22	conclusion. You can answer.	11:46:18
23	MR. MANOLIUS: I'll join that.	11:46:21
24	THE WITNESS: Predominantly, in California	11:46:23
25	you'll see redistricting look at Black, Asian and Latino	11:46:25

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1 populations. However, we did redistricting in Alaska, 11:46:31
2 we were looking at native Alaskan populations and I 11:46:33
3 think there could be arguments for other populations, 11:46:38
4 such as Caldians or Armenians or -- such as Armenians or 11:46:40
5 Caldians or something, but I haven't seen that utilized. 11:46:50

6 So, primarily, in California, Black, Asian and 11:46:52
7 Latino. 11:46:57

8 **Q Okay. And when you were drawing the Prop 50 11:46:57**
9 **map you used criteria from the FAIR MAPS Act; correct? 11:47:02**

10 MR. MANOLIUS: Objection. Calls for 11:47:05
11 information that's protected under the legislative 11:47:08
12 privilege. I instruct you not to answer. 11:47:10

13 MS. HAMILL Q: And when you were drawing the 11:47:12
14 Prop 50 map, you drew the districts to protect the 11:47:14
15 voting power of protected classes in California; 11:47:18
16 correct? 11:47:20

17 MR. MANOLIUS: Same objection. And I instruct 11:47:20
18 you not to answer. 11:47:23

19 MS. HAMILL Q: And when I say protected 11:47:24
20 classes in California, I mean the racial groups that you 11:47:25
21 just identified, Black, Asian and Latino? 11:47:28

22 MR. MANOLIUS: Same objection. I instruct you 11:47:32
23 not to answer. Calls for information that's protected 11:47:33
24 by the legislative privilege. 11:47:36

25 MS. HAMILL Q: Did the DCCC tell you why they 11:47:37

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1	didn't use your language regarding the FAIR MAPS Act in	11:47:57
2	their submission letter to the Legislature?	11:48:00
3	MR. MANOLIUS: Objection. Lacks foundation,	11:48:02
4	calls for speculation. You can answer.	11:48:04
5	THE WITNESS: No, they didn't describe why	11:48:07
6	they didn't use my language, essentially saying that	11:48:11
7	these were consistent with the commission criteria and	11:48:14
8	the FAIR MAPS Act.	11:48:17
9	MS. HAMILL Q: Did the DCCC lawyers express to	11:48:18
10	you any concerns about lawsuits along racial lines	11:48:21
11	regarding the Prop 50 map?	11:48:26
12	MR. MANOLIUS: Objection. Vague as to time.	11:48:28
13	Vague as to some of the terminology, but you can report	11:48:34
14	that.	11:48:38
15	THE WITNESS: No.	11:48:38
16	MS. HAMILL Q: You mentioned communities of	11:48:44
17	interest. How -- what are the communities of interest	11:48:46
18	in California?	11:48:48
19	MR. MANOLIUS: Objection. Overbroad, vague	11:48:50
20	and, again, depending where in the state --	11:48:54
21	THE WITNESS: To answer that we can be --	11:48:59
22	MR. MANOLIUS: -- and also with regard -- I'm	11:49:00
23	sorry, and also, objection, with regard to his general	11:49:03
24	redistricting work? Is that the question?	11:49:05
25	MS. HAMILL: Yes.	11:49:08

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1 MR. MANOLIUS: Yes. 11:49:09

2 THE WITNESS: It could -- we could be here 11:49:10

3 forever identifying communities of interest, because a 11:49:13

4 community of interest is a socioeconomic group or other 11:49:16

5 group. 11:49:21

6 The way that I explain it when I do 11:49:22

7 redistricting is that it should generally have three 11:49:24

8 things. It should be something you can identify, like 11:49:27

9 skateboarders, they're a group. It should be something 11:49:29

10 that you can map; skateboarders all live on this side of 11:49:33

11 town. And then it should be something that has a 11:49:37

12 concern with the agency being redistricted. The city 11:49:42

13 council is going to get rid of the skate park so the 11:49:45

14 skateboarders are now a community of interest that 11:49:48

15 should be considered. 11:49:51

16 There are other types of communities of 11:49:51

17 interest. A neighborhood is a community of interest. 11:49:53

18 People say I live in Boulevard Park, that's a community 11:49:56

19 of interest. People who go to the senior center could 11:49:58

20 be a community of interest, young people, old people. 11:50:02

21 LGBTQ community has been a community of 11:50:05

22 interest and that's one that California considers in a 11:50:09

23 lot of municipal redistricting. And I've used 11:50:12

24 redistricting -- I've in redistricting had elevation be 11:50:17

25 a community of interest in a water redistricting, 11:50:19

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1 because at certain elevations the water district had 11:50:21
2 different rates. 11:50:25

3 I have had almond trees and walnut trees be 11:50:25
4 communities of interest, because walnut trees use water 11:50:30
5 differently than almond trees in a water district 11:50:30
6 redistricting. 11:50:36

7 I've had agricultural areas and farms be 11:50:36
8 communities of interest. I've had attendance rates, 11:50:42
9 school campuses. 11:50:46

10 There are a plethora of communities of 11:50:48
11 interest and oftentimes they are very subjective, and 11:50:51
12 the communities of interest in the state redistricting, 11:50:54
13 in the city council redistricting, water redistricting, 11:50:57
14 they can all be different even in the same footprint. 11:51:00
15 So that skateboarding community of interest that 11:51:02
16 impacted lines in Sacramento might have really no 11:51:05
17 interest in the SMUD redistricting or the school board 11:51:09
18 redistricting, because they're not really an active 11:51:12
19 community of interest for that agency. 11:51:15

20 **Q And people who shop at the same grocery store;** 11:51:16
21 **right?** 11:51:20

22 **A** Yeah, or -- yeah, or use InstaCart. 11:51:20

23 **Q Can racial groups be communities of interest?** 11:51:23

24 **MR. MANOLIUS:** Objection. Calls for 11:51:26
25 speculation. Vague as to in what context. If you mean 11:51:29

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1 in his general redistricting work, you can answer the 11:51:34
2 question. 11:51:36

3 THE WITNESS: Generally, if there is a 11:51:37
4 community, say, with the Armenian grocery stores or 11:51:43
5 there is a community around a Black church, or there is 11:51:46
6 an area where they're concerned about having in-language 11:51:50
7 services, then those become the communities of interest. 11:51:55

8 So it generally is the, the identified group 11:52:00
9 and their interests in those three things. So they're a 11:52:07
10 group that can be identified, a group that can be mapped 11:52:11
11 and a group that has a concern before the agency. 11:52:13

12 Those are general ways that I describe it when 11:52:16
13 I do my municipal and statewide redistricting. In New 11:52:18
14 York redistricting, that's how we describe communities 11:52:22
15 of interest. 11:52:23

16 **Q And what community of interest data did your 11:52:25**
17 **staff collect for the Prop 50 map? 11:52:28**

18 MR. MANOLIUS: Objection. Calls for 11:52:31
19 information that is protected by the legislative 11:52:32
20 privilege. I instruct you not to answer. 11:52:34

21 MS. HAMILL Q: And how did they convert that 11:52:36
22 information into geographic formats? 11:52:39

23 MR. MANOLIUS: Same objection. I instruct you 11:52:41
24 not to answer. 11:52:43

25 MS. HAMILL Q: Were any racial communities of 11:52:44

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1	interest used in drawing the Proposition 50 maps?	11:52:47
2	MR. MANOLIUS: Same objection. I instruct you	11:52:50
3	not to answer.	11:52:52
4	MS. HAMILL Q: Did you talk to the DCCC about	11:52:53
5	racial considerations you made in your map?	11:52:56
6	MR. MANOLIUS: Same objection. Instruct you	11:52:58
7	not to answer.	11:53:00
8	MS. HAMILL Q: Why didn't you participate in	11:53:01
9	the public legislative hearings for Prop 50?	11:53:11
10	MR. MANOLIUS: Objection. Lacks foundation,	11:53:15
11	calls for speculation, vague as to time. You can	11:53:16
12	answer.	11:53:20
13	MR. WOODS: Join.	11:53:21
14	THE WITNESS: I wasn't asked to. Did you	11:53:23
15	catch that? I was quick.	11:53:24
16	MS. HAMILL Q: And did you speak to any	11:53:24
17	legislators about how you drew the maps before they	11:53:32
18	voted on what became Prop 50?	11:53:35
19	MR. MANOLIUS: Same objection. Calls for	11:53:38
20	information that's protected by the legislative	11:53:40
21	privilege. I instruct you not to answer.	11:53:42
22	MS. HAMILL Q: Well, we identified some	11:53:44
23	staffers earlier that you did speak to about the maps;	11:53:47
24	correct?	11:53:52
25	MR. MANOLIUS: You identified the staffers who	11:53:52

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1 were engaged during that time, yes, but the content of 11:53:54
2 those conversations are protected by legislative 11:53:59
3 privilege and I instruct you not to answer. 11:54:04
4 MS. HAMILL Q: I am not asking for the 11:54:06
5 content. I am asking did you speak to any of the 11:54:07
6 legislators before they voted on the map? 11:54:09
7 MR. MANOLIUS: I am sorry, staffers -- 11:54:12
8 THE WITNESS: In the prior question you said 11:54:13
9 about the drawing of the maps, so are you saying now 11:54:15
10 just did I talk to them at all before, while they were 11:54:17
11 considering it? 11:54:21
12 MS. HAMILL Q: Did you talk to any legislators 11:54:22
13 between August 15th and the vote on the Proposition 50 11:54:25
14 map? 11:54:32
15 MR. WOODS: Objection. 11:54:32
16 MR. MANOLIUS: Objection. Vague as to what. 11:54:34
17 MR. WOODS: Join. 11:54:37
18 THE WITNESS: Yes. 11:54:38
19 MS. HAMILL Q: Who did you speak to? 11:54:38
20 MR. MANOLIUS: Yeah. 11:54:44
21 THE WITNESS: Um, are you saying as a 11:54:45
22 one-on-one basis who did I speak to? 11:54:51
23 MR. MANOLIUS: Maybe start with that. 11:54:55
24 MS. HAMILL Q: Why don't we start with 11:54:56
25 one-on-one? 11:54:57

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1 A You -- it might be incomplete, so I apologize. 11:54:59
2 I'm just going to think of people that I talked to. 11:55:04
3 MR. MANOLIUS: Keep in mind the time period 11:55:08
4 she's asked about. 11:55:10
5 THE WITNESS: It was August 15th through the 11:55:11
6 passage; right? 11:55:13
7 MS. HAMILL Q: Uh-huh. 11:55:14
8 A Christopher Kamon, Sabrina Cervantes senators, 11:55:16
9 both of those are senators. Really, if I had, like, a 11:55:29
10 list of all of the legislators in front of me I might be 11:55:34
11 able to do a better job of this. 11:55:37
12 Angelique Ashby. I am just trying to travel 11:55:40
13 around the state in my head. Um, oh, if I had a 11:55:51
14 legislative list I could probably do a better job. 11:56:15
15 Q Can you give me a percentage of how many 11:56:18
16 members of the Legislature you spoke with during that 11:56:20
17 time period? 11:56:23
18 A One-on-one, I would say ten. 11:56:24
19 Q Ten percent or ten individuals? 11:56:25
20 A Ten total, which is roughly 10-percent of the 11:56:27
21 Legislature. 11:56:30
22 Q And did you also address them in group 11:56:31
23 settings? 11:56:33
24 MR. MANOLIUS: You can answer. 11:56:34
25 THE WITNESS: Yes. 11:56:34

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1 MS. HAMILL Q: And in group settings, how many 11:56:35
2 of them did you speak with at a time? 11:56:39

3 MR. MANOLIUS: Objection, compound. If there 11:56:42
4 was more than one meeting you might want to indicate 11:56:44
5 that. 11:56:47

6 THE WITNESS: I believe, to my best of my 11:56:47
7 recollection in group settings, they were speaking with 11:56:50
8 the group, and if I was having one-on-one conversation, 11:56:53
9 like, Rick Zbur we can add to the list, he is a 11:56:57
10 legislator, and prior to presenting at one point I 11:57:02
11 talked to him prior to me talking, but I wasn't having 11:57:04
12 one-on-one conversations with the members in the group 11:57:08
13 settings. 11:57:11

14 MS. HAMILL Q: And did you talk to any 11:57:12
15 legislators about protecting racial groups with respect 11:57:14
16 to the Proposition 50 map? 11:57:18

17 MR. MANOLIUS: Objection. Calls for 11:57:20
18 information that's protected under the legislative 11:57:21
19 privilege. I instruct you not to answer. 11:57:23

20 MS. HAMILL Q: Did any legislator express any 11:57:25
21 sentiment whatsoever about protecting the voting power 11:57:28
22 of any racial group to you with respect to the 11:57:31
23 Proposition 50 map? 11:57:34

24 MR. MANOLIUS: Same objection, and I instruct 11:57:35
25 you not to answer, legislative privilege. 11:57:36

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1 MS. HAMILL Q: Isn't it true that multiple 11:57:38
2 legislators expressed to you concerns about protecting 11:57:42
3 the voting power of certain racial groups in California 11:57:45
4 with respect to the Proposition 50 map? 11:57:48
5 MR. MANOLIUS: Objection. Compound and also 11:57:51
6 calls for information that's protected by the 11:57:54
7 legislative privilege. 11:57:56
8 MS. HAMILL Q: At the time of the vote on the 11:57:57
9 map, and when we say map, it wasn't really a map; right? 11:58:15
10 It was just the legal descriptions of what became the 11:58:18
11 map; is that right? 11:58:20
12 MR. MANOLIUS: Objection. Calls for 11:58:21
13 speculation. 11:58:22
14 THE WITNESS: A census block equivalency is a 11:58:25
15 map. A census block equivalency is the equivalent of a 11:58:30
16 map, so I would still call it a map even if it's not a 11:58:31
17 picture of the map. 11:58:34
18 MS. HAMILL Q: And at the time -- and that was 11:58:35
19 AB604; correct? 11:58:41
20 A Yes. I believe there were multiple bills. 11:58:42
21 **Q And at the time that the Legislature voted on 11:58:48**
22 **AB604, were they presented with any alternative maps? 11:58:55**
23 MR. MANOLIUS: Objection. Calls for 11:58:58
24 speculation. You can answer, if you know. 11:58:59
25 THE WITNESS: I'm not aware. 11:59:01

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1 MS. HAMILL Q: Did you redraw the map based on 11:59:03
2 any input from any legislators? 11:59:09
3 MR. MANOLIUS: Objection. Calls for 11:59:11
4 information that's protected by the legislative 11:59:12
5 privilege and I instruct you not to answer. 11:59:14
6 MS. HAMILL Q: I want to go back to Exhibit 6, 11:59:16
7 the DCCC cover letter. 11:59:20
8 So the last couple of lines, let's go with the 11:59:45
9 third from the bottom of the first paragraph, it says, 11:59:49
10 "Republican-majority states where Republicans -- doing 11:59:53
11 the bidding of their D.C. party bosses -- are 11:59:56
12 considering adopting a clearly racially gerrymandered, 12:00:00
13 partisan map at the expense of their voters." 12:00:05
14 Is it possible to have a clearly racially 12:00:08
15 gerrymandered partisan map? 12:00:10
16 MR. MANOLIUS: Objection. Calls for 12:00:15
17 speculation, lacks foundation and vague as to time and 12:00:16
18 scope. 12:00:23
19 MR. WOODS: Join. Also, calls for a legal 12:00:24
20 conclusion. 12:00:26
21 MR. MANOLIUS: I'll join that one. 12:00:27
22 THE WITNESS: I don't know and I didn't write 12:00:29
23 this, so -- 12:00:31
24 MS. HAMILL Q: Are you familiar with the 12:00:33
25 concept of a racially gerrymandered partisan map? 12:00:34

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1	MR. MANOLIUS: Again, vague as to the term and	12:00:42
2	calls for a legal conclusion and calls for speculation.	12:00:45
3	You can answer.	12:00:49
4	MR. WOODS: Join.	12:00:49
5	THE WITNESS: To be clear, my work is in	12:00:51
6	municipal and not partisan redistricting.	12:00:58
7	I have never done a partisan redistricting	12:01:00
8	until now. But, generally, I think in most cases I've	12:01:03
9	heard of maps being a racial gerrymander or a partisan	12:01:06
10	gerrymander or another gerrymander or amenity	12:01:11
11	gerrymander, but I don't know that they can't be two	12:01:15
12	things at once. That's not my area of expertise.	12:01:17
13	MS. HAMILL Q: When I say "gut and amend," do	12:01:20
14	you have an understanding of what that means?	12:01:26
15	A My ears went up. Sorry.	12:01:28
16	MR. WOODS: Objection. Calls --	12:01:32
17	MR. MANOLIUS: Objection, vague. Calls for	12:01:33
18	speculation.	12:01:35
19	MR. WOODS: It calls for a legal conclusion.	12:01:35
20	You can answer.	12:01:37
21	THE WITNESS: Of course. I worked in the	12:01:38
22	Legislature, so I know what a gut and amend is.	12:01:39
23	MS. HAMILL Q: Can you give us a basic	12:01:42
24	explanation from your understanding of what it is?	12:01:43
25	MR. MANOLIUS: Same objection.	12:01:46

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1	THE WITNESS: A gut and amend in the	12:01:47
2	Legislature is generally a bill where you take the	12:01:49
3	contents out and you put new contents in and it retains	12:01:50
4	its same bill number, oftentimes the same author, and	12:01:53
5	then it moves forward in the process.	12:01:56
6	MS. HAMILL Q: Do you know why gut and amend	12:01:57
7	is used?	12:01:59
8	MR. MANOLIUS: Objection. Calls for	12:02:00
9	speculation, overbroad, vague as to time, subject	12:02:01
10	matter. You can answer.	12:02:03
11	MR. WOODS: Join. Also, calls for a legal	12:02:05
12	conclusion.	12:02:07
13	THE WITNESS: So from my own experience, prior	12:02:07
14	to ever working redistricting, having worked in the	12:02:10
15	Legislature, a bill generally has -- remember, "How a	12:02:14
16	bill becomes a law," the song?	12:02:19
17	But a bill begins as a draft. It routes its	12:02:20
18	way through committees and some of those committees have	12:02:26
19	deadlines.	12:02:30
20	And so, oftentimes, when an urgent issue comes	12:02:31
21	up it's not timely to go back to the beginning of the	12:02:35
22	process, it's more timely to take a bill that has gone	12:02:38
23	through some steps and then utilize that as the vehicle	12:02:41
24	is what they'll call that, as their vehicle for a new	12:02:45
25	bill.	12:02:48

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1	MS. HAMILL Q: So it's a quick way to get a	12:02:48
2	bill passed?	12:02:50
3	A I'm not --	12:02:51
4	MR. MANOLIUS: Objection. Mischaracterizes	12:02:52
5	his testimony. You can answer the question.	12:02:54
6	THE WITNESS: I haven't worked in the	12:02:57
7	Legislature in almost 20 years, so, but from a layperson	12:02:59
8	standpoint it is a more efficient way to move an issue	12:03:02
9	along, if it's urgent.	12:03:08
10	MS. HAMILL Q: And was the Prop 50 map the	12:03:09
11	product of gut and amend?	12:03:12
12	MR. MANOLIUS: Objection. Calls for a legal	12:03:14
13	conclusion, calls for speculation, lacks foundation and	12:03:18
14	seeks information protected by the privilege,	12:03:24
15	legislative privilege, so I instruct you not to answer.	12:03:28
16	MS. HAMILL Q: Based on your understanding of	12:03:31
17	the gut and amend, is Proposition 50 a gut and amend,	12:03:37
18	based on the public process, not on anything that you're	12:03:41
19	familiar with in your own private capacity?	12:03:43
20	MR. MANOLIUS: Again, same objection. The way	12:03:49
21	you're characterizing it misstates, and part of the	12:03:51
22	legislative process, so instruct you not to answer.	12:03:56
23	THE WITNESS: (Witness shrugging shoulders.)	12:04:02
24	MS. HAMILL Q: Okay. I just want to know if	12:04:04
25	you think it was a gut and amend --	12:04:08

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1 MR. MANOLIUS: Same objection. 12:04:10
2 MS. HAMILL Q: -- based on public processes? 12:04:11
3 MR. MANOLIUS: Don't answer. 12:04:14
4 MS. HAMILL Q: And there was a clerical error 12:04:15
5 that had to be corrected after the Legislature voted on 12:04:19
6 this map with respect to mislabeled districts; correct? 12:04:23
7 MR. WOODS: Objection. Vague. 12:04:30
8 MR. MANOLIUS: Yeah. Same. 12:04:31
9 THE WITNESS: I'm not aware of that. And to 12:04:33
10 be clear, once it was in the Legislature, I was paying a 12:04:36
11 lot less attention, but I've never heard that before 12:04:41
12 until you stated it. 12:04:43
13 MS. HAMILL Q: So you're unaware of any 12:04:45
14 changes having to be made to the map after the vote in 12:04:47
15 the Legislature? 12:04:50
16 MR. MANOLIUS: Objection. Misstates his 12:04:50
17 testimony, calls for speculation, vague as to time. You 12:04:51
18 can answer. 12:04:56
19 MR. WOODS: Join. 12:04:56
20 THE WITNESS: No idea. 12:04:57
21 MS. HAMILL Q: As a voter -- 12:04:59
22 A You're not speaking to the ballot guide? 12:05:03
23 Q I am sorry? 12:05:07
24 A The ballot guide had an error of printing that 12:05:09
25 mislabeled a district, but not, I am not aware of 12:05:11

1 anything with the bill. 12:05:14

2 **Q The ballot guide had an error, so it wasn't** 12:05:15

3 **the map itself?** 12:05:18

4 A I don't know what you're speaking to, but I'm 12:05:19

5 potentially conflating an issue that happened after the 12:05:23

6 ballot guide was mailed and a district was misnumbered 12:05:26

7 on a map and they had to send out a supplement. 12:05:29

8 **Q Can you tell me more about that?** 12:05:32

9 A I am not -- I don't work for the Secretary of 12:05:34

10 State, so I don't know, I was not a part of this. 12:05:37

11 But voters were mailed a ballot guide and in 12:05:39

12 the ballot guide -- I think it's called a ballot 12:05:42

13 guide -- there were maps, and on one of the maps I 12:05:46

14 believe two districts were numbered 22 or two districts 12:05:50

15 were numbered 27, and other maps in the ballot guide 12:05:54

16 were properly numbered, but even though there was an 12:06:00

17 error on one page they ended up mailing out a postcard 12:06:03

18 to all voters saying this is the properly numbered 12:06:06

19 statewide map. 12:06:09

20 **Q So they mailed a correction postcard to all** 12:06:09

21 **registered voters in California?** 12:06:12

22 A (Witness nodding head.) My understanding -- 12:06:13

23 MR. MANOLIUS: Objection. Calls for 12:06:14

24 speculation, lacks foundation. You can answer, if you 12:06:16

25 know. 12:06:19

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1	MR. WOODS: Same objection. Also, relevance.	12:06:19
2	THE WITNESS: That's my understanding. That's	12:06:21
3	my understanding.	12:06:22
4	MS. HAMILL Q: Do you have any idea how much	12:06:23
5	that cost?	12:06:31
6	MR. WOODS: Same objection.	12:06:34
7	MR. MANOLIUS: Calls for speculation, lacks	12:06:34
8	foundation. You can answer.	12:06:38
9	THE WITNESS: I do not know.	12:06:40
10	MS. HAMILL Q: Have any California legislators	12:06:42
11	expressed interest to you in preserving Voting Rights	12:06:53
12	Act districts in the Proposition 50 map?	12:06:58
13	MR. MANOLIUS: Objection. Calls for	12:07:01
14	information that's protected by legislative privilege.	12:07:02
15	I instruct you not to answer.	12:07:04
16	MS. HAMILL Q: And when you're drawing maps,	12:07:06
17	generally, how do you know which district is a Voting	12:07:08
18	Rights Act district?	12:07:12
19	MR. MANOLIUS: Objection. Overbroad, vague,	12:07:13
20	relevance, and vague as to the term "Voting Rights	12:07:16
21	district." You can answer your general understanding,	12:07:22
22	as long as it's not part of the Prop 50 process.	12:07:26
23	THE WITNESS: In other redistricting, I don't	12:07:29
24	generally call something a Voting Rights Act district.	12:07:31
25	MS. HAMILL Q: You don't use that phrase?	12:07:34

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1 A Generally, I try not to use a term like Voting 12:07:35
2 Right Act district, but I do generally want in my 12:07:38
3 municipal redistrictings or working with the State of 12:07:43
4 New York in their redistricting or working in other 12:07:46
5 states, I generally do want to be cognizant of VRA and I 12:07:49
6 want to lean on legal counsel for interpretations of the 12:07:55
7 VRA. 12:07:57

8 Q And so, generally, when you're drawing 12:07:58
9 districts and you are trying to protect the voting 12:08:00
10 interests of protected classes, how do you identify 12:08:06
11 which districts those are? 12:08:10

12 MR. MANOLIUS: Objection. Overbroad, lacks 12:08:12
13 foundation, calls for speculation, and I instruct you 12:08:16
14 not to answer as to the Prop 50 project, but you can 12:08:21
15 answer as to any other things you've done. 12:08:24

16 MR. WOODS: Join. 12:08:27

17 THE WITNESS: I think the question itself 12:08:29
18 might be a little bit missing, because, generally, what 12:08:31
19 happens, say, use an example I have done in a recent 12:08:36
20 redistricting, a member of the community comes forward 12:08:41
21 with a draft map that has the district that's over 12:08:42
22 50-percent of one racial group, and then I'll generally 12:08:45
23 work with attorneys to say is this something that should 12:08:47
24 be given a priority because of the Voting Rights Act? 12:08:50

25 But it's the way your question was worded 12:08:54

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1 insinuated that I go headstrong into a redistricting 12:08:57
2 with that, there's -- with some kind of VRA idea prior 12:09:02
3 to any maps being drawn. 12:09:08

4 MS. HAMILL Q: What you just explained to me, 12:09:10
5 where you'll receive something from a group that shows 12:09:13
6 you a map with over 50-percent of a particular racial 12:09:16
7 group and then you talk to an attorney to see if that 12:09:21
8 needs special attention. Did you do that with respect 12:09:23
9 to Proposition 50? 12:09:26

10 MR. MANOLIUS: Objection. Calls for 12:09:27
11 information that's protected by the legislative 12:09:29
12 privilege. I instruct you not to answer. 12:09:31

13 MS. HAMILL Q: What attorneys do you generally 12:09:33
14 or which attorneys do you generally speak to to ask that 12:09:37
15 question? 12:09:39

16 MR. MANOLIUS: Objection. Vague as to time, 12:09:40
17 project, state. You can answer. 12:09:42

18 THE WITNESS: Regarding other redistrictings? 12:09:50

19 MS. HAMILL Q: Yes. 12:09:52

20 A It depends if the agency has their own 12:09:52
21 internal legal counsel that's handling that or contract 12:09:56
22 legal counsel or, you know, State of New York had 12:09:58
23 assigned legal counsel and experts, and so it depends 12:10:01
24 based on the agency. 12:10:05

25 Q **And when you say agency, you mean the** 12:10:07

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1	government agency?	12:10:09
2	A Governmental agency, yeah.	12:10:09
3	Q Okay. And so you'll rely on the legal advice	12:10:10
4	of the governmental agency?	12:10:12
5	A Or their attorneys, their contract attorneys.	12:10:14
6	Q Got it. Did you talk to Assembly Member Isaac	12:10:16
7	Bryan while drawing Proposition 50 maps?	12:10:22
8	A Oh, I did. Wait a minute. Hold on a second.	12:10:25
9	Let me revise that.	12:10:31
10	I don't recall. What was the timeframe you	12:10:32
11	asked about?	12:10:39
12	Q While drawing the Proposition 50 maps.	12:10:39
13	A No.	12:10:42
14	Q Did you speak to Mike McGuire while drawing	12:10:43
15	the Proposition 50 maps?	12:10:47
16	A No.	12:10:50
17	MR. MANOLIUS: And just so, just for -- just	12:10:50
18	vague as to time. You mean between July --	12:10:52
19	THE WITNESS: Since drawn --	12:10:57
20	MR. MANOLIUS: -- July and August timeframe.	12:10:58
21	THE WITNESS: -- yeah. So prior to this, the	12:10:59
22	submission of the map, which would be the drawing	12:11:01
23	period, no.	12:11:05
24	MS. HAMILL Q: Did you speak to Speaker Rivas	12:11:05
25	during that same period?	12:11:08

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1	A	No.	12:11:09
2	Q	Did you speak to the staff members of any of	12:11:09
3		those three legislators during that period?	12:11:12
4	A	Definitely to the pro tem and the speaker, but	12:11:14
5		not sure about Isaac Bryan's staff.	12:11:17
6		MS. HAMILL: Are you all hungry for lunch or	12:11:25
7		should we push this?	12:11:26
8		THE REPORTER: Off the record?	12:11:36
9		MR. MANOLIUS: Yeah. That would be great.	12:11:38
10		THE VIDEOGRAPHER: The time is 12:11 p.m. We	12:11:40
11		are going off the record.	12:11:42
12		(Whereupon the luncheon recess	12:11:42
13		was taken at 12:11 p.m.	12:11:42
14		and the deposition was reconvened	12:11:42
15		at 1:04 p.m.)	01:04:09
16		THE VIDEOGRAPHER: We are back on the record.	01:04:09
17		The time is 1:04 p.m. and this marks the beginning of	01:04:19
18		videotape number three in the deposition of Paul	01:04:23
19		Mitchell, which is being taken at Hanson Bridgett, LLP,	01:04:26
20		500 Capitol Mall, Suite 1500, Sacramento, California.	01:04:30
21		The videographer is Nicholas Coulter, here on behalf of	01:04:35
22		Array Legal Services.	01:04:39
23		MS. HAMILL: All right. I am marking as	01:04:42
24		Exhibit 8 the transcript of the Capitol Weekly Podcast,	01:04:45
25		dated August 15th, 2025.	01:04:50

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1 (Whereupon Plaintiff's Exhibit 8 01:04:50
2 was marked for identification.) 01:04:56
3 MS. HAMILL Q: And I'll give you a couple of 01:04:56
4 minutes to just sort of skim through this document. 01:05:01
5 A Am I -- 01:05:09
6 Q **Have you seen this document before?** 01:05:11
7 A This is the one that's attached in one of the 01:05:12
8 filings or something like that? 01:05:15
9 Q **It's marked as Exhibit 10 for our preliminary** 01:05:18
10 **hearing.** 01:05:22
11 MR. MEUSER: I believe only an excerpt of it 01:05:25
12 was attached. I don't think the entire document itself 01:05:28
13 was attached, so -- 01:05:31
14 THE WITNESS: Let me make sure I know which 01:05:32
15 ones is -- (mumbling.) 01:05:35
16 THE REPORTER: When you talk, I must write it 01:05:43
17 down. 01:05:47
18 THE WITNESS: Okay. 01:05:48
19 MR. MEUSER: That exhibit number is exhibit 01:05:49
20 number of our joint exhibit list, so you're not pulling 01:05:52
21 it from a prior file. Oh, yeah. Okay. 01:05:57
22 MR. MANOLIUS: So your question was: Have you 01:06:15
23 seen this document? 01:06:17
24 THE WITNESS: Have I seen this document 01:06:18
25 before? Then maybe not. 01:06:20

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1 MS. HAMILL Q: Do you recall doing an 01:06:21
2 interview with Capitol Weekly Podcast on August 15th, 01:06:23
3 2025? 01:06:28

4 A I recall doing an interview with them. The 01:06:28
5 date it says on here, I don't -- just believe it, but I 01:06:31
6 don't recall what day it was. 01:06:35

7 Q And just flipping through the pages, do you 01:06:35
8 generally recollect having a conversation reflected in 01:06:38
9 this transcript? 01:06:43

10 MR. MANOLIUS: Objection. Compound, 01:06:44
11 overbroad. You can answer. 01:06:46

12 THE WITNESS: Yes. 01:06:47

13 MS. HAMILL Q: So at first this Proposition 50 01:06:48
14 operation was a bluff; correct? 01:06:56

15 MR. MANOLIUS: Objection. Calls for 01:06:57
16 information that's protected by the litigation 01:07:00
17 privilege, legislative. Don't answer the question. 01:07:02

18 MS. HAMILL Q: Did someone tell you to draw 01:07:05
19 maps or to talk about maps in a way that might scare 01:07:12
20 Texas out of redistricting? 01:07:16

21 MR. MANOLIUS: Same objections. Instruct you 01:07:19
22 not to answer the question. 01:07:23

23 MS. HAMILL Q: And who told you that? 01:07:24

24 A (Witness smiling.) 01:07:28

25 MR. MANOLIUS: Same objections. Instruct you 01:07:29

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1 not to answer the question. 01:07:31

2 MS. HAMILL Q: Did anyone pay you to do that? 01:07:32

3 MR. MANOLIUS: Hold. Same objections, in 01:07:35

4 terms of the specificity of what was discussed and 01:07:41

5 implicates the legislative privilege. 01:07:46

6 MS. HAMILL Q: And then you had people 01:07:49

7 reaching out to you asking you to draw a 52 to zero map; 01:07:51

8 correct? 01:07:57

9 MR. MANOLIUS: Objection. Well, again, vague 01:07:57

10 as to time. Are we talking about during the process, 01:07:59

11 because if so it's protected by the legislative 01:08:02

12 privilege, so I instruct you not to answer, if it was 01:08:05

13 during the process we have described from July through 01:08:08

14 August. 01:08:11

15 MS. HAMILL Q: Has anyone ever asked you to 01:08:11

16 draw a 52 to zero Democrat advantage congressional map 01:08:13

17 for California? 01:08:18

18 MR. MANOLIUS: Again, if it's during the map 01:08:23

19 drawing process, I'd caution you to not answer the 01:08:25

20 question, but if it's outside of that process, you can 01:08:29

21 answer the question. 01:08:31

22 THE WITNESS: I'd only characterize maybe 01:08:33

23 people on Twitter saying, why doesn't he draw a 52 to 01:08:42

24 zero map, but not somebody actually directing me to. 01:08:46

25 MS. HAMILL Q: Can you turn to page 10 of this 01:08:54

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1	exhibit that we have marked as Exhibit 8, and I'll	01:08:56
2	direct your attention to lines four through 13?	01:09:08
3	A Uh-huh.	01:09:13
4	MR. MANOLIUS: Through 13, you said?	01:09:34
5	MS. HAMILL: Yes.	01:09:35
6	MR. MANOLIUS: Thanks.	01:09:36
7	MS. HAMILL Q: Do you remember saying these	01:09:37
8	things during this interview?	01:09:55
9	MR. MANOLIUS: The portion between three and	01:09:57
10	14 or three and 13, do you -- answer the question.	01:10:00
11	THE WITNESS: Yes.	01:10:04
12	MS. HAMILL Q: And what did you mean when you	01:10:05
13	said, "The VRA," on line 10?	01:10:06
14	A I meant the layperson's understanding of what	01:10:09
15	Texas was doing.	01:10:16
16	Q And so this section that I've asked you to	01:10:19
17	read sounds like you're talking about the democratic eco	01:10:22
18	stream.	01:10:27
19	Is that what you mean by people on X and	01:10:27
20	Twitter?	01:10:29
21	A I think that's a typo. I think it was	01:10:30
22	ecosystem.	01:10:32
23	Q Oh, that makes more sense, the democratic	01:10:34
24	ecosystem and --	01:10:38
25	A I may have misstated it, but that's what I	01:10:40

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1 meant. You know what I mean? This is consistent with 01:10:43
2 what I just said in a prior question to answer the 01:10:46
3 question two questions ago. 01:10:48

4 **Q So it wasn't like you had a specific request,** 01:10:49
5 **it was just people on Twitter, people generally were** 01:10:51
6 **yapping about a 52 to zero democratic advantage** 01:10:55
7 **congressional map; correct?** 01:10:59

8 A It was chatter, yeah. 01:11:00

9 **Q But no specific direction?** 01:11:02

10 A No. 01:11:04

11 MR. MANOLIUS: Interpose a late objection as 01:11:14
12 to "specific direction." 01:11:16

13 THE WITNESS: I should have waited. 01:11:18

14 MR. MANOLIUS: No, that's not bad. Due to 01:11:20
15 legislative privilege. Thanks. 01:11:23

16 MS. HAMILL Q: And they said why can't we just 01:11:26
17 throw out the VRA and create six to eight more 01:11:28
18 Democratic pick-ups; right? 01:11:32

19 MR. MANOLIUS: Is your question whether he 01:11:36
20 said that? 01:11:38

21 THE WITNESS: I can affirm that that's what is 01:11:38
22 written here. 01:11:40

23 MS. HAMILL Q: And what did you mean by that? 01:11:41

24 MR. MANOLIUS: Objection. Lacks foundation. 01:11:42
25 You can answer. 01:11:44

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1 THE WITNESS: I meant that there were certain 01:11:45
2 people in the ecosystem maybe that didn't even know a 01:11:49
3 lot about redistricting who were saying, why not just 01:11:52
4 throw all the guardrails off and draw something crazy 01:11:55
5 like what you see on Twitter. 01:11:58

6 There were a lot of what I derisively call 01:12:00
7 Twitter maps that were drawn by serious people. 01:12:04

8 MS. HAMILL Q: They were not drawn by serious 01:12:07
9 people? 01:12:09

10 MR. WOODS: Is that a "yes"? Sorry. 01:12:10

11 MR. MANOLIUS: It's your question. 01:12:15

12 THE WITNESS: They were not drawn by serious 01:12:16
13 people, yes. Sorry. I was -- I didn't see that as an 01:12:17
14 actual question, I saw that as more of a -- 01:12:20

15 MR. WOODS: Sure, just -- sorry, not trying to 01:12:24
16 interject, just want a clear record. 01:12:26

17 MS. HAMILL Q: And so throwing out the 01:12:29
18 guardrails for the VRA, what does that mean to you? 01:12:30

19 A Just throwing out the guardrails for 01:12:34
20 everything. 01:12:36

21 **Q For everything, the VRA?** 01:12:36

22 A I saw maps that were contiguous. I think Mark 01:12:39
23 has seen those maps too. 01:12:45

24 **Q So what does throwing away the VRA mean to** 01:12:48
25 **you?** 01:13:06

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1	MR. MANOLIUS: In the context of this	01:13:06
2	interview? You can answer.	01:13:08
3	THE WITNESS: On a podcast, speaking to a lay	01:13:11
4	audience of political people it means just abandoning	01:13:13
5	all constitutional requirements of any kind.	01:13:19
6	It just means doing a map without -- it means,	01:13:21
7	like I stated earlier, doing a map just free of any --	01:13:26
8	it's a rule-less map, essentially.	01:13:32
9	MS. HAMILL Q: Because earlier when I said	01:13:34
10	race, you immediately said the Voting Rights Act, so it	01:13:36
11	sounded like you equated the two.	01:13:40
12	MR. MANOLIUS: Objection, vague. I'm not sure	01:13:41
13	what you're referring to. Misstates his testimony.	01:13:43
14	MR. WOODS: Join.	01:13:46
15	MR. MANOLIUS: Lacks foundation.	01:13:46
16	THE WITNESS: I am unclear about the question	01:13:50
17	or the connection between what I said earlier and you	01:13:53
18	making this statement here about the VRA, so it doesn't,	01:13:55
19	the question, I am sorry, it doesn't make sense to me.	01:13:58
20	MS. HAMILL Q: Do you recall earlier	01:14:02
21	discussing race and the Voting Rights Act?	01:14:03
22	MR. MANOLIUS: Vague.	01:14:08
23	THE WITNESS: I know --	01:14:09
24	MR. MANOLIUS: Objection, vague.	01:14:09
25	THE WITNESS: -- we had a discussion about it	01:14:10

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1 with regards to my municipal clients and my deference to 01:14:11
2 attorneys on determining Voting Rights Act compliance 01:14:16
3 and so on, but that is a much more serious actual 01:14:18
4 working part of an agency working on a redistricting 01:14:22
5 versus talking on a podcast after the maps have been 01:14:25
6 submitted, when this is part of, you know, just 01:14:28
7 layperson's understanding. 01:14:32

8 MS. HAMILL Q: For the purposes of the 01:14:35
9 Proposition 50 map, complying with the VRA meant 01:14:52
10 maintaining Hispanic majority districts to you; correct? 01:14:57

11 MR. MANOLIUS: Objection. Calls for 01:15:02
12 information that's protected by the legislative 01:15:02
13 privilege and I instruct you not to answer. 01:15:05

14 MS. HAMILL Q: While drawing proposition, the 01:15:07
15 Proposition 50 map, it was important to you to pay 01:15:11
16 attention to race and not just focus on partisanship; 01:15:15
17 correct? 01:15:19

18 MR. MANOLIUS: Objection. Same objection, 01:15:19
19 legislative privilege, and I instruct you not to answer. 01:15:21

20 MS. HAMILL Q: And you said you were going to 01:15:24
21 create a five district pick-up, follow the Voting Rights 01:15:27
22 Act and keep communities of interest together; correct? 01:15:31

23 MR. MANOLIUS: Objection. Lacks foundation. 01:15:34
24 Are you asking him to affirm what's in the transcript? 01:15:36
25 I am not sure I understand the question. 01:15:39

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1	MS. HAMILL: You can answer.	01:15:40
2	THE WITNESS: Oh, this is what I said, if	01:15:44
3	that's what you're asking.	01:15:47
4	MS. HAMILL Q: So you're pointing to --	01:15:48
5	A There's line 18 to 20, which is I think you're	01:15:50
6	referencing in the transcript, I won't dispute that that	01:15:53
7	is what I said. I trust the transcript.	01:15:56
8	Q Did you use race to identify any communities	01:15:58
9	of interest in your map drawing for Proposition 50?	01:16:06
10	MR. MANOLIUS: Objection. Legislative	01:16:09
11	privilege and instruct you not to answer.	01:16:11
12	MS. HAMILL Q: And what communities of	01:16:14
13	interest information did you provide to the California	01:16:17
14	Legislature for Prop 50?	01:16:20
15	MR. MANOLIUS: Same objections. I instruct	01:16:22
16	you not to answer.	01:16:23
17	MS. HAMILL Q: Let's turn to page 12 of this	01:16:24
18	transcript. I'll point your attention to lines nine	01:16:31
19	through 14 --	01:16:36
20	A Hmm.	01:16:40
21	Q -- and if you peek back at page 11, line 24,	01:16:57
22	you're talking about Sara Sadhwani?	01:17:01
23	A Uh-huh.	01:17:04
24	Q Who is Sara Sadhwani?	01:17:05
25	A She is also on that page on line two.	01:17:06

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1 Sara Sadhwani is one of the members of the 01:17:09
2 independent redistricting commission, the state 01:17:12
3 redistricting commission. 01:17:17

4 **Q Was?** 01:17:18

5 A Is ten year terms, they have ten year terms. 01:17:19

6 **Q So it exists, just doesn't have any power** 01:17:23

7 **anymore?** 01:17:26

8 MR. WOODS: Objection. Calls for a legal 01:17:27
9 conclusion. 01:17:28

10 MR. MANOLIUS: Objection. Calls for legal 01:17:28
11 conclusion, lacks foundation. You can answer, if you 01:17:30
12 know. 01:17:30

13 THE WITNESS: They actually do still meet 01:17:32
14 infrequently. I think they don't really have a budget 01:17:34
15 or staff right now, but they do have a role in helping 01:17:37
16 with the transition to the next commission in 2031. 01:17:40

17 MS. HAMILL Q: And so you said, "I don't think 01:17:46
18 she'd stand up on that stage and say I support this if 01:17:48
19 what we're going to get was districts that decimated all 01:17:51
20 of the communities, you know, throughout L.A., like some 01:17:54
21 of the public map -- or some of the map proposals we've 01:17:57
22 seen." 01:18:00

23 Do you remember saying that? 01:18:01

24 A I trust the transcript. I remember saying 01:18:03
25 something -- this is the kind of thing I would have 01:18:08

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1 said. 01:18:10

2 **Q And who drew those other maps?** 01:18:10

3 A People on Twitter, largely. I use the people 01:18:13

4 on Twitter as a broad representation of things in social 01:18:22

5 media. 01:18:26

6 **Q But you're not aware of any legitimate 01:18:29**

7 **organization that drew alternative maps?** 01:18:32

8 MR. MANOLIUS: Objection. Vague as to the 01:18:36

9 term "legitimate organization," and vague as to "drew 01:18:39

10 maps." You can draw maps anywhere, so I am not sure I 01:18:45

11 understand the question, but you can answer. 01:18:49

12 MR. WOODS: Join. 01:18:51

13 THE WITNESS: Earlier in the testimony or the 01:18:52

14 discussion, I don't know what you call this, you asked 01:18:54

15 me about if other groups were submitting maps or doing 01:18:56

16 maps. 01:18:59

17 I knew there were other maps around, but not 01:18:59

18 any association or a group submitting a map or having a 01:19:01

19 map that was one of these maps. 01:19:05

20 MS. HAMILL Q: Were you aware of any 01:19:07

21 alternative maps floating around leading up to 01:19:08

22 Proposition 50 that would have given Democrats more of 01:19:12

23 an advantage, aside from the ones you've dismissed as 01:19:16

24 just Twitter chatter from Twitter people? 01:19:22

25 MR. MANOLIUS: Objection. To the extent 01:19:25

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1 you're calling for things that went into the legislative 01:19:28
2 process, I'll instruct you not to answer. If you're 01:19:31
3 aware of anything else, you can answer. 01:19:33

4 MR. WOODS: I would also object that it's 01:19:38
5 vague. 01:19:50

6 THE WITNESS: I don't think I can answer that 01:19:50
7 based on my attorney's objection. 01:19:51

8 MS. HAMILL Q: And if you could turn to page 01:19:53
9 13, lines 16 to 20. 01:19:58

10 A (Witness complied.) 01:20:01

11 Q So you said, "We worked with some folks in 01:20:03
12 D.C. and saw some maps, as an example, that went into 01:20:10
13 Orange County and just tore up the Asian community in 01:20:15
14 Orange County as they drew the maps, and that's a no 01:20:19
15 go." 01:20:22

16 Why is that a no go? 01:20:22

17 MR. MANOLIUS: I am sorry. What lines are you 01:20:23
18 on? 01:20:25

19 THE WITNESS: 16 to 20 on page 13. 01:20:26

20 MR. MANOLIUS: Objection. Vague as to time, 01:20:29
21 scope, context and foundation whether you said it. 01:20:32

22 THE WITNESS: Um, I think what we're looking 01:20:42
23 at here is there were maps that would take different 01:20:46
24 Orange County communities of interest that have 01:20:53
25 traditionally argued before the redistricting commission 01:20:56

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1 to be kept together, and draw them into districts so 01:20:59
2 that they're going into other counties and they are, you 01:21:02
3 know, drawing a district that, you know, goes from 01:21:05
4 Garden Grove to Rancho Palos Verdes, things like that. 01:21:12

5 **Q And that was a no go?** 01:21:17

6 A It was a no go, because a lot of groups who 01:21:19
7 would have -- were organized before the redistricting 01:21:25
8 commission advocating for their communities of interest 01:21:28
9 would find themselves decimated in those plans, and so 01:21:31
10 they would become a vocal opposition to the legislators 01:21:34
11 as they're trying to pass a plan or vocal opposition to 01:21:38
12 the ballot measure if it was to be on the ballot. 01:21:42

13 **Q Do you know which specifics groups those would** 01:21:44
14 **be?** 01:21:46

15 A I don't know. I can't start to name all of 01:21:46
16 them. I clarify, I basically say what I just said in 01:21:48
17 the following remainder of that page too. 01:22:04

18 **Q So on page 14, lines nine through 13 --** 01:22:11

19 A (Witness complied.) 01:22:18

20 **Q -- you said you wanted to have the final maps** 01:22:20
21 **be consistent with commission work and be supported with** 01:22:28
22 **communities of interest testimony; correct?** 01:22:32

23 A Let me read this for a second, if that's 01:22:35
24 okay -- 01:22:37

25 **Q Sure.** 01:22:37

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1	A	-- because I am not -- I am skimming it and	01:22:37
2		it's not making sense to me. Yes. Okay. Thank you.	01:22:40
3		Could you ask the question? I'm sorry.	01:23:00
4	Q	Do you mind reading that back?	01:23:02
5		(Whereupon the record was read as	01:23:02
6		follows: "Question: So on page	01:22:11
7		14, lines nine through 13 --	01:22:12
8		"Answer: (Witness complied.)	01:22:18
9		"Question: -- you said you	01:22:26
10		wanted to have the final maps be	01:22:27
11		consistent with commission work	01:22:29
12		and be supported with communities	01:22:30
13		of interest testimony; correct?")	01:22:32
14		MR. MANOLIUS: Objection. Calls for	01:23:15
15		speculation, lacks foundation, but you can certainly	01:23:19
16		answer the question, if you said that.	01:23:23
17		THE WITNESS: I said what is here, so if	01:23:24
18		that's your characterization, I won't dispute it.	01:23:26
19		MS. HAMILL Q: Thank you. Was the final map	01:23:29
20		for Proposition 50 supported with communities of	01:23:31
21		interest testimony?	01:23:34
22		MR. MANOLIUS: Objection. Vague, lacks	01:23:36
23		foundation. And at what time? I don't understand the	01:23:37
24		question.	01:23:44
25		THE WITNESS: Are you saying that -- are you	01:23:45

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1 not asking, are you asking about in the map drawing 01:23:48
2 process or are you saying, like, what was on the ballot 01:23:52
3 after the maps, after my job was over after I was done 01:23:55
4 with my contract? 01:23:58
5 Q I am asking the question in the context of 01:23:59
6 what we just discussed in your statement here on page 01:24:01
7 14, from line 9 to 13. You said you wanted the final 01:24:04
8 work to be supported with communities of interest 01:24:07
9 testimony. 01:24:09
10 A Uh-huh. 01:24:10
11 Q I'm asking you, was the final map that became 01:24:10
12 Prop 50 supported with communities of interest 01:24:13
13 testimony? 01:24:16
14 MR. MANOLIUS: Again, objection. Vague as to 01:24:16
15 where and what context and when. You can answer. 01:24:19
16 MR. WOODS: Join. 01:24:25
17 THE WITNESS: I think objectively looking at 01:24:26
18 the map you can see that the Prop 50 map that was passed 01:24:31
19 by voters was consistent with a lot of what was 01:24:36
20 important in the redistricting commission process and a 01:24:40
21 lot of what testimony was stated before the commission 01:24:42
22 in 2021, and in 2011 as they deliberated. 01:24:45
23 MS. HAMILL Q: What specific communities of 01:24:50
24 interest do you have in mind when you're telling me 01:24:52
25 that? 01:24:54

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1 A Well, in this document I talk about the LGBTQ 01:24:54
2 community. 01:24:58

3 I also talk about environmental community, but 01:24:58
4 there could be a hundred different communities of 01:25:01
5 interest throughout the state whose communities of 01:25:05
6 interest that they advocated for in the prior 01:25:08
7 redistricting were retained within the current maps, not 01:25:10
8 only the all the districts that weren't changed at all, 01:25:13
9 but even the districts that were changed. 01:25:15

10 I don't want to get into the legislative 01:25:17
11 privilege portion, but one could look at the map today 01:25:20
12 and see a lot of consistency between the map today and 01:25:23
13 the map as it was passed by the commission in 2021. 01:25:27

14 **Q And do you have documents reflecting that 01:25:30**
15 **communities of interest testimony of which you're aware? 01:25:34**

16 MR. MANOLIUS: From 2021? Vague as to time. 01:25:37
17 I am not sure I understand. 01:25:42

18 THE WITNESS: They're public documents and you 01:25:45
19 can grab them right now. The commission website is 01:25:47
20 still up and they still have all of their community of 01:25:50
21 interest testimony in an air tape code. 01:25:54

22 MS. HAMILL Q: And then you said you asked 01:25:57
23 your team to get on the box and start drawing. What is 01:26:04
24 the box? 01:26:06

25 A Um -- 01:26:08

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1 MR. MANOLIUS: Objection. First, lacks 01:26:09
2 foundation as to whether you said that, so -- 01:26:11
3 THE WITNESS: "The box" is an internal staff 01:26:14
4 term for the computer that houses most of the software. 01:26:19
5 MS. HAMILL Q: And that's your proprietary 01:26:23
6 system? 01:26:25
7 A And Maptitude and other things. It's a remote 01:26:26
8 computer. 01:26:29
9 Q **And when you are done with the marked 01:26:31**
10 **exhibits, if you can just hand them to the reporter. 01:26:40**
11 A That's perfect. That's perfect. I'll do that 01:26:41
12 from now. 01:26:45
13 MS. HAMILL: I am going to mark as Exhibit 9 01:26:48
14 the Hispanas Organized for Political Equality, HOPE 01:26:50
15 presentation. 01:26:58
16 (Whereupon Plaintiff's Exhibit 9 01:26:58
17 was marked for identification.) 01:27:13
18 MS. HAMILL Q: You're familiar with Hispanas 01:27:13
19 Organized For Political Equity; correct? 01:27:16
20 A (Witness nodding head.) 01:27:19
21 Q **HOPE?** 01:27:19
22 A HOPE, yes. 01:27:20
23 Q **So we can call them "HOPE"?** 01:27:21
24 A Please. 01:27:22
25 Q **It's much easier.** 01:27:23

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1	A	Uh-huh.	01:27:24
2	Q	Great. When did you first become acquainted	01:27:25
3		with HOPE?	01:27:27
4	A	I first became acquainted with HOPE more than	01:27:28
5		a dozen years ago, maybe 15 years ago.	01:27:31
6	Q	2010-ish?	01:27:36
7	A	I think that probably sounds about right.	01:27:40
8	Q	And you gave a presentation to HOPE in October	01:27:42
9		of 2025; correct?	01:27:45
10	A	Yes.	01:27:47
11	Q	October 17th?	01:27:48
12	A	That's the date on the transcript and I don't	01:27:49
13		dispute it. I don't recollect it exactly.	01:27:51
14	Q	And was that to encourage the Latino community	01:27:54
15		to support Prop 50?	01:27:58
16	A	This was to inform the HOPE participants, the	01:28:00
17		organization as to what was on the ballot, Prop 50, and	01:28:07
18		yes, that it was -- I don't know that they would want to	01:28:11
19		characterize it as campaigning. It was more of an	01:28:14
20		informational thing. It was myself and a demographer	01:28:17
21		for the "no" side.	01:28:20
22	Q	For the "no" side?	01:28:22
23	A	Uh-huh.	01:28:23
24	Q	And so you were informing HOPE about what the	01:28:24
25		maps did?	01:28:27

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1 MR. MANOLIUS: Objection. Lacks foundation, 01:28:28
2 calls for speculation. If you might want him to look at 01:28:31
3 a specific place in the transcript, that would probably 01:28:34
4 be better, but you can answer, if you know. 01:28:37

5 MS. HAMILL: You can stop with the speaking 01:28:39
6 objections. 01:28:41

7 MR. MANOLIUS: Sorry. I am done. 01:28:42

8 THE WITNESS: I don't know that that was my 01:28:45
9 charge exactly. 01:28:48

10 I speak to HOPE on a regular basis, maybe 01:28:50
11 every six months, every year, and so they were having me 01:28:53
12 back to talk about what was going on with Prop 50. 01:28:59

13 And they don't think they gave me, like, a 01:29:03
14 charge to speak about one specific part of it like that. 01:29:05
15 They told me not to talk about partisanship, but they 01:29:09
16 told me to talk about Prop 50. 01:29:12

17 **Q And were you paid for this --** 01:29:13

18 **A No.** 01:29:15

19 **Q -- appearance? And just for everyone's** 01:29:15
20 **reference, this transcript is included as Exhibit B in** 01:29:22
21 **the U.S. Complaint Intervention, and it's also marked as** 01:29:25
22 **Exhibit 11 for the preliminary injunction hearing.** 01:29:28

23 **So have you seen this transcript before?** 01:29:32

24 **A I've seen that it exists. I haven't read** 01:29:36

25 **through it.** 01:29:39

DAVID TANGIPA vs GAVIN NEWSOM
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1	Q	I want to give you a few minutes to just look	01:29:40
2		through it, generally.	01:29:43
3	A	Okay.	01:29:46
4		MR. MEUSER: And for your information, your	01:29:50
5		testimony or your presentation starts on page 20.	01:29:53
6		THE WITNESS: Thank you. Oh, yes. Indeed.	01:29:56
7		Okay. All right.	01:30:03
8		MS. HAMILL Q: Do you recognize generally the	01:30:09
9		conversation reflected in this transcript?	01:30:12
10		MR. MANOLIUS: Objection. Vague, compound,	01:30:13
11		overbroad, quite a number of pages. You can look	01:30:15
12		through them, too.	01:30:21
13		THE WITNESS: Yes, I recognize them.	01:30:22
14		MS. HAMILL: I am going to ask counsel to	01:30:23
15		please stop with the speaking objections.	01:30:25
16		MR. MANOLIUS: I'll make my objections.	01:30:27
17		Thanks.	01:30:29
18		MS. HAMILL: You're welcome.	01:30:29
19	Q	So the Zoom, the video from from this Zoom	01:30:33
20		discussion is no longer publicly available. Do you have	01:30:38
21		any idea why that is?	01:30:40
22		MR. MANOLIUS: Objection. Lacks foundation.	01:30:41
23		You can answer.	01:30:43
24		THE WITNESS: I didn't know that it was	01:30:44
25		publicly available, so I don't have any interaction	01:30:45

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1	with -- no.	01:30:50
2	MS. HAMILL Q: At any time did you personally	01:30:51
3	take any action to get the video taken off of the public	01:30:53
4	domain?	01:30:57
5	A No.	01:30:58
6	Q Do you recall telling HOPE that Prop 50 would	01:30:58
7	increase Latino voting power?	01:31:15
8	A No.	01:31:17
9	Q I'm going to turn your attention to page 23,	01:31:19
10	line 24 through page 24 line one.	01:31:53
11	A Uh-huh.	01:32:33
12	Q Can you read that out loud for me, please,	01:32:34
13	starting at line 24 on page 23?	01:32:37
14	A I'll trust that this is the right transcript,	01:32:40
15	but, "And I started listing out this concept of drawing	01:32:44
16	a replacement Latino majority/minority district in the	01:32:46
17	middle of Los Angeles. That was the number one thing	01:32:50
18	that I first started thinking about because of something	01:32:55
19	that I worked with HOPE on in the last redistricting	01:32:57
20	process."	01:32:59
21	Q Do you remember saying that?	01:33:00
22	A I recall speaking to it. I don't remember	01:33:01
23	saying those exact words.	01:33:05
24	Q Were you being truthful when you said that?	01:33:06
25	A I was being --	01:33:09

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1 MR. MANOLIUS: Objection. Calls for legal 01:33:10
2 conclusion, argumentative. You can answer. 01:33:14

3 THE WITNESS: I was being truthful in that 01:33:17
4 when we first started working on this this was a map 01:33:22
5 that was already drawn. 01:33:24

6 MS. HAMILL Q: When you say "this," are you 01:33:27
7 referring to the Proposition 50 map? 01:33:28

8 A This map that's, this map, this map, I mean, a 01:33:30
9 map that puts -- when I say I first started thinking 01:33:35
10 about it because of something that I worked with HOPE on 01:33:42
11 in the last redistricting process, there was a map 01:33:45
12 associated with that work in 2021. 01:33:47

13 So I knew that that map existed and I knew 01:33:51
14 that that map creates an additional democratic seat in 01:33:54
15 the middle of Los Angeles. 01:33:57

16 Q Are you saying you drew a map with HOPE in 01:33:59
17 2021? 01:34:02

18 A No. I just knew that there was one that 01:34:02
19 existed -- 01:34:04

20 Q Okay. 01:34:05

21 A -- and that had been advocated by Equality 01:34:05
22 California, environmental protection groups and 01:34:09
23 environmental groups and HOPE, so I knew that there was 01:34:12
24 already a map on the shelf. 01:34:13

25 And so on the first thing I can think of is, 01:34:14

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1	hey, I know one thing that's easy to do.	01:34:17
2	That's why I was expressing to them there was	01:34:21
3	a, hey, I know something that will pick up a democratic	01:34:24
4	seat.	01:34:27
5	Q Did you work with HOPE at all in 2021 on that	01:34:28
6	map?	01:34:31
7	A I don't recall. I know it existed.	01:34:32
8	Q How often has HOPE sent you map proposals?	01:34:36
9	A Never any, potentially. I mean, I don't want	01:34:56
10	to, I don't want to say -- let me para -- let me	01:35:01
11	rephrase that.	01:35:05
12	I don't recall them ever sending me a map	01:35:05
13	proposal. That isn't the core of what they do as an	01:35:08
14	organization.	01:35:11
15	Q So how does your relationship work? Would	01:35:11
16	they express a desire for something and you would	01:35:14
17	provide them with a draft map --	01:35:16
18	MR. MANOLIUS: Objection. Vague --	01:35:18
19	THE WITNESS: In 2021?	01:35:20
20	MR. MANOLIUS: Wait. Objection, vague as to	01:35:21
21	time. I am not sure during what process you mean.	01:35:23
22	MS. HAMILL: At any time.	01:35:25
23	THE WITNESS: So in 2021 --	01:35:26
24	MR. MANOLIUS: At any time except, excuse	01:35:29
25	me -- objection -- the Prop 50 map drawing process,	01:35:31

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1 which I instruct you not to answer about. 01:35:35

2 THE WITNESS: Yes. 01:35:37

3 Very readily available to anybody who wanted 01:35:38

4 to look is in 2021, HOPE and a number of groups were 01:35:41

5 advocating for a map that would not remove a district 01:35:45

6 from Los Angeles, because that's what the commission 01:35:52

7 chose to do in 2021. 01:35:55

8 They went from 53 to 52 districts, and they 01:35:56

9 had a question: How are we going to do this? Are we 01:36:00

10 going to do this by starting from a scratch map and just 01:36:03

11 letting everything fall where it is, or are we going to 01:36:06

12 just, like, take a map out of L.A. where they're the 01:36:09

13 slower growing portion of the state and it makes our job 01:36:13

14 easier just to take a district out of L.A. 01:36:16

15 And so HOPE was advocating for putting that 01:36:18

16 district back in L.A. 01:36:20

17 **Q And that was your starting point for** 01:36:22

18 **Proposition 50?** 01:36:25

19 **A** I guess -- 01:36:25

20 **MR. MANOLIUS:** Objection. I instruct you not 01:36:26

21 to answer based on legislative privilege what was done 01:36:27

22 during Prop 50. 01:36:31

23 **THE WITNESS:** Speaking here after the map was 01:36:34

24 done, I was articulating in this lines two through five 01:36:38

25 that I knew that a proposal had been done in 2021 that 01:36:44

DAVID TANGIPA vs GAVIN NEWSOM
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1 they were advocating for. 01:36:51

2 MS. HAMILL Q: Going down to line six on page 01:36:52

3 24, it looks like you say you're going to read for a 01:37:14

4 second, so you start reading something at the HOPE 01:37:18

5 presentation; is that correct? 01:37:21

6 A Uh-huh. 01:37:23

7 **Q What were you reading?** 01:37:24

8 MR. MEUSER: Can that be a verbal answer? 01:37:27

9 MR. MANOLIUS: You said, "Uh-huh." 01:37:29

10 MR. MEUSER: You said, "Uh-huh." 01:37:32

11 THE WITNESS: Oh, yes. I was -- I was saying 01:37:34

12 yes only to characterize that I was following along with 01:37:37

13 what your question was. 01:37:41

14 That line six was, I was reading a letter from 01:37:44

15 2021. 01:37:50

16 MS. HAMILL Q: A letter from HOPE? 01:37:52

17 A Yes. Oh, you've got it. 01:37:53

18 MR. MEUSER: We're prepared. 01:38:02

19 (Whereupon Plaintiff's Exhibit 10 01:38:02

20 was marked for identification.) 01:38:06

21 MS. HAMILL Q: I have marked as Exhibit 10 a 01:38:06

22 November 24th, 2021, letter from HOPE to the Citizens 01:38:12

23 Redistricting Commission. It is also marked as Exhibit 01:38:19

24 12 for the preliminary injunction hearing. 01:38:24

25 Is this the letter that you were referring to 01:38:28

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1	on page 24 of this transcript?	01:38:36
2	MR. MANOLIUS: Just objection, vague. Is it	01:38:39
3	just the first two pages, because there seem to be some	01:38:41
4	other things after it?	01:38:43
5	MS. HAMILL: It's the complete document.	01:38:45
6	THE WITNESS: Um, I was referring to the first	01:38:49
7	two pages of this. I haven't seen the attachment in	01:38:52
8	years.	01:38:56
9	MS. HAMILL Q: So is it your testimony that	01:38:57
10	there is a version of this letter that doesn't have the	01:39:06
11	attachment to it?	01:39:10
12	MR. MANOLIUS: Objection. Calls for	01:39:11
13	speculation.	01:39:12
14	THE WITNESS: Oh, um --	01:39:13
15	MR. MANOLIUS: Misstates his testimony.	01:39:16
16	THE WITNESS: I'm only saying that I have only	01:39:18
17	seen the first two pages recently when I was presenting.	01:39:21
18	I had forgotten that this other attachment was even	01:39:24
19	here.	01:39:27
20	MS. HAMILL Q: But you had seen that before,	01:39:27
21	the attachment?	01:39:29
22	A Ions ago, yeah, in 2021.	01:39:30
23	Q So I want to walk you through, I'm going back	01:39:37
24	to --	01:39:55
25	A Uh-huh.	01:39:55

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1	Q	-- Exhibit 9. You can set aside the letter	01:39:56
2		for a minute.	01:39:58
3	A	Okay.	01:39:59
4	Q	Just going through the transcript here, so	01:39:59
5		line six, page 24, you say you're going to read for a	01:40:03
6		second, and you just testified that you were reading	01:40:07
7		from what has been marked as Exhibit 10, and you read	01:40:09
8		from the HOPE letter.	01:40:12
9		And then I think you're quoting it on line	01:40:14
10		nine, you say, "HOPE is concerned about the elimination	01:40:17
11		of the majority/minority Latino district within the area	01:40:21
12		of Los Angeles gateway cities."	01:40:24
13		Do you remember saying that?	01:40:27
14	A	I remember reading this letter.	01:40:28
15	Q	Okay. And then it continues on line 13.	01:40:29
16		"The seat, which is called by the L.A. Times	01:40:31
17		the most Latino district in the country, disappeared off	01:40:34
18		the map despite the growing Latino population throughout	01:40:38
19		the state."	01:40:42
20		Do you remember saying that?	01:40:43
21	A	Yes.	01:40:44
22	Q	And do you believe that to be true?	01:40:45
23	A	I can't speak --	01:40:47
24		MR. MANOLIUS: Just a second. Let me	01:40:55
25		interpose a late objection. Do you remember saying	01:40:57

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1 that? Vague, misstates the testimony, if he remembers 01:40:59
2 reading that, adopting it. 01:41:03

3 THE WITNESS: And then I can tell you that I 01:41:08
4 read this. There are statements in here that, it's 01:41:10
5 their letter that says HOPE is concerned about the 01:41:16
6 elimination. 01:41:18

7 I don't have firsthand knowledge of their 01:41:19
8 concern, but I am reading their letter that says they 01:41:21
9 were concerned, and their citing of L.A. Times' article 01:41:24
10 that I'm reading their letter, so I don't have 01:41:28
11 independent knowledge of that either. 01:41:31

12 So this isn't my, I didn't write this letter 01:41:32
13 so I am not able to speak to the veracity of the letter, 01:41:34
14 I am just reading back to them what they had submitted 01:41:39
15 to the commission. 01:41:43

16 MS. HAMILL: Are you able to go back to my 01:41:44
17 last question? 01:41:46

18 And before we do that, I am going to ask one 01:41:54
19 more time politely, please, stop with the improper 01:41:56
20 speaking objections. 01:41:59

21 MR. MANOLIUS: They are not improper, but 01:42:02
22 everybody is entitled to their opinion. 01:42:04

23 If there's lack of clarity in the question, I 01:42:12
24 am going to object. 01:42:15

25 MS. HAMILL: You may object, but don't start 01:42:15

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1	testifying or advising your client while on the record.	01:42:17
2	MR. MANOLIUS: I am not doing any of that.	01:42:25
3	(Whereupon the record was read as	01:42:25
4	follows: "Question: And do you	01:40:45
5	believe that to be true?")	01:40:46
6	MR. WOODS: Objection. Vague.	01:42:39
7	MR. MANOLIUS: Calls for speculation, vague.	01:42:41
8	MS. HAMILL Q: You just explained before we	01:42:46
9	got into this transcript, you explained what happened	01:42:48
10	where the commission had to move the map from 53 to 52	01:42:52
11	districts; right?	01:42:57
12	A Uh-huh.	01:42:58
13	Q And they did take away that district; correct?	01:42:58
14	MR. MANOLIUS: Objection, misstates his	01:43:01
15	testimony. You can answer.	01:43:02
16	THE WITNESS: I stated objectively that the	01:43:03
17	commission had to make a choice of where to remove a	01:43:05
18	district in the district that they, the district that	01:43:08
19	most people believed was, quote unquote, removed was an	01:43:10
20	L.A. district from the move from 53 to 52.	01:43:12
21	They're characterizing it, they are messaging	01:43:18
22	about it in a way that is their own choice of how to	01:43:22
23	message about it. It's not -- they are not making	01:43:24
24	objective statements here, they are making persuasive	01:43:26
25	statements that I can't speak to.	01:43:29

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1 MS. HAMILL Q: Okay. And moving on down page 01:43:30
2 24, starting at line 17, I don't think you're quoting 01:43:32
3 anymore. 01:43:37
4 A Uh-huh. 01:43:38
5 Q I think this is your own speech. "And that 01:43:39
6 letter on page two illustrated what HOPE wanted to see 01:43:41
7 done in a coalition with a lot of other partners in Los 01:43:45
8 Angeles." 01:43:50
9 Do you remember saying that? 01:43:50
10 A That portion of it is my words it looks like, 01:43:53
11 and then the next sentence is quoting. 01:43:58
12 Q Okay. So the second sentence on line 19, you 01:44:02
13 go back to quoting the HOPE letter that's marked as 01:44:07
14 Exhibit 10? 01:44:10
15 A With number one is the beginning of where I'm 01:44:11
16 quoting again. 01:44:13
17 Q Okay. So line 20, it says, "Number one, 01:44:13
18 create a gateway cities district centered around Downey, 01:44:17
19 as described in the analysis, allowing for the creation 01:44:22
20 of five Latino majority/minority districts in an area 01:44:26
21 where there are currently four." 01:44:30
22 So are you reciting -- 01:44:35
23 A I want to, yeah, I want to amend one of my 01:44:39
24 earlier statements, because I might have been reading 01:44:43
25 from a different version of the letter. 01:44:45

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1 As you notice, I have two words in here that 01:44:47
2 aren't on the letter that you're providing. 01:44:50

3 You have minority districts in an area, in an 01:44:53
4 area where there are currently four, and the letter that 01:44:59
5 you provided me says minority districts where there 01:45:02
6 currently are four, so slightly different. I might have 01:45:07
7 been reading from a slightly different version. 01:45:09

8 **Q Do you think there is a different version of 01:45:13**
9 **this letter floating around? 01:45:15**

10 MR. MANOLIUS: Objection, speculation. 01:45:16

11 MR. WOODS: Join. 01:45:18

12 THE WITNESS: Potentially. 01:45:19

13 MS. HAMILL Q: And you said that this letter 01:45:19
14 is available on the redistricting commission website; 01:45:21
15 correct? 01:45:24

16 MR. MANOLIUS: Objection. Calls for 01:45:24
17 speculation, lacks foundation. 01:45:25

18 THE WITNESS: I don't recall where I got it 01:45:28
19 from. I just know that when I got it it was two pages, 01:45:29
20 it didn't have these things, and so, potentially, we're 01:45:33
21 getting these from different sources or I had a 01:45:37
22 different version of it or something. 01:45:39

23 MS. HAMILL Q: Would you please go back and 01:45:41
24 obtain the copy of the letter from which you were 01:45:43
25 reading at this October 17th, 2025 presentation and 01:45:45

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1	provide it to your counsel, who will then provide it to	01:45:49
2	me?	01:45:52
3	A You -- I understand your question. I'll look	01:45:53
4	to see if I can do that.	01:45:58
5	Q Thank you.	01:46:00
6	A And maybe I'm wrong, but --	01:46:00
7	Q Thank you. All right. So I believe we're on	01:46:02
8	page 24 of this HOPE transcript, line 17 --	01:46:09
9	A Uh-huh.	01:46:13
10	Q -- down to line 24, and to me that looks like	01:46:14
11	the second page of what we marked as Exhibit 10 --	01:46:17
12	A Uh-huh.	01:46:20
13	Q -- it looks like the first bold bullet	01:46:21
14	point --	01:46:23
15	A Yeah.	01:46:23
16	Q -- is that correct?	01:46:24
17	A Yeah.	01:46:24
18	Q Is that a fair thing to say?	01:46:25
19	A Yeah.	01:46:26
20	Q Okay. Now we're going back to the transcript,	01:46:26
21	page 24, line 25. You say, "Secondly, take the district	01:46:30
22	that was called LB North, which is now the Robert Garcia	01:46:36
23	district, take that district to the south through Seal	01:46:40
24	Beach into Huntington Beach, making a Latino-influenced	01:46:44
25	district at 35 percent Latino by voting age population."	01:46:47

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1	Do you remember saying that?	01:46:51
2	A I remember saying something like that.	01:46:53
3	Q And that doesn't perfectly reflect point two	01:46:55
4	on the second page of the letter that's marked as	01:46:57
5	Exhibit 10, does it?	01:47:00
6	MR. MANOLIUS: Objection. Lacks foundation,	01:47:02
7	vague. You can answer.	01:47:05
8	THE WITNESS: It is off by a few words here	01:47:08
9	and there.	01:47:11
10	MS. HAMILL Q: Do you think perhaps when you	01:47:12
11	were speaking at this HOPE presentation you were	01:47:13
12	ad-libbing a bit from the letter?	01:47:16
13	A Potentially.	01:47:18
14	MR. MANOLIUS: Objection, calls for	01:47:19
15	speculation.	01:47:20
16	THE WITNESS: Potentially, I was reading as	01:47:22
17	I'm talking and so there was a little bit, and that	01:47:23
18	might be why there was a few words in the first bullet	01:47:30
19	point. I don't know.	01:47:33
20	MS. HAMILL Q: Okay. And so that was your	01:47:34
21	starting point, what we just went over you've testified	01:47:44
22	that that was the starting point that you had for	01:47:47
23	Proposition 50; correct?	01:47:50
24	MR. MANOLIUS: Objection. Don't answer it.	01:47:51
25	Calls for narrative information protected by the	01:47:53

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1	legislative privilege.	01:47:54
2	MS. HAMILL Q: That's what you told HOPE, at	01:47:57
3	least?	01:48:00
4	MR. MANOLIUS: Um, objection. Misstates the	01:48:02
5	testimony, vague. You can answer.	01:48:05
6	MR. WOODS: Join.	01:48:07
7	THE WITNESS: What I told HOPE was that the	01:48:09
8	off the shelf, the first thing available to us in trying	01:48:14
9	to create an additional democratic seat was to utilize a	01:48:16
10	map that had already been drawn that was being advocated	01:48:20
11	for them before the commission. That's what I	01:48:23
12	articulate here.	01:48:25
13	MS. HAMILL Q: Did you tell HOPE that this	01:48:27
14	creating a Latino majority district and putting back in	01:48:29
15	this district was the starting point, because you were	01:48:33
16	trying to convince them to vote for Proposition 50?	01:48:35
17	MR. MANOLIUS: Objection. I instruct you not	01:48:39
18	to answer, to the extent that it implicates your Prop 50	01:48:41
19	work, legislative privilege, so I instruct you not to	01:48:45
20	answer.	01:48:48
21	MS. HAMILL Q: Did you tell HOPE that this	01:48:48
22	letter we've marked as Exhibit 10 was your starting	01:48:58
23	point, because that was the truth and that's how you	01:49:01
24	started drawing the Proposition 50 map?	01:49:03
25	MR. MANOLIUS: Same objection. Legislative	01:49:06

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1	privilege.	01:49:08
2	MS. HAMILL Q: Going back to the transcript,	01:49:09
3	which is marked as Exhibit 9, page 25, line six, you	01:49:10
4	say, "That two bullet points was the first thing we did	01:49:16
5	in drawing the new map. We essentially reversed the	01:49:19
6	Redistricting Commission's decision to eliminate the	01:49:23
7	Latino district from L.A., the old Ed Roybal district,	01:49:26
8	Lucille Roybal-Allard district, the first Latino	01:49:32
9	majority/minority district in the country, the first	01:49:36
10	Latino member of Congress in the country."	01:49:39
11	Do you remember saying that?	01:49:43
12	A I remember saying something like that, yeah.	01:49:44
13	Q Is it true?	01:49:46
14	MR. MANOLIUS: Objection. To the extent it	01:49:47
15	calls for legislative privilege and information, I	01:49:49
16	instruct you not to answer.	01:49:52
17	MR. MEUSER: Is there an answer?	01:50:10
18	MR. MANOLIUS: I said not to answer.	01:50:11
19	MR. MEUSER: You said to the extent.	01:50:13
20	MR. MANOLIUS: Oh, I instruct you not to	01:50:15
21	answer the question.	01:50:17
22	MS. HAMILL Q: Was the point of this exercise	01:50:17
23	that you described between lines six and 13, was the	01:50:23
24	point of that exercise to eliminate Ken Calvert's	01:50:28
25	district or to create a fifth Latino majority district?	01:50:33

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1	MR. MANOLIUS: I instruct you not to answer.	01:50:36
2	That's covered by legislative privilege.	01:50:38
3	MS. HAMILL Q: The point of that exercise was	01:50:41
4	to create a fifth Latino majority district, wasn't it?	01:50:44
5	MR. MANOLIUS: Same objection, and I instruct	01:50:48
6	you not to answer the question.	01:50:50
7	MS. HAMILL Q: Was it just a fortuitous bonus	01:50:51
8	that eliminating Ken Calvert's district gave you a fifth	01:50:53
9	Latino majority district?	01:50:57
10	MR. MANOLIUS: Same objection. I instruct you	01:50:59
11	not to answer the question.	01:51:02
12	MS. HAMILL Q: If that's the case, if it was a	01:51:07
13	fortuitous bonus, then why did you tell HOPE that you	01:51:09
14	set out to create a majority district?	01:51:14
15	MR. MANOLIUS: Objection. Seeks information	01:51:17
16	covered by the legislative privilege. You can certainly	01:51:24
17	answer as to what you told HOPE.	01:51:29
18	MR. WOODS: Also, mischaracterizes his	01:51:31
19	testimony.	01:51:33
20	THE WITNESS: It definitely mischaracterizes	01:51:33
21	my testimony, I believe.	01:51:35
22	The, I think the point of this was to give a	01:51:37
23	pat on the back of the HOPE leadership that advocated	01:51:40
24	really hard for their membership in 2021 and to let them	01:51:44
25	know that, that roughly, because if you actually look at	01:51:47

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1 the map it is different than their bullet points, but 01:51:53
2 that roughly that they, that what they had advocated for 01:51:58
3 in 2021 was valuable. 01:52:03

4 MS. HAMILL Q: How is it different from their 01:52:07
5 bullet points? 01:52:09

6 MR. MANOLIUS: Objection. Vague, lacks 01:52:11
7 foundation, and vague as to how is what different? I am 01:52:16
8 not sure. 01:52:24

9 MS. HAMILL Q: Just quoting your words. You 01:52:24
10 said the Prop 50 map is different from these bullet 01:52:27
11 points; correct? 01:52:30

12 MR. MANOLIUS: I instruct you not to answer 01:52:33
13 the question as to due to legislative privilege with 01:52:34
14 regard to the Prop 50 map. 01:52:38

15 MS. HAMILL Q: I'm asking about the map is 01:52:40
16 drawn, we can all see it. It's not private. 01:52:41

17 Looking at the map, can you tell if it's the 01:52:45
18 same or different from what's in these proposed bullet 01:52:48
19 points, which were written in 2021, are not relevant to 01:52:51
20 the Prop 50 legislative privilege? 01:52:57

21 A You can see the maps that they submitted and 01:52:59
22 they are similar, but not the same. 01:53:00

23 **Q In what ways?** 01:53:02

24 A In that there is a Long Beach to Orange County 01:53:03
25 district and there is a north of Long Beach to gateway 01:53:08

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1 cities district. 01:53:12

2 **Q And how are they different?** 01:53:13

3 (Sneezing.) 01:53:18

4 A Because bullet point one says, as described in 01:53:20

5 the analysis, which it's not going to match what's in 01:53:27

6 the analysis. 01:53:32

7 And it describes the percentage Latino CVAP in 01:53:33

8 the Huntington Beach to -- because the LB North district 01:53:38

9 is not exactly what we created. 01:53:41

10 Ours goes further into Newport Beach and is 01:53:43

11 not 35 to 40 percent Latino citizen voting age 01:53:47

12 population. 01:53:51

13 **Q What is it?** 01:53:51

14 A Less than that, something less than that. 01:53:52

15 **Q And so point one on the second page of** 01:53:54

16 **Exhibit 10 refers to an analysis. Is that referring to** 01:53:58

17 **the analysis that's attached to the letter?** 01:54:02

18 MR. MANOLIUS: Objection, calls for 01:54:05

19 speculation. 01:54:06

20 THE WITNESS: When I was doing the 01:54:07

21 presentation I didn't know exactly which analysis they 01:54:09

22 were speaking to, but given these together it was 01:54:12

23 speaking to this, and there's probably even a picture of 01:54:14

24 a map in here. I don't know. And I don't -- and the 01:54:17

25 Prop 50 map did not create an additional Latino 01:54:50

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1 majority/minority district. 01:54:58

2 MS. HAMILL Q: What do you mean? 01:54:58

3 A It objectively did not create another Latino 01:54:59

4 district that was over 50-percent CVAP Latino. 01:55:02

5 The existing map has district 40, the 01:55:06

6 commissioned map had a district number 42, it was over 01:55:09

7 50-percent CVAP Latino, and the new district, that 01:55:20

8 district is now moved up, is renumbered 41. 01:55:25

9 And now there's a new district that goes from 01:55:28

10 Huntington Beach down, from Long Beach down to 01:55:30

11 Huntington Beach, Newport Beach, which is not Latino 01:55:33

12 majority/minority, so there's not an additional Latino 01:55:37

13 majority/minority district created through that. 01:55:40

14 Q So I want to turn your attention to page 25 of 01:55:45

15 what's marked as Exhibit 9, lines 19 through 25. 01:55:48

16 A Yes. 01:55:58

17 Q And so, basically, this is saying you went 01:55:59

18 back to proposals from HOPE, Equality California, groups 01:56:02

19 that were trying to advocate for changes during the last 01:56:06

20 redistricting process; right? 01:56:09

21 MR. MANOLIUS: Objection. Legislative 01:56:10

22 privilege, instruct you not to answer. 01:56:13

23 MS. HAMILL Q: You said it publicly, so 01:56:15

24 wouldn't that be a waiver of the privilege? 01:56:18

25 MR. MANOLIUS: Again, you can ask him if he 01:56:21

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1 said it. 01:56:22

2 MS. HAMILL Q: Did you say this, Mr. Mitchell? 01:56:24

3 A Yes, I said that. And the second portion of 01:56:27

4 that, what they were doing in 2021, is true. 01:56:35

5 Q Is any part of this statement not true? 01:56:39

6 A No. I am just saying it's definitely 01:56:41

7 something I can confirm without getting into what 01:56:44

8 happened during the Prop 50 mapping process. 01:56:47

9 Q Was Equality California proposing a Latino 01:56:49

10 majority district? 01:56:52

11 MR. MANOLIUS: Vague as to time. Objection. 01:56:53

12 Vague as to time. And if it's during the Prop 50 time, 01:56:56

13 I instruct you not to answer based on legislative 01:56:59

14 privilege. 01:57:02

15 THE WITNESS: In 2021, Equality California was 01:57:04

16 advocating for the same structure of maps that HOPE was 01:57:09

17 advocating for, which would have replaced an L.A. 01:57:12

18 district. 01:57:16

19 But, again, same set, same number of Latino 01:57:16

20 majority/minority districts, just one more district in 01:57:20

21 L.A. 01:57:23

22 MS. HAMILL Q: What is your understanding of 01:57:24

23 why Equality California would propose a Latino majority 01:57:25

24 district? 01:57:29

25 A They weren't -- 01:57:29

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1	MR. MANOLIUS: Objection, calls for	01:57:30
2	speculation.	01:57:31
3	MR. WOODS: Join.	01:57:32
4	MR. MANOLIUS: Lacks foundation. You can	01:57:33
5	answer.	01:57:34
6	THE WITNESS: They were advocating for their	01:57:35
7	LGBT community. They had maps that showed that there	01:57:36
8	was a strong LGBT community in Long Beach and they	01:57:40
9	believed that that LGBT community could be more	01:57:44
10	effective in advocating and helping to elect a candidate	01:57:47
11	of choice for that group if it was paired with more	01:57:49
12	coastal communities down Huntington Beach, Long Beach.	01:57:50
13	And so their interests and HOPE's interests	01:57:53
14	might have aligned, but that's why Equality California	01:57:56
15	was advocating, and they have a lot of documentation and	01:57:58
16	public testimony about that.	01:58:03
17	MS. HAMILL Q: I am going to take you back to	01:58:26
18	what I marked as Exhibit 8.	01:58:28
19	A Do you want me to give you those, please?	01:58:34
20	Eight, she had it already. Okay.	01:58:38
21	Q So I want to go to page 27, line 17 down to	01:58:52
22	25, and then going to page 28, lines one to two.	01:59:05
23	A Okay.	01:59:21
24	Q Do you remember saying this?	01:59:22
25	A Yes.	01:59:24

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1	MR. MANOLIUS: Objection. Compound. Out of	01:59:25
2	text. You can answer.	01:59:28
3	THE WITNESS: Yes, I recall saying that second	01:59:29
4	portion of a statement you're reading. You're selecting	01:59:35
5	only a second portion of a statement.	01:59:38
6	MS. HAMILL Q: So I am referring to line 17.	01:59:40
7	A You have to go to line six. You have to start	01:59:43
8	on line six.	01:59:46
9	Q Okay. But you do recall saying those things?	01:59:47
10	A Uh-huh. Yes.	01:59:50
11	Q Okay. And so on line 18 you say, "And so why	01:59:52
12	would you remove districts from an area that's, you	02:00:04
13	know, from a Latino community where this Roybal-Allard	02:00:07
14	district has been historically and there's a lot of	02:00:12
15	community interest arguments about that district. Why	02:00:14
16	take that out when you could just leave it there and let	02:00:19
17	all the districts in L.A. kind of push out over the	02:00:22
18	area, over the county into other areas?"	02:00:24
19	And that was a true statement when you said	02:00:29
20	it; correct?	02:00:30
21	MR. MANOLIUS: Objection. Lacks foundation,	02:00:31
22	calls for speculation, and vague as to what time period.	02:00:33
23	THE WITNESS: For this statement to make sense	02:00:38
24	you have to go back to line six --	02:00:40
25	MS. HAMILL Q: Okay.	02:00:42

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1 A -- because, "To back up a second, the last 02:00:42
2 commission had to go from 52 to -- 53 to 52 seats. 02:00:44
3 There were two arguments." You've skipped to the second 02:00:47
4 argument -- 02:00:53
5 Q Uh-huh. 02:00:54
6 A -- the first argument, and so I am 02:00:54
7 paraphrasing what other people were saying. 02:00:56
8 "Matt Rexroad was saying, hey, L.A. is where 02:00:58
9 you're losing the population, so you should take that, 02:01:06
10 you know, district out of L.A. And, honestly, like it's 02:01:06
11 easier just to take one district out and let the rest of 02:01:06
12 the districts collapse in on itself than to do what we 02:01:06
13 were saying, which was no, no, no, keep all the 02:01:25
14 districts in L.A.," so that's the first argument that 02:01:26
15 people were making. 02:01:29
16 And then the second statement, starting line 02:01:30
17 17 going through to the end of that was me 02:01:33
18 characterizing the alternate statement, groups like HOPE 02:01:36
19 and others were saying. 02:01:39
20 So in both cases, I'm channelling Matt Rexroad 02:01:40
21 in the first statement and I'm channelling advocacy 02:01:45
22 groups in the second statement. 02:01:49
23 These aren't, I am not stating my viewpoint, I 02:01:50
24 am stating what was kind of the public testimony at the 02:01:53
25 time. 02:01:56

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1	MS. HAMILL Q: And you ultimately went with	02:01:56
2	the second argument; correct? You did not take the Matt	02:01:58
3	Rexroad approach to the map?	02:02:02
4	MR. MANOLIUS: Objection. We're talking about	02:02:03
5	Prop 50?	02:02:05
6	THE WITNESS: From 2021 --	02:02:06
7	MR. MANOLIUS: Objection. Calls for	02:02:08
8	information that's from, protected by the legislative	02:02:09
9	privilege, because it deals with the map drawing in	02:02:12
10	2025.	02:02:18
11	MS. HAMILL Q: Were you referring to 2021 or	02:02:18
12	to Prop 50 when you made these statements?	02:02:20
13	A Referring to 2021.	02:02:22
14	Q Okay.	02:02:27
15	A So in 2021, these were the two arguments, and	02:02:27
16	organizations advocating for Democrats and for	02:02:31
17	progressive causes were advocating for the latter of	02:02:36
18	maintaining as many seats in L.A. and having the	02:02:40
19	districts spill over into other counties, rather than	02:02:43
20	having a district get pulled out of the middle of L.A.	02:02:47
21	which would have invariably reduced a democratic member	02:02:50
22	of Congress.	02:02:53
23	So all I'm doing in this is explaining both	02:02:56
24	takes. Matt Rexroad is a Republican consultant.	02:03:00
25	MS. HAMILL Q: You didn't use any partisan	02:03:05

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1	language when you said this to Capitol Weekly, you only	02:03:06
2	spoke about the Latino population; correct?	02:03:10
3	MR. MANOLIUS: Objection. Misstates	02:03:12
4	testimony, calls for speculation. Vague as to time.	02:03:14
5	MR. WOODS: The document speaks for itself.	02:03:18
6	THE WITNESS: Line two mentioned Ken Calvert.	02:03:23
7	MS. HAMILL Q: Okay. So you mentioned Ken	02:03:31
8	Calvert on line two, but when you're talking, you just	02:03:33
9	explained to me, it sounds like you replaced what you	02:03:36
10	said on page 27, you replaced Latino with democratic and	02:03:39
11	progressive causes, but, anyway, we'll move on.	02:03:44
12	So then going to page 28, lines three through	02:03:47
13	seven, do you remember saying that?	02:03:54
14	MR. MANOLIUS: I am sorry. Can you repeat	02:04:07
15	your lines?	02:04:09
16	MS. HAMILL Q: Lines three through seven on	02:04:09
17	page 28.	02:04:11
18	MR. MANOLIUS: Thank you.	02:04:13
19	THE WITNESS: I don't recall saying it, but I	02:04:14
20	don't dispute that it's in the transcript.	02:04:16
21	MS. HAMILL Q: You're saying, "So the first	02:04:17
22	thing we did was we used that community of interest	02:04:18
23	testimony and kind of undid what the commission did last	02:04:20
24	time in putting that district back in L.A. and kind of	02:04:24
25	eliminating that Calvert seat."	02:04:27

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1	MR. MANOLIUS: Objection.	02:04:31
2	MS. HAMILL Q: That's the first thing you did;	02:04:33
3	correct?	02:04:35
4	MR. MANOLIUS: Objection, legislative	02:04:35
5	privilege. Instruct you not to answer.	02:04:37
6	MS. HAMILL Q: And, again, we're talking about	02:04:39
7	something that you have already discussed publicly on a	02:04:43
8	podcast and you've said this out loud and now you're	02:04:46
9	asserting the privilege in a deposition?	02:04:49
10	MR. MANOLIUS: Yes. You can ask him if he	02:04:53
11	lsaid it, but to the extent that it implicates the	02:04:55
12	legislative privilege, he's instructed not to answer.	02:04:58
13	MS. HAMILL Q: So you said this? Yes? You	02:05:02
14	said this; correct?	02:05:06
15	A Presuming this transcript is right, that's	02:05:07
16	what I said, this does --	02:05:09
17	Q Is there anything in this transcript that you,	02:05:11
18	that sticks out to you that's not representing what you	02:05:14
19	actually said?	02:05:16
20	A I haven't found anything yet, but I believe in	02:05:18
21	the other transcripts I have seen things that weren't	02:05:20
22	exactly right, so I -- but I do -- I don't dispute it,	02:05:22
23	put it that way.	02:05:26
24	Q As we go through this deposition I'd	02:05:27
25	appreciate it if you point out to me every time you see	02:05:29

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1	something in one of these transcripts that you don't	02:05:32
2	think accurately reflect what you've said.	02:05:35
3	A I have.	02:05:36
4	Q Thank you. All right.	02:05:37
5	So you're telling Capitol Weekly the first	02:05:42
6	thing you did was use community of interest testimony	02:05:44
7	and undid what the commission did last time in putting	02:05:46
8	that district back in L.A. and eliminating that Calvert	02:05:48
9	seat, so that tracks with what you told HOPE you did, as	02:05:52
10	well; correct?	02:05:56
11	MR. MANOLIUS: Objection. Compound, lacks	02:05:57
12	foundation. You can answer.	02:06:00
13	THE WITNESS: The two statements are	02:06:04
14	consistent with each other, if that's what you're asking	02:06:06
15	me. I don't want to characterize what I did; otherwise,	02:06:09
16	the two statements are consistent with each other.	02:06:12
17	MS. HAMILL Q: Okay. And we're talking about	02:06:15
18	district 41; correct?	02:06:17
19	A Yes, the Ken Calvert district. In 2021, it	02:06:18
20	would have been something else.	02:06:25
21	Q So you relied on the HOPE letter, marked as	02:06:30
22	Exhibit 10, when you were drawing the Proposition 50	02:06:40
23	map; correct?	02:06:43
24	MR. MANOLIUS: Objection. Calls for	02:06:44
25	information protected by the legislative privilege. I	02:06:47

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1	instruct you not to answer.	02:06:50
2	MS. HAMILL Q: I want you to turn to the fifth	02:06:51
3	page of what I've marked as Exhibit 10, which looks like	02:07:13
4	this (Indicating).	02:07:18
5	A Okay. They don't have numbers.	02:07:18
6	Q My apologies.	02:07:20
7	A Footnote three at the bottom of it.	02:07:21
8	MR. MEUSER: HOPE letter, so should be the	02:07:25
9	third page of that.	02:07:28
10	MR. WOODS: Got it.	02:07:30
11	THE WITNESS: The bottom of footnote three.	02:07:31
12	MS. HAMILL Q: The third full paragraph down,	02:07:33
13	it starts with, "It is important to remember that voting	02:07:38
14	rights and the protection of voters of color is a higher	02:07:41
15	priority than preserving county boundaries or other	02:07:45
16	lower order criteria."	02:07:49
17	Do you agree with that statement?	02:07:52
18	MR. MANOLIUS: Objection. Content, vague as	02:07:53
19	to context and timing, and overbroad and compound. You	02:07:58
20	can answer.	02:08:03
21	MR. WOODS: Join.	02:08:03
22	THE WITNESS: We're talking about 2021;	02:08:05
23	correct?	02:08:10
24	MS. HAMILL Q: I'm asking you if you agree	02:08:10
25	with that statement.	02:08:13

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1 MR. MANOLIUS: And also vague as to the 02:08:14
2 context of whatever project it might be. 02:08:16

3 THE WITNESS: I don't know that the 02:08:21
4 terminology is exactly right or how I would -- this is, 02:08:32
5 this is a, for clarity, this is something that somebody 02:08:36
6 else wrote and that HOPE attached to their letter, which 02:08:40
7 also somebody else wrote, and you're asking me to 02:08:43
8 answer, it's almost like three, three steps down. 02:08:46

9 But I would say that the second portion of 02:08:50
10 that sentence is clearly true, that there are a lot of 02:08:53
11 things that county boundaries or other lower criterias 02:08:56
12 are subservient to the in the state's redistricting law 02:09:00
13 and the question would be how you characterize Voting 02:09:04
14 Rights Act and protection of voters of color. 02:09:09

15 Communities of interest might be a better way 02:09:13
16 of saying that, because communities of interest is a 02:09:15
17 higher priority than county boundaries or other lower 02:09:17
18 order of criteria, but this is written by a demographer 02:09:22
19 that's focused on racially polarized voting, not a 02:09:25
20 demographer who draws districts, so I don't know. 02:09:30

21 **Q Continuing to the next sentence, it says,** 02:09:35
22 **"Further, it is also acceptable for commissioners to** 02:09:42
23 **value providing influence to voters of color in its** 02:09:46
24 **districting plans, so long as it is not the sole** 02:09:49
25 **criterion used, even beyond the minimal requirements for** 02:09:52

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1 voting rights guidance provided by the commission -- 02:09:54

2 sorry -- provided to the commission by its voting rights 02:09:58

3 staff." 02:10:02

4 Do you agree with that statement? 02:10:03

5 A Well, if I can -- 02:10:04

6 MR. MANOLIUS: Objection. Calls for 02:10:05

7 speculation, vague as to context, written by somebody 02:10:07

8 else. You can answer. 02:10:10

9 THE WITNESS: If I can dissect this, because 02:10:13

10 this is a word salad a little bit. 02:10:15

11 So where he says, "Is acceptable for 02:10:19

12 commissioners to value providing influence to voters of 02:10:22

13 color in its districting plans," that can take a lot of 02:10:27

14 forms. 02:10:30

15 That could mean that it's okay if as an 02:10:31

16 incidental byproduct of preserving communities of 02:10:35

17 interest that a racial minority of voters of color are 02:10:40

18 empowered, as long as their ethnicity is not the sole 02:10:45

19 criteria, or race is not the sole criteria. And that is 02:10:53

20 true even where you're not dealing with a requirement 02:10:59

21 from attorneys telling you that you have a Section 2 02:11:06

22 Voting Rights Act requirement. 02:11:09

23 So as an example, if you were to use arguments 02:11:11

24 from the Armenian grocers who said that we want to be 02:11:15

25 together in a community because we have concerns before 02:11:18

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1 the city council or we have issues, literally in 02:11:21
2 Glendale they were trying to ban Armenian BBQ, outdoor 02:11:25
3 barbecues, so they got together and organized to try to 02:11:30
4 take on the city council. 02:11:32

5 Would it be okay for you as the redistricting 02:11:33
6 commissioner to say we're going to keep you within a 02:11:35
7 district as a community of interest, even though the 02:11:38
8 byproduct of that is that you are creating a better 02:11:42
9 voting power for that minority community. That's what 02:11:45
10 this is characterizing. 02:11:48

11 That legitimate purpose, legitimate goals in 02:11:50
12 redistricting, like maintaining communities of interest, 02:11:55
13 could have the effect of providing greater influence to 02:11:59
14 voters of color, even in areas where we're not talking 02:12:02
15 about the Voting Rights Act at all, and that's not 02:12:04
16 inherently bad or wrong for a redistricting to do that, 02:12:07
17 as long as it's not using race as its sole criteria. 02:12:10
18 That's what that is reading to me as. 02:12:14

19 **Q Well, if all that's true then why wouldn't you 02:12:16**
20 **just testify and explain to us exactly what the criteria 02:12:18**
21 **were that you used to draw the Prop 50 map? 02:12:22**

22 MR. MANOLIUS: Objection. Because it's 02:12:25
23 protected by legislative privilege. 02:12:26

24 Objection, also, that it's a distinct, 02:12:32
25 different process. 02:12:40

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1 THE WITNESS: Sorry if that was fast. 02:12:49
2 THE REPORTER: I'll jump in. 02:12:51
3 MS. HAMILL Q: I want you to go to the second 02:12:53
4 to last page of what I have marked as Exhibit 10, 02:13:14
5 please. 02:13:18
6 A Uh-huh. You mean, the next to the last page, 02:13:18
7 the one with the map at the top? 02:13:23
8 Q Looks like this (Indicating). 02:13:25
9 A Yeah. 02:13:27
10 Q Yes. And that middle paragraph, the bold line 02:13:28
11 says, "To create a new gateway cities district to 02:13:32
12 enhance Latino voting influence, the commission would 02:13:35
13 need to meld together two white-majority districts 02:13:38
14 elsewhere, so as to cause an aggregate increase in the 02:13:41
15 number of districts providing voting power for voters of 02:13:45
16 color across the region and the state." 02:13:48
17 Did you meld together two white-majority 02:13:50
18 districts, like the HOPE letter suggested? 02:13:54
19 MR. MANOLIUS: Objection. Vague as to time. 02:13:56
20 If you're talking about the Prop 50 process, I instruct 02:13:58
21 you not to answer due to legislative privilege. 02:14:02
22 MS. HAMILL: I'm talking about Prop 50. 02:14:07
23 MR. MANOLIUS: My objection and instruction 02:14:11
24 stands. 02:14:13
25 MS. HAMILL Q: Would it be illegal, in your 02:14:14

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1 mind, when you're approaching your work, in your 02:14:19
2 understanding -- I am not asking for a legal conclusion 02:14:22
3 here -- let me just rephrase that. 02:14:24

4 Would it be improper to meld together two 02:14:28
5 white-majority districts in order to increase the voting 02:14:33
6 power of a protected class, generally? 02:14:36

7 MR. MANOLIUS: Objection. Calls for 02:14:40
8 speculation, incomplete hypothetical, and it sounds like 02:14:41
9 you're asking as a general manner. Depends on the 02:14:49
10 process. And don't answer anything about Prop 50. 02:14:52

11 MR. WOODS: Also, calls for a legal 02:14:58
12 conclusion. 02:15:01

13 THE WITNESS: What I think this is discussing 02:15:04
14 is that there was a district going to be eliminated, and 02:15:06
15 I don't know why the analysis reads like this or what he 02:15:11
16 was trying to say, but what he's talking about in 2021 02:15:15
17 was the elimination of a district. If we -- if the 02:15:20
18 state had created this gateway cities district, it would 02:15:31
19 have required somewhere else in the state two districts 02:15:37
20 to be collapsed, whether or not those two districts 02:15:42
21 would be, I don't know what the composition of those two 02:15:51
22 districts would be, but mathematically two districts 02:15:53
23 somewhere else would have to be collapsed. 02:15:56

24 MS. HAMILL Q: Would that trigger Voting 02:15:58
25 Rights Act concerns that would make you go and speak to 02:16:01

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1 an attorney, if you were melding two majority white 02:16:04

2 districts together? 02:16:07

3 MR. MANOLIUS: Objection. Calls for 02:16:08

4 speculation, incomplete hypothetical, depends on the 02:16:09

5 process. Ultimately, attorney-client privilege, but you 02:16:12

6 can answer. 02:16:18

7 MR. WOODS: Calls for legal conclusion. You 02:16:18

8 can answer. 02:16:20

9 THE WITNESS: In other jurisdictions where I'm 02:16:21

10 working and I'm working with legal counsel about 02:16:26

11 particular VRA districts, they seem to be rather 02:16:29

12 agnostic about what happens in the others. 02:16:32

13 They're concerned about a particular district 02:16:35

14 that they might argue the lawyers might think is 02:16:37

15 required by the Voting Rights Act, but the impact that 02:16:40

16 that has on other districts, they seem to not have a 02:16:44

17 significant concern about. 02:16:46

18 MS. HAMILL Q: I'm going to go back to page 02:16:47

19 five of Exhibit 10, which has that footnote three at the 02:16:49

20 bottom. 02:16:53

21 In the middle of the paragraph that we were 02:16:57

22 looking at before, the paragraph starts with, "It is 02:17:00

23 important." 02:17:03

24 If you go down, the third sentence starts 02:17:05

25 with, "Thus, it may be important that some of these very 02:17:10

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1 high Latino districts in L.A. County expand somewhat 02:17:15
2 into neighboring counties, such as Orange County or 02:17:19
3 Riverside County." 02:17:22
4 Do you see that? 02:17:23
5 A Uh-huh. 02:17:24
6 MR. MEUSER: Is that a "yes"? 02:17:27
7 THE WITNESS: Yes. 02:17:29
8 MS. HAMILL Q: And then it says, "Crossing 02:17:30
9 into Orange County will make some of these districts 02:17:33
10 less overpacked, but will still allow for very high 02:17:36
11 levels of Latino ability to elect and Latino CVAP 02:17:39
12 majorities." That end seem errant. 02:17:49
13 But do you see where I'm reading from? 02:17:52
14 A Uh-huh. 02:17:54
15 Q Do you have an understanding of this 02:17:55
16 statement? 02:17:58
17 MR. MANOLIUS: Objection. Calls for 02:17:58
18 speculation. You can answer. 02:17:59
19 THE WITNESS: Generally, I understand the 02:18:03
20 words and I think the and is in place, because Latinos' 02:18:05
21 ability to elect and Latino CVAP majorities are 02:18:12
22 different constructs. 02:18:17
23 MS. HAMILL Q: Got it. That's a helpful 02:18:18
24 explanation. 02:18:20
25 And so it sounds like what this document is 02:18:20

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1 saying is that when there are overpacked districts with 02:18:23
2 high levels of Latino voters, that they need to be 02:18:29
3 unpacked. Is that what they're saying? 02:18:39

4 MR. MANOLIUS: Objection. Misstates the 02:18:41
5 contents of the letter, calls for speculation. You can 02:18:43
6 answer. 02:18:47

7 MR. WOODS: Join. 02:18:48

8 THE WITNESS: Um, this is kind of like high 02:18:49
9 level VRA -- 02:18:55

10 MS. HAMILL Q: Uh-huh. 02:18:57

11 A -- and I really feel like this level of this 02:18:58
12 discussion, you'd be best served talking to the author 02:19:03
13 of this document, so I have to -- I understand what he 02:19:06
14 is saying, but I don't understand whether or not it's 02:19:10
15 true or not. 02:19:12

16 Q Do you have an understanding of the concept of 02:19:13
17 overpacking districts and then moving populations around 02:19:15
18 to maintain the ability to elect of a protected 02:19:18
19 population? Do you understand that concept? 02:19:23

20 A Uh-huh. 02:19:25

21 Q Okay. Is that what they're talking about 02:19:26
22 here? 02:19:29

23 MR. MANOLIUS: Objection. Calls for 02:19:29
24 speculation. 02:19:30

25 THE WITNESS: Yes. 02:19:30

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1 MS. HAMILL Q: Is this something that you 02:19:32
2 implemented when you were drawing the maps for 02:19:33
3 Proposition 50? 02:19:35

4 MR. MANOLIUS: Objection. Instruct you not to 02:19:37
5 answer, legislative privilege. 02:19:38

6 MS. HAMILL Q: So moving onto the next 02:19:42
7 sentence, "For instance, district SP710 is 63 percent 02:19:47
8 Latino CVAP. Such a district is likely overpacked 02:19:53
9 beyond what is required." 02:19:57

10 A I am sorry. I lost track of where you are. 02:19:58
11 Can you tell me again? For instance -- 02:20:01

12 Q Yes. 02:20:02

13 A Sorry. I was off. Thank you. 02:20:03

14 Q "For instance, district SP710 is 63 percent 02:20:05
15 Latino CVAP. Such a district is likely overpacked 02:20:09
16 beyond what is required to definitively allow for the 02:20:13
17 election of a Latino candidate of choice." 02:20:16

18 Do you see that? 02:20:20

19 A Uh-huh. Yes. 02:20:20

20 Q Do you have an understanding of that 02:20:21
21 statement? 02:20:23

22 MR. MANOLIUS: Objection. Calls for 02:20:23
23 speculation. He didn't write it, but he can answer. 02:20:24

24 THE WITNESS: I understand the words. I 02:20:31
25 understand what he's characterizing. 02:20:32

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1 MS. HAMILL Q: Generally, when you were 02:20:34
2 drawing maps, what do you consider, what percentage of 02:20:35
3 CVAP do you consider a district is overpacked? 02:20:40

4 MR. MANOLIUS: Objection. Lacks context, 02:20:44
5 vague, depends on the process. And I instruct you not 02:20:47
6 to answer anything about the Prop 50 map drawings for 02:20:51
7 legislative privilege. 02:20:56

8 THE WITNESS: I 100 percent in cases like this 02:20:57
9 default to legal counsel to tell me. 02:20:59

10 And I have been in other instances in Kern 02:21:02
11 County, as an example, where legal counsel asked us to 02:21:05
12 have districts that were 60, 63, 65 percent Latino. 02:21:09

13 And so in the situation, there was a lawsuit 02:21:13
14 in Kern County, very well-known one where they were 02:21:15
15 looking at creating kind of CVAP districts like this, so 02:21:18
16 I can't characterize what, there's no magic overpacking 02:21:21
17 number. 02:21:24

18 Q All right. And moving onto the next sentence, 02:21:24
19 it says, "Similarly, STH60 and CDNELA are 56 percent and 02:21:27
20 57 percent Latino CVAP respectively. If these districts 02:21:37
21 were between 52 percent and 54 percent Latino CVAP, for 02:21:43
22 instance, they would still be very likely to elect 02:21:44
23 Latino candidates of choice." 02:21:48

24 Do you see that? 02:21:50

25 A Uh-huh. Yes. 02:21:50

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1	Q	Do you have an understanding of what that	02:21:51
2		means?	02:21:53
3	A	Yes.	02:21:53
4		MR. MANOLIUS: Objection. Calls for	02:21:53
5		speculation, incomplete hypothetical, context. You can	02:21:55
6		answer.	02:21:59
7		MR. WOODS: Join.	02:22:00
8		THE WITNESS: Yes.	02:22:01
9		MS. HAMILL Q: What is your understanding of	02:22:01
10		that statement?	02:22:03
11	A	The understanding of that statement, and again	02:22:04
12		these letter number words, these letter number things,	02:22:10
13		these are districts that were draft maps from the	02:22:13
14		commission, STH60 and CDNELA, that was a methodology	02:22:15
15		they used to name districts, so I don't have real clear	02:22:21
16		memory as to what exactly those districts were at the	02:22:24
17		time, but what he's essentially saying is that idea of	02:22:27
18		majority/minority being bifurcated from the idea of	02:22:33
19		ability to elect, and in some parts of the state or the	02:22:36
20		country a 52 percent or 54 percent Latino CVAP district	02:22:40
21		is sufficient, given an ability to elect analysis, which	02:22:45
22		is what this demographer does to elect a candidate of	02:22:49
23		choice from this Latino community and other	02:22:53
24		jurisdictions that might not be enough.	02:22:56
25	Q	Do you agree that moving Hispanic populations	02:23:00

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1 out of overpacked districts into other areas helps to 02:23:03
2 maintain a likelihood that Hispanics will still elect 02:23:06
3 candidates of their choice? And I am asking generally, 02:23:13
4 not specifically, to this scenario. 02:23:16

5 MR. MANOLIUS: Objection, calls for 02:23:18
6 speculation, incomplete hypothetical. You can answer. 02:23:18

7 THE WITNESS: There is no general answer. 02:23:23

8 MS. HAMILL Q: When you were drawing the Prop 02:23:24
9 50 maps, did you have a specific CVAP target in mind? 02:23:26

10 MR. MANOLIUS: Objection. And I instruct you 02:23:30
11 not to answer. It calls for legislatively privileged 02:23:31
12 information. 02:23:34

13 MS. HAMILL Q: When you were drawing the Prop 02:23:35
14 50 maps you had a specific target for Hispanic CVAP in 02:23:37
15 mind for a set number of districts; correct? 02:23:42

16 MR. MANOLIUS: Objection. I instruct you not 02:23:45
17 to answer, legislative privilege. 02:23:46

18 MS. HAMILL Q: And you agree that the sweet 02:23:50
19 spot for Hispanic CVAP to maintain a likelihood of 02:23:53
20 electing candidates of their choice is somewhere between 02:23:57
21 52 and 55 percent; correct? 02:24:00

22 MR. MANOLIUS: Objection. Misstates his 02:24:01
23 testimony, lacks context, incomplete hypothetical. You 02:24:03
24 can answer. 02:24:07

25 MR. WOODS: Same objections. 02:24:07

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1	THE WITNESS: I cannot answer or I can?	02:24:08
2	MR. MANOLIUS: You can.	02:24:10
3	THE WITNESS: I can. No, I don't agree with	02:24:11
4	that.	02:24:13
5	MS. HAMILL Q: Can you explain?	02:24:14
6	A I already did explain earlier that it's very	02:24:15
7	situational.	02:24:18
8	In some areas in Kern County, well-documented	02:24:19
9	lawsuit, needs a much higher Latino CVAP based on what	02:24:24
10	the legal counsel told me in that case, and legal	02:24:28
11	counsel in other cases have instructed that a 50 percent	02:24:31
12	CVAP Latino is sufficient for based on ability to elect	02:24:35
13	analysis like this to elect a candidate of choice, so	02:24:40
14	there is not a doctrine in California about some magical	02:24:41
15	number.	02:24:45
16	Q Would you agree that that sweet spot of 52 to	02:24:45
17	55 percent that's expressed in this letter marked as	02:24:50
18	Exhibit 10 applies to the areas that HOPE was	02:24:54
19	referencing their map, with their map proposal?	02:24:56
20	MR. WOODS: Objection. Calls for speculation.	02:25:01
21	Also, mischaracterizes the document.	02:25:05
22	MR. MANOLIUS: Lacks foundation, incomplete	02:25:07
23	hypothetical.	02:25:11
24	THE WITNESS: I don't want to sound combative,	02:25:12
25	but your statement of "sweet spot" is the first time I	02:25:14

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1 have ever heard anybody say sweet spot with regards to a 02:25:17
2 CVAP target, so this isn't the way that I communicate in 02:25:20
3 any of my redistrictings. 02:25:23

4 I don't mean that to be pejorative. I am just 02:25:25
5 saying, like, that's not something, that is not language 02:25:29
6 that I have ever used in any other redistricting. 02:25:30

7 MS. HAMILL Q: What phrasing would you use? 02:25:33

8 A There wouldn't be a phrasing. 02:25:33

9 Q **So there's no target?** 02:25:34

10 A No. 02:25:36

11 MR. MANOLIUS: Objection. Speculation, 02:25:36
12 incomplete hypothetical, depends on the context. You 02:25:38
13 can answer. 02:25:41

14 THE WITNESS: I characterized in Kern County 02:25:41
15 there was guidance from legal counsel to get, I don't 02:25:43
16 recall exactly what it was, but it was relatively 02:25:47
17 higher, over above 50 percent, but those kind of targets 02:25:51
18 like in Kern County are extremely rare, almost never 02:25:55
19 seen, and it's in a case where there was a legal 02:26:00
20 requirement based on a lawsuit to have a district that 02:26:03
21 was a certain percentage. 02:26:07

22 That is not how, you go to any of my 02:26:09
23 redistrictings that I have ever done, over 100, that's 02:26:13
24 not how we communicate about these issues. 02:26:15

25 MS. HAMILL Q: Well, I wish I could get your 02:26:18

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1 communications regarding Prop 50, but we're getting, 02:26:20
2 we're catching objections on everything, so I have to go 02:26:23
3 through this process here. 02:26:26

4 Moving onto the last sentence in that 02:26:28
5 paragraph, "The commission may want to consider the 02:26:30
6 optimal allocation of Latino CVAP in L.A. County so as 02:26:33
7 to create one additional very high Latino CVAP-majority 02:26:38
8 or plurality district in this area while maintaining 02:26:44
9 these four Latino-CVAP majority districts." 02:26:46

10 Do you see that? 02:26:51

11 A Yes. 02:26:52

12 **Q And that's exactly what you drew up in Prop 02:26:52**
13 **50; isn't it? 02:26:55**

14 MR. MANOLIUS: Objection. Legislative 02:26:55
15 privilege. I instruct you not to answer, privilege. 02:26:58
16 Sorry. 02:27:00

17 MS. HAMILL: Can we take a 10-minute break? 02:27:20

18 THE WITNESS: Sure. 02:27:29

19 THE VIDEOGRAPHER: The time is 2:27 p.m. We 02:27:29
20 are going off the record. 02:27:32

21 (Whereupon a recess was taken.) 02:41:14

22 THE VIDEOGRAPHER: We are back on the record. 02:41:14
23 The time is 2:41 p.m. and this marks the beginning of 02:41:20
24 videotape number four in the deposition of Paul 02:41:27
25 Mitchell, which is being taken at Hanson Bridgett, LLP, 02:41:30

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1 500 Capitol Mall, Suite 1500, Sacramento, California. 02:41:34
2 The videographer is Nicholas Coulter, here on behalf of 02:41:40
3 Array Legal Services. 02:41:44
4 MS. HAMILL Q: Mr. Mitchell, at any point 02:41:46
5 between July 2nd and August 15th, did you speak with any 02:41:50
6 of the bill sponsors for any of the three Prop 50 bills? 02:41:57
7 A Can you tell me their names? I don't know 02:42:03
8 which ones. 02:42:05
9 Q You would know better than I would. You don't 02:42:06
10 know who sponsored the bills? 02:42:09
11 A No. 02:42:10
12 MR. MANOLIUS: Objection. Calls for 02:42:10
13 speculation. 02:42:11
14 MS. HAMILL Q: Did you speak with Sabrina 02:42:12
15 Cervantes in that period of time? 02:42:17
16 A Yes. 02:42:18
17 Q What did you speak with her about? 02:42:18
18 MR. MANOLIUS: Objection. Legislative 02:42:20
19 privilege. Don't answer the question. 02:42:23
20 MS. HAMILL Q: Did you speak with Gail 02:42:24
21 Pellerin? 02:42:32
22 A During that time? 02:42:32
23 Q Yes. 02:42:33
24 A Yes. 02:42:34
25 Q What did you speak with her about? 02:42:35

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1 MR. MANOLIUS: Same objection. Instruct you 02:42:38
2 not to answer based on legislative privilege. 02:42:39
3 MS. HAMILL Q: Did you speak with Cecilia 02:42:42
4 Aguilar Curry during that period of time of July 2nd to 02:42:57
5 August 15th, did you speak with anyone involved in the 02:43:00
6 assembly committee on elections? 02:43:02
7 A I would need to know the members of the 02:43:06
8 committee. I'm not trying to be combative. I just 02:43:11
9 don't honestly know the members of the committee and I 02:43:18
10 didn't speak with any staff. 02:43:21
11 Q I'll pull that list on the next break for you. 02:43:23
12 A Thank you. 02:43:30
13 Q During that time period of July 2nd to 02:43:31
14 August 15th, did you speak with anyone on the senate 02:43:34
15 committee on elections? 02:43:37
16 A Same. 02:43:39
17 Q You need a list? 02:43:41
18 A I wouldn't know who is on the committee. I 02:43:42
19 don't do legislative work. 02:43:45
20 Q Did you just say you don't do legislative 02:43:48
21 work? 02:43:53
22 A No, I don't mean like that. I mean, like, 02:43:54
23 historically in Sacramento I'm not a lobbyist. 02:43:55
24 I don't -- I work more in politics than I do 02:43:59
25 in committee staffs and who works where. I don't keep 02:44:03

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1	track of who is on what committees.	02:44:05
2	Q I am going to turn back to the HOPE	02:44:09
3	transcript, Exhibit 9, page 26.	02:44:25
4	A Oh. Okay.	02:44:31
5	Q I'll direct your attention to line 14 on page	02:44:37
6	26, going down to line 21. Do you remember making that	02:44:41
7	statement?	02:45:03
8	MR. MANOLIUS: I apologize. Can you give me	02:45:04
9	the line numbers again?	02:45:06
10	MS. HAMILL: 14 to 21.	02:45:08
11	MR. MANOLIUS: Okay. Thanks.	02:45:09
12	THE WITNESS: Yes.	02:45:11
13	MS. HAMILL Q: Was it true at the time that	02:45:31
14	you said it?	02:45:33
15	MR. MANOLIUS: Objection. Legislative	02:45:36
16	privilege. Don't answer the question.	02:45:41
17	MS. HAMILL Q: You're referring to a Voting	02:45:44
18	Rights Act analysis that you got back. Are you	02:45:49
19	referring to a Voting Rights Act analysis for Prop 50?	02:45:51
20	And this is a clarifying question, because I	02:45:56
21	don't know if you're talking about Prop 50 or something	02:45:59
22	else.	02:46:14
23	MR. MANOLIUS: Objection, as to Prop 50, calls	02:46:14
24	for information that's privileged by legislative	02:46:24
25	privilege. Don't answer the question.	02:46:27

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1	MS. HAMILL Q: Did someone do a Voting Rights	02:46:29
2	Act analysis for your Proposition 50 maps?	02:46:33
3	MR. MANOLIUS: Instruct you not to answer the	02:46:38
4	question. That's protected by legislative privilege.	02:46:40
5	MS. HAMILL Q: Who did the voting rights	02:46:43
6	analysis for the Prop 50 maps?	02:46:45
7	MR. MANOLIUS: Same objection. Instruct you	02:46:48
8	not to answer the question.	02:46:49
9	MS. HAMILL Q: Is that Voting Rights Act	02:46:50
10	analysis published publicly anywhere?	02:46:52
11	MR. MANOLIUS: Same objection.	02:46:57
12	MS. HAMILL: You're going to object on	02:46:59
13	legislative privilege for a publicly published document?	02:47:00
14	MR. MANOLIUS: Lacks foundation. Yes. I	02:47:03
15	instruct you not to answer.	02:47:07
16	MS. HAMILL Q: And do you have a document in	02:47:08
17	your possession that would reflect the Voting Rights Act	02:47:11
18	analysis that was done for this map?	02:47:14
19	MR. MANOLIUS: Same objection and instruct you	02:47:16
20	not to answer. Legislative privilege.	02:47:18
21	MS. HAMILL Q: And so according to your	02:47:21
22	statement that's reflected in lines 14 to 21, page 26 of	02:47:24
23	this exhibit, the VRA analysis you had done said that	02:47:29
24	the existing commission map and your new Prop 50 map	02:47:34
25	were both compliant with Section 2, but that empirical	02:47:38

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1 evidence shows Prop 50 map improves the opportunity for 02:47:42
2 Latino voters to elect candidates of choice in two more 02:47:45
3 districts than the existing plan; is that right? 02:47:49

4 MR. MANOLIUS: Is the question did he say it? 02:47:52

5 MS. HAMILL: No. 02:47:54

6 MR. MANOLIUS: Then objection. I instruct you 02:47:55
7 not to answer the question based on legislative 02:47:57
8 privilege. 02:47:59

9 MS. HAMILL Q: Which two districts have 02:48:00
10 improved opportunity for Latino voters to elect 02:48:08
11 candidates of their choice? 02:48:12

12 MR. MANOLIUS: Same objection. I instruct you 02:48:13
13 not to answer. 02:48:14

14 MS. HAMILL Q: And going down to the next line 02:48:16
15 on page 26, line 22, it says, "Then PPIC just put out an 02:48:23
16 analysis last week that said our plan maintained the 02:48:28
17 status quote in terms of the Voting Rights Act and added 02:48:31
18 one more Latino-influenced district." 02:48:35

19 Is that your understanding of what you did 02:48:38
20 with your Prop 50 map? 02:48:41

21 MR. MANOLIUS: Objection. Lacks foundation 02:48:42
22 and I instruct you not to answer as it implicates 02:48:45
23 legislative privileged information. 02:48:50

24 MS. HAMILL Q: Can you tell by looking at the 02:48:52
25 public map that that's what happened? 02:48:55

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1	MR. MANOLIUS: Calls for speculation. You can	02:48:58
2	answer.	02:49:02
3	THE WITNESS: I can only state that that's	02:49:03
4	what the PPIC study found. I haven't done the PPIC	02:49:05
5	study myself, like, I haven't gone into their data.	02:49:08
6	MS. HAMILL Q: Is the PPIC a reliable entity,	02:49:12
7	in your mind?	02:49:15
8	A (Witness nodding head.)	02:49:16
9	MR. MANOLIUS: Objection. Vague as to	02:49:17
10	"reliable."	02:49:18
11	THE WITNESS: One among many, absolutely, PPIC	02:49:19
12	is reliable.	02:49:25
13	MS. HAMILL Q: I have a list for you.	02:49:49
14	A Please.	02:49:57
15	Q Did you between the time period of July 2nd	02:49:57
16	and August 15th, did you discuss the Proposition 50 maps	02:50:00
17	with Alexandra Macedo?	02:50:06
18	A I don't believe so.	02:50:08
19	Q Did you discuss the Proposition 50 maps with	02:50:09
20	Steve Bennett during that time period?	02:50:13
21	A I don't believe so. And let me clarify. They	02:50:15
22	might have been on a group, but as an individual	02:50:19
23	one-on-one which we discussed earlier the distinction	02:50:21
24	between the two, no, not one-on-one.	02:50:24
25	Q And within that time period, did you discuss	02:50:26

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1	the Proposition 50 maps with Marc Berman?	02:50:27
2	A I do not believe so.	02:50:32
3	Q During that time period did you discuss the	02:50:33
4	Proposition 50 maps with Jose Luis Solachi, Jr.?	02:50:36
5	A I do not believe so.	02:50:42
6	Q During that time period did you discuss the	02:50:43
7	Proposition 50 maps with Catherine Stefani?	02:50:48
8	A No.	02:50:50
9	Q During that time period, did you discuss the	02:50:51
10	Proposition 50 maps with David Tangpia?	02:50:55
11	A No.	02:51:00
12	Q Were you involved with Catherine Stefani's	02:51:01
13	efforts to get out the vote on election day for	02:51:04
14	Proposition 50?	02:51:07
15	A No.	02:51:08
16	Q During the time period of July 2nd through	02:51:09
17	August 15th, did you discuss the Proposition 50 maps	02:51:16
18	with Steven Choy?	02:51:21
19	A No.	02:51:22
20	Q Did you discuss the Proposition 50 maps with	02:51:23
21	Ben Allen during that time period?	02:51:26
22	A No.	02:51:28
23	Q Did you discuss the Proposition 50 maps with	02:51:30
24	Monique Limon during that time period?	02:51:35
25	A I do not believe so.	02:51:37

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1	Q	And did you discuss the Proposition 50 maps	02:51:44
2		with Thomas Umberg during that period of time?	02:51:47
3	A	No.	02:51:51
4	Q	And when you said no, it is possible that you	02:51:52
5		spoke with these people in a group setting?	02:51:56
6	A	Yes.	02:51:58
7	Q	Okay.	02:51:59
8	A	And if I can remember a conversation with any	02:52:00
9		of them I'll come back to you, but I don't recall	02:52:02
10		anything during that time.	02:52:04
11	Q	Do you have any documents in your possession	02:52:05
12		that would show who you met with and who you spoke to?	02:52:07
13	A	Not that --	02:52:11
14		MR. MANOLIUS: Objection. Compound, calls for	02:52:13
15		speculation. You can answer.	02:52:14
16		THE WITNESS: Not as in total.	02:52:15
17		MS. HAMILL Q: But if you went back, let's say	02:52:18
18		that there weren't objections, would you be able to go	02:52:21
19		back into your e-mail account and look for meetings or	02:52:25
20		schedules or calls that you might have had with these	02:52:28
21		people?	02:52:31
22	A	Just to, as an example, we talked about side	02:52:31
23		to the window that we're talking about --	02:52:34
24	Q	Uh-huh.	02:52:36
25	A	-- you know, I'll run into a legislator around	02:52:36

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1 the capitol, I talk to them whenever we are at a thing 02:52:39
2 together, they might call me, but all those kind of 02:52:43
3 interactions which are probably the majority of the 02:52:46
4 interactions I would have with the legislators would not 02:52:48
5 be in any kind of documentation. 02:52:51

6 Did you say Macedo on that list? 02:53:15

7 **Q Uh-huh.** 02:53:16

8 **A** Then I did talk to Macedo. 02:53:17

9 **Q You did talk to Assembly Member Macedo?** 02:53:19

10 **A** During that period, yes. 02:53:23

11 **Q Okay.** 02:53:23

12 **A** Sorry. It was outside the period. It was 02:53:35
13 between the 15th and the 19th, so I'm sorry, so it 02:53:38
14 wasn't during the July 15th to August 15th; it was 02:53:41
15 after, during the legislative session. 02:53:44

16 **Q What did you talk to her about?** 02:53:46

17 **MR. MANOLIUS:** Objection. Legislative 02:53:48
18 immunity, privilege, instruct you not to answer. 02:53:50

19 **MS. HAMILL Q:** I want to turn your attention 02:53:53
20 to page 30 of the HOPE transcript, lines six through 11. 02:53:56

21 **A** (Witness complied.) 02:54:03

22 **Q So here you say, "The Prop 50 maps I think** 02:54:06
23 **will be great for the Latino community in two critical** 02:54:43
24 **ways. One is that they ensure that the Latino districts** 02:54:47
25 **that are the VRA seats are bolstered in order to make** 02:54:50

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1	them most effective, particularly in the Central	02:54:54
2	Valley."	02:54:57
3	Do you recall saying that?	02:54:57
4	A I presume that's exactly what I said since	02:55:02
5	that's what's written here so --	02:55:05
6	Q Did you mean it?	02:55:07
7	MR. MANOLIUS: Objection. Legislative	02:55:07
8	privilege. Instruct you not to answer.	02:55:11
9	MS. HAMILL Q: I assume you were being	02:55:13
10	truthful when you said it?	02:55:16
11	MR. MANOLIUS: Same objection. You're	02:55:17
12	instructed not to answer.	02:55:22
13	MS. HAMILL Q: And what did you mean here when	02:55:23
14	you said that, "The Latino districts that are the VRA	02:55:25
15	seats"?	02:55:28
16	MR. MANOLIUS: Same objection. Instruct you	02:55:28
17	not to answer.	02:55:30
18	MS. HAMILL: So you're not, you're going to	02:55:31
19	instruct him not to answer in terms of explaining what	02:55:35
20	it means to say Latino districts that are VRA seats?	02:55:39
21	MR. MANOLIUS: To the extent that it goes to	02:55:43
22	the process in the Legislature, yes, so I am instructing	02:55:47
23	him not to answer.	02:55:51
24	MS. HAMILL Q: What did you mean when you say	02:55:51
25	you want to bolster the VRA seats?	02:55:53

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1	MR. MANOLIUS: Same objection. Instruct you	02:55:56
2	not to answer.	02:55:58
3	MS. HAMILL Q: Do you use race as an input	02:55:59
4	when you're, quote, on the box?	02:56:01
5	MR. MANOLIUS: Vague as to time. Instruct you	02:56:03
6	not to answer it as to the Prop 50 process.	02:56:07
7	MS. HAMILL Q: Ever.	02:56:13
8	A In redistricting, when we're drawing lines --	02:56:14
9	Q Yes.	02:56:16
10	A -- you have to be cognizant of all of the	02:56:17
11	factors when you're drawing lines, so of course.	02:56:19
12	Q So including race?	02:56:22
13	A Uh-huh.	02:56:24
14	MR. MEUSER: Is that a "yes"?	02:56:27
15	THE WITNESS: Yes.	02:56:27
16	MS. HAMILL Q: Did you use race as an input	02:56:28
17	when you were on the box drawing the Prop 50 map?	02:56:30
18	MR. MANOLIUS: Objection. Instruct you not to	02:56:34
19	answer, legislative privilege.	02:56:37
20	MS. HAMILL Q: In one of these podcasts you	02:56:38
21	spoke about SCOTUS dismantling the VRA. What did you	02:56:48
22	mean by that?	02:56:51
23	MR. MANOLIUS: Objection, vague. Calls for	02:56:52
24	speculation. One of these podcasts, question mark?	02:56:54
25	THE WITNESS: I think there's two ways in	02:57:03

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1 which I generally would speak about SCOTUS dismantling 02:57:05
2 VRA. 02:57:09

3 The first is that California used to be bound 02:57:09
4 by Section 5 of the Federal Voting Rights Act, but they 02:57:13
5 invalidated Section 4, which was the conditions upon 02:57:16
6 which Section 5 was operative, and in doing so they 02:57:18
7 eliminated a VRA protection nationally that also does 02:57:21
8 affect California redistricting. 02:57:25

9 And then, secondly, there are cases before the 02:57:26
10 court right now where pundits and analysts believe that 02:57:29
11 they might erode the Voting Rights Act in a general way, 02:57:33
12 but I am not an attorney, so I can't really speak to 02:57:37
13 what are the possible outcomes. 02:57:40

14 But when you say dismantling, those were the 02:57:42
15 things that were, I think, colloquially saying in the 02:57:45
16 redistricting space around the Voting Rights Act. 02:57:48
17 That's what that would mean. 02:57:50

18 **Q Does the voting power of any racial group 02:57:53**
19 **decrease with your Proposition 50 map? 02:58:00**

20 MR. MANOLIUS: Objection. Vague, compound, 02:58:04
21 incomplete hypothetical. You can answer. 02:58:13

22 MR. WOODS: Join. 02:58:15

23 THE WITNESS: Sure. There's the voting group 02:58:16
24 potentially that, you know, is in a current district 02:58:21
25 where they have an elected representative, the lines 02:58:24

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1 have changed, there's going to be winners and losers in 02:58:27
2 every redistrict. 02:58:30

3 So there are voting groups that might have 02:58:30
4 wanted to vote for Kevin Kiley and Kevin Kiley is now 02:58:32
5 going to be in a district that is more now heavily 02:58:36
6 democratic, but that is what happens in redistricting. 02:58:39

7 **Q So my questions asked about the voting power 02:58:41**
8 **of any racial group. 02:58:44**

9 A Oh, you didn't say, I didn't hear you say 02:58:45
10 racial group, so I am sorry. Let me adjust that then, 02:58:48
11 because I thought you just said group, voting group. 02:58:52

12 So, no, I can't speak to -- could you please 02:58:55
13 repeat the question she asked? I am really genuinely 02:59:00
14 sorry. I thought you said voting group. 02:59:03

15 (Whereupon the record was read as 02:59:03
16 follows: "Question: Does the 02:57:57
17 voting power of any racial group 02:57:58
18 decrease with your Proposition 50 02:58:00
19 map?") 02:58:02

20 THE WITNESS: So I retract my former 02:59:16
21 statement. That was not what I intended to say. 02:59:18

22 MR. MANOLIUS: Objection. Calls for 02:59:20
23 speculation, incomplete hypothetical. You can answer. 02:59:22

24 THE WITNESS: I don't believe so. 02:59:25

25 MS. HAMILL Q: We're making progress. 02:59:27

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1	A	I know. I am just running out of cough drops.	02:59:50
2		MR. MEUSER: I may be a Boy Scout, but I don't	03:00:05
3		have any, sorry.	03:00:09
4		MS. HAMILL Q: If you want to hand those	03:00:11
5		exhibits to the court reporter --	03:00:13
6	A	8, 9, 10, I can do that.	03:00:14
7	Q	How many Black-influenced districts are there	03:00:26
8		in the Prop 50 map?	03:00:28
9	A	That would be open to interpretation.	03:00:31
10	Q	Enlighten me.	03:00:35
11	A	There are --	03:00:38
12		MR. MANOLIUS: Objection. Calls for a	03:00:38
13		narrative, vague. You can answer.	03:00:39
14		MR. WOODS: Join.	03:00:42
15		THE WITNESS: There are advocacy groups that	03:00:43
16		would argue that there are multiple districts wherein	03:00:45
17		the Black population has electoral opportunity and	03:00:48
18		greater influence and that the creation of the lines by	03:00:53
19		the last commission and their advocacy was helpful in	03:00:56
20		sustaining that, and that ranges from districts in L.A.	03:01:01
21		to Oakland to Contra Costa, Fairfield, Vacaville, Solano	03:01:04
22		County, Sacramento, Stockton.	03:01:09
23		There's a lot of places where the Black, the	03:01:10
24		organizations that advocate for the Black community	03:01:14
25		might consider that their community of interest has, you	03:01:16

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1	know, a significant ability to elect it somehow.	03:01:22
2	Q Did you deliberately preserve any	03:01:27
3	Black-influenced districts in the Proposition 50 map?	03:01:31
4	MR. MANOLIUS: Objection. Legislative	03:01:33
5	privilege. I instruct you not to answer.	03:01:35
6	MS. HAMILL Q: Did you do an interview with	03:01:37
7	the "Sacramento Observer" about Proposition 50?	03:01:39
8	A Yes.	03:01:41
9	Q I'm going to mark as Exhibit 11 -- I note for	03:01:43
10	the record that I am done with the stickers.	03:01:47
11	I am marking as Exhibit 11 an article in the	03:01:55
12	"Sacramento Observer" entitled, "Untangling Prop 50:	03:01:58
13	How California's Redistricting Fight Impacts Black	03:02:03
14	Communities."	03:02:07
15	(Whereupon Plaintiff's Exhibit 11	03:02:07
16	was marked for identification.)	03:02:24
17	MS. HAMILL Q: So it looks like this article	03:02:24
18	was dated October 20th, 2025.	03:02:33
19	Did you provide the Sacramento Observer with	03:02:36
20	an interview for this particular article?	03:02:40
21	MR. MANOLIUS: Objection. Calls for	03:02:42
22	speculation.	03:02:43
23	THE WITNESS: Yeah, but you said a date. I	03:02:45
24	don't know if the date makes sense.	03:02:51
25	MS. HAMILL Q: On the top of the second page	03:02:54

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1 of this exhibit. 03:02:55

2 A So October 2025. 03:02:56

3 Q Yes. 03:02:59

4 A Okay. Okay. Before the election, but after 03:02:59

5 the lines were drawn, after the ballot measure, it was 03:03:02

6 near the end of the ballot measure. Okay. 03:03:06

7 Q And I want to turn to page five of this 03:03:10

8 exhibit and it looks like this is where you come into 03:03:13

9 the article. 03:03:22

10 The second paragraph says, "He," meaning Paul 03:03:23

11 Mitchell, "said his team prioritized protecting the core 03:03:26

12 interests of Black communities, which were for the most 03:03:30

13 part, he said, 'kept intact from the commission 03:03:33

14 process?'" 03:03:36

15 Do you remember saying that to the Sacramento 03:03:38

16 Observer? 03:03:41

17 MR. MANOLIUS: Objection. There's, there's -- 03:03:41

18 it's a description of what he said by somebody else, so 03:03:44

19 calls for speculation. You can, you can answer. 03:03:47

20 THE WITNESS: Yeah, I think that that author 03:03:54

21 of this article is characterizing this in a way that I 03:03:57

22 wouldn't have characterized it. 03:04:01

23 But the second part, my standalone statement, 03:04:05

24 "kept in tact from the commission process," could be me 03:04:09

25 advocating for the Prop 50 maps in that the large areas 03:04:11

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1 that the Black community identifies as communities of 03:04:18
2 interest were kept intact. 03:04:21

3 So it was an objective statement about when 03:04:22
4 you look at what the community of interest the Black 03:04:25
5 advocacy organizations were advocating for, that those 03:04:27
6 were intact, but whether this first sentence about us 03:04:30
7 prioritizing the core of Black communities is the 03:04:35
8 reporter's interpretations. 03:04:40

9 **Q Did you prioritize protecting the core 03:04:42**
10 **interests of Black communities? 03:04:45**

11 MR. MANOLIUS: Instruct you not to answer, 03:04:47
12 legislative privilege. 03:04:48

13 MS. HAMILL Q: And the next paragraph says, 03:04:50
14 "Mitchell said preserving three Black districts, two in 03:04:55
15 L.A. and one in Oakland, was foremost." 03:04:58

16 Is that true? 03:05:01

17 MR. MANOLIUS: Objection. Calls for 03:05:03
18 speculation, written by somebody else. And was it true? 03:05:05
19 Lacks foundation. 03:05:13

20 THE WITNESS: What this paragraph is speaking 03:05:17
21 to is what the organizations that I mentioned in the 03:05:20
22 earlier question, you said what groups have reached out 03:05:26
23 to, Black Power Network was one of them, met the Black 03:05:29
24 Power Network. 03:05:33

25 Their top priority was, first off, maintaining 03:05:33

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1 the districts that we ended up not actually even 03:05:36
2 touching. 03:05:40

3 These districts are so far away from where the 03:05:41
4 Republicans are that it wasn't important in our line 03:05:43
5 drawing to try to go into those districts, and so it was 03:05:46
6 advantageous to the Black organizations that the three 03:05:49
7 districts that they were most focused on weren't 03:05:52
8 touched. 03:05:52

9 So that's me characterizing the organizations. 03:05:56
10 Goal number one was preserving those three districts 03:05:59
11 and, incidentally, our maps did that, because there 03:06:01
12 wouldn't have been a partisan advantage to do that. 03:06:05

13 And that's 90 percent of what was important 03:06:08
14 for the Black community, was preserving those districts, 03:06:10
15 so I'm characterizing the importance of those to the 03:06:12
16 organizations that were advocating before the commission 03:06:16
17 in 2021. 03:06:18

18 **Q Were you referring to districts 37, 43 and 12?** 03:06:24

19 **A** When I just said the three districts? 03:06:36

20 **Q Yes.** 03:06:39

21 **A** I believe those would be the three districts 03:06:39
22 I'd be talking about, yeah. 03:06:41

23 **Q And so the Proposition 50 map was drawn to** 03:06:43

24 **keep 37, 43 and 12 to preserve Black-influence** 03:06:45

25 **districts; correct?** 03:06:53

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1	MR. MANOLIUS: Objection. Calls for	03:06:55
2	speculation.	03:07:00
3	MR. WOODS: Join.	03:07:02
4	MR. MANOLIUS: Do not answer.	03:07:07
5	MS. HAMILL Q: Did you intentionally give	03:07:08
6	Young Kim a great district?	03:07:10
7	MR. MANOLIUS: I said objection. Legislative	03:07:12
8	privilege. I instruct you not to answer.	03:07:19
9	MS. HAMILL Q: Young Kim is a Republican;	03:07:24
10	right?	03:07:30
11	A Yes. Very good Republican member of Congress.	03:07:30
12	Q A good Republican?	03:07:33
13	A I'm just joking.	03:07:35
14	Q So why did your map give her a great district,	03:07:36
15	in your words?	03:07:40
16	MR. MANOLIUS: Objection. Legislative	03:07:42
17	privilege and instruct you not to answer.	03:07:43
18	MS. HAMILL Q: Was there no way to draw a	03:07:45
19	district that would give a democrat a greater chance of	03:07:47
20	being elected in that area where Young Kim's district	03:07:51
21	is?	03:07:55
22	MR. MANOLIUS: Same objection. I instruct you	03:07:55
23	not to answer, legislative privilege.	03:07:56
24	MS. HAMILL Q: Do you have evidence that	03:07:59
25	Hispanics have been unable to elect candidates of choice	03:08:09

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1	in California?	03:08:12
2	MR. MANOLIUS: Objection.	03:08:14
3	MS. HAMILL Q: Generally.	03:08:15
4	MR. MANOLIUS: Vague as to time, calls for	03:08:15
5	speculation, incomplete hypothetical. You can answer.	03:08:17
6	MR. WOODS: Also, calls for a legal	03:08:20
7	conclusion.	03:08:22
8	THE WITNESS: I can answer?	03:08:23
9	MR. MANOLIUS: Yes, please.	03:08:23
10	THE WITNESS: Can you please repeat the	03:08:26
11	question to me that she asked exactly? I got it wrong	03:08:28
12	last time, I'm sorry, so I want to make sure I get it	03:08:31
13	right.	03:08:33
14	(Whereupon the record was read as	03:08:33
15	follows: "Question by MS.	03:08:33
16	HAMILL: Do you have evidence	03:08:08
17	that Hispanics have been unable	03:08:09
18	to elect candidates of choice in	03:08:10
19	California?")	03:08:13
20	MR. WOODS: Join.	03:08:47
21	THE WITNESS: At the statewide level, I don't	03:08:48
22	have evidence of that at the statewide level.	03:08:50
23	MS. HAMILL Q: If you had more time to work on	03:08:52
24	the Proposition 50 map, is there anything that you would	03:08:53
25	have done differently?	03:08:56

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1	MR. MANOLIUS: Objection. Legislative	03:08:57
2	privilege and I instruct you not to answer.	03:08:59
3	MS. HAMILL Q: Do you have any regrets about	03:09:01
4	how this transpired?	03:09:03
5	MR. MANOLIUS: Same objection.	03:09:05
6	THE WITNESS: I wish I had eaten more.	03:09:07
7	MR. MEUSER: That is actually in his report in	03:09:15
8	the Capitol Weekly Podcast, so --	03:09:18
9	MS. HAMILL: I believe I am finished with my	03:09:21
10	questions, but I do reserve the right to come back if	03:09:32
11	there's time at the end. Thank you.	03:09:37
12	And I am going to pass this off to my	03:09:39
13	colleague, Mr. Mark Meuser.	03:09:41
14	MR. MEUSER: Let's go off the record for a	03:09:46
15	minute.	03:09:48
16	THE VIDEOGRAPHER: The time is 3:09 p.m. We	03:09:49
17	are going off the record.	03:09:51
18	(Whereupon a recess was taken.)	03:22:45
19	THE VIDEOGRAPHER: We are back on the record.	03:22:45
20	The time is 3:22 p.m. and this marks the beginning of	03:22:57
21	videotape number five in the deposition of Paul	03:23:02
22	Mitchell, which is being taken at Hanson Bridgett, LLP,	03:23:05
23	500 Capitol Mall, Suite 1500, Sacramento, California.	03:23:10
24	The videographer is Nicholas Coulter, here on	03:23:15
25	behalf of Array Legal Services.	03:23:18

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1	EXAMINATION	03:23:18
2	By: MARK MEUSER, Attorney at Law, counsel on behalf of	03:23:18
3	the Plaintiffs:	03:23:18
4	Q Good afternoon, Paul.	03:23:23
5	A Hi.	03:23:24
6	Q As you know, I am Mark Meuser for the	03:23:25
7	plaintiffs and I am going to take an opportunity to try	03:23:28
8	to ask you some more questions.	03:23:30
9	I'll try not to duplicate, but there might be	03:23:32
10	a few duplications here, so -- you understand you're	03:23:35
11	still under oath?	03:23:38
12	A Yes.	03:23:38
13	(Whereupon Plaintiff's Exhibit 12	03:23:38
14	was marked for identification.)	03:23:38
15	MR. MEUSER Q: Okay. In front of you right	03:23:39
16	now is a document that's been marked as document number	03:23:40
17	12. Have you seen this document before?	03:23:44
18	A No, not until I sat down.	03:23:45
19	Q I am going to represent to you that this is a	03:23:51
20	document that was served on your counsel at about	03:23:53
21	1:00 a.m. this morning, so your counsel had a very late	03:23:57
22	night last night.	03:23:59
23	Would you take a minute and just review the	03:24:01
24	response to Request for Production number one?	03:24:05
25	A Okay.	03:24:08

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1	Q	Okay. Now, go read the Request for Production	03:25:23
2		number one.	03:25:25
3	A	(Witness complied.) The first line? Yes.	03:25:27
4	Q	You were served with the notice of your	03:25:37
5		deposition on Monday, December 1st; is that correct?	03:25:42
6	A	If that's what the records are. I don't	03:25:47
7		remember exactly what day it was.	03:25:50
8	Q	Okay. And in that deposition notice there was	03:25:52
9		a request to bring documents; is that correct? Do you	03:25:58
10		remember Julie going through that list of questions	03:26:02
11		where it said documents?	03:26:04
12	A	Yes.	03:26:05
13	Q	And did you bring any documents with you	03:26:06
14		today?	03:26:13
15		MR. MANOLIUS: Objection. I have already	03:26:14
16		stated our position on the documents. We are happy to	03:26:15
17		work with you going forward, but there was not	03:26:19
18		sufficient time to prepare for this deposition and to	03:26:21
19		gather everything that we'd have to gather and review,	03:26:23
20		so the answer to your question is no.	03:26:26
21		MR. MEUSER Q: So in 10 days you have not been	03:26:29
22		able to produce a single document; is that correct?	03:26:30
23		MR. MANOLIUS: I would more characterize it as	03:26:33
24		we are not producing any documents today given the	03:26:38
25		burdensome nature of what you've requested and the need	03:26:43

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1 to review everything, gather everything, review 03:26:47
2 everything for privilege and the like. 03:26:49

3 And, again, as I noted in my e-mail to you, we 03:26:52
4 are very happy to establish a schedule for that 03:26:55
5 production. 03:26:57

6 MR. MEUSER Q: But as of today, at the time of 03:26:59
7 this deposition you have not brought any documents to 03:27:01
8 this deposition? 03:27:03

9 A No. 03:27:03

10 Q Okay. And there is no privilege log that has 03:27:04
11 been delivered as of today; correct? 03:27:08

12 MR. MANOLIUS: Correct. As I also stated in 03:27:10
13 my e-mail to you, we would be providing that as we went 03:27:11
14 through the documents and developed the documents. It's 03:27:14
15 a very voluminous and tedious process and we've also 03:27:17
16 been busily preparing for this deposition. 03:27:21

17 MR. MEUSER Q: Did you know approximately how 03:27:24
18 many documents that you gave to counsel to review in 03:27:26
19 response to this document production? 03:27:28

20 A I do not. 03:27:31

21 Q Was this produced to counsel in the form of a 03:27:33
22 electronic drive? 03:27:37

23 MR. MANOLIUS: Objection. Attorney-client 03:27:38
24 privilege. I instruct you not to answer the question. 03:27:41

25 MR. MEUSER Q: Right now all I am trying to do 03:27:43

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1 is figure out the size of the file that you're trying to 03:27:46

2 review, because you have not produced anything here -- 03:27:48

3 MR. MANOLIUS: Uh-huh. 03:27:50

4 MR. MEUSER: -- so if it was 10 boxes of 03:27:51

5 paper, is it, you know, a zip drive that was 03:27:54

6 100 megabytes? 03:27:56

7 All I am trying to figure out is the volume of 03:27:57

8 documents that you are reviewing, so because it's been 03:27:59

9 10 days here and there's not a single document -- 03:28:03

10 MR. MANOLIUS: Uh-huh. 03:28:05

11 MR. MEUSER: -- there's not a single privilege 03:28:06

12 log, so I'm just trying to, in case we have to go to the 03:28:08

13 court, I am trying to make sure that we have a record 03:28:10

14 here, Counsel. 03:28:12

15 MR. MANOLIUS: And I can tell you that I don't 03:28:12

16 know the size of it. It's voluminous. I am not very 03:28:14

17 good on the technical end of things, I rely on other 03:28:18

18 people in my firm to deal with that, which is in the 03:28:22

19 process and happening, so I don't know the size. 03:28:24

20 I mean, I don't know if you know the size. 03:28:27

21 THE WITNESS: I have no idea. Every time we 03:28:29

22 create a map there are files created, put in folders and 03:28:31

23 they have been given access to all of that. 03:28:34

24 MR. MEUSER Q: Did you send some sort of zip 03:28:37

25 file to counsel when you delivered the documents to 03:28:40

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1	counsel?	03:28:44
2	A Dropbox.	03:28:47
3	Q Dropbox. Do you recall what the size of the	03:28:48
4	Dropbox file was you transferred?	03:28:50
5	A It wasn't a file, it was access to the	03:28:52
6	folders, so I don't know what it was.	03:28:54
7	Q On what date did you give counsel access to	03:28:57
8	your computers?	03:29:07
9	A I don't recall.	03:29:09
10	MR. MANOLIUS: Objection. Attorney-client	03:29:10
11	privilege. Don't answer the question.	03:29:12
12	MR. MEUSER: Next I am handing you which is	03:29:13
13	called Exhibit 13, which is a subpoena to appear and	03:29:30
14	testify at a hearing in Los Angeles.	03:29:33
15	(Whereupon Plaintiff's Exhibit 13	03:29:33
16	was marked for identification.)	03:29:33
17	MR. MEUSER Q: Earlier when we started this	03:29:43
18	deposition you were asked a few questions about being in	03:29:44
19	Los Angeles. At that time you were not under subpoena.	03:29:48
20	This is an official subpoena to appear at trial on	03:29:52
21	Monday, the 15th.	03:29:55
22	Will you be appearing on Monday, the 15th?	03:30:02
23	MR. MANOLIUS: Objection. He's not compelled	03:30:04
24	by this piece of paper to appear in Los Angeles. It's	03:30:07
25	beyond the 100-mile limit for a preliminary injunction	03:30:12

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1 hearing. That's noted in Rule 45(c). He's already been 03:30:14
2 burdened by coming to this deposition on short notice 03:30:18
3 and preparing. 03:30:21

4 The Supreme Court recently said that this is 03:30:22
5 not going to be an action that gets very far and the 03:30:25
6 burden on him has been enough, so he will not be 03:30:29
7 appearing in Los Angeles. 03:30:32

8 MR. MEUSER: I need to be able to explain to 03:30:35
9 the judge -- 03:30:37

10 MR. MANOLIUS: Yes. 03:30:37

11 MR. MEUSER: -- so I appreciate that answer. 03:30:38

12 MR. MANOLIUS: Of course. 03:30:40

13 MR. MEUSER: Okay. 03:30:43

14 (Whereupon Plaintiff's Exhibit 14 03:30:43
15 was marked for identification.) 03:31:05

16 MR. MEUSER: I have just handed you what is 03:31:05
17 called Exhibit D -- sorry, Exhibit 14, which is a DCCC 03:31:14
18 letter, "To whom it may concern," from Julie Merz. 03:31:25

19 And then it proceeds to be a 59 page document 03:31:28
20 that seems to have Redistricting Partners' logo on every 03:31:34
21 single page after the first page; is that correct? 03:31:41

22 A Seems excessive, seems like a lot, but yes, 03:31:44
23 that is. 03:31:46

24 Q Is this a document that you prepared and gave 03:31:47

25 to DCCC? 03:31:48

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1	MR. MANOLIUS: You can answer.	03:31:54
2	THE WITNESS: Yes.	03:32:00
3	MR. WOODS: Counsel, before you get too far,	03:32:01
4	do you have a paper copy?	03:32:04
5	MR. MEUSER: It's called August 15th draft	03:32:06
6	map.	03:32:08
7	MR. WOODS: I understand my special access has	03:32:09
8	been spotted, so it's gone.	03:32:11
9	MR. MEUSER: I didn't, because I thought	03:32:13
10	everybody would be on the computer file. I am sorry.	03:32:15
11	MR. WOODS: Okay.	03:32:17
12	MS. MADDURI: Counsel, did you say this was a	03:32:22
13	document DCCC produced?	03:32:24
14	MR. MEUSER: It is actually a document that	03:32:26
15	you produced. It was in a zip file that was attached to	03:32:29
16	the e-mail that you, that we've already discussed	03:32:32
17	earlier today.	03:32:35
18	In one of the e-mails that we were discussing	03:32:38
19	there was a Dropbox link and this letter appears in that	03:32:40
20	Dropbox link.	03:32:43
21	MS. MADDURI: Can you identify the documents	03:32:45
22	by Bates numbers?	03:32:47
23	MR. MEUSER: No. This particular document	03:32:48
24	that he is looking at has not been Bates stamped or are	03:32:51
25	you talking about the letter where this zip drive is?	03:32:55

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1 MS. MADDURI: I am sorry. I thought you said 03:33:00
2 this was a document that DCCC produced. Is that not 03:33:02
3 right? If they DCCC produced it, there would be Bates 03:33:05
4 stamps on it. 03:33:09
5 MR. MEUSER: DCCC had an e-mail that is Bates 03:33:11
6 stamped. In that e-mail is a Dropbox link. When you 03:33:13
7 typed in the Dropbox link this document was still in it, 03:33:16
8 so it was -- 03:33:20
9 MS. MADDURI: I see. Okay. 03:33:22
10 MR. MEUSER Q: -- and this was something that 03:33:30
11 was in an August 15th e-mail from Paul Mitchell to Julie 03:33:30
12 that we have discussed earlier when Julie Hamill was 03:33:36
13 asking questions. 03:33:39
14 And if you look at the text in there, there 03:33:40
15 was a Dropbox link and that this document that he's 03:33:43
16 looking at right now came from that Dropbox link. 03:33:47
17 Have you seen that document before? 03:33:55
18 A Yes. 03:33:56
19 Q **And you created that document?** 03:33:56
20 MR. MANOLIUS: Objection. The entirety of it? 03:33:59
21 Compound. You can answer. 03:34:02
22 THE WITNESS: Yes. 03:34:07
23 MR. MEUSER Q: Redistricting -- 03:34:09
24 A To be clear, I put these two documents 03:34:10
25 together. I did not create this letter. 03:34:14

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1	Q	You didn't create the letter, but you created	03:34:16
2		the .pdf document that's with the letter; correct?	03:34:19
3	A	Uh-huh.	03:34:22
4		MR. MANOLIUS: Yeah?	03:34:24
5		THE WITNESS: Yes.	03:34:25
6		MR. MEUSER Q: Can you tell me what these 59	03:34:27
7		pages are?	03:34:29
8	A	This is a redistricting packet. Sometimes we	03:34:31
9		call it an atlas is what we called it internally.	03:34:35
10		It is of the cover map of the agency. It is	03:34:39
11		data tables for each of the districts and then inside of	03:34:45
12		it are individual maps of each district with data	03:34:48
13		regarding the populations, and then an inset map that	03:34:52
14		shows where that district lies within the State of	03:34:55
15		California.	03:34:57
16	Q	So beginning on page nine you have	03:34:59
17		congressional district one; correct?	03:35:02
18	A	I don't have them numbered, but I trust you	03:35:06
19		that that's page nine.	03:35:08
20	Q	So prior to page nine, these are just going to	03:35:09
21		be data generally about the entire redistricting	03:35:13
22		process, all the districts; is that correct?	03:35:20
23	A	The summary data table using the U.C. Berkeley	03:35:22
24		statewide database census and CVAP data.	03:35:26
25	Q	Did you send this atlas to anybody else?	03:35:32

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1	MR. MANOLIUS: Objection. Vague as to time.	03:35:38
2	MR. MEUSER Q: Between August 10th and	03:35:41
3	August 20th, did you send an atlas package to anybody	03:35:44
4	else?	03:35:47
5	A Between August 10th and August 20th, yes,	03:35:49
6	sure.	03:35:52
7	Q Who else did you send the atlas packets to?	03:35:53
8	A I don't recall.	03:35:57
9	Q I am going to hand you what we're going to	03:35:58
10	mark as Exhibit 15 --	03:36:00
11	(Whereupon Plaintiff's Exhibit 15	03:36:00
12	was marked for identification.)	03:36:04
13	MR. MEUSER Q: -- which is on the	03:36:04
14	Legislature's Prop 50 website and it's actually titled	03:36:06
15	"atlas."	03:36:11
16	A Oh.	03:36:13
17	MR. MANOLIUS: Thank you.	03:36:16
18	MR. MEUSER Q: And for those following along	03:36:22
19	at home, this would be titled DCCC map atlas (AB604),	03:36:24
20	that's a document that has just been marked as	03:36:34
21	Exhibit 15.	03:36:37
22	MR. MANOLIUS: Did you have a question, Mark?	03:36:55
23	I am sorry.	03:36:56
24	THE WITNESS: I have it.	03:36:58
25	MR. MEUSER Q: Okay. Do you believe that	03:36:59

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1 these two documents were both generated by your in-house 03:37:01
2 software? 03:37:07
3 MR. MANOLIUS: Hmm? 03:37:10
4 THE WITNESS: Yes, these are what Syzygy 03:37:19
5 creates. 03:37:22
6 MR. MEUSER Q: Okay. Do you recall sending to 03:37:27
7 the State Legislature this particular legislative atlas 03:37:29
8 to the Legislature so that they could publish it online 03:37:34
9 so anybody could view it? 03:37:38
10 MR. MANOLIUS: Objection. Speculation as to 03:37:41
11 the purpose the Legislature would have, but you can 03:37:44
12 answer the first part of the question. 03:37:46
13 THE WITNESS: This legislative map, this map 03:37:48
14 was run by us in order for the Legislature to place 03:37:53
15 something as a .pdf on the website. 03:37:57
16 MR. MEUSER Q: Okay. I noticed that the one 03:38:01
17 that I handed you that we got from the DCCC e-mail, that 03:38:02
18 said, that has your logo Redistricting Partners; 03:38:07
19 correct? 03:38:11
20 A Yes. 03:38:12
21 Q And the one that's marked 15 has the 03:38:12
22 California Legislature seal; is that correct? 03:38:14
23 A Yep. 03:38:16
24 Q Do you know if you put on the images of seals 03:38:16
25 or do you know if the Legislature did that? Do you have 03:38:21

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1 any knowledge of how the logo was changed? 03:38:24

2 A Yeah. We have a file, they provided us the 03:38:29

3 logos. 03:38:32

4 Q So the State Legislature provided you the 03:38:34

5 logos, you put those on and you mailed it to the 03:38:37

6 appropriate person at the State Legislature; is that 03:38:39

7 correct? 03:38:42

8 A Yes. 03:38:42

9 Q Okay. Are you aware if there's any difference 03:38:43

10 in these two documents -- 03:38:48

11 MR. MANOLIUS: Objection. 03:38:51

12 MR. MEUSER Q: -- other than the logo? 03:38:52

13 MR. MANOLIUS: Other than the logo? 03:38:54

14 Objection. Information that's privileged under 03:38:56

15 legislative privilege. I instruct you not to answer the 03:38:58

16 question. 03:39:01

17 MR. MEUSER Q: Okay. Can you turn to page -- 03:39:02

18 the section of the page that is district one? 03:39:09

19 MR. WOODS: On which document? 03:39:13

20 MR. MANOLIUS: On which one? 03:39:16

21 MR. MEUSER: Both sets. 03:39:17

22 THE WITNESS: Yes. 03:39:33

23 MR. MEUSER Q: Is the content on, regarding 03:39:35

24 district one other than the logo the same on these two 03:39:37

25 documents? 03:39:40

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1	A	No.	03:39:40
2	Q	What is different?	03:39:41
3		MR. MANOLIUS: Objection. Legislative	03:39:44
4		privilege. I instruct you not to answer.	03:39:46
5		MR. MEUSER: You're going to instruct him not	03:39:50
6		to answer something that is a public document that's on	03:39:52
7		a State Legislature website?	03:39:55
8		MR. MANOLIUS: Oh.	03:39:58
9		THE WITNESS: The difference is that the one	03:40:00
10		provided to, by the DCCC has voter registration in the	03:40:03
11		upper right-hand corner, and the one provided by the	03:40:08
12		Legislature has that same box, but the 2020 census field	03:40:11
13		info in that.	03:40:15
14		MR. MEUSER Q: When you were preparing the	03:40:24
15		atlas for the Legislature, did anyone ask you to put in	03:40:26
16		the different box, and not put in party registration, in	03:40:35
17		your atlas?	03:40:39
18		MR. MANOLIUS: Objection. I will object,	03:40:40
19		legislative privilege. I instruct you not to answer the	03:40:44
20		question.	03:40:46
21		MR. MEUSER Q: Mr. Mitchell, you're not	03:40:47
22		answering that question at the instruction of your	03:40:51
23		counsel?	03:40:53
24	A	Exactly.	03:40:54
25	Q	And let's just go to the second page of either	03:40:57

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1	one of these, of both of these documents, so it will be	03:41:03
2	the page that starts with 2020 census.	03:41:06
3	A Oh, second page. Okay.	03:41:12
4	Q Other than the logo at the top of the page,	03:41:17
5	are you aware of any numbers on this page that are	03:41:20
6	different?	03:41:23
7	A No.	03:41:24
8	Q For the series of questions I am about ready	03:41:25
9	to ask, I don't care which one of these you use, you can	03:41:29
10	put whichever one in front of you that you want, because	03:41:33
11	I am going to ask about some numbers on the tables, so	03:41:36
12	one, whichever one you prefer, I'll just make sure	03:41:39
13	everybody knows.	03:41:42
14	So you are going to use the official	03:41:42
15	legislative atlas here real quick. Okay.	03:41:44
16	First question I am going to ask you, before	03:41:47
17	we actually turn to the numbers on this page is: How	03:41:49
18	many Hispanic-majority districts were drawn by the	03:41:53
19	commission?	03:41:55
20	MR. MANOLIUS: In 2021?	03:41:55
21	MR. MEUSER Q: In 2021.	03:41:57
22	MR. MANOLIUS: If you know.	03:41:59
23	THE WITNESS: Sixteen.	03:41:59
24	MR. MEUSER Q: Okay. Do you know how many of	03:42:02
25	them were designated by the commission as a Voting	03:42:03

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1	Rights Act district?	03:42:07
2	A Fourteen.	03:42:08
3	Q How many Hispanic-majority districts did you	03:42:11
4	create as a part of this legislative package that became	03:42:15
5	known as Prop 50?	03:42:20
6	MR. MANOLIUS: Objection. Legislative	03:42:22
7	privilege. I instruct you not to answer.	03:42:23
8	MR. MEUSER Q: Looking at the official atlas	03:42:29
9	that is a public document, is congressional district one	03:42:31
10	a Hispanic-majority district?	03:42:36
11	A No.	03:42:40
12	Q Is congressional district two a	03:42:42
13	Hispanic-majority district?	03:42:44
14	A No.	03:42:47
15	Q Is congressional district three a	03:42:48
16	Hispanic-majority district?	03:42:50
17	A No.	03:42:52
18	Q Is congressional district four a	03:42:52
19	Hispanic-majority district?	03:42:54
20	A No.	03:42:57
21	Q Is congressional district five a	03:42:57
22	Hispanic-majority district?	03:42:59
23	A No.	03:43:01
24	Q Is congressional district six a	03:43:02
25	Hispanic-majority district?	03:43:05

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1	A	No.	03:43:06
2	Q	Is congressional district seven a	03:43:07
3		Hispanic-majority district?	03:43:09
4	A	No.	03:43:11
5	Q	Is congressional district eight a	03:43:11
6		Hispanic-majority district?	03:43:14
7	A	No.	03:43:15
8	Q	Is congressional district nine a	03:43:16
9		Hispanic-majority district?	03:43:17
10	A	No.	03:43:19
11	Q	Before I go to the next page, I am going to	03:43:20
12		ask you a question.	03:43:22
13		Earlier today, Julie was asking you questions	03:43:23
14		about Hispanic opportunity districts or minority	03:43:25
15		opportunity districts, and I believe you said something	03:43:29
16		along the lines, and correct me if I'm wrong, but	03:43:30
17		something that different people have a different matrix	03:43:33
18		of what is a Hispanic opportunity district or a minority	03:43:36
19		opportunity district.	03:43:43
20		Not talking about the maps of Prop 50, but	03:43:43
21		generally speaking, in the redistricting world, what is	03:43:46
22		your definition of a minority opportunity district?	03:43:48
23		MR. MANOLIUS: Objection. Asked and answered,	03:43:52
24		misstates his testimony. He already said that. You	03:43:53
25		have got it, Paul.	03:43:59

DAVID TANGIPA vs GAVIN NEWSOM
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201

1 THE WITNESS: I don't know that it's right to 03:44:00
2 go all the way back to that question, but I think the 03:44:02
3 term might have been different than calling it a 03:44:06
4 minority opportunity district. 03:44:08

5 I don't think that was the terminology that 03:44:10
6 was used in the earlier question. 03:44:12

7 But I've seen people use the term minority 03:44:14
8 opportunity district in different ways and I don't have, 03:44:23
9 like, a favorite terminology for that. 03:44:27

10 **Q Have you ever drawn a, what you would classify 03:44:37**
11 **as a minority opportunity district? 03:44:40**

12 MR. MANOLIUS: Objection. To the extent 03:44:43
13 you're asking about Prop 50, instruct you not to answer 03:44:45
14 based on legislative privilege. You can answer that 03:44:49
15 outside of that context. 03:44:52

16 MR. WOODS: Also, vague. 03:44:55

17 THE WITNESS: I don't use that terminology, I 03:44:58
18 don't think, so if I had ever said something was a 03:45:00
19 minority opportunity district, that might surprise me. 03:45:02
20 That's something that is -- that does -- that's 03:45:06
21 generally not something that I use as terminology. 03:45:08

22 MR. MEUSER Q: And when I say a 03:45:12
23 Hispanic-majority district, are you considering that as 03:45:14
24 a CVAP-majority district or would you just see it or are 03:45:19
25 you answering that as just a population being the 03:45:23

DAVID TANGIPA vs GAVIN NEWSOM
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1	majority?	03:45:26
2	MR. MANOLIUS: Yeah. Funny objection. I	03:45:29
3	should have clarified that before, so what's your --	03:45:32
4	THE WITNESS: When we're talking in a	03:45:36
5	redistricting construct, the shorthand would be that	03:45:37
6	when you say what is the Latino share of the district,	03:45:39
7	you're talking about it within a Voting Rights Act	03:45:42
8	context and so we're using the citizen voting age	03:45:45
9	population.	03:45:48
10	MR. MEUSER Q: So that's the CVAP number and a	03:45:49
11	CVAP percentage; correct?	03:45:53
12	A Yes.	03:45:54
13	Q So when I've been asking you the questions	03:45:54
14	about the Hispanic-majority, you're looking at the lines	03:45:56
15	on this chart that are Latino CVAP and a Latino CVAP	03:45:59
16	percentage; correct?	03:46:06
17	A Yes.	03:46:06
18	Q Okay. We are going to start asking those	03:46:07
19	questions again and we are going to start on	03:46:09
20	congressional district 10.	03:46:11
21	Is congressional district 10 a Hispanic	03:46:13
22	minority/majority district?	03:46:16
23	A It's not a majority/minority district.	03:46:17
24	Q Is congressional district 11 a	03:46:20
25	minority/majority district?	03:46:23

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1	A	I think, generally, we say majority/minority,	03:46:25
2		but, no.	03:46:28
3	Q	Yes, sorry. Is congressional district 12 a	03:46:28
4		Hispanic majority/minority district?	03:46:32
5	A	No.	03:46:34
6	Q	Is congressional district 13 a Hispanic	03:46:35
7		majority/minority district?	03:46:41
8	A	Yes.	03:46:42
9	Q	Is congressional district 14 a Hispanic	03:46:42
10		majority/minority district?	03:46:46
11	A	No.	03:46:47
12	Q	Is congressional district 15 a Hispanic	03:46:48
13		majority/minority district?	03:46:51
14	A	No.	03:46:52
15	Q	Is congressional 16 a Hispanic	03:46:53
16		majority/minority district?	03:46:55
17	A	No.	03:46:57
18	Q	Is congressional district 17 a Hispanic	03:46:57
19		majority/minority district?	03:47:01
20	A	No.	03:47:02
21	Q	Is congressional district 18 a Hispanic	03:47:03
22		majority/minority district?	03:47:06
23	A	Yes.	03:47:07
24	Q	So two on this page; correct?	03:47:08
25	A	Yes.	03:47:09

1 Q Going to the next page, we are going to be 03:47:10
2 looking at congressional district 19. 03:47:14
3 Is congressional district 19 a Hispanic 03:47:16
4 majority/minority district? 03:47:19
5 A No. 03:47:20
6 MR. MANOLIUS: Counsel, just wondering, I 03:47:21
7 mean, the document speaks for itself. 03:47:22
8 MR. MEUSER Q: Well, I asked him and you 03:47:26
9 objected, so I am having to do this one at a time, so if 03:47:27
10 you want to ask -- if you want to allow him to answer 03:47:30
11 how many Hispanic majority/minority districts, and I 03:47:33
12 know that he knows what that number is, so if you want 03:47:37
13 to allow him to do it, we don't have to do this one by 03:47:39
14 one, but I am more than willing to do this one at a 03:47:42
15 time. Okay? 03:47:46
16 MR. MANOLIUS: Maybe he can check it out and 03:47:49
17 add them up off the document. Would that be okay? 03:47:52
18 MR. MEUSER Q: All I was looking for was a 03:47:57
19 number. 03:47:59
20 A There are 16. 03:47:59
21 Q Thank you. Which 16 congressional districts 03:48:01
22 are Hispanic majority/minority districts? 03:48:12
23 A Which are the 16? You want me to name them 03:48:15
24 all? 03:48:17
25 Q Yes. 03:48:18

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1 A I mean, I'd have to go back and do it the way 03:48:18
2 we did it then. So you're talking about district number 03:48:21
3 13, 18, 21, 22, 25, 29, 31, 33, 34, 35, 38, 39, 41, 46, 03:48:28
4 and 52. 03:49:08
5 Q Thank you. Now, earlier we were asking some 03:49:09
6 questions about the HOPE letter; correct? 03:49:19
7 A Yes. 03:49:24
8 Q And do you recall seeing in the transcript 03:49:24
9 where you stated to HOPE that you were helping HOPE with 03:49:29
10 that process of the HOPE letter? 03:49:33
11 MR. WOODS: Objection, mischaracterizes 03:49:37
12 testimony. 03:49:39
13 MR. MANOLIUS: Yeah, misstates his testimony. 03:49:39
14 MR. MEUSER Q: Well, let's go to the HOPE 03:49:42
15 presentation real quick. You probably have it in the 03:49:44
16 stack right over there. 03:49:46
17 A What number is it? 03:50:00
18 MR. MANOLIUS: 10? 03:50:01
19 THE WITNESS: Okay. Eleven? Nine? 03:50:06
20 MR. MEUSER Q: I'd like you to go to page 23 03:50:11
21 and 24, so page 23, line 24, through page 24, line 5. 03:50:20
22 A Yes, in the last redistricting process. That 03:50:40
23 wasn't your question, so yes. 03:50:42
24 Q Yes. So I am going to just read this out loud 03:50:44
25 and you just tell me if I read it correctly. "And I 03:50:47

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1 started listing out this concept of drawing a 03:50:50
2 replacement Latino majority/minority district in the 03:50:54
3 middle of Los Angeles. That was the number one thing 03:50:57
4 that I first started thinking about, because it was 03:51:00
5 something that I worked with HOPE on in the last 03:51:03
6 redistricting process." 03:51:07
7 Did I read that correctly? 03:51:08
8 A Yes. 03:51:09
9 Q What did you do with HOPE during 2021 during 03:51:11
10 the redistricting process? 03:51:19
11 A They had an interest in keeping a district for 03:51:21
12 an incumbent member of Congress and that aligned with 03:51:26
13 our client's interest in drawing an LGBT community of 03:51:31
14 interest district that would go from Long Beach down to 03:51:36
15 Orange County, and so there was a synergy between those 03:51:41
16 groups and others. 03:51:43
17 And so we worked with HOPE on it. As it was 03:51:44
18 said earlier, I have had, like, a 15 year relationship 03:51:48
19 with HOPE and never been, I don't charge them, but 03:51:51
20 they -- 03:51:56
21 Q Did you draw a map for HOPE that they were 03:51:56
22 using in 2021? 03:51:59
23 A We drew maps. I don't know, their 03:52:04
24 presentation actually didn't present a map that I drew. 03:52:09
25 Q Okay. 03:52:12

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1	A	Their letter didn't present a map that I drew,	03:52:12
2		so they were advocating for maps though.	03:52:15
3	Q	And you were working with a different	03:52:18
4		organization that was joined with HOPE at that time?	03:52:20
5	A	Yes.	03:52:25
6	Q	Were you a part of that expert report that was	03:52:26
7		attached to the HOPE letter?	03:52:40
8	A	That was something that was kind of a	03:52:42
9		byproduct of another contract that I had, so I was aware	03:52:48
10		that it was being done. I was aware that that was done,	03:52:51
11		but I didn't write it.	03:52:53
12	Q	You didn't write the report. Did you consult	03:52:54
13		with the people who wrote that report?	03:52:58
14	A	Consulted with Christian Grose, yes.	03:52:59
15	Q	And this would have been at or around the time	03:53:03
16		of November of 2021?	03:53:05
17	A	Oh, probably earlier than that, but yes, in	03:53:08
18		2021.	03:53:14
19	Q	You understand that the HOPE letter is dated	03:53:16
20		November 24th, 2021; correct?	03:53:18
21	A	Yes.	03:53:21
22	Q	And you understand that the report by	03:53:21
23		Christian Grose is dated November 23rd, 2021; correct?	03:53:24
24	A	Sure.	03:53:28
25	Q	So prior to November 23, 2021, what	03:53:29

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1 interactions did you have with Christian Grose that was 03:53:34
2 related to the report that is contained in the 03:53:36
3 November 24th, 2021, letter? 03:53:42

4 A In the 2021 redistricting, we worked with 03:53:44
5 clients who contracted with Christian Grose to do a 03:53:50
6 variety of analyses in several parts of the state, so 03:53:56
7 that that's at a time when this organization was looking 03:54:03
8 for something to advocate, they would have a document to 03:54:07
9 use. 03:54:11

10 Q Turn to congressional district 41 in that 03:54:12
11 atlas. 03:54:25

12 A (Witness complied.) 03:54:26

13 Q And I am sorry, you probably won't appreciate 03:54:30
14 this, but I call this particular district the Yoga 03:54:45
15 Genie, because a thousand years in a lamp, you have a 03:54:49
16 pretty bad back, but that's my imagination. 03:54:51

17 Do you see the word "Downey" -- 03:54:57

18 A Yes. 03:55:01

19 Q -- in this particular district? 03:55:02

20 A Yes. 03:55:03

21 Q And looking at the HOPE letter, what was the 03:55:04
22 number one city that they mentioned for this new gateway 03:55:11
23 district? 03:55:18

24 MR. MANOLIUS: And you're referring to 2021? 03:55:18

25 MR. MEUSER: Yes, 2021. 03:55:22

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1 MR. MANOLIUS: Okay. 03:55:23
2 THE WITNESS: Downey. 03:55:25
3 MR. MEUSER Q: Okay. And does that 03:55:32
4 description, say, go down to Orange County? 03:55:33
5 A No, not for this district -- 03:55:36
6 Q In the HOPE letter -- 03:55:46
7 A -- I don't think so, not in that bullet point 03:55:48
8 number one. Sorry. Does it say it somewhere else? 03:55:51
9 Q I think you're right. It actually says it in 03:55:54
10 the -- 03:55:58
11 A -- second bullet point. 03:55:58
12 Q No. It's actually in the expert report here. 03:56:00
13 Sorry. 03:56:04
14 A I don't know. 03:56:04
15 Q Is Downey in congressional district 41? 03:56:50
16 A Yes. 03:56:53
17 Q In your presentation to HOPE you said that you 03:56:53
18 created a new congressional district taking Ken 03:56:59
19 Calvert's 41 and insert it in the gateway cities. 03:57:06
20 Is congressional district 41 the district you 03:57:10
21 were referring to in your HOPE presentation? 03:57:12
22 MR. MANOLIUS: Objection. Instruct you not to 03:57:16
23 answer, legislative privilege. 03:57:18
24 MR. MEUSER Q: And you're not answering that 03:57:21
25 question at the instruction of your attorney? 03:57:36

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1	A	Correct.	03:57:38
2	Q	Turning to page 24 of the transcript regarding	03:57:39
3		HOPE, starting line 20 --	03:57:48
4		MR. WOODS: I am sorry. Page 24, Counsel?	03:57:58
5		MR. MEUSER: 24, line 20.	03:58:00
6		MR. WOODS: Thank you.	03:58:02
7		MR. MEUSER Q: "Number one, create a gateway	03:58:05
8		cities district centered around Downey as described in	03:58:07
9		the analysis allowing for a creation of five Latino	03:58:10
10		majority/minority districts in an area where there are	03:58:16
11		currently four?"	03:58:19
12		Did I read that correctly?	03:58:20
13	A	Yes.	03:58:21
14	Q	My question is this: Is the City of Downey in	03:58:22
15		congressional district 41, according to the legislative	03:58:29
16		atlas that we have marked as Exhibit 15?	03:58:33
17	A	Yes.	03:58:36
18	Q	The very next paragraph, starting on line 25	03:58:37
19		into page 25, "Secondly, take a district that was called	03:58:50
20		LB North, which is now the Robert Garcia district, take	03:58:55
21		that district to the south through Seal Beach into	03:58:59
22		Huntington Beach making a Latino-influenced district at	03:59:02
23		35 percent Latino by voting age population."	03:59:06
24		Did I read that correctly?	03:59:09
25	A	Yes.	03:59:10

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1	Q	Okay. Looking at congressional district 42 in	03:59:11
2		the atlas legislative atlas, does congressional district	03:59:18
3		42 include the cities of Long Beach, Seal Beach and	03:59:24
4		Newport -- and Huntington Beach?	03:59:30
5	A	Yes.	03:59:32
6	Q	I am going to ask a question that's been	03:59:33
7		bugging me since day one since I have seen this.	03:59:44
8		You were aware that in the California	03:59:47
9		Constitution we are supposed to number congressional	03:59:49
10		districts one at the top of the state down to 52 at the	03:59:51
11		bottom.	03:59:57
12		Do you know why these districts got numbered	03:59:57
13		contrary to what the California Constitution says?	04:00:00
14	MR. MANOLIUS:	Objection. Calls for a legal	04:00:02
15		conclusion, calls for speculation.	04:00:03
16	MR. WOODS:	Objection. Same objections.	04:00:05
17		Also, relevance.	04:00:09
18	MR. MEUSER:	You can answer.	04:00:12
19	MR. MANOLIUS:	Same objection, Counsel.	04:00:12
20	THE WITNESS:	The decision on numbering was	04:00:16
21		based, I think, primarily on reducing the amount of	04:00:17
22		change as opposed to the Constitution's previous	04:00:20
23		requirement before Prop 50 of numbering one to 52.	04:00:24
24		In the ballot measure Prop 50 allowed for that	04:00:29
25		to be bypassed for this one redistricting. It was just	04:00:32

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1 to reduce the number of the amount of letters that would 04:00:35
2 have to be reprinted. 04:00:39

3 MR. MEUSER: I appreciate that answer. 04:00:41

4 **Q I believe I've heard public statements by you 04:00:46**

5 **that nine congressional districts did not change a 04:00:50**

6 **single boundary; is that correct? 04:00:55**

7 MR. MANOLIUS: Objection. Vague as to where 04:00:59

8 you've heard that and where that comes from, calls for 04:01:03

9 speculation. You can answer. 04:01:05

10 THE WITNESS: I believe it's nine or ten. I 04:01:10

11 always forget exactly the number, but there were a large 04:01:12

12 number of districts that were too far away from areas 04:01:16

13 where we were trying to flip districts. 04:01:20

14 MR. MEUSER Q: As you sit here today, could 04:01:25

15 you name the nine or ten congressional districts that 04:01:27

16 did not change a single boundary? 04:01:29

17 MR. MANOLIUS: Between 2021's redistricting -- 04:01:32

18 MR. MEUSER: And the commission. 04:01:37

19 THE WITNESS: I could attempt to. 04:01:38

20 MR. MANOLIUS: Don't speculate. 04:01:41

21 THE WITNESS: Okay. 04:01:43

22 MR. MEUSER Q: I am entitled to your best 04:01:44

23 recollection and if you can name six you name six, if 04:01:47

24 you -- just the best of your ability. 04:01:50

25 A There's one technical thing is that I believe 04:01:53

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1 that potentially the census block layer changed a little 04:01:55
2 bit, so there might be some changes that are like a 04:01:59
3 census block is unpopulated kind of thing, but districts 04:02:00
4 11 and 12, which are unchanged. 04:02:06
5 MR. MEUSER Q: Those are in the Bay Area? 04:02:11
6 A Yep. District -- I don't deal with these 04:02:13
7 districts as much, I don't know as much, is it Ted 04:02:18
8 Lieu's district didn't change, and I don't have the zoom 04:02:38
9 to know what Ted Lieu's district is. 04:02:44
10 Q Well, you're looking at a document that has 04:02:47
11 maps of every single -- 04:02:49
12 A It doesn't say the numbers on the map. 04:02:50
13 Q I know that, but you could flip through and 04:02:52
14 find the individual districts, couldn't you? 04:02:54
15 A Oh, yeah, yeah, yeah. Sorry. 04:02:58
16 MR. MANOLIUS: Just throw in an objection that 04:03:31
17 it's compound and burdensome that he has to go through 04:03:33
18 the entire packet, but that's okay. 04:03:36
19 THE WITNESS: Why am I not finding the Ted 04:03:38
20 Lieu district? I am unsure if district 19 changed. The 04:03:41
21 Ted Lieu district, whatever number that is -- 04:04:03
22 MR. MEUSER Q: Okay. 04:04:05
23 A -- there it is, 36. Sorry. It was just 04:04:06
24 taking me awhile to get to it. 04:04:11
25 Q And that's the coastal Los Angeles County? 04:04:12

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1	A	Santa Monica, yeah.	04:04:16
2		37 did not change.	04:04:18
3		43 did not change. I know I've missed some,	04:04:35
4		so it's hard for me --	04:05:00
5	Q	If I do my math right, I have heard you name	04:05:02
6		five districts right now; correct?	04:05:04
7	A	Yeah. So I'd have to go back and look, but I	04:05:06
8		thought it was, like, nine districts that didn't change	04:05:09
9		at all. I would just have to go look at it more	04:05:11
10		closely, because there are districts where, there are	04:05:15
11		some districts where we made a small change, like	04:05:17
12		unifying Ventura and in a district that wasn't otherwise	04:05:20
13		changed or something like that, so I'd have to go	04:05:24
14		through, again, and look, but I believe it added up to	04:05:28
15		nine. Sorry.	04:05:34
16	Q	Okay. If you want to turn to your Capitol	04:05:35
17		Weekly Podcast transcript, and I am reading from page 11	04:05:41
18		starting at lines four through eight. Page 11, four	04:05:46
19		through eight.	04:06:03
20		And this particular conversation was made	04:06:04
21		public on August 15th, 2025. Do you recall if you made	04:06:09
22		the podcast the same day that it aired?	04:06:13
23	A	I don't recall.	04:06:16
24	Q	And this sentence reads, "And, you know, the	04:06:17
25		fact that we can do these things in terms of like	04:06:25

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1	drawing maps, that is, you know, it's not touching nine	04:06:28
2	entire congressional districts."	04:06:31
3	Did I read that correctly?	04:06:35
4	A Yes.	04:06:36
5	Q When you said that, was -- were you saying	04:06:37
6	that you did not change the lines in nine congressional	04:06:45
7	districts?	04:06:50
8	MR. MANOLIUS: Objection. Legislative	04:06:50
9	privilege and instruct you not to answer the question.	04:06:53
10	MR. MEUSER: This is a public statement that	04:06:56
11	he has made saying that he did not touch nine entire	04:06:58
12	congressional districts and I am just making sure that	04:07:01
13	at the time he made the statement publicly for the world	04:07:04
14	to see --	04:07:07
15	MR. MANOLIUS: Uh-huh.	04:07:08
16	MR. MEUSER: -- that it was his understanding	04:07:09
17	that he did not touch, that the Prop 50 maps did not	04:07:11
18	touch nine entire congressional districts.	04:07:15
19	MR. MANOLIUS: Again, you can ask him if he	04:07:17
20	said it, but I'm going to object to anything going	04:07:19
21	further than that.	04:07:23
22	MR. MEUSER Q: Did you say that?	04:07:24
23	A Yes.	04:07:25
24	Q Okay. And is it your understanding that when	04:07:27
25	you said, "You know, it's not touching nine entire	04:07:35

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1	congressional districts," is it your understanding that	04:07:39
2	that meant nine congressional districts had zero line	04:07:43
3	changes?	04:07:48
4	MR. MANOLIUS: Same objection. Instruct you	04:07:49
5	not to answer, legislative privilege.	04:07:51
6	MR. MEUSER Q: And are you refusing to answer	04:07:54
7	that question at your attorney's request?	04:07:56
8	A Correct.	04:07:57
9	Q Are you familiar with the organization MALDEF,	04:07:59
10	M-A-L-D-E-F?	04:08:11
11	A Yes.	04:08:11
12	Q Have you worked with MALDEF.	04:08:12
13	MR. MANOLIUS: Vague as to "work with." Hired	04:08:17
14	by?	04:08:21
15	MR. MEUSER Q: Have you ever been hired by	04:08:21
16	MALDEF?	04:08:23
17	A No.	04:08:24
18	Q During the 2021 redistricting, did you ever	04:08:25
19	see any of the reports presented by MALDEF?	04:08:29
20	A Yes.	04:08:32
21	Q Okay. And do you recall as you sit here today	04:08:33
22	how many Hispanic majority/minority districts MALDEF was	04:08:39
23	asking the commission to draw?	04:08:44
24	A No.	04:08:47
25	MR. MEUSER: Okay. We are going to go ahead	04:08:50

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1 and mark this as Exhibit 16. 04:08:51
2 (Whereupon Plaintiff's Exhibit 16 04:08:51
3 was marked for identification.) 04:08:51
4 MR. MEUSER Q: And for those following along 04:08:57
5 at home, this is going to be the document in the file 04:08:58
6 that is called, "MALDEF Report 2021." 04:09:04
7 MR. MANOLIUS: Geez. 04:09:16
8 MR. MEUSER: And I have got a copy for you 04:09:16
9 too, Counsel. 04:09:20
10 MR. WOODS: Mark, do you have another copy for 04:09:24
11 me? 04:09:26
12 MR. MEUSER: I do not. Sorry. I didn't want 04:09:26
13 to kill trees, but I thought everybody else would have 04:09:29
14 that file. Sorry. 04:09:32
15 Q Have you seen this particular report before 04:09:42
16 that's just been handed to you as Exhibit 16? 04:09:44
17 A Not that I -- not that I recall. I am 04:09:47
18 presuming I would have, I just don't remember, exactly. 04:09:50
19 Q If you could turn to page, what's been marked 04:09:53
20 as page 10 in that, this exhibit? 04:09:56
21 A They have page numbers? 04:09:59
22 Q Yes, should be in the bottom right, 04:10:00
23 A Uh-huh. 04:10:02
24 Q And I am just, top two lines after the, 04:10:08
25 "Statement of Voting Rights Compliance," I am going to 04:10:12

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1	just read these.	04:10:14
2	A Uh-huh.	04:10:15
3	Q "After the rule of equal population the first	04:10:16
4	rule of redistricting is construct -- is constructing	04:10:18
5	districts to comply with Section 2 of the Federal Voting	04:10:22
6	Rights Act. The MALDEF U.S. Congressional Redistricting	04:10:26
7	Plan presents 16 Latino majority citizen voting age	04:10:31
8	population districts that are largely protectable under	04:10:35
9	Section 2 of the Voting Rights Act."	04:10:38
10	Did I read that correct?	04:10:40
11	A Yes.	04:10:42
12	Q Are you aware that in the 2021 cycle MALDEF	04:10:44
13	was asking the commission to draw 16 districts where	04:10:51
14	Hispanics were the majority, according to CVAP?	04:10:54
15	MR. MANOLIUS: Objection. Calls for	04:10:59
16	speculation. He's already said he doesn't recall seeing	04:11:00
17	this document before.	04:11:03
18	THE WITNESS: I don't recall specifically, but	04:11:05
19	looking at it, it looks like one of those documents,	04:11:06
20	so --	04:11:09
21	MR. MEUSER Q: If you could turn to the next	04:11:10
22	page, 11.	04:11:15
23	A (Witness complied.)	04:11:17
24	Q And before I ask you this, before I ask you	04:11:19
25	questions, you're kind of thumbing through the images of	04:11:24

DAVID TANGIPA vs GAVIN NEWSOM
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1	all the maps that are with this report?	04:11:27
2	A Uh-huh.	04:11:30
3	Q Do you recall ever seeing any of these maps	04:11:31
4	before?	04:11:33
5	A I can't speak to any of these individual maps.	04:11:35
6	Q Okay.	04:11:37
7	A This is five years ago.	04:11:37
8	Q I understand. But it doesn't refresh your	04:11:39
9	recollection as to having seen it?	04:11:42
10	MR. MANOLIUS: Okay. Just compound because	04:11:45
11	there are many maps in here so --	04:11:46
12	MR. MEUSER Q: Yeah.	04:11:50
13	A I have looked at MALDEF maps for a long time.	04:11:50
14	They look the same in every road.	04:11:53
15	Q And who wrote them?	04:12:01
16	A Steven Ochoa probably did these. Steven	04:12:02
17	Ochoa, most likely.	04:12:04
18	Q And when was the last time you talked to	04:12:05
19	Steven Ochoa?	04:12:09
20	A Several weeks or a month ago or so, a couple	04:12:12
21	of months ago or something.	04:12:14
22	Q Did you speak with Steven Ochoa at any time	04:12:15
23	between July 2nd and February 15th?	04:12:18
24	A Nope. You said February. August.	04:12:20
25	Q August 15th.	04:12:24

DAVID TANGIPA vs GAVIN NEWSOM
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1	A	No.	04:12:25
2	Q	Did you speak with anybody at MALDEF between	04:12:26
3		July 2nd and August 15th?	04:12:34
4	A	No. Let me amend that to say I don't recall.	04:12:36
5	Q	You can go ahead and set that aside. I have	04:12:56
6		got a couple fun exhibits here.	04:13:08
7	A	That's it?	04:13:11
8		MR. MANOLIUS: Finally.	04:13:17
9		MR. MEUSER: I am handing you Exhibit 17.	04:13:18
10		(Whereupon Plaintiff's Exhibit 17	04:13:18
11		was marked for identification.)	04:13:22
12		MR. MEUSER Q: And for those following along	04:13:22
13		at home, this Exhibit 17 is a Paul Mitchell X post dash	04:13:25
14		52 Democrat map.	04:13:30
15		Can you please identify for the record what	04:13:35
16		Exhibit 17 is?	04:13:37
17	A	Exhibit 17 is a Tweet of mine and it was	04:13:38
18		posted on November 3rd.	04:13:46
19	Q	Day before election?	04:13:48
20	A	There you go.	04:13:49
21	Q	And what does this particular X post of yours	04:13:50
22		show?	04:13:55
23		MR. MANOLIUS: Objection. Compound.	04:13:57
24		Objection, also, to the word "show." Vague.	04:14:01
25		MR. MEUSER: Okay. I'll re-ask.	04:14:04

DAVID TANGIPA vs GAVIN NEWSOM
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1	Q	What is the significance of this particular X	04:14:10
2		post that you were trying to convey to the world when	04:14:16
3		you sent it out?	04:14:18
4	A	Well, I was trying to convey to the limited	04:14:20
5		number of people who follow me that I, as was done in	04:14:23
6		the other testimony rather derisively referred to	04:14:32
7		Twitter maps, and I felt as though Twitter maps showing	04:14:35
8		crazy lines drawn by somebody in their basement weren't	04:14:40
9		necessarily productive into the conversation, and so I	04:14:44
10		was expressing my frustration with the silly Twitter	04:14:46
11		maps.	04:14:51
12	Q	And I remember the conversation we had which	04:14:51
13		is why we got this into the record here.	04:14:53
14		This is an example of one of the 52 old maps	04:14:56
15		that you criticized throughout the, from July 2nd all	04:15:00
16		the way through to November 3rd; is that correct?	04:15:07
17	A	Yes.	04:15:08
18	Q	Regarding your atlas, the CVAP numbers --	04:15:09
19	A	Uh-huh.	04:15:20
20	Q	-- what, where did you get the CVAP numbers?	04:15:21
21	A	You're required to use the statewide	04:15:24
22		databases' CVAP data and population data in California.	04:15:27
23	Q	Okay. And what year of database was the state	04:15:31
24		redistricting database using?	04:15:35
25	A	In the terminology in redistricting, we don't	04:15:39

DAVID TANGIPA vs GAVIN NEWSOM
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1 refer to the year that it was produced, we refer to the 04:15:42
2 year that it represents, and so the data is the '19 - 04:15:45
3 '23 CVAP, so a five-year average from 2019 to 2023. 04:15:49

4 **Q And when you're talking about the five-year 04:15:54**
5 **average you're talking about the American Community 04:15:56**
6 **Survey put on by the census? 04:16:00**

7 A It's a product, it's a special product put on, 04:16:01
8 put together after the American Community Survey as a 04:16:05
9 special kind of addendum. 04:16:08

10 **Q Okay. And so the statewide database is taking 04:16:10**
11 **the data from the census, and then as you were talking 04:16:17**
12 **to Julie earlier today, they remove the prisoners from 04:16:21**
13 **that; is that correct? 04:16:25**

14 A Reallocate. 04:16:26

15 **Q Reallocate. And that is the data that you 04:16:27**
16 **were using in this particular report? 04:16:33**

17 A Yes. 04:16:34

18 **Q Okay. Not 2022? 04:16:35**

19 A You mean, not 1822? 04:16:38

20 **Q Not the 2022 ACS data. You were using 2023 04:16:41**
21 **ACS data; correct? 04:16:48**

22 A In 2022, they were using the, like, no, it's 04:16:49
23 not the same CU update as they were using in the 2021 04:16:54
24 redistricting process, if that's what you're asking. 04:16:59

25 **Q Well, I understand that the redistricting 04:17:01**

DAVID TANGIPA vs GAVIN NEWSOM
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1	commission could not have used the 2023 data, because it	04:17:03
2	did not exist at that time; correct?	04:17:06
3	A They couldn't have used the '19 to '23, of	04:17:08
4	course.	04:17:10
5	Q And what you're saying is that in these	04:17:11
6	atlases, the numbers that you were using was the '19 to	04:17:16
7	'23 five-year ACS data; correct?	04:17:22
8	A (Witness nodding head.)	04:17:25
9	Q Is that a "yes"?	04:17:26
10	A Yes.	04:17:27
11	Q Okay. The only reason why I am saying this is	04:17:27
12	because we have a had experts for the last four days	04:17:30
13	give me different places where you were getting your	04:17:33
14	data, so I am just trying to get from you which set of	04:17:35
15	numbers all the experts are supposed to look at.	04:17:38
16	A Yeah.	04:17:40
17	Q So, again, I am going to repeat, just to make	04:17:40
18	sure I have a clean record so that all of our experts	04:17:43
19	know.	04:17:46
20	When we're looking at the CVAP data that is	04:17:46
21	contained in the atlas, you were using the 2023 census	04:17:50
22	data, the American community census data from a	04:17:55
23	five-year period that was then reallocated according to	04:17:58
24	the statewide database?	04:18:03
25	A So to use the terminology of redistricting	04:18:05

DAVID TANGIPA vs GAVIN NEWSOM
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1 consultants we all agree upon, I think, we used the '19 04:18:07
2 - '23, which means it's data from 2019 to 2023, that 04:18:12
3 five-year average, and it's that data from the census 04:18:16
4 as has been adjusted by the statewide database. 04:18:20
5 (Whereupon Plaintiff's Exhibit 18 04:18:20
6 was marked for identification.) 04:18:20
7 MR. MEUSER Q: Thank you. I appreciate that. 04:18:22
8 And I don't think I am going to need this one, but since 04:18:28
9 we printed it up. I am going to just go ahead and give 04:18:31
10 it to you. 04:18:34
11 I am going to hand you what has been marked as 04:18:34
12 Exhibit 18. And for those following at home, this is a 04:18:36
13 DM Tweet concerning use of recent ACS survey data. 04:18:43
14 Do you remember this X post? 04:18:50
15 A If I can take a look real quick. 04:18:55
16 Q **Please, do.** 04:18:58
17 A I do recall this. 04:18:58
18 (Off-the-record discussion between 04:18:58
19 Mr. Manolius and the Witness.) 04:18:58
20 THE WITNESS: Sorry. 04:19:11
21 THE REPORTER: Are we on the record or off the 04:19:15
22 record? 04:19:17
23 MR. MEUSER Q: This particular post has 04:19:19
24 absolutely nothing to do with Prop 50; correct? 04:19:21
25 A Absolutely. 04:19:24

DAVID TANGIPA vs GAVIN NEWSOM
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1	Q	But this does have to do with redistricting in	04:19:25
2		California; correct? Los Angeles City, to be precise?	04:19:28
3	A	Yes.	04:19:32
4	Q	And in the particular post there was a X post	04:19:32
5		that you're responding to where somebody was suggesting	04:19:38
6		they should be redistricting in Los Angeles City; is	04:19:41
7		that correct?	04:19:45
8	A	Could you restate that? I am sorry.	04:19:46
9	Q	Well, you can't actually see this because you	04:19:48
10		don't see what this is responding to, so I am going to	04:19:51
11		actually rephrase.	04:19:53
12		You were aware a year ago that there were some	04:19:54
13		public discussions about redistricting Los Angeles	04:19:57
14		County; correct?	04:20:00
15	A	Yes.	04:20:00
16	Q	And in response to those public discussions	04:20:01
17		you posted your thoughts on X; is that correct?	04:20:04
18	A	Yes.	04:20:08
19	Q	And is it your position that if somebody is	04:20:09
20		redrawing the lines that they need to use the most	04:20:16
21		recent ACS database, not the one that their districting	04:20:22
22		commission used, but they have to use the most recent	04:20:28
23		one available at the time that they redraw the lines?	04:20:30
24	A	I would want to --	04:20:33
25		MR. MANOLIUS: Objection, as to they have to	04:20:34

DAVID TANGIPA vs GAVIN NEWSOM
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1 use, like a legal requirement. That's just my 04:20:37

2 question -- my objection. 04:20:40

3 THE WITNESS: I want to be clear here. Yes, I 04:20:44

4 believe that if they were to redraw, I say in here on 04:20:50

5 Twitter they would have to use, but I think maybe in a 04:20:55

6 deposition the better terminology would be that they 04:20:58

7 would normally use the latest American Community Survey 04:21:02

8 data, because that is what is in practice in California, 04:21:06

9 is we use the data as it gets updated every year. 04:21:09

10 MR. MEUSER Q: And that is what you did when 04:21:12

11 updating the atlases -- 04:21:13

12 A Yes. 04:21:15

13 Q -- that are a matter of public record? 04:21:15

14 MR. MANOLIUS: Objection, to the extent you're 04:21:17

15 asking him how he drew his maps, legislative privilege, 04:21:19

16 but you can answer the question at this point. 04:21:23

17 THE WITNESS: Without speaking to the line 04:21:26

18 drawing process, the maps that you are showing me are 04:21:29

19 using the new ACS data. 04:21:32

20 MR. MEUSER Q: Another one of your X posts, 04:21:36

21 and I don't know, I am just going to do a quick thing. 04:21:41

22 In this particular X post you're talking about 04:21:45

23 three separate articles. I have all three articles 04:21:48

24 here. Do we want to attach them all as one exhibit or 04:21:52

25 do you want this to be four separate exhibits? What's 04:21:55

DAVID TANGIPA vs GAVIN NEWSOM
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1	better for you?	04:21:58
2	MR. MANOLIUS: I don't care.	04:21:59
3	(Whereupon Plaintiff's Exhibit 19	04:21:59
4	was marked for identification.)	04:22:01
5	MR. MEUSER Q: We'll do it as four separate	04:22:01
6	exhibits, so we can do this.	04:22:04
7	So Exhibit 19 is going to be a Paul Mitchell	04:22:06
8	Tweet that I'm a calling, if you're keeping track at	04:22:09
9	home, in that link or in that X post has three different	04:22:14
10	links.	04:22:19
11	The first one is Caltech; is that correct?	04:22:19
12	A Yes.	04:22:23
13	MR. MEUSER: And so I am marking as Exhibit 20	04:22:24
14	what is a Caltech report.	04:22:27
15	(Whereupon Plaintiff's Exhibit 20	04:22:27
16	was marked for identification.)	04:22:27
17	MR. MEUSER Q: Can you look at this real	04:22:29
18	briefly and tell me if that is the report that you were	04:22:31
19	linking to in your X post?	04:22:34
20	A I can't see the link to say whether I was	04:22:37
21	linking to, like, an article that had this report or	04:22:37
22	this report directly to .pdf, but this is the report I	04:22:40
23	would be referencing in this, that first part.	04:22:42
24	MR. MEUSER: And then I am going to hand you	04:22:46
25	Exhibit 21 --	04:22:48

DAVID TANGIPA vs GAVIN NEWSOM
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1 (Whereupon Plaintiff's Exhibit 21 04:22:48
2 was marked for identification.) 04:22:49
3 MR. MEUSER Q: -- which is a PPIC report. 04:22:49
4 Please let me know if this is a report that you were 04:22:52
5 referring to in your X post? 04:22:54
6 A Yes. 04:22:56
7 MR. MEUSER: And I am sorry, Counsel, let me 04:23:00
8 just -- I should have handed this to you earlier. 04:23:02
9 MR. MANOLIUS: Thank you. 04:23:06
10 (Whereupon Plaintiff's Exhibit 22 04:23:06
11 was marked for identification.) 04:23:11
12 MR. MEUSER Q: And then the third link is 04:23:11
13 talking about a UCLA report; correct? 04:23:12
14 A Yes. 04:23:17
15 Q **And is that the UCLA report, what I have just 04:23:18**
16 **marked as Exhibit 22?** 04:23:21
17 A Actually, I think you have got these 04:23:24
18 backwards. 04:23:25
19 Q **Oh.** 04:23:26
20 A The second one is the AAPI one and the third 04:23:26
21 one is the PPIC one. 04:23:30
22 Q **Thank you. But the three reports that I just 04:23:32**
23 **handed you are the three reports that you were referring 04:23:37**
24 **to in your particular X post, is that --** 04:23:40
25 A Yes. 04:23:43

DAVID TANGIPA vs GAVIN NEWSOM
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1	Q	-- correctly stated?	04:23:44
2	A	Yep.	04:23:47
3	Q	Okay. Is it fair for me to assume that you	04:23:48
4		read all three of those reports?	04:23:55
5	A	No. I definitely glossed over them. I don't	04:23:58
6		know that I read them all thoroughly, particularly the	04:24:05
7		last Cal-Poly one, I don't know that I read it every	04:24:08
8		line. I don't know that I read them, the PPIC one.	04:24:11
9	Q	Did you in the X post, I see that we'll start	04:24:17
10		with the Cal, the Cal-Poly Caltech report --	04:24:21
11	A	Uh-huh.	04:24:23
12	Q	-- I see that there is a quotation that you,	04:24:24
13		that is in your X post.	04:24:27
14	A	Uh-huh.	04:24:28
15	Q	Did you pull that quotation out of the report?	04:24:29
16	A	I believe that was the point of the quotes,	04:24:32
17		but I'd have to find it in here. I don't know where it	04:24:37
18		is exactly. It looks like -- oh, I'd have to look for	04:24:41
19		it.	04:24:45
20	Q	Were you the one who submitted this X post?	04:24:45
21	A	Yes.	04:24:48
22	Q	Did anybody else have access to your X	04:24:49
23		account?	04:24:52
24	A	No.	04:24:52
25	Q	And you reviewed the three documents; correct?	04:24:54

DAVID TANGIPA vs GAVIN NEWSOM
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1 MR. MANOLIUS: Objection. Asked and answered. 04:24:57
2 He said he was familiar with them a little bit. 04:24:58
3 THE WITNESS: I am familiar with them, yeah. 04:25:02
4 MR. MEUSER Q: And these three quotes that are 04:25:04
5 in the X post, you pulled those quotes and typed them 04:25:08
6 into the X post; is that correct? 04:25:12
7 A I think that's what I'm purporting here is 04:25:14
8 that these are quotes from these documents, so that's 04:25:16
9 what I'm presuming. 04:25:19
10 Q Okay. Let's read the first quote. 04:25:20
11 "Proposed Proposition 50 map will further 04:25:22
12 increase Latino voting power over the current commission 04:25:26
13 map." 04:25:30
14 Did I read that correctly? 04:25:30
15 A Yes. 04:25:31
16 Q Do you agree with that statement? 04:25:34
17 MR. MANOLIUS: Objection. Legislative 04:25:37
18 privilege and instruct him not to answer. 04:25:41
19 MR. MEUSER Q: On what day did you send this X 04:25:44
20 post? 04:25:47
21 A October 23rd. 04:25:47
22 Q Were you still working for the Legislature on 04:25:49
23 that day? 04:25:51
24 MR. MANOLIUS: Objection. Lacks foundation 04:25:52
25 and vague as to the term "working for." You can answer. 04:25:56

DAVID TANGIPA vs GAVIN NEWSOM
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1	THE WITNESS: I wasn't working for anybody at	04:26:01
2	this point, other than PDI.	04:26:04
3	MR. MEUSER Q: Was this post made in any kind	04:26:06
4	of official capacity on behalf of the Legislature to	04:26:09
5	promote the Prop 50 maps?	04:26:12
6	A I think you'd have to unpack -- I am sure that	04:26:15
7	I was doing this in order to promote or advance the	04:26:25
8	Legislature's interest in passing Prop 50 in the	04:26:27
9	campaign's interest.	04:26:32
10	Q Did you ask -- sorry.	04:26:33
11	Did somebody ask you to post these three	04:26:35
12	articles and promote them?	04:26:41
13	MR. MANOLIUS: Or any one of them.	04:26:43
14	MR. MEUSER Q: Or any one of them?	04:26:45
15	A No.	04:26:47
16	Q As a citizen who was concerned about Prop 50	04:26:47
17	maps, you were reading the news regularly on Prop 50;	04:26:52
18	correct?	04:26:56
19	A Yes.	04:26:56
20	Q And you read these studies that talked about	04:26:56
21	Prop 50; correct?	04:26:59
22	A I saw they existed, yes.	04:27:00
23	Q And you took the time to pull quotes out of	04:27:02
24	that, those studies; correct?	04:27:05
25	A Yes.	04:27:07

DAVID TANGIPA vs GAVIN NEWSOM
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1	Q	And do you have anything on your X posts that	04:27:07
2		say re-Tweets are not my own thoughts or anything like	04:27:11
3		that?	04:27:15
4	A	I don't think that means anything.	04:27:15
5	Q	Okay. You posted these because you believed	04:27:17
6		these particular statements?	04:27:21
7	A	I think that I posted these because I believed	04:27:23
8		these particular statements would be encouraging to	04:27:27
9		people who want to ensure that these maps aren't somehow	04:27:29
10		ruinous to the communities that they care about.	04:27:36
11	Q	So focusing in on the Cal-Poly Pomona, that	04:27:39
12		statement that is in quotation marks, do you, Paul	04:27:45
13		Mitchell, as a private citizen agree with that	04:27:48
14		statement?	04:27:51
15		MR. MANOLIUS: Object. Legislative privilege,	04:27:58
16		don't answer.	04:28:01
17		MR. MEUSER Q: And are you not answering that	04:28:02
18		question at the instruction of your attorney?	04:28:03
19	A	Correct.	04:28:07
20	Q	Let's read the second quotation. "Proposed	04:28:09
21		map likely will increase Asian-American voting power."	04:28:11
22		Did I read that correctly?	04:28:15
23	A	Yes.	04:28:16
24	Q	And do you agree with that statement?	04:28:18
25		MR. MANOLIUS: Same objection. I instruct you	04:28:25

DAVID TANGIPA vs GAVIN NEWSOM
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1	not to answer.	04:28:28
2	MR. MEUSER Q: And are you not answering that	04:28:28
3	question at the instruction of your attorney?	04:28:30
4	A Correct.	04:28:31
5	Q Third quote: "The proposed plan matches the	04:28:31
6	current one almost exactly: It adds one more Latino	04:28:35
7	influence district, but otherwise replicates the status	04:28:40
8	quo."	04:28:43
9	Did I read that correctly?	04:28:43
10	A Yes.	04:28:45
11	Q And do you agree with that particular	04:28:46
12	statement?	04:28:51
13	MR. MANOLIUS: Same objection. Instruct you	04:28:51
14	not to answer.	04:28:54
15	MR. MEUSER Q: And you are not answering that	04:28:54
16	question at the instruction of your attorney?	04:28:56
17	A Correct.	04:28:57
18	Q Earlier today we, I think, if I'm remembering	04:28:58
19	right it was Exhibit 5 which was the contract that you	04:29:11
20	signed with the DCCC. Can you go pull that up?	04:29:14
21	A (Witness complied.) Thank you.	04:29:18
22	Q In this particular contract you were paid, you	04:29:28
23	agreed to be paid \$325,000; is that correct?	04:29:48
24	A For the entirety of the contract?	04:29:52
25	Q Yes.	04:29:54

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1	A	Yes.	04:30:28
2	Q	Okay. And I believe you said earlier that you	04:30:29
3		were paid \$108,000 roughly by the DCCC; is that correct?	04:30:32
4	A	Yes.	04:30:38
5		(Whereupon Plaintiff's Exhibit 23	04:30:38
6		was marked for identification.)	04:30:38
7	MR. MEUSER Q:	Okay. I am going to mark as	04:30:38
8		Exhibit 23 a document that's Bates stamped DCCC000177.	04:30:41
9		This is an invoice from the DCCC for or to the DCCC from	04:30:50
10		Redistricting Partners; correct?	04:30:57
11	A	Yes.	04:30:59
12	Q	And it's for, what is the dollar amount on	04:30:59
13		that?	04:31:02
14	A	\$108,000 --	04:31:02
15	Q	And --	04:31:03
16	A	-- 333.33.	04:31:05
17	Q	Thank you. And has that invoice been paid?	04:31:10
18	A	Yes.	04:31:13
19	Q	Okay. Have you been paid \$108,000,	04:31:13
20		\$108,333.33 from Hakeem Jeffries?	04:31:18
21	A	Yes.	04:31:26
22	Q	Okay. Have you been paid \$108,333.34 from	04:31:27
23		House Majority PAC?	04:31:34
24	A	I'd to have clarify which one gave me 34 cents	04:31:36
25		or 33 cents, but, in general, yes, within a penny.	04:31:39

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1	Q	Okay. Well, I can tell you from public	04:31:42
2		filings that Hakeem Jeffries claims that he paid you the	04:31:45
3		\$0.33.	04:31:49
4	A	Oh. So HMP drew the short straw.	04:31:50
5	Q	They haven't made their public disclosure yet,	04:31:54
6		but I don't know that, but I am assuming that that would	04:31:58
7		be the case.	04:31:59
8		So, on what date did you receive payment from	04:32:00
9		the DCCC?	04:32:04
10	A	On or around the date of this invoice.	04:32:05
11	Q	And what is the date of that invoice?	04:32:08
12	A	Actually, yeah, on or around the date of the	04:32:09
13		invoice, August 15th.	04:32:12
14	Q	Okay. And on or about what time were you paid	04:32:13
15		by Hakeem Jeffries?	04:32:17
16	A	I don't recall.	04:32:19
17	Q	Was it about a month later in the middle of	04:32:20
18		September?	04:32:23
19	A	That sounds appropriate, that sounds about	04:32:23
20		right.	04:32:26
21	Q	And do you know when House Majority PAC or HMP	04:32:26
22		paid you?	04:32:31
23	A	Around the same time, I think, around the same	04:32:32
24		time.	04:32:34
25		MR. MANOLIUS: As which one?	04:32:34

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1	MR. MEUSER Q: As which one?	04:32:36
2	A As Hakeem Jeffries.	04:32:37
3	Q Okay. I was going there too. Did you retain	04:32:42
4	any attorneys as a part of the drawing of the Prop 50	04:32:52
5	maps?	04:32:59
6	MR. WOODS: Objection. Ambiguous.	04:33:01
7	MR. MEUSER Q: Did Redistricting Partners have	04:33:04
8	to retain any attorneys that were paid out of that	04:33:06
9	\$325,000?	04:33:10
10	A No.	04:33:12
11	Q I believe you have said in public that a VRA	04:33:13
12	analysis was done. What attorneys did that VRA	04:33:21
13	analysis?	04:33:28
14	MR. MANOLIUS: Objection. Lacks foundation.	04:33:29
15	What attorneys? You can answer.	04:33:35
16	THE WITNESS: The VRA analysis was not done by	04:33:41
17	an attorney.	04:33:46
18	MR. MEUSER Q: Okay. Who did the VRA analysis	04:33:47
19	that you referred to in your public comments?	04:33:50
20	MR. MANOLIUS: If you know.	04:33:54
21	THE WITNESS: Yeah. Christian Grose.	04:33:55
22	MR. MEUSER Q: Okay. And Christian Grose is,	04:33:57
23	I've heard his name pop up a couple times here today.	04:34:01
24	Who is Christian Grose?	04:34:03
25	A He is a professor at the Schwarzenegger	04:34:05

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1	Institute UC or at USC, like, the name is something like	04:34:10
2	that, and he's a recognized expert in voting rights.	04:34:13
3	Q Did Redistricting Partners pay him to do that	04:34:19
4	VRA report?	04:34:22
5	MR. MANOLIUS: Objection. Legislative	04:34:27
6	privilege. I'll instruct you not to answer.	04:34:30
7	MR. MEUSER Q: And you're not answering that	04:34:37
8	question at the instruction of your attorney?	04:34:38
9	A Correct.	04:34:40
10	Q How many pages was the report Christian Grose	04:34:41
11	wrote that was given to you?	04:34:46
12	MR. MANOLIUS: Same objection. Instruct you	04:34:48
13	not to answer.	04:34:50
14	MR. MEUSER Q: How many pages?	04:34:52
15	MR. MANOLIUS: Yep.	04:34:53
16	MR. MEUSER Q: And you're not going to answer	04:34:54
17	at the instruct of your attorney?	04:34:56
18	A Correct.	04:34:58
19	Q On what date did Christian Grose give you that	04:34:59
20	report?	04:35:02
21	MR. MANOLIUS: Same objection. I instruct you	04:35:02
22	not to answer.	04:35:04
23	MR. MEUSER Q: And you're not answering at the	04:35:05
24	instruction of your attorney?	04:35:08
25	A Correct.	04:35:09

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1	Q	How many VRA analyses did Christian Grose do?	04:35:10
2		MR. MANOLIUS: Same objection. I instruct you	04:35:22
3		not to answer.	04:35:24
4		MR. MEUSER Q: And you're not answering that	04:35:25
5		question at the instruction of your attorney?	04:35:27
6	A	Correct.	04:35:29
7	Q	Starting on July 2nd, you were at a bicycle	04:35:30
8		ride or a bicycle race --	04:35:40
9	A	Ride.	04:35:42
10	Q	-- with the speaker's chief of staff. Which	04:35:43
11		was it?	04:35:45
12	A	It was a bike ride.	04:35:45
13	Q	Just a bike ride?	04:35:47
14	A	Yeah.	04:35:48
15	Q	And on that bike ride you were discussing	04:35:48
16		redistricting in California; is that correct?	04:35:54
17	A	Yes.	04:35:56
18	Q	From July 2nd to July 15th, and the reason why	04:35:58
19		I am using July 15th is because that's the date that's	04:36:03
20		in your contract with the DCCC, did you talk with any	04:36:05
21		other individuals regarding California redistricting?	04:36:10
22		MR. MANOLIUS: Objection, vague. Any	04:36:15
23		individuals?	04:36:17
24		MR. MEUSER: Any --	04:36:18
25		MR. MANOLIUS: People?	04:36:19

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1	MR. MEUSER Q: Anybody regarding Prop 50,	04:36:20
2	regarding California redistricting.	04:36:23
3	A Yes.	04:36:25
4	Q Okay. Approximately, how many people did you	04:36:25
5	talk to?	04:36:28
6	A A dozen?	04:36:29
7	Q Any of the people that you talked to, were	04:36:34
8	they legislators?	04:36:36
9	MR. MANOLIUS: You mean, California	04:36:40
10	legislators?	04:36:40
11	MR. MEUSER: California legislators.	04:36:46
12	THE WITNESS: I don't recall.	04:36:48
13	MR. MEUSER Q: Okay. Were any of them	04:36:48
14	California congressmen or women?	04:36:50
15	A Yes.	04:36:53
16	Q I'm not asking what you talked about.	04:36:54
17	Who did you talk to between July 2nd and	04:36:58
18	July 15th, who was either a California congressman or	04:37:01
19	congresswoman regarding redistricting in California?	04:37:05
20	A Um, just start naming names?	04:37:12
21	Q Start naming names.	04:37:16
22	A Hakeem Jeffries, Nancy Pelosi, Zoe Lofgren,	04:37:17
23	Pete Aguilar, Brad Sherman --	04:37:23
24	MR. MANOLIUS: Just keeping in mind the time	04:37:28
25	period.	04:37:30

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1	THE WITNESS: Yeah, yeah, this is in that time	04:37:30
2	period.	04:37:35
3	MR. MANOLIUS: Okay.	04:37:38
4	THE WITNESS: Yeah. Pete Aguilar. I think	04:37:39
5	that's -- I'd have to start guessing after that, so	04:37:59
6	that's my best recollection.	04:38:01
7	MR. MEUSER Q: And those conversations all	04:38:03
8	took place between July 2nd and July 15th; correct?	04:38:05
9	A Yes.	04:38:08
10	Q Were any of these in-person meetings or were	04:38:08
11	these all over the phone?	04:38:12
12	A These would all have been over the phone.	04:38:13
13	Q Okay. Between July 2nd and July 15th, did you	04:38:19
14	have any conversations with Governor Gavin Newsom or any	04:38:23
15	of his staff?	04:38:27
16	A Yes.	04:38:28
17	Q Who?	04:38:29
18	A Nathan Brinken, Lindsay Covia, Izzie Garden,	04:38:31
19	Bob Saladay; that would probably be it.	04:38:43
20	Q Okay. Other than the chief of staff of	04:38:51
21	Speaker Rivas, between July 2nd and July 15th, did you	04:38:58
22	speak to any other staff of the California Legislature?	04:39:01
23	A Um, legislative staff generally, not to an --	04:39:09
24	exactly to a member, Michael Wagaman, likely Jason	04:39:21
25	Lyles.	04:39:40

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1 I don't want to start guessing, but there 04:39:40

2 could have been others that just don't jump to mind. 04:39:42

3 **Q In your contract with the DCCC it refers back 04:39:46**

4 **to a July 15th day. Is there something significant that 04:39:52**

5 **happened on July 15th as to why that was the date of the 04:39:57**

6 **contract?** 04:40:01

7 MR. MANOLIUS: When you say refers back to 04:40:03

8 July 15th, you just mean the date of the contract being 04:40:05

9 July 15th? 04:40:08

10 MR. MEUSER Q: If that's the start date of the 04:40:09

11 contract, even though it's not signed until August, it 04:40:10

12 relates back to a July 15th date and I am wondering what 04:40:13

13 the significance of this relates back date is? 04:40:16

14 A I don't recall without looking at the 04:40:19

15 calendar. 04:40:20

16 **Q Do you maintain a calendar that sets the 04:40:21**

17 **schedule of who you talked to regarding the 04:40:25**

18 **redistricting process?** 04:40:28

19 A I don't have staff that put together a 04:40:30

20 calendar for me, so what I have is spotty. 04:40:33

21 **Q Has the calendar that you created been given 04:40:37**

22 **to counsel so that they can review to see if it's 04:40:40**

23 **something that they need to give to us in response to 04:40:42**

24 **our document request?** 04:40:46

25 MR. MANOLIUS: Objection. Calls for 04:40:48

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1	attorney-client privilege. Don't answer.	04:40:49
2	MR. MEUSER: So, Counsel, I am going to ask	04:40:53
3	you to make sure that you get from your client the	04:40:55
4	calendar that he, you know, however spotty it is, that	04:40:57
5	you get the calendar and review it to see if it's	04:41:00
6	something that is responsive.	04:41:04
7	MR. MANOLIUS: Will do.	04:41:07
8	MR. MEUSER: Thank you.	04:41:08
9	Q Between July 15th and August 1st --	04:41:10
10	A August 1st.	04:41:17
11	Q -- August 1st, so we did the first two weeks,	04:41:18
12	now we're doing the second two weeks -- are there any	04:41:24
13	California congressmen or women that you talked to	04:41:28
14	regarding this redistricting process?	04:41:32
15	A Yes.	04:41:37
16	Q Who?	04:41:38
17	A Zoe Lofgren, Pete Aguilar, Nancy Pelosi, and	04:41:39
18	then from there I'd have to go, like, district by	04:41:58
19	district. To maybe move this along, the members who are	04:42:01
20	in districts that changed significantly, I would have	04:42:07
21	had a discussion with them about that.	04:42:10
22	Q Did you call those congressmen up or were you	04:42:13
23	working through somebody who had scheduled a time for	04:42:18
24	you to talk to the congressman?	04:42:21
25	A Combination.	04:42:24

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1	Q	When was the first date that you started	04:42:28
2		talking with the DCCC?	04:42:31
3	A	I don't recall.	04:42:33
4	Q	Does the date August 1st have any significance	04:42:35
5		to you regarding your conversations with the DCCC?	04:42:43
6	A	At this moment, no, I don't.	04:42:46
7	Q	Did you use the DCCC at all to make	04:42:50
8		connections with congressmen to talk about their	04:42:53
9		districts?	04:42:57
10	A	No.	04:42:57
11	Q	I am assuming that some of these congressmen,	04:42:59
12		you have their numbers and are able to reach out to them	04:43:05
13		already; is that correct?	04:43:07
14	A	Yes.	04:43:08
15	Q	And then there's probably some congressmen	04:43:08
16		that you don't have a relationship and you had somebody	04:43:11
17		else make the contact. Is that fair?	04:43:13
18	A	Sure.	04:43:15
19	Q	Between July 15th and the end of the month,	04:43:16
20		August 1st, were there anybody from the governor's, the	04:43:23
21		Governor or the governor's office that you spoke to	04:43:28
22		about redistricting?	04:43:30
23	A	Yes, and it would be the same people.	04:43:32
24	Q	Okay. And same question now, same time period	04:43:35
25		for any legislators, California state legislators?	04:43:40

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1 A I don't recall. One, her name was mentioned 04:43:48
2 earlier, I am blanking on her name, she's the Santa Cruz 04:44:11
3 county registrar, Gail Pelgrin. 04:44:14
4 **Q Thank you. Same question: Legislative staff?** 04:44:18
5 A Same legislative staff: Jason Lyles, Steve 04:44:21
6 Omara, Michael Wagaman. There could have been somebody 04:44:25
7 else who called me that I just don't recall. 04:44:33
8 **Q Between August 1st and August 15th, are there** 04:44:35
9 **any new names of congressmen that you spoke to during** 04:44:40
10 **that period of time that you have not already mentioned?** 04:44:44
11 A No. It would have been the same members of 04:44:48
12 Congress that we were talking about earlier that had 04:44:52
13 their districts changed. 04:44:55
14 **Q Same time period, August 1st to August 15th,** 04:44:56
15 **any new individuals that you were talking to from the** 04:44:59
16 **governor's office?** 04:45:03
17 A Um, David Sack. 04:45:04
18 **Q Same time period, August 1st to August 15th,** 04:45:20
19 **are there any state legislators that you spoke to during** 04:45:24
20 **this two-week period of time?** 04:45:29
21 A Yes, and that was covered in the earlier 04:45:32
22 testimony. I can't recall the names exactly of all the 04:45:35
23 legislators that I met with, but I met with a handful of 04:45:39
24 legislators and talked to a handful of legislators. 04:45:44
25 **Q But that was during the August 1st to** 04:45:47

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1	August 15th period; correct?	04:45:50
2	A Yeah, right before they put the bill into	04:45:51
3	print.	04:45:54
4	Q And I believe earlier you indicated that there	04:45:54
5	was some kind of presentation you gave to multiple	04:45:57
6	legislators. Is that a fair statement of what you did?	04:46:01
7	A Uh-huh. Yes.	04:46:04
8	Q How long was this presentation?	04:46:06
9	A Twenty-five minutes or so.	04:46:09
10	Q Was it in-person or via technology, like Zoom?	04:46:12
11	A The group presentations were all Zoom.	04:46:16
12	Q Okay. Do you recall approximately when this	04:46:18
13	presentation was made?	04:46:22
14	A There would have been a few, and they would	04:46:24
15	have been in the weeks leading to the legislative	04:46:32
16	drafting of the bill and potentially one or two in the	04:46:35
17	week that the Legislature was considering the bill.	04:46:40
18	Q And when you say a few, is that less than a	04:46:43
19	dozen?	04:46:46
20	A Oh, yeah.	04:46:46
21	Q Less than five?	04:46:47
22	A A few means three to five or so.	04:46:47
23	Q Three to five. Okay. And you believe one of	04:46:50
24	these was done during the legislative session?	04:46:53
25	MR. MANOLIUS: Objection. Lacks foundation.	04:46:58

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1 THE WITNESS: I wouldn't exclude it. I think 04:47:00
2 there might have been some presentation to one of the 04:47:01
3 groups at that time. 04:47:06
4 MR. MEUSER Q: Do you recall the groups that 04:47:09
5 you were making these presentations to? Do you recall 04:47:11
6 the name of the groups? 04:47:14
7 A Generally. 04:47:16
8 Q What were the names of the groups? 04:47:17
9 A Assembly Democratic Caucus, Senate Democratic 04:47:19
10 Caucus, and I don't recall what other caucuses I might 04:47:27
11 have spoken with. I don't recall names. 04:47:35
12 Q Is it a fair statement to say that you were 04:47:38
13 never on a podcast with any of the Republican 04:47:40
14 legislators? 04:47:43
15 A Republican legislators? No. You mean, a Zoom 04:47:44
16 or a podcast? 04:47:48
17 Q Zoom, podcast, yeah. 04:47:49
18 A Um, no, not during the redistricting. 04:47:51
19 Q Let me rephrase the question. 04:48:00
20 Between August 1st and August 24, were you 04:48:03
21 ever on a Zoom podcast that had a Republican legislator 04:48:05
22 in which you were talking about what became known as 04:48:10
23 Prop 50 maps? 04:48:13
24 A I don't recall. 04:48:15
25 MR. MEUSER: Okay. Counsel, do you want to 04:48:16

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1	take about a 10, 15-minute break here?	04:48:29
2	MR. MANOLIUS: Ten.	04:48:32
3	MR. MEUSER: Okay. Ten-minute break	04:48:33
4	everybody?	04:48:36
5	THE VIDEOGRAPHER: The time is 4:48 p.m. We	04:48:36
6	are going off the record.	04:48:38
7	(Whereupon a recess was taken.)	04:56:36
8	THE VIDEOGRAPHER: We are back on the record.	04:56:36
9	The time is 4:56 p.m. and this marks the beginning of	04:56:50
10	videotape number seven in the deposition of Paul	04:56:54
11	Mitchell, which is being taken at Hanson Bridgett, LLP	04:56:58
12	500 Capitol Mall, Suite 1500, Sacramento, California.	04:57:03
13	The videographer is Nicholas Coulter, here on	04:57:07
14	behalf of Array Legal Services.	04:57:11
15	MR. MEUSER Q: Welcome back. Mr. Mitchell,	04:57:16
16	you know you're still under oath?	04:57:19
17	A Yes.	04:57:21
18	Q Counsel, this question is more for you for	04:57:21
19	clarification.	04:57:24
20	On your legislative privilege, are you	04:57:24
21	claiming legislative privilege for conversations that he	04:57:26
22	had with congressmen who are not legislators?	04:57:30
23	MR. MANOLIUS: Yes.	04:57:34
24	MR. MEUSER Q: Okay. And you are claiming --	04:57:35
25	MR. MANOLIUS: Not legislators, not California	04:57:37

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1	state legislators.	04:57:40
2	MR. MEUSER: They are not California state	04:57:42
3	legislators who are involved in the passage, voting for	04:57:43
4	or the drafting of language or adopting of the language	04:57:46
5	of the state proposition or state constitutional	04:57:48
6	amendment that became Proposition 50?	04:57:52
7	MR. MANOLIUS: Yes.	04:57:54
8	MR. MEUSER Q: Okay. Mr. Mitchell, have you	04:57:56
9	been instructed by any legislator to claim legislative	04:58:08
10	privilege here today?	04:58:14
11	MR. MANOLIUS: Objection, attorney-client	04:58:17
12	privilege. Instruct you not to answer the question.	04:58:19
13	MR. MEUSER Q: And, Mr. Mitchell, you're not	04:58:22
14	answering that question at the instruction of your	04:58:24
15	attorney; correct?	04:58:25
16	A Correct.	04:58:26
17	Q Okay. I have pulled three documents for you	04:58:27
18	that have been previously marked. I went through these	04:58:35
19	documents in great detail with Julie earlier today, but	04:58:38
20	I have some follow-up questions that I want to do, so we	04:58:42
21	pulled, for the record, those following at home	04:58:45
22	Exhibit 7, Exhibit 8 and Exhibit 9.	04:58:48
23	So which one is in front of you, talking	04:58:52
24	points, number seven?	04:58:55
25	A Yes.	04:58:56

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1	Q	Okay. And this is an e-mail from you to Merz	04:58:57
2		at DCCC.org; is that correct?	04:59:04
3	A	This is an e-mail from Julie to me, the other	04:59:08
4		way around.	04:59:12
5	Q	Ah-ha. You have a different copy than what	04:59:18
6		I'm looking at. Okay.	04:59:21
7		So starting right below that, that is an	04:59:23
8		e-mail that you sent; is that correct?	04:59:27
9	A	It's an e-mail that I sent, but I don't know	04:59:31
10		if it was just to Julie or to other people or, yeah.	04:59:33
11	Q	Okay. Fair enough. And you write, "Here are	04:59:35
12		some things that I would like to see in a letter that	04:59:41
13		would go with this submission. I have cc'd Ellen on	04:59:44
14		this in case she has any thoughts or input."	04:59:49
15		Did I read that correct?	04:59:51
16	A	Yes.	04:59:52
17	Q	Okay. And you signed your name, "Paul"?	04:59:53
18	A	Yes.	04:59:55
19	Q	Okay. Now, as I'm looking at this document	04:59:57
20		you have stuff that is indented all the way, you know,	05:00:00
21		there's stuff that's indented and stuff that's not	05:00:05
22		indented; correct?	05:00:07
23	A	Correct.	05:00:08
24	Q	The stuff that is indented, there's multiple	05:00:09
25		paragraphs here on these two pages here that are	05:00:13

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1	indented. Is that something that you wrote or is that	05:00:15
2	something that someone else wrote that you were copying	05:00:18
3	it?	05:00:22
4	A Something that I wrote.	05:00:22
5	Q Okay. So was the section that is indented	05:00:24
6	that you wrote, was this something that you were	05:00:31
7	expecting the DCCC to put into some talking points memo.	05:00:34
8	Is that a fair assessment?	05:00:38
9	MR. MANOLIUS: Objection. Calls for	05:00:40
10	speculation and also calls for information that's	05:00:42
11	protected by the legislative privilege, so I'll instruct	05:00:49
12	you not to answer.	05:00:53
13	MR. MEUSER Q: Mr. Mitchell, you wrote this	05:00:55
14	e-mail?	05:00:56
15	A Yes.	05:00:58
16	Q Okay. And you wrote it to the DCCC; correct?	05:00:58
17	A Yes.	05:01:06
18	Q What was the reason the DCCC told you to write	05:01:07
19	this e-mail to them?	05:01:13
20	MR. MANOLIUS: Objection. Lacks foundation,	05:01:15
21	calls for speculation.	05:01:18
22	THE WITNESS: I don't recall if they asked me	05:01:20
23	to write this e-mail.	05:01:23
24	MR. MEUSER Q: Let's go through this one line	05:01:26
25	at a time.	05:01:31

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1 The first sentence says, "This isn't a hack 05:01:32
2 job map, it's actually good. We want to stress the 05:01:35
3 importance of using criteria that are standard in 05:01:39
4 California." 05:01:42

5 Did I read that correctly? 05:01:43

6 A Yes. 05:01:44

7 Q Now we have an indented paragraph, and I am 05:01:45
8 going to read that. "The plan was created using 05:01:50
9 traditional redistricting criteria, consistent with the 05:01:53
10 state commission criteria and the FAIR MAPS Act, but 05:01:59
11 with the additional criteria of improving partisan gains 05:02:01
12 in response to Texas and other states who are conducting 05:02:03
13 mid-decade redistricting." 05:02:06

14 Did I read that correct? 05:02:08

15 A Yes. 05:02:09

16 Q Can you please explain to me why the second 05:02:10
17 paragraph is indented, but the first paragraph was not? 05:02:14

18 A The idea is that these are snippets that they 05:02:18
19 could consider. 05:02:27

20 Q So the first paragraph would be an explanation 05:02:28
21 as to what that snippet was saying; correct? 05:02:31

22 A Sure. 05:02:35

23 Q So the first paragraph is kind of an explainer 05:02:36
24 and the second paragraph is something that you thought 05:02:39
25 that DCCC could use. Is that fair? 05:02:42

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1	A	Or that they could modify, that they could --	05:02:45
2		this is the, I'm writing this pretty quickly so this	05:02:47
3		wasn't expected as a cut-and-paste. I would have	05:02:51
4		written their letter for them in that case.	05:02:54
5	Q	So paragraph three, again, is an explainer of	05:02:56
6		what paragraph four stated; correct?	05:02:59
7	A	Yes.	05:03:02
8	Q	And then paragraph five is kind of a brief	05:03:05
9		explainer to the long next two paragraphs that are	05:03:10
10		indented; correct?	05:03:14
11	A	Yes.	05:03:15
12	Q	And so on and so forth down this entire	05:03:16
13		e-mail; correct?	05:03:20
14	A	Yes.	05:03:21
15	Q	And the words in the indented -- strike that.	05:03:22
16		Everything in this was something that you	05:03:28
17		personally typed; is that correct?	05:03:31
18	A	Yes.	05:03:33
19	Q	That first indented paragraph says,	05:03:33
20		"Traditional redistricting criteria."	05:03:52
21		What does that term mean to you as someone in	05:03:55
22		the business of redistricting?	05:04:02
23		MR. MANOLIUS: Objection, vague. Do you mean	05:04:06
24		as a general matter?	05:04:07
25		MR. MEUSER: I tried to put it as general as	05:04:09

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1	possible.	05:04:11
2	MR. MANOLIUS: Okay.	05:04:11
3	THE WITNESS: So --	05:04:13
4	MR. MANOLIUS: So the caution is answer it as	05:04:13
5	a general matter and not as with regard to the	05:04:15
6	legislative process that we have been talking about	05:04:19
7	today.	05:04:21
8	THE WITNESS: Traditional criteria is a banner	05:04:23
9	term that a lot of people put a lot of things under that	05:04:25
10	banner.	05:04:28
11	MR. MEUSER Q: What did you put under that	05:04:31
12	banner?	05:04:32
13	A Equal population, maintaining the city and	05:04:34
14	counties, maintaining communities of interest, main --	05:04:37
15	keeping geographies together, political geographies so	05:04:40
16	districts are contiguous, they are compact. Those are	05:04:45
17	the kind of traditional criteria.	05:04:51
18	Q And then you say the state commission	05:04:53
19	criteria. Are you referring to the California	05:05:00
20	Constitution that the state redistricting commission is	05:05:04
21	required to abide by when they draw California lines?	05:05:10
22	MR. WOODS: Objection. Calls for a legal	05:05:15
23	conclusion.	05:05:17
24	MR. MANOLIUS: Yeah, I'll join that.	05:05:17
25	THE WITNESS: To be clear, it says,	05:05:19

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1 "Consistent with the commission criteria," so it's 05:05:21
2 basically saying in alignment with the commission 05:05:23
3 criteria and doesn't mean that it is specifically every 05:05:26
4 one of the commission criterias. 05:05:30

5 It was just the numbering of the districts as 05:05:32
6 a commission criteria that we didn't use, but had the 05:05:33
7 heart and sole of the commission criteria in it. 05:05:37

8 **Q Understand that. And then there's an "and the 05:05:39**
9 **FAIR MAPS Act;" correct? 05:05:45**

10 A Yes. 05:05:46

11 **Q Did you use anything in the FAIR MAPS Act in 05:05:47**
12 **drawing the lines of that became Prop 50? 05:05:53**

13 MR. MANOLIUS: Objection. Legislative 05:05:57
14 privilege and instruct you not to answer. 05:05:58

15 MR. MEUSER Q: And you are not answering my 05:06:02
16 question at the instruction of your attorney? 05:06:03

17 A Correct. 05:06:05

18 **Q Okay. Looking at the paragraph that starts, 05:06:06**
19 **"Trying to create Minimal Disruptions," do you see that? 05:06:19**

20 A On the next page or -- 05:06:24

21 **Q Yeah, I think so. 05:06:28**

22 A Yeah, I see it. 05:06:29

23 **Q And then the indented paragraph below that, 05:06:30**
24 **the last sentence of that indented paragraph reads, 05:06:32**

25 **"This California plan leaves nine districts untouched 05:06:37**

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1	and in 19 districts fewer than 10-percent of the	05:06:40
2	residents are impacted."	05:06:44
3	Did I read that correct?	05:06:46
4	A Yes.	05:06:47
5	Q And did you write that on or about	05:06:47
6	August 15th, 2025?	05:06:51
7	A Yes.	05:06:53
8	Q Reading the next indented section that starts	05:06:55
9	with, "The firm we hired," do you see that paragraph?	05:07:20
10	A Yes.	05:07:22
11	Q Now, this is a paragraph that you drafted that	05:07:24
12	explains Redistricting Partners; is that correct?	05:07:29
13	A Yes.	05:07:33
14	Q And you wrote this on August 15th; correct?	05:07:34
15	A Yes.	05:07:36
16	Q Did you copy this from your website or	05:07:37
17	anything like that or did you just draft this on	05:07:39
18	August 15th for this e-mail?	05:07:42
19	A Probably, a combination of both.	05:07:44
20	Q The last sentence in this section, I want to	05:07:46
21	go ahead and read this to you. "In addition to	05:07:52
22	municipal and state redistricting, they have worked for	05:07:54
23	nonprofit and community-based organizations, including	05:07:57
24	Common Cause, the American Civil Liberties Union,	05:08:01
25	Advancement Project, Irvine Foundation and other	05:08:05

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1 foundations exploring redistricting, voting rights and 05:08:08
2 election issues." 05:08:12

3 Did I read that correctly? 05:08:13

4 A Yes. 05:08:15

5 Q I want to focus in on the two words, "Voting 05:08:16
6 rights." 05:08:22

7 Which organizations or nonprofit, what 05:08:23
8 nonprofit and community-based organizations have you 05:08:28
9 worked with regarding voting rights? 05:08:31

10 MR. MANOLIUS: Objection. Vague as to the 05:08:37
11 term "voting rights," vague as to time. You can answer. 05:08:39

12 THE WITNESS: All of these listed and probably 05:08:43
13 more. 05:08:45

14 MR. MEUSER Q: And when you worked with the 05:08:45
15 Common Cause on voting rights, what did you do for 05:08:48
16 Common Cause? 05:08:52

17 A I can speak to at least two that jump to mind 05:08:54
18 to give an understanding. 05:08:58

19 I worked with Common Cause on an Amicus brief 05:08:59
20 in New Mexico on the redistricting commission, 05:09:04
21 independent redistricting commission, an analysis of 05:09:09
22 their districts. 05:09:12

23 I worked with them and an umbrella of the 05:09:15
24 Irvine Foundation in 2012, '13, something around there 05:09:21
25 on a analysis of the cities and localities with racially 05:09:24

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1 polarized voting for the purpose of them understanding 05:09:33
2 the potential impacts of the California Voting Rights 05:09:36
3 Act. 05:09:38
4 **Q Did you do a racial polarized analysis for 05:09:38**
5 **that project that you just referred to? 05:09:41**
6 A I wouldn't call it a full racially polarized 05:09:43
7 analysis, but I did some regressions. 05:09:47
8 **Q When did you do that, these regressions? 05:09:49**
9 A In 2012 or 2013 or something like that. 05:09:52
10 **Q Okay. 05:09:58**
11 A 2011, 2012, 2013, something like that. I've 05:09:58
12 also did analysis for ACLU in Chula Vista for their 05:10:06
13 CVRA. 05:10:14
14 **Q Okay. 05:10:14**
15 A I mean, there's -- yeah. 05:10:15
16 **Q And this was all done through Redistricting 05:10:17**
17 **Partners; correct? 05:10:19**
18 A Yes. 05:10:21
19 **Q When did Redistricting Partners open up? 05:10:21**
20 A 2011. It could have been 2010. 05:10:24
21 **Q Nobody is going to shoot you if you gave the 05:10:32**
22 **wrong answer. 05:10:36**
23 **Let's go ahead and go to the Capitol Weekly 05:10:37**
24 **Podcast. And if you can turn to page six, starting on 05:10:42**
25 **line six, I see the name Evan McLaughlin. Who is Evan 05:10:57**

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1	McLaughlin?	05:11:09
2	A Evan McLaughlin is a former staff of	05:11:10
3	Redistricting Partners, former -- you want me to give	05:11:14
4	you resume a little bit?	05:11:19
5	Q Yes.	05:11:19
6	A He works for the California Firefighters now,	05:11:19
7	former chief of staff to Lorenzo Gonzales, former staff	05:11:22
8	person at the San Diego Labor Council. He is a --	05:11:27
9	Q Okay. How long have you known Evan	05:11:33
10	McLaughlin?	05:11:36
11	A Probably, since the 2011 redistricting cycle.	05:11:38
12	Q Did Redistricting Partners pay Evan McLaughlin	05:11:46
13	for the work that he did as a part of your work of	05:12:00
14	drawing the Proposition 50 maps?	05:12:05
15	A Yes.	05:12:08
16	Q Okay. The next -- strike that.	05:12:09
17	What was Evan McLaughlin's role in drawing the	05:12:13
18	Proposition 50 maps?	05:12:19
19	MR. MANOLIUS: Objection. Legislative	05:12:20
20	privilege, I instruct you not to answer.	05:12:22
21	MR. MEUSER Q: And you're not answering that	05:12:24
22	question at the instruction of your attorneys?	05:12:26
23	A Correct.	05:12:27
24	Q Okay. When Evan McLaughlin worked for	05:12:28
25	Redistricting Partners, what was his role at your firm?	05:12:31

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1	A	This is prior to?	05:12:37
2		MR. MANOLIUS: Yeah, prior to.	05:12:39
3		THE WITNESS: Are you saying in the past	05:12:41
4		redistricting when he was an actual employee?	05:12:43
5		MR. MEUSER Q: Yes, when he was an employee at	05:12:45
6		your firm.	05:12:47
7	A	When he was an employee at my firm in the 2021	05:12:47
8		redistricting cycle, I don't recall his actual title,	05:12:50
9		but he was basically, like, my number two on the	05:12:53
10		political side.	05:12:59
11	Q	Okay. The second name on line six is Joe	05:13:00
12		Armenta. Do you see that name?	05:13:07
13	A	Joe Armenta, yes.	05:13:09
14	Q	Armenta. Sorry. Who is Joe Armenta?	05:13:09
15	A	Joe Armenta is an employee of Redistricting	05:13:14
16		Partners in the last redistricting cycle, as well, and	05:13:19
17		he also works for the California Firefighters.	05:13:22
18	Q	When did you first meet Joe Armenta?	05:13:25
19	A	In the 2021 redistricting cycle.	05:13:29
20	Q	And during the 2021 redistricting cycle, what	05:13:32
21		was Joe Armenta's job?	05:13:35
22	A	Working on redistricting and in a number of	05:13:37
23		different states, and more the monitoring commissions	05:13:44
24		type of work.	05:13:49
25	Q	Can you be more precise what he was doing?	05:13:52

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1	A	The firm is kind of split into agency work and	05:13:55
2		more political or advocacy work, and so he would be on	05:13:58
3		the advocacy side.	05:14:01
4	Q	And Evan McLaughlin in the 2021 redistricting	05:14:03
5		cycle, what side of the firm was he on?	05:14:06
6	A	The advocacy side.	05:14:08
7	Q	Thank you. Did Redistricting Partners pay Joe	05:14:11
8		Armenta for the work that was done on Proposition 50?	05:14:14
9	A	Yes.	05:14:18
10	Q	Next name on this list is Jacob	05:14:19
11		Thompson-Fisher. Who is Jacob Thompson-Fisher?	05:14:22
12	A	He is one of the original creators of	05:14:27
13		Redistricting Partners from the 2011 cycle and worked	05:14:31
14		for Redistricting Partners, and now he does contract	05:14:34
15		data work for different organizations.	05:14:41
16	Q	Do you know the names of these organizations	05:14:43
17		that he does work for?	05:14:45
18	A	The only one I know of is SEIU.	05:14:46
19	Q	During the 2021 redistricting cycle, what	05:14:50
20		tasks and jobs did Jacob Thompson-Fisher do for	05:14:53
21		Redistricting Partners?	05:14:56
22	A	Mostly, in charge of our data on both sides	05:14:57
23		and then did some municipal redistricting.	05:15:00
24	Q	And was Jacob Thompson-Fisher paid by	05:15:05
25		Redistricting Partners as a part of their, as part of	05:15:08

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1	the drawing of Prop 50 maps?	05:15:12
2	A Yes.	05:15:14
3	Q The next name on this list starts on line	05:15:16
4	eight is Stacey Reardon. Do you see that name?	05:15:19
5	A Yes.	05:15:23
6	Q Who is Stacey Reardon?	05:15:23
7	A Stacey Reardon is a staff person. I think	05:15:25
8	she's got her own firm now and she used to work for	05:15:29
9	Redistricting Partners.	05:15:33
10	Q What was her role when she used to work for	05:15:34
11	Redistricting Partners?	05:15:36
12	A She was more on the advocacy side, and then I	05:15:37
13	believe she also helped somewhat on the municipal side	05:15:43
14	with outreach meetings and so on.	05:15:47
15	Q Now, I read here from this statement that you	05:15:49
16	made on Capitol Weekly Podcast, and I am going to just	05:15:51
17	read the statement first and we'll make sure I read it	05:15:54
18	right.	05:15:56
19	"Stacey Reardon came in and helped with a lot	05:15:56
20	of the community of interest stuff."	05:15:59
21	Did I read that correctly?	05:16:01
22	A You read that correctly.	05:16:02
23	Q Is that a statement that you made to Capitol	05:16:04
24	Weekly Podcast?	05:16:09
25	A Yes.	05:16:09

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1 Q And when you use the words "community of 05:16:10
2 interest," earlier you were talking to Julie Hamill here 05:16:16
3 about community of interest. 05:16:23
4 Is the conversation that we had earlier today 05:16:25
5 about community of interest, is that the same definition 05:16:31
6 that you would use for what you meant in this sentence 05:16:34
7 when you said Stacey Reardon handled the community of 05:16:37
8 interest stuff? 05:16:40
9 MR. MANOLIUS: Objection. Legislative 05:16:41
10 privilege, I instruct you not to answer. 05:16:43
11 MR. MEUSER Q: And you're not answering the 05:16:47
12 question at the instruction of your attorney? 05:16:49
13 A Correct. 05:16:50
14 Q Liz Stitt, and I probably just butchered 05:16:51
15 that -- 05:16:57
16 A No, that's perfect. 05:16:57
17 Q Oh, okay. Who is Liz Stitt? 05:16:59
18 A Liz is a former staff member of Redistricting 05:17:01
19 Partners and previously worked in the Legislature and 05:17:08
20 she is now in England. 05:17:11
21 Q When she worked for Redistricting Partners in 05:17:15
22 the past, what was her role? 05:17:23
23 MR. MANOLIUS: Again, this is before? 05:17:25
24 THE WITNESS: Yes. So in her, when she was an 05:17:27
25 employee, she was primarily on the municipal side. I 05:17:29

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1 think she might have started with the advocacy side, but 05:17:33
2 very quickly transitioned to the municipal side. 05:17:37
3 MR. MEUSER Q: And I forgot to ask about 05:17:39
4 Stacey Reardon. Was she paid by prop -- by 05:17:41
5 Redistricting Partners as a part of the work for Prop 05:17:44
6 50? 05:17:47
7 A Yes. 05:17:47
8 Q And Liz Stitt, was she paid by Redistricting 05:17:47
9 Partners for her work on Prop 50? 05:17:52
10 A She has not been paid. 05:17:54
11 Q She has not been paid. Are you planning on 05:17:56
12 paying her? 05:17:58
13 A Um, we have not worked that out yet. She is 05:17:59
14 living in a foreign country. 05:18:02
15 Q Now, in this paragraph, starting on line 16, 05:18:06
16 you say, "I'd call Liz and talk with her about the 05:18:12
17 things she had done overnight." 05:18:17
18 Did I read that correctly? 05:18:18
19 A What line you said? 05:18:20
20 Q 16 and 17. 05:18:23
21 A Yeah. 05:18:24
22 Q And this was, you had a daily conversation 05:18:25
23 with Liz every morning while you were walking the dogs? 05:18:28
24 A Roughly. 05:18:30
25 Q And is it fair to say that she was working on 05:18:32

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1	that while you were sleeping at night?	05:18:39
2	A Yes.	05:18:41
3	Q She was working on Prop 50 while you were	05:18:41
4	sleeping at night?	05:18:44
5	MR. MANOLIUS: Objection. Calls for	05:18:44
6	speculation. You can answer, if you know.	05:18:45
7	THE WITNESS: It states it right here and I	05:18:47
8	think it's pretty plain language there.	05:18:50
9	MR. MEUSER Q: Chris Chaffee, line 19.	05:18:54
10	A Chaffee.	05:18:56
11	Q Chaffee. Who is Chris Chaffee?	05:18:57
12	A Chris Chaffee, along with Jacob	05:18:59
13	Thompson-Fisher, is one of the three kind of original	05:19:02
14	people with Redistricting Partners, and who works for	05:19:05
15	the Governor now.	05:19:08
16	Q Is Chris Chaffee paid by Redistricting	05:19:10
17	Partners for work that was associated with Prop 50?	05:19:15
18	A No.	05:19:21
19	Q Daniel Lopez?	05:19:21
20	A Daniel Lopez works in Los Angeles and had	05:19:22
21	worked briefly for Redistricting Partners, worked for a	05:19:26
22	period in the past.	05:19:31
23	Q Okay. Was Daniel Lopez paid for any work by	05:19:32
24	Redistricting Partners as a part of the work that you	05:19:37
25	did on Prop 50?	05:19:41

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1	A	No.	05:19:42
2	Q	At any time, did you talk with Gavin Newsom	05:19:44
3		between July 2nd and August 24th about Prop 50?	05:19:49
4	A	August 24th, I do not believe so, no.	05:19:56
5	Q	Okay. So prior to him signing the bill?	05:20:03
6	A	Oh, no, absolutely not.	05:20:04
7	Q	That's the date.	05:20:06
8	A	I didn't know what the 24th meant.	05:20:07
9	Q	Page seven, lines 14 and 15. Actually, I'll	05:20:11
10		start on line 13. "But, you know, the focus really was	05:20:25
11		on trying to put together a work product that we could	05:20:29
12		be proud of given the fact that Redistricting Partners	05:20:32
13		has only done nonpartisan redistricting."	05:20:34
14		Did I read that correctly?	05:20:38
15	A	Yes.	05:20:41
16	Q	And that statement is something that you told	05:20:41
17		Capitol Weekly Podcast; correct?	05:20:45
18	A	Yes.	05:20:47
19	Q	And you told Capitol Weekly Podcast that you	05:20:48
20		were proud of the work that you had done as a part of	05:20:53
21		the redistricting process of Prop 50?	05:20:56
22		MR. MANOLIUS: Objection --	05:20:56
23		THE WITNESS: Slightly different wording, but	05:21:02
24		yes.	05:21:04
25		MR. MANOLIUS: -- misstates. You can answer.	05:21:04

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1	THE WITNESS: It was that we could be proud	05:21:06
2	of, that the team could be proud of.	05:21:08
3	MR. MEUSER Q: And are you proud of the work	05:21:10
4	that you did as that became Prop 50?	05:21:12
5	MR. MANOLIUS: Objection. Legislative	05:21:15
6	privilege. I'll instruct you not to answer.	05:21:17
7	MR. MEUSER: Let me just get this correct.	05:21:20
8	You're asking for legislative work product or a	05:21:22
9	legislative privilege over how he feels about the work	05:21:27
10	that he did three months ago?	05:21:30
11	MR. MANOLIUS: Uh-huh, yes, that's correct.	05:21:32
12	MR. MEUSER Q: Okay. And, Mr. Mitchell,	05:21:34
13	you're refusing to answer at the instruction of your	05:21:37
14	attorney?	05:21:39
15	A Correct.	05:21:39
16	Q Page eight, starting on line 13, "But if we	05:21:41
17	were going to do it, we want to do it with the same kind	05:21:53
18	of California values and the values that our company	05:21:56
19	has."	05:22:01
20	Did I read that correct?	05:22:01
21	A Yes.	05:22:02
22	Q Is that a statement that you made to Capitol	05:22:03
23	Weekly Podcast?	05:22:08
24	A Yes.	05:22:08
25	Q When you use the phrase "California values,"	05:22:09

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1	what does that mean to you?	05:22:13
2	MR. MANOLIUS: Same objection. Instruct you	05:22:16
3	not to answer, legislative privilege.	05:22:17
4	MR. MEUSER: You're instructing him to not	05:22:22
5	answer how he uses the word "California values"?	05:22:25
6	MR. MANOLIUS: To the extent it's part of this	05:22:30
7	process, yes, I am.	05:22:32
8	MR. MEUSER Q: Mr. Mitchell, you've done over	05:22:34
9	100 redistrictings; correct?	05:22:38
10	A Yes.	05:22:40
11	Q And not including Proposition 50, if you were	05:22:41
12	to say that this redistricting project had some kind of	05:22:46
13	California values, what does California values mean to	05:22:51
14	you in a redistricting process?	05:22:53
15	A In my redistricting outside of Prop 50 is what	05:22:55
16	you're asking?	05:22:58
17	Q Yes.	05:22:58
18	MR. MANOLIUS: Objection. Compound,	05:22:59
19	contextual objection, but you can answer.	05:23:01
20	THE WITNESS: California has a history since	05:23:04
21	the adoption of the commission in the last two	05:23:07
22	redistricting cycles, and with the furtherance of the	05:23:11
23	FAIR MAPS Act and furtherance of other legislative	05:23:14
24	priorities to increase the number of independent	05:23:17
25	redistricting commissions, to have redistricting be	05:23:20

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1 taken out of the hands of politicians and incumbents and 05:23:22
2 be drawn based on what's best for the community, and 05:23:25
3 that's the work that we do with Redistricting Partners 05:23:29
4 in our everyday work. 05:23:32

5 MR. MEUSER Q: And the sentence continues, 05:23:34
6 "The values that our company has." 05:23:35

7 What values does Redistricting Partners have 05:23:37
8 as a company? 05:23:42

9 A Outside of Prop 50? 05:23:45

10 MR. MANOLIUS: Yes. Objection. To the extent 05:23:47
11 inside the Prop 50 envelope, just using different words, 05:23:49
12 you can answer for things you've done in the past. 05:23:54

13 THE WITNESS: So people who know Redistricting 05:23:59
14 Partners and know the redistricting world understand 05:24:04
15 that our company is unique in that we very strongly 05:24:07
16 follow the FAIR MAPS Act, we very strongly engage with 05:24:12
17 community-based organizations, we very strongly push for 05:24:16
18 community engagement and maps that are drawn by the 05:24:20
19 community, not by the elected officials. 05:24:23

20 We have a rule, as an example, that when we do 05:24:26
21 a redistricting, we will not meet individually with 05:24:28
22 elected officials, we will not know where the incumbents 05:24:32
23 live and we will draw maps that are fair and where the 05:24:36
24 community and the elected officials can know that they 05:24:41
25 were drawn in a fair redistricting process that is 05:24:44

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1 consistent with the FAIR MAPS Act, even in agencies that 05:24:47
2 aren't covered by the FAIR MAPS Act. 05:24:51

3 So we do water board redistrictings prior to 05:24:53
4 the expansion of the FAIR MAPS Act and we would only 05:24:56
5 take the contract if they would agree to meeting the 05:24:57
6 higher bar of the FAIR MAPS Act in doing it. 05:25:00

7 And we have done Zooms with elected officials 05:25:02
8 who wanted to hire us and wanted to know where the 05:25:05
9 incumbents lived, and we told them we wouldn't take that 05:25:07
10 contract if that was the condition. 05:25:10

11 So our firm is very focused on fair, open, 05:25:11
12 transparent redistricting. We don't do, talk about 05:25:16
13 redistricting in closed sessions. We don't have side 05:25:20
14 meetings with incumbents or others to advocate for 05:25:24
15 certain lines outside of the public process, and we're a 05:25:30
16 very transparent redistricting firm, and that's our 05:25:32
17 reputation, and we'll do some contracts because of it 05:25:36
18 and we get some contracts because of it. 05:25:39

19 **Q When you were drawing Prop 50 maps did you 05:25:41**
20 **know where the incumbents lived? 05:25:44**

21 MR. MANOLIUS: Objection. Legislative 05:25:45
22 privilege. I instruct you not to answer. 05:25:49

23 MR. MEUSER Q: Mr. Mitchell, you're not 05:25:50
24 answering that question at the instruction of your 05:25:52
25 attorney? 05:25:53

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1	A	Correct.	05:25:53
2	Q	I know you talked a little bit with Julie	05:25:55
3		about this earlier today. Please turn to page ten.	05:25:59
4	A	(Witness complied.)	05:26:02
5	Q	And starting at line three, I believe you're	05:26:10
6		generally talking about the democratic eco -- I am	05:26:13
7		trying to remember what you said.	05:26:20
8	A	Ecosystem.	05:26:21
9	Q	Ecosystem? Ecosystem. Yeah. Then the	05:26:24
10		paragraph that starts at line nine says, "So many of	05:26:27
11		them were like if Texas is going to throw away the VRA	05:26:30
12		then we can throw away the VRA."	05:26:34
13		Is it my understanding that that statement	05:26:36
14		that you made to Capitol Weekly Podcast, you were	05:26:37
15		referring to things that you were hearing on social	05:26:40
16		media, but not necessarily anything that you heard from	05:26:45
17		a legislator or a congressman or a staffer of a	05:26:50
18		legislator or congressman; is that correct?	05:26:54
19	MR. MANOLIUS:	Objection. Legislative	05:26:57
20		privilege. I instruct you not to answer.	05:26:58
21	MR. MEUSER:	You're instructing him not to	05:27:04
22		tell me if statements of throwing away the VRA were	05:27:05
23		something that he heard from a legislator or something	05:27:10
24		he heard from outside the legislative stream?	05:27:12
25	MR. MANOLIUS:	Correct.	05:27:16

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1	MR. MEUSER Q: Okay. Let me re-ask this	05:27:17
2	question.	05:27:18
3	This statement that you made in Capitol Weekly	05:27:21
4	Podcast, this was a public statement; correct?	05:27:25
5	A Yes.	05:27:27
6	Q Anybody in the world could go listen to the	05:27:28
7	Capitol Weekly Podcast; correct?	05:27:33
8	A Yes.	05:27:34
9	Q Okay. And in that podcast you made the	05:27:35
10	statement that you had heard people say that Texas was	05:27:39
11	going to throw away the VRA, then we -- and that "we"	05:27:43
12	means California; is that correct?	05:27:46
13	A Yes.	05:27:50
14	MR. MANOLIUS: Objection, vague. You can	05:27:51
15	answer.	05:27:52
16	MR. MEUSER Q: -- then California can throw	05:27:53
17	away the VRA. Did any California legislator make the	05:27:54
18	statement that if Texas is going to throw away the VRA	05:28:07
19	then we can throw away the VRA?	05:28:12
20	MR. MANOLIUS: Same objection. I instruct you	05:28:14
21	not to answer. Legislative privilege.	05:28:15
22	MR. MEUSER Q: And, Mr. Mitchell, you're not	05:28:17
23	answering my question --	05:28:19
24	A Correct.	05:28:19
25	Q -- because of the instruction of your	05:28:20

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1	attorney?	05:28:21
2	A Correct.	05:28:21
3	Q Okay. I am going to be asking this multiple	05:28:22
4	times here, so did anybody from Gavin Newsom's office	05:28:24
5	tell you that if Texas is going to throw away the VRA,	05:28:29
6	then we can throw away the VRA?	05:28:33
7	MR. MANOLIUS: Same objection. Instruct you	05:28:35
8	not to answer.	05:28:36
9	MR. MEUSER Q: And, Mr. Mitchell, you're not	05:28:37
10	going to answer this question at the instruction of your	05:28:38
11	attorney?	05:28:40
12	A Correct.	05:28:40
13	Q Okay. Mr. Mitchell, did any congressmen or	05:28:41
14	their staff tell you that if Texas is going to throw	05:28:46
15	away the VRA, then we can throw away the VRA?	05:28:48
16	MR. MANOLIUS: Same objections, same	05:28:51
17	instruction.	05:28:53
18	MR. MEUSER Q: And, Mr. Mitchell, you're not	05:28:53
19	going to answer my question at the instruction of your	05:28:55
20	attorney?	05:28:58
21	A Correct.	05:28:58
22	Q Okay. Mr. Mitchell, are you aware of anybody	05:28:59
23	in the ecosystem who made the statement, if Texas is	05:29:08
24	going to throw away the VRA then we can throw away the	05:29:12
25	VRA?	05:29:15

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1 A The person that posted the map on Exhibit 17. 05:29:18

2 Q What's the date of that? 05:29:23

3 A I'm just being -- but this is the kind of 05:29:24

4 thing, people who are doing maps like this -- 05:29:27

5 Q Yes. 05:29:28

6 A -- Twitter maps and people in the media, 05:29:29

7 people on social media. 05:29:35

8 Q And then starting on line 17, you say to 05:29:43

9 Capitol Weekly Podcast, "I had to calmly show them, 05:29:48

10 look, we can create a five district pick-up map and 05:29:52

11 follow the Voting Rights Act, keep communities of 05:29:56

12 interest together." 05:30:00

13 Did I read that correctly? 05:30:01

14 A Yes. 05:30:02

15 Q Is that a statement that you made to Capitol 05:30:03

16 Weekly Podcast? 05:30:07

17 A Yes. 05:30:08

18 Q And when you said, "I had to calmly show 05:30:09

19 them," was this something that you're referring to in X 05:30:15

20 post? 05:30:21

21 MR. MANOLIUS: I am sorry? 05:30:21

22 MR. MEUSER Q: An X post, posted on X, Tweet 05:30:22

23 it, Twitter. 05:30:26

24 A Oh. It could have been both a -- it could 05:30:27

25 have been different communications, including, like, a 05:30:36

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1	DM.	05:30:39
2	Q It could have been a DM? And when you say DM,	05:30:39
3	a direct message on a social media platform?	05:30:42
4	A Yes.	05:30:45
5	Q Okay. And when you say, "I had to calmly show	05:30:46
6	them," were you referring to any legislator when you	05:30:51
7	made that statement, "I had to calmly show them"?	05:30:54
8	MR. MANOLIUS: Well, I am going to object.	05:30:59
9	Why don't we get the answer to see if there's a reason	05:31:01
10	to go forward. Go ahead, you can answer, if you know.	05:31:04
11	THE WITNESS: I don't recall.	05:31:08
12	MR. MEUSER Q: When you say, "We can create a	05:31:10
13	five district pick-up map to follow the Voting Rights	05:31:16
14	Act," did I read that correct?	05:31:20
15	A Yes.	05:31:22
16	Q Are you aware of any direct message that you	05:31:23
17	sent to anyone between July 2nd and August 15th where	05:31:28
18	you told them on a direct message that you could draw a	05:31:35
19	five district pick-up map following the Voting Rights	05:31:42
20	Act?	05:31:46
21	MR. MANOLIUS: Objection, only that you didn't	05:31:46
22	quote the entire sentence, but you can answer, Paul.	05:31:48
23	THE WITNESS: I don't recall a direct message	05:31:51
24	where I would have said that.	05:31:53
25	MR. MEUSER Q: And do you recall any social	05:31:55

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1 media post where you made the statement that you could 05:31:56
2 draw a map that had a five district pick-up that 05:31:59
3 followed the Voting Rights Act? 05:32:03
4 A No, I don't believe I made a post like that. 05:32:05
5 **Q Do you recall any conversation that you had 05:32:10**
6 **with a legislator or a congressman or their staff in 05:32:16**
7 **which you explained to them that you could create a five 05:32:21**
8 **district pick-up map and follow the Voting Rights Act? 05:32:25**
9 MR. MANOLIUS: Objection. Legislative 05:32:30
10 privilege and I instruct you not to answer. 05:32:32
11 MR. MEUSER Q: This is a "yes" or "no" 05:32:35
12 question. I wasn't asking for the communication, I was 05:32:36
13 asking did he, does he recall that he made any such 05:32:38
14 statement? 05:32:41
15 MR. MANOLIUS: I'll maintain my objection. 05:32:47
16 Thanks. 05:32:49
17 MR. MEUSER Q: And, Mr. Mitchell, you're not 05:32:49
18 responding at the request of your attorney? 05:32:50
19 A Correct. 05:32:53
20 **Q Turn to page 13. 05:32:53**
21 A (Witness complied.) 05:33:09
22 **Q Line 16, you tell Capitol Weekly Podcast, "We 05:33:14**
23 **worked with some folks in D.C. and saw some maps." 05:33:18**
24 **Who in D.C. did you work with? 05:33:24**
25 A That would probably be the DCCC or the NDRC. 05:33:27

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1	Q	NDRC, and that's National Democratic --	05:33:43
2	A	-- Redistricting --	05:33:47
3	Q	-- Committee?	05:33:48
4	A	-- Committee.	05:33:48
5	Q	Okay. Thank you. "And saw some maps." Are	05:33:49
6		you saying that the DCCC shared some maps with you?	05:33:55
7		MR. MANOLIUS: Objection. Legislative	05:34:01
8		privilege. I instruct you not to answer.	05:34:05
9		MR. MEUSER: You're saying the DCCC giving him	05:34:07
10		documents is going to be legislative privilege?	05:34:09
11		MR. MANOLIUS: I am objecting, yes, and	05:34:13
12		instructing him not to answer.	05:34:15
13		MR. MEUSER Q: And you're not answering at the	05:34:17
14		instruction of your attorney?	05:34:19
15	A	Correct.	05:34:20
16	Q	Okay. I am going to ask the same question.	05:34:20
17		Did the NDRC share any maps with you between July 2nd	05:34:23
18		and August 15th?	05:34:31
19		MR. MANOLIUS: Same objection and instruct you	05:34:33
20		not to answer.	05:34:34
21		MR. MEUSER Q: And, Mr. Mitchell, you're not	05:34:36
22		answering at the instruction of your attorney?	05:34:37
23	A	Correct.	05:34:41
24	Q	Top of page 14. This says, "No respect for	05:34:41
25		the LGBT community."	05:34:53

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1	Did I read that sentence correct?	05:34:55
2	A Yes.	05:34:56
3	Q And I believe you were talking earlier about	05:34:58
4	the work that you were doing in the 2021 redistricting	05:35:01
5	on behalf of the LGBT community.	05:35:06
6	Did I hear that testimony right, that in 2021	05:35:10
7	you were working with the LGBT community to help them in	05:35:13
8	the redistricting process?	05:35:16
9	A Yes.	05:35:17
10	Q And as a part of drawing the Prop 50 maps, was	05:35:19
11	the LGBT community one of the communities of interest	05:35:32
12	that you were looking at when you drew any of the	05:35:37
13	congressional district lines that were associated with	05:35:43
14	Prop 50?	05:35:46
15	MR. MANOLIUS: Objection. Legislative	05:35:47
16	privilege, I instruct you not to answer.	05:35:48
17	MR. MEUSER Q: And, Mr. Mitchell, you are not	05:35:51
18	answering here today --	05:35:52
19	A Correct.	05:35:53
20	Q -- at the instruction of your attorney?	05:35:54
21	A Correct.	05:35:55
22	Q Page 15, line 18 and 19, where you talk about	05:35:56
23	Wild Wild West redistricting, and in this particular	05:36:16
24	sentence you're talking about other states, even	05:36:21
25	democratically held states.	05:36:24

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1	Which states do you categorize as the Wild	05:36:27
2	Wild West of redistricting in this statement that you	05:36:31
3	made to Capitol Weekly Podcast?	05:36:35
4	MR. WOODS: Objection. Relevance.	05:36:38
5	MR. MANOLIUS: I join it, same. You can	05:36:41
6	answer.	05:36:43
7	THE WITNESS: Illinois.	05:36:43
8	MR. MEUSER Q: Any other states?	05:36:45
9	A That's the one that comes to mind.	05:36:46
10	Q Line 24 and 25, same page, "They are	05:36:50
11	oftentimes violating the Voting Rights Act."	05:37:00
12	Did I read that statement correct?	05:37:04
13	A Which line?	05:37:06
14	Q Lines 24 and 25.	05:37:07
15	A You said what page?	05:37:09
16	Q Fifteen.	05:37:11
17	A For some reason I went to page 24. Sorry.	05:37:13
18	Yes.	05:37:22
19	Q Is that a statement that you made on Capitol	05:37:23
20	Weekly Podcast?	05:37:27
21	A Yes.	05:37:27
22	Q In your opinion, which states have violated	05:37:28
23	the Voting Rights Act, as you understand it?	05:37:38
24	MR. MANOLIUS: Objection. Calls for a legal	05:37:43
25	conclusion, overbroad and vague.	05:37:45

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1	MR. WOODS: And that's -- join.	05:37:48
2	THE WITNESS: In that regard I think it's easy	05:37:54
3	just to point to all of the redistricting maps that have	05:37:55
4	been overturned by the courts. That's all I was	05:37:58
5	referencing.	05:38:01
6	MR. MEUSER Q: When you made this statement to	05:38:01
7	the Capitol Weekly Podcast, was there a specific or	05:38:03
8	specific states you were thinking of when you made the	05:38:06
9	statement that oftentimes violated the Voting Rights	05:38:10
10	Act?	05:38:14
11	MR. MANOLIUS: Same objection.	05:38:14
12	MR. WOODS: Join.	05:38:16
13	THE WITNESS: States that have historically	05:38:18
14	violated the Voting Rights Act causing all of the	05:38:20
15	lawsuits and terms we now know and use in redistricting,	05:38:23
16	so there's too many to kind of pick out.	05:38:27
17	MR. MEUSER Q: Is there any one or two states	05:38:30
18	that stick out to you as in your belief regularly are	05:38:33
19	violating the Voting Rights Act?	05:38:39
20	MR. MANOLIUS: Same set of objections. You	05:38:42
21	can answer.	05:38:46
22	MR. WOODS: Same set or join, I'll say.	05:38:46
23	THE WITNESS: Something like North Carolina,	05:38:47
24	states where they've had big redistricting cases in the	05:38:49
25	last 34 years.	05:38:52

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1	Q	Any other states?	05:38:54
2	A	No.	05:38:55
3	Q	We can put away the Capitol Weekly Podcast	05:38:55
4		and we are going to go to the HOPE transcript next. And	05:39:53
5		let's turn to page 22.	05:40:09
6	A	(Witness complied.)	05:40:11
7	Q	And we are going to start on page, on line	05:40:12
8		nine. You ready?	05:40:16
9		MR. MANOLIUS: One second. Sorry.	05:40:23
10		MR. MEUSER: No problem.	05:40:26
11		MR. MANOLIUS: Thank you.	05:40:37
12		MR. MEUSER Q: I am going to read paragraph,	05:40:38
13		or line nine through 13: "Now, when I was first talked	05:40:41
14		to by folks, I won't call out any names of elected	05:40:46
15		officials, but I did have some elected officials call me	05:40:51
16		and say, well, if Texas is going to throw away the VRA,	05:40:54
17		we should just throw away the VRA."	05:40:58
18		Which elected officials told you that we	05:41:00
19		should throw away the VRA?	05:41:05
20		MR. MANOLIUS: Objection. Legislative	05:41:07
21		privilege, instruct you not to answer. Also, vague as	05:41:09
22		to when these conversations occurred, but that's better.	05:41:14
23		MR. MEUSER Q: Let's go ahead and clean this	05:41:19
24		up. Did I read that correctly?	05:41:20
25	A	You did read that correctly.	05:41:22

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1 Q Is that a statement that you made to HOPE 05:41:23
2 during your presentation to HOPE? 05:41:25
3 A Given that it's in this transcript, I would 05:41:27
4 believe so. 05:41:30
5 Q You don't believe so? 05:41:30
6 A I said I would believe so. 05:41:31
7 Q You would believe so. Okay. Sorry. 05:41:34
8 At what time period were you referring to 05:41:36
9 someone telling you we should just throw away the VRA? 05:41:39
10 MR. MANOLIUS: Objection. Legislative 05:41:47
11 privilege and instruct you not to answer. 05:41:48
12 MR. MEUSER: You were the one who said that it 05:41:51
13 wasn't clear as to the time. I am just asking the time. 05:41:52
14 MR. MANOLIUS: I also said it was barred by 05:41:55
15 legislative privilege, so I appreciate your cleaning up 05:41:57
16 at the time, because I wasn't sure. 05:42:03
17 MR. MEUSER Q: So, Mr. Mitchell, you're not 05:42:05
18 going to answer my question at the instruction of your 05:42:06
19 attorney? 05:42:08
20 A Correct. 05:42:08
21 Q Again, we are just going to make this thing 05:42:09
22 abundantly clear, for the record. 05:42:12
23 Did a elected official contact you and tell 05:42:13
24 you that if Texas is going to throw away the VRA, we 05:42:19
25 should just throw away the VRA? 05:42:23

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1 MR. MANOLIUS: Same objection. Instruct you 05:42:26
2 not to answer. 05:42:27
3 MR. MEUSER Q: Mr. Mitchell, you're not going 05:42:28
4 to answer that question at the instruction of your 05:42:29
5 attorney? 05:42:31
6 A Correct. 05:42:32
7 Q Can you tell me if this conversation was with 05:42:33
8 a congressman or congresswoman or with a state 05:42:36
9 legislator? 05:42:40
10 MR. MANOLIUS: You can answer. 05:42:53
11 THE WITNESS: I don't recall. 05:42:55
12 MR. MEUSER Q: Did just a single elected 05:42:57
13 official say this or was this multiple elected officials 05:43:01
14 who made this statement, generally, we should throw away 05:43:05
15 the VRA? 05:43:08
16 A Let me characterize this. I think that there 05:43:15
17 were people who would say those words, and others would 05:43:17
18 give me maps or say things, like, if Texas can do 05:43:20
19 whatever they want to do why can't we do whatever we 05:43:25
20 want to do? 05:43:27
21 So in their wording to me wouldn't be those 05:43:28
22 exact words, but I would interpret it as let's throw 05:43:30
23 down the guardrails, as I testified or as I said earlier 05:43:33
24 with Ms. Hamill. 05:43:36
25 Q There's a difference between throwing away the 05:43:39

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1 guardrails and throwing away the VRA. Would you agree 05:43:42
2 with that? 05:43:45

3 MR. MANOLIUS: Objection. Vague, overbroad, 05:43:45
4 compound question. You can answer. 05:43:53

5 THE WITNESS: Generally, if somebody is 05:43:55
6 putting out maps that are, you know, free of traditional 05:44:01
7 redistricting criteria they're throwing everything out, 05:44:07
8 and so in this statement where I am saying this, it 05:44:10
9 might just be shorthand for, you know, the kind of 05:44:13
10 things I was hearing. 05:44:16

11 So I was hearing this from multiple people and 05:44:17
12 sometimes they wouldn't say the exact words, but this is 05:44:20
13 the kind of idea that I would say when I was doing a 05:44:23
14 presentation like this. 05:44:25

15 MR. MEUSER Q: Would you agree with me that 05:44:26
16 someone who drew a sample map that had only one person 05:44:27
17 in it and another map that had a million people in it, 05:44:31
18 that that is a completely different issue than someone 05:44:36
19 drawing a map that violates the VRA? 05:44:39

20 MR. MANOLIUS: Objection. Vague. I don't 05:44:42
21 understand the question. One person in what, in 1,000? 05:44:44

22 MR. MEUSER: In a congressional district. 05:44:48

23 MR. MANOLIUS: Oh. 05:44:49

24 THE WITNESS: He is laying no equal 05:44:51
25 protection. 05:44:52

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1	MR. WOODS: I am going to object that calls	05:44:53
2	for a legal conclusion, but you can answer.	05:44:54
3	MR. MANOLIUS: I'll join that too.	05:44:56
4	THE WITNESS: The issue is that when I'm	05:44:57
5	speaking to a group, if I say, oh, my gosh, there's a	05:44:59
6	map that's noncontiguous, that doesn't exactly get the	05:45:02
7	point across. And so something like this would be the	05:45:06
8	thing that I might highlight for a group like that,	05:45:09
9	rather than something like, oh, my gosh, this map was	05:45:12
10	noncontiguous and, like, they're supposed to care.	05:45:14
11	MR. MEUSER Q: So the question I am going to	05:45:18
12	ask you, how many -- I am asking for a number -- how	05:45:19
13	many elected officials specifically told you we should	05:45:24
14	just throw away the VRA?	05:45:28
15	A I don't recall someone using those exact	05:45:32
16	words --	05:45:35
17	Q Okay.	05:45:36
18	A -- because I even say in one of these quotes,	05:45:40
19	kind of.	05:45:43
20	Q And in the very next paragraph, starting on	05:45:50
21	line 16, you say, "And I would be, like, okay, thanks	05:45:52
22	for calling. But there was no way that I was going to	05:45:55
23	do that."	05:45:58
24	Did I read that correctly?	05:45:59
25	A Yes.	05:46:00

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1	Q	And that is the statement that you made on --	05:46:01
2		to the HOPE; correct?	05:46:07
3	A	Don't know which one this was, but, yes.	05:46:08
4	Q	And your statement to HOPE is that you were	05:46:11
5		not going to be violating the Voting Rights Act; is that	05:46:15
6		correct?	05:46:22
7		MR. MANOLIUS: Objection. Misstates what's	05:46:22
8		here. The document speaks for itself, speaks for	05:46:24
9		itself. You can answer.	05:46:28
10		THE WITNESS: I would characterize it not like	05:46:31
11		that, because that seems to point to some outcome.	05:46:35
12		But I was suggesting to them that issues they	05:46:43
13		care about, if people were arguing to throw those	05:46:47
14		overboard, that I was somebody who would care about	05:46:52
15		their issues.	05:46:56
16		MR. MEUSER Q: And you've worked with HOPE you	05:46:58
17		said for over a dozen years; correct?	05:47:00
18	A	Yes.	05:47:02
19	Q	And you understand that the Voting Rights Act	05:47:02
20		was something that was very important to HOPE; is that	05:47:05
21		correct?	05:47:08
22		MR. MANOLIUS: Objection. Vague and calls for	05:47:10
23		speculation about a whole lot of people potentially, but	05:47:14
24		you can answer, if you can.	05:47:17
25		MR. WOODS: Join.	05:47:19

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1 THE WITNESS: They are not exactly a Voting 05:47:20
2 Rights Act organization, something like MALDEF or 05:47:23
3 something, so they are more -- and the name in their 05:47:25
4 title of their name, Hispanas Organized For Political 05:47:27
5 Equality, that is their mission. 05:47:31
6 MR. MEUSER Q: But earlier today we were 05:47:33
7 looking at that HOPE letter -- 05:47:36
8 A Yes. 05:47:37
9 Q -- that you read to HOPE; correct? Yes? 05:47:37
10 A Yes, yes, yes. 05:47:40
11 Q And in that letter they're talking about 05:47:41
12 Voting Rights Act issues; is that correct? 05:47:44
13 A Yes. 05:47:45
14 Q And now you're coming back and talking to HOPE 05:47:46
15 and you state here that elected officials told you to 05:47:49
16 throw away the VRA; correct? 05:47:55
17 MR. MANOLIUS: Objection. Misstates his 05:47:58
18 testimony. 05:47:59
19 THE WITNESS: That's a paraphrase. 05:48:01
20 MR. MEUSER Q: And you said, don't worry, I'm 05:48:02
21 not getting rid of the VRA; is that correct? 05:48:06
22 MR. MANOLIUS: Objection. I don't see that 05:48:10
23 here. 05:48:11
24 THE WITNESS: That isn't -- that is a 05:48:12
25 mischaracterization, because I don't have the ability to 05:48:14

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1 get rid of the VRA. 05:48:16

2 MR. MEUSER Q: You were not going to draw any 05:48:18

3 districts that violated the VRA; is that correct? 05:48:19

4 MR. MANOLIUS: Objection -- 05:48:19

5 MR. WOODS: That's also mischaracterizing. 05:48:23

6 MR. MANOLIUS: Wait a minute. Objection. I 05:48:24

7 instruct you not to answer. That's legislative 05:48:26

8 privilege. 05:48:26

9 MR. MEUSER Q: And you're not answering the 05:48:29

10 question at the instruction of your attorney? 05:48:31

11 A Correct. 05:48:32

12 Q Page 23, line 14, "And following the Voting 05:48:39

13 Rights Act was very important." 05:48:49

14 Did I read that correctly? 05:48:50

15 A You read that line 14, yes. 05:48:52

16 Q And is that something that you said to HOPE on 05:48:55

17 this presentation? 05:48:59

18 A I am just reading the full context here. Yes. 05:49:00

19 Q And in all the redistricting work that you did 05:49:16

20 before July 2nd, 2025, would that be a fair statement to 05:49:22

21 say that following the Voter Rights Act is an important 05:49:28

22 thing for Redistricting Partners? 05:49:33

23 A I would say more broadly that following the 05:49:35

24 Voting Rights Act is important for anybody doing 05:49:38

25 redistricting -- 05:49:41

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1	Q	And I am going to -- I understand that.	05:49:41
2	A	-- and for Redistricting Partners --	05:49:44
3	Q	Thank you.	05:49:44
4	A	-- in all of our municipal redistricting.	05:49:47
5	Q	And was following the Voting Rights Act a very	05:49:50
6		important thing for Redistricting Partners while drawing	05:49:52
7		the Proposition 50 maps?	05:49:55
8		MR. MANOLIUS: Objection. Legislative	05:49:58
9		privilege, I instruct you not to answer.	05:49:59
10		MR. MEUSER Q: Mr. Mitchell, you're not	05:50:01
11		answering that question today at the instruction of your	05:50:02
12		counsel?	05:50:04
13	A	Correct. If we are going to go much longer	05:50:05
14		can we get a restroom break?	05:50:48
15	Q	I was going to be suggesting a restroom break	05:50:50
16		in about 10 minutes so that we could confer, so if we	05:50:53
17		wait ten minutes --	05:50:53
18	A	Sure.	05:50:53
19	Q	-- but if you want to go now, we can go now.	05:50:56
20	A	That's fine.	05:51:02
21	Q	All right. If you can turn to page 29 of the	05:51:02
22		transcript. Can you read to yourself paragraph eight --	05:51:03
23		line 8 through 16, and then I am going to read it out	05:51:13
24		loud real quick? Let me know when you're ready.	05:51:16
25	A	Sure.	05:51:26

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1 Q Okay. So I will go ahead and read this out 05:51:27
2 loud. "And so you've got some places where he needs to 05:51:30
3 get support and get engaged folks to support and do 05:51:34
4 turnout there for Latinos to protect a Latino member of 05:51:38
5 Congress in a district that is still a Latino-influenced 05:51:42
6 district, but is no longer a majority/minority district 05:51:45
7 because his district, most Latino portions go into the 05:51:49
8 replacement Roybal-Allard district." 05:51:53
9 Did I read that correctly? 05:51:59
10 A Yes. 05:52:00
11 Q Did you say that to HOPE in October of this 05:52:00
12 year? 05:52:02
13 A That appears that that's what I said, yes. 05:52:03
14 Q You used the phrase "Latino-influenced 05:52:06
15 district." 05:52:11
16 Outside of your Proposition 50 work, what does 05:52:12
17 Latino-influenced district mean to you? 05:52:15
18 A It's -- Latino-influenced district is more of 05:52:20
19 a non-redistricting term. It's one that doesn't have 05:52:26
20 the same meaning as a majority/minority district or 05:52:31
21 district with the ability to elect Latinos. It's a 05:52:36
22 general term used by lay people to suggest a district 05:52:40
23 where there's a strong population. 05:52:43
24 Q And when you use -- sorry. I didn't mean to 05:52:49
25 interrupt you. 05:52:50

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1 **When you use the phrase "a strong population,"** 05:52:51
2 **is there a number in your head that would equal a strong** 05:52:54
3 **population?** 05:52:58

4 A In -- no, there isn't. And we've had the 05:52:58
5 California Voting Rights Act which has tried to 05:53:04
6 adjudicate what a Latino-influenced district is and may 05:53:07
7 have not come up with a number. There is no number. 05:53:11

8 **Q So if a district had 10-percent of Latinos in** 05:53:14
9 **it, would you characterize that as a Latino-influenced** 05:53:18
10 **district?** 05:53:22

11 MR. MANOLIUS: Objection. You're talking 05:53:22
12 about as a general matter in his practice -- 05:53:23

13 MR. MEUSER: Yes. 05:53:26

14 MR. MANOLIUS: -- other than Prop 50? You can 05:53:27
15 answer. 05:53:29

16 THE WITNESS: It really would depend on the 05:53:30
17 turnout rate of that Latino population and the turnout 05:53:31
18 rate of other populations in the area, but that's 05:53:35
19 usually, usually you see higher numbers than that when 05:53:37
20 you're talking about Latino-influenced districts, but I 05:53:42
21 am not the arbiter of what the bright line is. 05:53:46

22 MR. MEUSER Q: But you're the one who used the 05:53:48
23 phrase "Latino-influenced district" and you're the one 05:53:50
24 who used the phrase, you know, a strong showing, so I'm 05:53:52
25 trying to figure out, you know, I'm not entitled -- I am 05:53:55

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1 entitled to your best estimate here. 05:53:59

2 So if it was 25 percent would you consider 05:54:01

3 that a Latino-influenced district? 05:54:04

4 MR. MANOLIUS: Objection. Vague. It lacks 05:54:06

5 foundation and that he's already said it depends on the 05:54:09

6 circumstances, and there are different things like 05:54:12

7 turnout rates and all that, but you can answer. 05:54:15

8 THE WITNESS: It's completely situational. It 05:54:17

9 has to do with the cohesiveness of that Latino 05:54:22

10 population, their turnout rates, what the other 05:54:26

11 population is like, so very well I could consider 05:54:28

12 someplace that has a 25 percent. 05:54:31

13 This is a thing that comes up a lot in 05:54:34

14 municipal redistricting under the California Voting 05:54:36

15 Rights Act and, again, there is no, even the courts have 05:54:40

16 not given a definition of influenced district, even 05:54:42

17 though it's in the California Voting Rights Act, that 05:54:48

18 word, influenced district. 05:54:51

19 Q And this phrase -- 05:54:53

20 A The ability to influence is in the California 05:54:54

21 Voting Rights Act, that's the terminology. 05:54:56

22 Q So on page 29 when you used the word 05:54:58

23 Latino-influenced district, you're referring to a 05:55:01

24 specific district that is on our atlas. 05:55:04

25 Can you look at the atlas and tell me which 05:55:08

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1 **district you were talking about when you talked to HOPE** 05:55:11
2 **in October and you said that there was this** 05:55:16
3 **Latino-influenced district?** 05:55:21
4 MR. MANOLIUS: Objection. Legislative 05:55:24
5 privilege. I instruct you not to answer. 05:55:26
6 MR. MEUSER: Counsel, you're instructing him 05:55:30
7 not to answer when he went out into public and said 05:55:32
8 there's this Latino-influenced district, and he has 05:55:35
9 publicly put out this document to the Legislature that 05:55:38
10 breaks out every single district, he is out there 05:55:42
11 talking to people trying to encourage them to vote for 05:55:45
12 Prop 50, this is public information that he himself has 05:55:50
13 made public and you're instructing him about subsequent 05:55:53
14 comments made? You're instructing him not to answer the 05:55:57
15 question? 05:56:00
16 MR. MANOLIUS: Yes, because it goes to his -- 05:56:00
17 the creation of the maps themselves and what the 05:56:04
18 intention was behind that, so I am going to instruct him 05:56:06
19 not to answer based on legislative privilege, yes. 05:56:09
20 MR. MEUSER Q: Mr. Mitchell, you're not 05:56:12
21 answering this question at the instruction of your 05:56:13
22 attorney? 05:56:15
23 A Correct. 05:56:15
24 Q **Let's turn to page 30 of your transcript. And** 05:56:17
25 **I am going to read this paragraph. "The Prop 50 maps I** 05:56:31

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1 think will be great for the Latino community in two 05:56:34
2 critical ways. One is that they ensure that the Latino 05:56:37
3 districts that are the VRA seats are bolstered in order 05:56:40
4 to make them most effective, particularly in the Central 05:56:45
5 Valley." 05:56:49

6 Did I read that correctly? 05:56:49

7 A Yes. 05:56:52

8 Q Did you make that statement to HOPE in October 05:57:00
9 of 2025? 05:57:05

10 A Yes. 05:57:07

11 Q And earlier you said there were 14 VRA 05:57:09
12 districts drawn by the redistricting commission; is that 05:57:16
13 correct? 05:57:19

14 MR. MANOLIUS: Objection. Misstates his 05:57:20
15 testimony. Vague as to VRA seats that he used, but he 05:57:21
16 can answer. 05:57:30

17 THE WITNESS: What I said earlier in testimony 05:57:31
18 was there were 16 majority/minority districts and the 05:57:32
19 commission identified 14 of those districts as VRA seats 05:57:36
20 -- I don't want to say VRA seats, but as seats that were 05:57:45
21 drawn in order to, for lack of a -- I don't want to 05:57:48
22 paraphrase too much, but there were 14 that were 05:57:51
23 identified. 05:57:54

24 MR. MEUSER Q: And you told HOPE that the 05:57:54
25 Proposition 50 maps were great for the Latino community, 05:57:58

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1	you made that statement; correct?	05:58:05
2	MR. MANOLIUS: Objection. That's not a	05:58:06
3	complete statement, but I think we know what you're	05:58:07
4	referring to. Objection, vague. You can answer.	05:58:10
5	THE WITNESS: Yes.	05:58:13
6	MR. MEUSER Q: And you've had two reasons why	05:58:15
7	you thought the Prop 50 maps were great for the Latino	05:58:18
8	community; correct?	05:58:22
9	A What two are you referencing?	05:58:23
10	Q You say there's two critical ways that the	05:58:25
11	Prop 50 maps are great for the Latino communities; is	05:58:27
12	that correct?	05:58:32
13	A Two critical ways, I see, yes.	05:58:32
14	Q Okay. One of those ways is that ensures that	05:58:34
15	the Latino districts that are the VRA seats are	05:58:39
16	bolstered in order to make them more effective. You	05:58:44
17	said that; correct?	05:58:48
18	A Yes.	05:58:49
19	Q And when you are referring to the VRA seats	05:58:50
20	are you referring to the 14 VRA seats designated by the	05:58:56
21	redistricting commission during the redistricting	05:59:00
22	process in 2021?	05:59:03
23	MR. MANOLIUS: Objection. Legislative	05:59:06
24	privilege. I instruct you not to answer.	05:59:08
25	MR. MEUSER Q: And, Mr. Mitchell, you're not	05:59:10

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1	answering my question today at the instruction of your	05:59:14
2	counsel?	05:59:16
3	A Correct.	05:59:17
4	Q Next paragraph, starting on line 12, "And	05:59:18
5	then, secondly, have to hazard a guess, and I don't want	05:59:23
6	to be too political or partisan here, but I have to	05:59:27
7	hazard a guess that whoever gets elected in that gateway	05:59:32
8	cities district in Los Angeles, it's a majority/minority	05:59:34
9	district, is going to be a better representative for the	05:59:37
10	community than the representative being elected from the	05:59:40
11	Ken Calvert seat."	05:59:43
12	Did I read that correctly?	05:59:44
13	A Correct.	05:59:45
14	Q And you made that statement; correct?	05:59:46
15	A Correct.	05:59:47
16	Q And in this particular sentence you are	05:59:48
17	talking about congressional district 41 that belonged to	05:59:52
18	Ken Calvert out in Riverside and is now in the gateway	05:59:56
19	cities of Los Angeles; correct?	06:00:00
20	A Correct.	06:00:03
21	Q Next page, 31, top of the page, lines one	06:00:04
22	through five, "So I think there are opportunities there	06:00:27
23	in the substance of the maps and the outcomes of the	06:00:32
24	maps, and I think there are lot of opportunities in	06:00:35
25	terms of kind of those VRA concerns as well."	06:00:38

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1	Did I read that correct?	06:00:41
2	A Yeah, that's -- I don't recall exactly saying	06:00:44
3	that, but that's in the transcript. It seems a little	06:00:46
4	garbled, seems like a little bit of a word salad.	06:00:49
5	Q Do you deny making that statement?	06:00:53
6	MR. MANOLIUS: Objection. Misstates his	06:00:54
7	testimony.	06:00:56
8	THE WITNESS: I don't have a reason to deny	06:00:56
9	saying that, but looking at this transcript I -- it	06:00:58
10	looks a little bit disjointed.	06:01:02
11	MR. MEUSER Q: And you used the phrase "VRA	06:01:11
12	concerns." Do you see that phrase?	06:01:15
13	A Yes.	06:01:16
14	Q What does "VRA concerns" mean to you?	06:01:18
15	A I don't know.	06:01:21
16	MR. MEUSER: Mr. Mitchell, you asked for a	06:01:32
17	short break. Let's go ahead and take a 10-minute break	06:01:34
18	at this time --	06:01:37
19	THE WITNESS: Thank you.	06:01:38
20	MR. MEUSER: -- and counsel and I will go over	06:01:38
21	our notes and see if we can wrap this up.	06:01:40
22	MR. MANOLIUS: Great. Thank you very much.	06:01:42
23	THE VIDEOGRAPHER: The time is 6:01 p.m. We	06:01:44
24	are going off the record.	06:01:50
25	(Whereupon a recess was taken.)	06:11:06

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1	THE VIDEOGRAPHER: We are back on the record.	06:11:06
2	The time is 6:11 p.m. and this marks the beginning of	06:11:16
3	videotape number seven in the deposition of Paul	06:11:21
4	Mitchell, which is being taken at Hanson Bridgett, LLP,	06:11:24
5	500 Capitol Mall, Suite 1500, Sacramento, California.	06:11:28
6	The videographer is Nicholas Coulter, here on	06:11:33
7	behalf of Array Legal Services.	06:11:37
8	MR. MEUSER: Mr. Mitchell, you understand	06:11:39
9	you're still under oath?	06:11:43
10	A Yes.	06:11:44
11	Q A couple cleanup questions, so we're going	06:11:44
12	back to questions that you were asked earlier today.	06:11:46
13	I believe you were testifying earlier that you	06:11:49
14	had been paid by the DCCC by Jeffries, Hakeem Jeffries	06:11:51
15	and by HMP, House Majority PAC. How did you receive	06:12:01
16	those payments?	06:12:04
17	MR. MANOLIUS: Objection. I think misstates	06:12:06
18	his testimony. I don't believe -- have they all been	06:12:08
19	paid?	06:12:11
20	THE WITNESS: Yeah, they have all been paid.	06:12:11
21	MR. MANOLIUS: Sorry. Go ahead.	06:12:12
22	THE WITNESS: Wires.	06:12:14
23	MR. MEUSER Q: And who were the wires sent to?	06:12:16
24	A Redistricting Partners.	06:12:18
25	Q Redistricting Partners or to your accountant?	06:12:19

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1	A	To the bank.	06:12:22
2	Q	Okay.	06:12:23
3	A	Yeah, to my bank account, not to the	06:12:24
4		accountant.	06:12:28
5	Q	Do you know who Swing Strategies is?	06:12:29
6	A	Yes.	06:12:32
7	Q	This is our opportunity to take care of this.	06:12:33
8	A	You can go for it, you can clean this up.	06:12:35
9		This is it.	06:12:37
10	Q	That's what I'm trying to do.	06:12:37
11	A	Yeah. Yeah.	06:12:39
12	Q	So you know what I mean by Swing Strategies;	06:12:40
13		correct?	06:12:44
14	A	Yes.	06:12:44
15	Q	And there is in the public disclosure the	06:12:44
16		person who, the address where --	06:12:47
17	A	On the invoice?	06:12:50
18	Q	-- on the invoice where DCCC sent the payment	06:12:51
19		it went to Swing Strategies; correct?	06:12:55
20	A	It went to Ken Andreas. It went to	06:12:57
21		Redistricting Partners, but my accountant is Ken	06:13:00
22		Andreas.	06:13:04
23	Q	Okay. And who is Ken Andreas?	06:13:04
24	A	Ken Andreas is an accountant that I have had	06:13:06
25		since 2011, a personal friend, and decades ago Matt	06:13:10

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1 Rexford, who is a Republican consultant, helped me get 06:13:17
2 my accounting set up with his accountant, which was Ken 06:13:23
3 Andreas. He's a good friend. 06:13:24
4 **Q And what's Ken Andreas's relationship with 06:13:26**
5 **Swing Strategies? 06:13:28**
6 A He is also their accountant. 06:13:29
7 **Q And so the address for your bookkeeper is Ken 06:13:32**
8 **Andreas; correct? 06:13:34**
9 A Yes. 06:13:35
10 **Q And Ken Andreas happens to also be the 06:13:36**
11 **bookkeeper for Swing Strategies; correct? 06:13:38**
12 A Yes. Swing Strategies was the "no" campaign, 06:13:40
13 so small world. 06:13:46
14 **Q Yeah, but I'm actually trying to help you with 06:13:47**
15 **this one. 06:13:50**
16 **Earlier today we were talking about 06:13:54**
17 **disaggregating political data. Do you remember that 06:13:59**
18 **conversation? 06:14:02**
19 A I forgot about it, but, yes. 06:14:02
20 **Q And in that conversation you were talking 06:14:04**
21 **about when a census block, when census blocks and 06:14:06**
22 **precincts do not align; correct? 06:14:09**
23 A I was talking about when census blocks are 06:14:12
24 necessary within precinct boundaries. 06:14:15
25 **Q It is my understanding that CVAP data is not 06:14:18**

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1 available at the census block level, so how would you 06:14:21
2 use CVAP data to disaggregate election results? 06:14:24
3 A The same way, because unlike what I think you 06:14:30
4 were inferring in the question about a nonalignment -- 06:14:32
5 Q Yes. 06:14:35
6 A -- census blocks always align to block groups, 06:14:35
7 so there's always alignment, so it's exactly the same 06:14:38
8 methodology that I discussed earlier. 06:14:42
9 Q Okay. And what components of the state's 06:14:44
10 database would you use for disaggregation? 06:14:48
11 A I would -- don't recall if Jacob 06:14:51
12 Thompson-Fisher would have been the one that did that, 06:14:54
13 so I don't recall. I don't even -- yeah, I don't 06:14:56
14 recall. 06:14:59
15 Q Do you ever use racial data to disaggregate 06:15:00
16 election results to census blocks? 06:15:04
17 MR. MANOLIUS: Objection, to the extent -- 06:15:06
18 answer outside of the Prop 50 matter; otherwise, it's 06:15:10
19 legislative privilege. 06:15:13
20 THE WITNESS: Yeah. In the history of our 06:15:14
21 company and the way that we do work, we would not be 06:15:16
22 doing it like that. That would not make sense. 06:15:19
23 MR. MEUSER Q: Okay. 06:15:21
24 A You would use generally population, citizen 06:15:22
25 voting age total population, because you're trying to 06:15:26

DAVID TANGIPA vs GAVIN NEWSOM
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1	disaggregate votes cast or registered voter registration	06:15:29
2	numbers.	06:15:34
3	Q When creating the Prop 50 maps, what data sets	06:15:36
4	did you use?	06:15:40
5	MR. MANOLIUS: Objection. Legislative	06:15:41
6	privilege. I instruct you not to answer.	06:15:43
7	MR. MEUSER Q: Mr. Mitchell, you're not	06:15:46
8	answering that question at the instruction of your	06:15:47
9	attorney?	06:15:49
10	A Correct.	06:15:49
11	Q Did you use election results when drafting the	06:15:50
12	Proposition 50 maps?	06:15:56
13	MR. MANOLIUS: Same objection. Instruct you	06:15:58
14	not to answer.	06:15:59
15	MR. MEUSER Q: And, Mr. Mitchell, you're not	06:16:00
16	answering my question at the instruction of your	06:16:01
17	attorney?	06:16:03
18	A Correct.	06:16:03
19	Q Which election results did you look at when	06:16:05
20	drawing the Proposition 50 maps?	06:16:11
21	MR. MANOLIUS: Same objection. Same	06:16:13
22	instruction.	06:16:15
23	MR. MEUSER Q: And, Mr. Mitchell, you're not	06:16:16
24	answering my question at the instruction of your	06:16:18
25	attorney?	06:16:21

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1	A	Correct.	06:16:21
2	Q	Mr. Mitchell, earlier today we were looking at	06:16:22
3		the atlas that you created for the DCCC; correct?	06:16:26
4	A	Yes.	06:16:29
5	Q	And in that there was the box of every single	06:16:29
6		congressional district where it showed the voter	06:16:32
7		registration numbers for that district; correct?	06:16:35
8	A	Correct.	06:16:36
9	Q	Where did you get that data that you used in	06:16:37
10		the atlas that you gave to the DCCC?	06:16:41
11		MR. MANOLIUS: You can answer.	06:16:45
12		THE WITNESS: I think a better way to state it	06:16:46
13		is that this data that is in that, on that map, its	06:16:48
14		origin is from the statewide database.	06:16:53
15		MR. MEUSER Q: So when building the maps in	06:16:58
16		your software, the statewide database would tell you	06:17:01
17		what the political breakdown of that district is;	06:17:07
18		correct?	06:17:12
19		MR. MANOLIUS: Objection. Legislative	06:17:12
20		privilege, instruct you not to answer.	06:17:18
21		MR. MEUSER Q: Mr. Mitchell, you're not	06:17:22
22		answering my question today because of the direction of	06:17:23
23		your attorney?	06:17:25
24	A	Yes.	06:17:26
25	Q	Okay. Prior to working on Proposition 50	06:17:27

DAVID TANGIPA vs GAVIN NEWSOM
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1 maps, when you're doing one of these hundred other 06:17:30
2 redistrictings, would you use statewide data, the 06:17:33
3 statewide database? 06:17:38

4 A In prior redistrictings we do use statewide 06:17:39
5 database, yes. 06:17:42

6 Q And when you draw a district using statewide 06:17:43
7 database, in your system does it tell you the political 06:17:48
8 registration number for each district? 06:17:54

9 MR. MANOLIUS: Objection, vague. You mean, as 06:18:01
10 a general matter, and outside the Prop 50 process? 06:18:02

11 MR. MEUSER Q: My question specifically said 06:18:06
12 all of the examples prior to Prop 50. 06:18:07

13 MR. MANOLIUS: Okay. Thank you. 06:18:10

14 THE WITNESS: I wouldn't use it at all. We 06:18:11
15 wouldn't use voter registration when we do municipal 06:18:13
16 redistricting, because it's criteria that's prohibited, 06:18:17
17 so we exclude it. 06:18:21

18 And in the instances where we have put it in 06:18:22
19 have been infrequent and it would have been not for 06:18:24
20 municipal work. Maybe in 2021 we would have put a PDI 06:18:28
21 voter file in there as analysis, but it's not something 06:18:33
22 that we regularly use in our datasets. 06:18:36

23 Q So the atlas that you have put together that 06:18:39
24 has the racial breakdowns of Hispanics, correct, in this 06:18:42
25 atlas it has the breakdown of Hispanics in every single 06:18:49

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1	district; correct?	06:18:53
2	MR. WOODS: Objection. Mischaracterizes the	06:18:54
3	document. It speaks for itself.	06:18:56
4	MR. MANOLIUS: I'll join.	06:18:57
5	THE WITNESS: The document has the racial	06:19:00
6	breakdowns by total population in the 2020 census and	06:19:01
7	through the CVAP, yes.	06:19:05
8	MR. MEUSER Q: And has it for Hispanics;	06:19:08
9	correct?	06:19:09
10	A Yes.	06:19:09
11	Q And it has it for Blacks; correct?	06:19:10
12	A Yes.	06:19:12
13	Q And it has it for Asians; correct?	06:19:12
14	A Yes.	06:19:15
15	Q But it doesn't have it for whites; correct?	06:19:15
16	A It has an "other" category and the other is	06:19:18
17	white and/or the -- there is a CVAP of Alaskan native,	06:19:23
18	it's AIAN, Alaskan native, and basically the Hawaiian	06:19:30
19	population and others like that, so there's -- that's in	06:19:36
20	the "other."	06:19:38
21	Q Okay. That particular dataset, you know,	06:19:39
22	the --	06:19:46
23	A American Indian Alaskan Native. Sorry.	06:19:47
24	Q In the atlas you have the breakdown of how	06:19:50
25	many people are in each population group. Is that	06:19:53

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1 something that you print with all your other 06:19:57

2 redistricting atlases that you do for other clients? 06:20:01

3 A Yes. In different varieties, like I said, in 06:20:03

4 Alaska it would show Alaskan native and not something 06:20:08

5 else. 06:20:11

6 Q Understand. So you regularly print atlases 06:20:11

7 for your clients that list out the racial breakdowns of 06:20:17

8 each district and call it -- and insert it into your 06:20:21

9 atlas; is that correct? Is that a "yes"? 06:20:26

10 A Yes. 06:20:29

11 Q And here after Prop 50 you created an atlas 06:20:30

12 for the Legislature and it included in this atlas the 06:20:34

13 racial breakdowns of the various racial ethnicities for 06:20:37

14 each congressional district; correct? 06:20:44

15 A Yes. 06:20:46

16 MR. MANOLIUS: Asked and answered. You can 06:20:46

17 answer. 06:20:47

18 THE WITNESS: Yes. 06:20:48

19 MR. MEUSER Q: So when, I am again asking 06:20:53

20 prior to Prop 50, when you're using your software and 06:20:56

21 you have drawn a district using the statewide database 06:21:03

22 you are able to see the racial breakdown of that 06:21:08

23 district; correct? 06:21:13

24 MR. MANOLIUS: Objection. Vague. I am not 06:21:19

25 sure I understand the question. You can answer, if you 06:21:20

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1 do. 06:21:22

2 THE WITNESS: As a general rule, we normally 06:21:23

3 would be able to, but it would be, there's so many 06:21:27

4 different programs we use potentially it wouldn't be on 06:21:29

5 or maybe it would be in another program, so not every 06:21:33

6 time. 06:21:37

7 MR. MEUSER Q: But you print that data in your 06:21:38

8 atlases every single time; correct? 06:21:40

9 A Yeah. This is a stand alone separate program. 06:21:42

10 We throw a shapefile in and it produces this -- 06:21:46

11 Q Okay. 06:21:50

12 A -- as a stand alone program. 06:21:51

13 Your talking about when you're drawing 06:21:53

14 districts. This isn't something you use when you're 06:21:55

15 drawing districts. It's something you use to put out a 06:21:56

16 final product for a client. 06:22:00

17 Q Okay. But you have the data of what the 06:22:02

18 racial breakdown is for every single district that you 06:22:07

19 use to put together the shapefile -- put together these 06:22:10

20 atlases; correct? 06:22:14

21 A In my normal redistricting, course of my 06:22:14

22 normal business in redistricting -- 06:22:17

23 Q Yes. 06:22:19

24 A -- outside of Prop 50, yes. 06:22:19

25 Q And in Proposition 50 you created an atlas 06:22:21

DAVID TANGIPA vs GAVIN NEWSOM
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1	associated with the work as a result of Prop 50;	06:22:24
2	correct?	06:22:28
3	MR. WOODS: Objection, asked and answered.	06:22:28
4	MR. MANOLIUS: Same, join.	06:22:29
5	THE WITNESS: Yes.	06:22:32
6	MR. MEUSER: Julie?	06:22:34
7	MS. HAMILL: May I project?	06:22:48
8	FURTHER EXAMINATION	06:22:48
9	By: JULIE HAMILL, Attorney at Law, counsel on behalf of	06:22:48
10	the Plaintiffs:	06:22:48
11	Q I just want to be clear --	06:22:56
12	A Yes.	06:22:57
13	Q -- that you are refusing to answer any	06:22:57
14	questions regarding how or why you drew the Proposition	06:23:00
15	50 maps on the basis of legislative privilege?	06:23:04
16	MR. MANOLIUS: I'm objecting to that and I'll	06:23:08
17	affirm it for you, yes, that is our position.	06:23:11
18	MS. HAMILL: You're objecting to that	06:23:14
19	question?	06:23:15
20	MR. MANOLIUS: No, I am just trying to -- the	06:23:16
21	answer to your question is yes.	06:23:20
22	MS. HAMILL Q: I am going to ask it one more	06:23:23
23	time to make a clear record.	06:23:24
24	I want to be clear that you are refusing to	06:23:26
25	answer any questions regarding how or why you drew the	06:23:28

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1	Proposition 50 map on the basis of legislative	06:23:31
2	privilege?	06:23:34
3	A Yes, upon advice of my counsel.	06:23:34
4	MS. HAMILL: Thank you.	06:23:36
5	MR. MEUSER: Okay. I'll switch places with	06:23:41
6	you.	06:23:47
7	MR. WOODS: If you want to.	06:23:47
8	MR. MANOLIUS: How much time is there?	06:23:47
9	THE REPORTER: 33 minutes left.	06:23:58
10	MR. WOODS: I'll be very very quick.	06:23:59
11	EXAMINATION	06:23:59
12	By: S. CLINTON WOODS, Attorney at Law, counsel on behalf	06:23:59
13	of the Defendants:	06:24:10
14	Q Good evening, Mr. Mitchell. I may have	06:24:10
15	introduced myself off the record. I am not sure if I	06:24:13
16	have.	06:24:16
17	My name is Clinton Woods. I am a Deputy	06:24:16
18	Attorney General from the State of California	06:24:18
19	representing the State defendants in this matter.	06:24:20
20	I just have a few questions and I want to be	06:24:24
21	very clear that in my questions I am not asking about	06:24:27
22	your work on Prop 50. I am focusing on after you	06:24:31
23	submitted the maps or Redistricting Partners submitted	06:24:38
24	the maps.	06:24:44
25	I am not asking for any conversations or	06:24:44

DAVID TANGIPA vs GAVIN NEWSOM
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1 **communications or anything that you would have learned** 06:24:46
2 **from your work with Prop 50, but as an individual** 06:24:49
3 **citizen, a California citizen, would it be fair to say** 06:24:52
4 **that you wanted Prop 50 to pass?** 06:24:58
5 A Yes. 06:25:02
6 Q Okay. Did you agree with the partisan aims of 06:25:03
7 **Prop 50?** 06:25:08
8 A Yes. 06:25:09
9 MR. MANOLIUS: Objection. Vague as to the 06:25:10
10 term "partisan aims," but I think he understood the 06:25:11
11 question so -- 06:25:14
12 THE WITNESS: I agreed to do it only because 06:25:15
13 of what Texas did. Normally, I wouldn't agree to 06:25:16
14 partisan redistricting, but in this case, because of the 06:25:19
15 circumstances, I did agree to it. 06:25:21
16 MR. WOODS Q: Understood. Are you a register 06:25:24
17 Democrat? 06:25:26
18 A Yes. 06:25:28
19 Q Do you consider more Democrats in Congress to 06:25:28
20 **be a good thing?** 06:25:31
21 A Yes, particularly right now. 06:25:32
22 Q Okay. Did you vote for Prop 50? 06:25:35
23 A I did. 06:25:37
24 Q Okay. Would it be fair to say that after you 06:25:38
25 **submitted the map that the public interviews that you** 06:25:41

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1	did that counsel has been talking about, whatever other	06:25:45
2	public interviews or statements you might have made were	06:25:50
3	done with the aim of convincing people to vote for Prop	06:25:53
4	50?	06:25:57
5	A Clearly, that would have been one of the aims,	06:25:57
6	absolutely.	06:26:00
7	Q Okay. Because you agreed with the partisan	06:26:00
8	aims of Prop 50; right?	06:26:03
9	A Yes.	06:26:04
10	Q After you submitted the maps, I am a	06:26:06
11	California citizen, I am guessing based on your	06:26:11
12	testimony so far, and please correct me if I'm wrong,	06:26:15
13	that you paid attention to the Prop 50 campaign?	06:26:18
14	A Quite a bit, yes.	06:26:21
15	Q Okay. Did you see any political	06:26:22
16	advertisements about Prop 50?	06:26:28
17	A Quite a lot, yes.	06:26:29
18	Q Okay. Where did you see them?	06:26:30
19	A Mostly, on social media. I didn't see the	06:26:32
20	YouTube ads, because I pay for the one where I don't	06:26:35
21	have to see the ads.	06:26:38
22	Q Okay. So did you see any ads on television?	06:26:39
23	A I did see some ads on television.	06:26:42
24	Q Okay. I am a sports fan so I saw a lot of ads	06:26:44
25	both for and against Prop 50 on every Warriors game that	06:26:48

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1	I watched. Did you see --	06:26:54
2	A I am a huge sports fan, but they weren't	06:26:55
3	putting the ads on my obscure Belgian bike races.	06:26:58
4	Q Fair enough. Fair enough. Okay. So you saw	06:27:02
5	these ads on the Internet?	06:27:03
6	A Mostly, yes.	06:27:04
7	Q Did you see or did you hear any ads on the	06:27:05
8	radio?	06:27:09
9	A I heard ads on podcasts.	06:27:10
10	Q Okay. All right. Were these ads pro-Prop 50	06:27:14
11	or anti-Prop 50 or both?	06:27:21
12	A Both.	06:27:23
13	Q And I realize that this is a big question, but	06:27:24
14	can you give me an estimate of how many ads you saw on	06:27:27
15	line about Prop 50?	06:27:33
16	A How many unique different ads?	06:27:34
17	Q Sure.	06:27:37
18	A Yeah. So I saw probably a dozen different ads	06:27:37
19	and I saw them, many of them several times over and	06:27:41
20	over.	06:27:46
21	Q Okay. And when you say a dozen different ads	06:27:46
22	would that be pro-Prop 50, anti-Prop 50 or both?	06:27:48
23	A Both.	06:27:55
24	Q And you --	06:27:56
25	A Even the ones they put me in.	06:27:57

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1	Q	Even the ones they put you in. How many ads	06:27:59
2		did you see they put you in?	06:28:03
3		MS. HAMILL: Objection, relevance.	06:28:06
4		THE WITNESS: Four.	06:28:09
5		MR. WOODS Q: What's that?	06:28:09
6	A	Four ads.	06:28:10
7	Q	Oh, okay. Let's see. And how many ads did	06:28:11
8		you hear on a podcast?	06:28:15
9	A	Maybe, half a dozen. It was not as frequent.	06:28:17
10	Q	Okay. Of the pro-Prop 50 advertisements that	06:28:23
11		you either saw or heard, how many of those pro-Prop 50	06:28:27
12		advertisements mentioned partisan gain?	06:28:32
13	A	I would say every one of them mentioned	06:28:36
14		partisan gain or anti-Trump, which is a cue for partisan	06:28:41
15		pushing back on Republicans, yeah.	06:28:46
16	Q	That was going to be my next question is how	06:28:49
17		many of them mentioned President Trump?	06:28:51
18	A	Almost every one of them.	06:28:53
19	Q	Almost every one. How many of them mentioned	06:28:54
20		Texas?	06:28:57
21	A	Almost every one of them.	06:28:58
22	Q	Okay. Of the anti-Prop 50 advertisements that	06:29:00
23		you saw --	06:29:05
24	A	Uh-huh.	06:29:05
25	Q	-- and let me ask the question. The ads that	06:29:06

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1	you were in, were those anti-Prop 50 ads?	06:29:08
2	A They were the "No on Prop 50" ads, yes.	06:29:10
3	Q How many of them, of those anti-ads mentioned	06:29:14
4	Democratic partisanship?	06:29:17
5	A Almost every one of them, I think, yeah.	06:29:20
6	Q How many of them -- you said about four of	06:29:22
7	them mentioned you; is that right?	06:29:25
8	A Yeah.	06:29:27
9	Q Okay. And do you recall what they said about	06:29:27
10	you?	06:29:32
11	A They would put me in a montage of legislators,	06:29:32
12	Governor Newsom, and special interests and shady, they	06:29:37
13	do like a shady image of me.	06:29:44
14	Q You were in black and white?	06:29:46
15	A On a couple of them, yeah.	06:29:47
16	MS. HAMILL: Objection. Relevance.	06:29:49
17	MR. WOODS Q: I'll get there. So they	06:29:51
18	mentioned you with, alongside Gavin Newsom; correct?	06:29:53
19	A Yes.	06:29:55
20	Q Other prominent Democrats?	06:29:56
21	A Nancy Pelosi.	06:29:59
22	Q Right. Did you see any pro-Prop 50	06:30:00
23	advertisements that originated from Republicans?	06:30:06
24	A No.	06:30:10
25	Q Did you see any anti-Prop 50 advertisements	06:30:13

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1	that originated from Democrats?	06:30:19
2	A No.	06:30:21
3	Q Of the pro-Prop 50 advertisements that you	06:30:22
4	saw, dozen or so, whatever they were, how many of those	06:30:27
5	pro-Prop 50 advertisements mentioned race?	06:30:30
6	A Not one.	06:30:34
7	MS. HAMILL: Objection. Relevance.	06:30:36
8	MR. WOODS Q: Of the anti-Prop 50	06:30:38
9	advertisements that you saw, a dozen or so, how many of	06:30:41
10	those mentioned race?	06:30:45
11	A I don't recall seeing that in any of those.	06:30:48
12	Q Okay. Would it be fair to say that you are a	06:30:50
13	close observer of California politics?	06:30:54
14	A Yes.	06:30:57
15	Q Okay. Do you know as you sit here today	06:30:58
16	independent of any of your work what or who represents	06:31:01
17	California district 13 in Congress?	06:31:08
18	A Adam Gray.	06:31:12
19	(Whereupon Plaintiff's Exhibit 24	06:31:12
20	was marked for identification.)	06:31:12
21	MR. WOODS Q: I am going to hand you what's	06:31:15
22	been marked as Exhibit 24.	06:31:16
23	Exhibit 24 is has been submitted to the court,	06:31:26
24	it's exhibit -- at the bottom you can see it's	06:31:30
25	Exhibit 43 to the Eason declaration, which is a	06:31:35

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1	declaration that my office submitted in opposition to	06:31:42
2	the motion for preliminary injunction --	06:31:45
3	A Okay.	06:31:47
4	Q -- and what it is is a copy of an article that	06:31:47
5	was published on August 15th, and that was created by	06:31:51
6	ABC 10. And my first question is: Have you ever seen	06:31:58
7	this article before?	06:32:03
8	A No, I probably -- if I had seen it I would	06:32:05
9	have clicked on the video, I'm lazy like that, so I	06:32:07
10	don't know what, if I saw the article.	06:32:10
11	Q Fair enough. If you look at page two of the	06:32:12
12	exhibit and it's Bates numbered CA751 at the bottom, do	06:32:16
13	you see that?	06:32:23
14	A Where am I looking, at the "About"? Which is	06:32:24
15	about?	06:32:28
16	Q At the CA751.	06:32:29
17	A I see that, yeah, yeah, yeah.	06:32:31
18	Q Okay. Great. So that page, if you see, if	06:32:32
19	you look at the -- well, first of all, the top paragraph	06:32:39
20	on that page, it mentions you.	06:32:43
21	Do you see that?	06:32:45
22	A "ABC 10 obtained a draft proposal," that one?	06:32:46
23	Q Yes.	06:32:50
24	A Yes. Oh, yeah, "Headed by Sacramento-based	06:32:51
25	data consultant Paul Mitchell."	06:32:54

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1	Q	That's you?	06:32:56
2	A	That is me.	06:32:56
3	Q	Okay.	06:32:57
4	A	I drew the maps.	06:32:57
5	Q	All right. And there's a quote there that	06:32:59
6		says, "There's the changes where we sought to increase	06:33:02
7		the partisanship of a district so that we could get a	06:33:07
8		Democrat elected in order to combat what Trump is	06:33:10
9		doing."	06:33:14
10		Did I read that correctly?	06:33:14
11	A	That is correct.	06:33:16
12	Q	Do you believe that you said that?	06:33:17
13	A	Yes.	06:33:19
14	Q	There's an additional quote. "Then there's	06:33:20
15		the other districts, where you might see people moving	06:33:23
16		because of all of the other movements."	06:33:26
17		Did I read that correctly?	06:33:29
18	A	Yes.	06:33:30
19	Q	Do you believe you said that?	06:33:31
20	A	Yes.	06:33:32
21	Q	Okay. And then moving further down this page,	06:33:33
22		about halfway down, a little bit more than halfway down	06:33:37
23		there's a paragraph that is a quotation that is	06:33:39
24		something that you said and I am going to read it here.	06:33:43
25		It says, "We have these five Democratic	06:33:47

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1 pick-ups, but we also have about five seats where we 06:33:51
2 have Democrats who, you know, maybe won by a couple 06:33:55
3 hundred votes in the last election and we can't afford 06:33:59
4 for a Republican to pick that seat up and eat into those 06:34:02
5 potential gains." 06:34:06
6 Did I read that correctly? 06:34:08
7 A Yes. 06:34:09
8 Q All right. Do you believe you said that? 06:34:10
9 A Yes. 06:34:11
10 Q And then the quote continues, "So we did a lot 06:34:13
11 to bolster Democratic candidates up and down the state 06:34:16
12 that are potentially in tough races, like Adam Gray in 06:34:20
13 the Central Valley." 06:34:23
14 Did I read that correctly? 06:34:25
15 A That is correct. 06:34:26
16 Q Do you believe you said that? 06:34:27
17 A Yep. That's not even August 15th. That's a 06:34:28
18 very quick reporter. 06:34:35
19 Q All right. Let me just check my notes. I 06:34:37
20 think that's all I have. 06:34:50
21 A Thank you very much. 06:34:52
22 MR. WOODS: Thank you, Mr. Mitchell. 06:34:53
23 THE VIDEOGRAPHER: Is that everyone? All 06:34:57
24 right. The time is 6:34 p.m. 06:34:58
25 MR. MANOLIUS: I have a few. 06:35:02

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1 THE VIDEOGRAPHER: This is the end of today's 06:35:03
2 deposition. 06:35:05

3 THE REPORTER: Mr. Meuser, you're responsible
4 for the O&I?

5 MR. MEUSER: Yes, and I want a rough draft
6 ASAP.

7 MS. HAMILL: Rough draft and certified
8 electronic copy ASAP.

9 MR. WOODS: Rough draft and certified copy.

10 MR. MANOLIUS: Rough draft and certified copy.

11 MR. DeNEVERS: Certified copy electronic.

12 MR. DODGE: Certified copy electronic.

13 THE REPORTER: Thank you. 06:35:05

14 (Whereupon the proceedings were 06:35:05

15 concluded at 6:35 p.m.) 06:35:06

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CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

I, LINDA J. HART, 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 signature on this 29th day of December, 2025.



LINDA J. HART, CSR #4357
RMR/CRR

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