

**In the Matter Of:**

*The Authors Guild vs*

*National Endowment for the Humanities*

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*NATHAN CAVANAUGH*

*January 23, 2026*

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|    |                                                      |                                            |
|----|------------------------------------------------------|--------------------------------------------|
| 1  | 1                                                    | 3                                          |
| 1  | UNITED STATES DISTRICT COURT                         | 1 ALSO PRESENT:                            |
| 2  | for the                                              | 2 DYLAN BORSOS, VIDEOGRAPHER               |
| 3  | SOUTHERN DISTRICT OF NEW YORK                        | 3                                          |
| 4  | Civil Action No. 25-cv-3923                          | 4                                          |
| 5  |                                                      | 5                                          |
| 6  | THE AUTHORS GUILD, et al.,                           | 6                                          |
| 7  |                                                      | 7                                          |
| 8  | Plaintiff,                                           | 8                                          |
| 9  | vs.                                                  | 9                                          |
| 10 | NATIONAL ENDOWMENT FOR THE HUMANITIES,               | 10                                         |
| 11 | et al.,                                              | 11                                         |
| 12 |                                                      | 12                                         |
| 13 | Defendant.                                           | 13                                         |
| 14 |                                                      | 14                                         |
| 15 | T R A N S C R I P T of the deposition                | 15                                         |
| 16 | of NATHAN CAVANAUGH taken stenographically before    | 16                                         |
| 17 | Lisa Forlano, Registered Diplomate Reporter,         | 17                                         |
| 18 | Certified Realtime Reporter, Certified Court         | 18                                         |
| 19 | Reporter - NJ and Notary Public, held at the offices | 19                                         |
| 20 | of Schindler Cohen & Hochman LLP, 100 Wall Street,   | 20                                         |
| 21 | Suite 1500, New York, New York 10005, on Friday,     | 21                                         |
| 22 | January 23, 2026, commencing at 9:41 a.m.            | 22                                         |
| 23 |                                                      | 23                                         |
| 24 |                                                      | 24                                         |
| 25 |                                                      | 25                                         |
| 2  | 2                                                    | 4                                          |
| 1  | A P P E A R A N C E S:                               | 1 I N D E X                                |
| 2  |                                                      | 2                                          |
| 3  | JACOBSON LAWYERS GROUP PLLC                          | 3 WITNESS PAGE                             |
| 4  | BY: JOHN ROBINSON, ESQUIRE                           | 4 NATHAN CAVANAUGH                         |
| 5  | KYLA SNOW, ESQUIRE                                   | 5 By Mr. Robinson 7                        |
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| 12 | ATTORNEYS FOR PLAINTIFF, ACLS                        | 12 P-1 Spreadsheet, US-6338 40             |
| 13 |                                                      | 13 P-2 E-mail chain, US-61501 68           |
| 14 | FAIRMARK PARTNERS, LLP                               | 14 P-3 E-mail and attachment, US-9508 80   |
| 15 | BY: YINKA ONAYEMI, ESQUIRE                           | 15 P-4 Spreadsheet, US-9509 81             |
| 16 | 400 7th Street, NW #304                              | 16 P-5 E-mail, US-9552 83                  |
| 17 | Washington, DC 20004                                 | 17 P-6 Attachment, US-9553 85              |
| 18 | (617) 642-5569                                       | 18 P-7 Exhibit C - Neeta Thakur, et al. 95 |
| 19 | yinka@fairmarklaw.com                                | 19 vs. Donald J. Trump, et al.             |
| 20 | ATTORNEYS FOR THE PLAINTIFF,                         | 20 P-8 E-mail dated 2/7/25, AR1 100        |
| 21 | THE AUTHORS GUILD                                    | 21 P-9 E-mail dated 3/12/25, AR3 105       |
| 22 |                                                      | 22 P-10 Spreadsheet, AR4 111               |
| 23 | US ATTORNEYS' OFFICE                                 | 23 P-11 E-mail dated 3/13/25, AR5 126      |
| 24 | BY: RACHAEL DOUD, ESQUIRE                            | 24 P-12 Spreadsheet, AR6 127               |
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|    | ALSO PRESENT VIA ZOOM:                               |                                            |
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|    | LAWYERS                                              |                                            |
|    | LYNN EISENBERG, ESQUIRE - JACOBSON LAWYERS           |                                            |
|    | SARAH MARTIN, ESQUIRE - JACOBSON LAWYERS             |                                            |
|    | ANNIE CLEAVER, ESQUIRE - FAIRMARK PARTNERS           |                                            |
|    | JAMIE CROOKS, ESQUIRE - FAIRMARK PARTNERS            |                                            |
|    | AMANDA VAUGHN, ESQUIRE - FAIRMARK PARTNERS           |                                            |

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| <p>5</p> <p>1           E X H I B I T S (CONTINUED)</p> <p>2   P-13   E-mail dated 3/13/25, US-37960           131</p> <p>3   P-14   E-mail dated 3/17/25, US-50669           132</p> <p>4   P-15   E-mail dated 3/17/25, US-839           135</p> <p>5   P-16   Spreadsheet, US-847                   138</p> <p>6   P-17   E-mail chain, US-753                   142</p> <p>7   P-18   E-mail chain, US-826                   149</p> <p>8   P-19   E-mail chain, NEH_AR_10 - NEH_AR_12   158</p> <p>9   P-20   E-mail chain, NEH_AR_17 - NEH_AR_19   173</p> <p>10   P-21   E-mail chain, NEH_AR_21 - NEH_AR_23   178</p> <p>11   P-22   E-mail chain, US-0562               184</p> <p>12   P-23   Spreadsheet, US-61429               189</p> <p>13   P-24   E-mail, US-61427                   189</p> <p>14   P-25   E-mail dated 4/2/25, NEH_AR_91       191</p> <p>15   P-26   Subpoena                           209</p> <p>16</p> <p>17   DIRECTION NOT TO ANSWER               13</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                                                                                                                                                                                  | <p>7</p> <p>1           MR. ONAYEMI: Yinka Onayemi from</p> <p>2           Fairmark Partners on behalf of The</p> <p>3           Authors Guild, Plaintiffs.</p> <p>4           MS. DOUD: Rachael Doud from the</p> <p>5           US Attorney's Office for the Defendants.</p> <p>6           MR. ROBINSON: Good morning,</p> <p>7           Mr. Cavanaugh.</p> <p>8           STENOGRAPHER: Wait a second.</p> <p>9           NATHAN CAVANUAGH, having been</p> <p>10          duly sworn, was examined and testified as</p> <p>11          follows:</p> <p>12       BY MR. ROBINSON:</p> <p>13          Q     Good morning, Mr. Cavanaugh.</p> <p>14          Could you please state your full name for the</p> <p>15          record?</p> <p>16          A     <b>Nathan Cavanaugh.</b></p> <p>17          Q     And I will start the questioning</p> <p>18          today. We'll go for a few hours. When I'm</p> <p>19          done, my colleague from the Authors Guild</p> <p>20          Plaintiffs will ask some questions at the end.</p> <p>21          [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> |
| <p>6</p> <p>1           VIDEO OPERATOR: We are now on</p> <p>2           the record. This begins videotape number</p> <p>3           one in the deposition of Nate Cavanaugh,</p> <p>4           in the matter of The Authors Guild versus</p> <p>5           National Endowment for the Humanities.</p> <p>6           This deposition is being held at</p> <p>7           100 Wall Street, Suite 1500, New York,</p> <p>8           New York 10005.</p> <p>9           Today's date is January 23,</p> <p>10          2026, and the time is approximately</p> <p>11          9:41 a.m. Eastern Time.</p> <p>12          The videographer is Dylan</p> <p>13          Borsos, representing Lexitas. And the</p> <p>14          court reporter is Lisa Forlano, also</p> <p>15          representing Lexitas.</p> <p>16          Will counsel and all parties</p> <p>17          present please state their appearances</p> <p>18          and whom they represent.</p> <p>19          MR. ROBINSON: John Robinson</p> <p>20          from Jacobson Lawyers Group on behalf of</p> <p>21          the American Council of Learned</p> <p>22          Societies, Plaintiffs.</p> <p>23          With me at counsel table is Kyla</p> <p>24          Snow. And I'll let my colleague from the</p> <p>25          Authors Guild introduce himself.</p> | <p>8</p> <p>1          [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>10       Q     I was going to ask about this</p> <p>11       later, but what is special.co?</p> <p>12       A     <b>It's a technology company that</b></p> <p>13       <b>I'm starting.</b></p> <p>14       Q     Oh, okay. Do you have any other</p> <p>15       e-mail address?</p> <p>16       A     <b>I do.</b></p> <p>17       Q     Is the best one to reach you</p> <p>18       that special.co?</p> <p>19       A     <b>Yes.</b></p> <p>20       Q     Okay. Where are you currently</p> <p>21       employed?</p> <p>22       A     <b>I'm the founder and CEO of</b></p> <p>23       <b>Special.</b></p> <p>24       Q     Any other employment?</p> <p>25       A     <b>No.</b></p>                                                                                                                                                                                                                                                                                                    |

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| <p>17</p> <p>1       <b>A</b>    <b>Yes.</b></p> <p>2       Q    What did you do after that one</p> <p>3   year?</p> <p>4       <b>A</b>    <b>I started my first company in</b></p> <p>5   <b>California.</b></p> <p>6       Q    And what company was that?</p> <p>7       <b>A</b>    <b>It was called Brainbase.</b></p> <p>8       Q    What was Brainbase?</p> <p>9       <b>A</b>    <b>An enterprise software company.</b></p> <p>10      Q    How long were you working at</p> <p>11   Brainbase?</p> <p>12      <b>A</b>    <b>About six years.</b></p> <p>13      Q    Can you say a little bit more</p> <p>14   about what the company did? You said</p> <p>15   enterprise.</p> <p>16      <b>A</b>    <b>We helped Fortune 500 brands</b></p> <p>17   <b>manage their intellectual property on our</b></p> <p>18   <b>software. We had about 80 employees. It was</b></p> <p>19   <b>acquired by a large public company in Canada in</b></p> <p>20   <b>2022.</b></p> <p>21      Q    And what did you do after that?</p> <p>22      <b>A</b>    <b>I took a break from working in</b></p> <p>23   <b>the tech industry for about six months and then</b></p> <p>24   <b>helped cofound another business in the</b></p> <p>25   <b>technology industry.</b></p>                                                                                                                                                      | <p>19</p> <p>1       Q    Who was the recruiter?</p> <p>2       <b>A</b>    <b>Steve Davis.</b></p> <p>3       Q    Who is Steve Davis?</p> <p>4       <b>A</b>    <b>He was a member of the DOGE</b></p> <p>5   <b>team.</b></p> <p>6       Q    And what's his background?</p> <p>7       <b>A</b>    <b>He's the CEO of The Boring</b></p> <p>8   <b>Company.</b></p> <p>9       Q    Okay.</p> <p>10      STENOGRAPHER: Of the what</p> <p>11   company?</p> <p>12      <b>THE WITNESS: The Boring</b></p> <p>13   <b>Company.</b></p> <p>14   BY MR. ROBINSON:</p> <p>15      Q    And approximately when did</p> <p>16   Mr. Davis contact you?</p> <p>17      <b>A</b>    <b>I was introduced to Steve</b></p> <p>18   <b>January 2nd of 2025, approximately.</b></p> <p>19      Q    Who introduced you to him?</p> <p>20      <b>A</b>    <b>A gentleman named Baris Akis.</b></p> <p>21      Q    Do you know how to spell that?</p> <p>22      <b>A</b>    <b>B-A-R-I-S A-K-I-S.</b></p> <p>23      Q    What's his background?</p> <p>24      <b>A</b>    <b>He runs a venture capital fund</b></p> <p>25   <b>in Silicon Valley called Human Capital.</b></p>                                                                                                                                                                                                                                                  |
| <p>18</p> <p>1       Q    What was that business?</p> <p>2       <b>A</b>    <b>It was called FlowFinance. It</b></p> <p>3   <b>was a technology-enabled accounting and finance</b></p> <p>4   <b>product for small businesses.</b></p> <p>5       Q    How long were you there?</p> <p>6       <b>A</b>    <b>About three years.</b></p> <p>7       Q    How large was that company, how</p> <p>8   many employees?</p> <p>9       <b>A</b>    <b>About 40.</b></p> <p>10      Q    And what did you do after that?</p> <p>11      <b>A</b>    <b>I moved from California to</b></p> <p>12   <b>Florida, took another small break in working,</b></p> <p>13   <b>and then joined the Department of Government</b></p> <p>14   <b>Efficiency in January of 2025.</b></p> <p>15      Q    Okay. It's a good segue. So I</p> <p>16   did want to ask you how you first got involved</p> <p>17   with the Department of Government Efficiency,</p> <p>18   which you might call DOGE today. That's okay.</p> <p>19      How did you first get involved?</p> <p>20      <b>A</b>    <b>I was introduced to one of the</b></p> <p>21   <b>recruiters at DOGE through a mutual investor</b></p> <p>22   <b>connection. We had a few phone calls about my</b></p> <p>23   <b>background and my interest in joining DOGE, and</b></p> <p>24   <b>was subsequently offered a position informally</b></p> <p>25   <b>to join in D.C.</b></p> | <p>20</p> <p>1       Q    And how did you know him?</p> <p>2       <b>A</b>    <b>I was introduced to him through</b></p> <p>3   <b>a mutual investor connection in Silicon Valley.</b></p> <p>4       Q    Who was that?</p> <p>5       <b>A</b>    <b>Vinay Hiremath.</b></p> <p>6       Q    Could you spell that, please?</p> <p>7       <b>A</b>    <b>V-I-N-A-Y H-I-R-E-M-A-T-H.</b></p> <p>8       Q    And did I hear you correctly</p> <p>9   that Mr. Davis was the recruiter, the DOGE</p> <p>10   recruiter who contacted --</p> <p>11      <b>A</b>    <b>His -- he was not a recruiter</b></p> <p>12   <b>for the DOGE team. I was introduced to him</b></p> <p>13   <b>because he was a senior DOGE official and he</b></p> <p>14   <b>was the one that offered me a position on the</b></p> <p>15   <b>team.</b></p> <p>16      Q    Okay. Was there a recruiter?</p> <p>17      <b>A</b>    <b>Baris would have been the --</b></p> <p>18   <b>informally the recruiter.</b></p> <p>19      Q    Got it. So when Baris called</p> <p>20   you, what did he -- what did he say?</p> <p>21      <b>A</b>    <b>We discussed my background, my</b></p> <p>22   <b>interest for wanting to join DOGE, standard</b></p> <p>23   <b>interview questions around my background in</b></p> <p>24   <b>technology, finance, et cetera. And then</b></p> <p>25   <b>subsequently introduced me to Steve, as a</b></p> |

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| <p style="text-align: right;">21</p> <p>1 <b>second interview.</b></p> <p>2 Q Had you expressed some interest</p> <p>3 before then to anyone about wanting to join the</p> <p>4 Administration or DOGE?</p> <p>5 <b>A Not the Administration</b></p> <p>6 <b>specifically, but DOGE generally, yes.</b></p> <p>7 Q Okay. How did -- when did you</p> <p>8 do that?</p> <p>9 <b>A I don't recall, frankly. I've</b></p> <p>10 <b>always had an interest in government and</b></p> <p>11 <b>politics, so this was a natural time to join,</b></p> <p>12 <b>given the focus on technology and finance.</b></p> <p>13 Q Okay. You said that you</p> <p>14 expressed, though, that you had some interest</p> <p>15 in joining DOGE --</p> <p>16 <b>A I expressed to the DOGE team</b></p> <p>17 <b>that I had interest in joining.</b></p> <p>18 Q But how did -- how did Baris</p> <p>19 know to contact you that you might be</p> <p>20 interested in this?</p> <p>21 <b>A Because Vinay and I had a</b></p> <p>22 <b>relationship and we were talking about the DOGE</b></p> <p>23 <b>opportunity and that it was being formed. He</b></p> <p>24 <b>recommended that I speak to Baris about</b></p> <p>25 <b>potentially joining.</b></p> | <p style="text-align: right;">23</p> <p>1 Q Did he interview you? Did</p> <p>2 anyone interview you?</p> <p>3 <b>A Baris interviewed me twice.</b></p> <p>4 <b>Steve and I had a conversation, which would</b></p> <p>5 <b>have been the final interview in the process.</b></p> <p>6 <b>And then I subsequently joined.</b></p> <p>7 Q What was Baris' view -- role</p> <p>8 with DOGE, if you didn't already say?</p> <p>9 <b>A He had an informal role as a</b></p> <p>10 <b>recruiter of folks from the technology</b></p> <p>11 <b>industry, just given his background.</b></p> <p>12 Q Do you know if he was employed</p> <p>13 by the Government?</p> <p>14 <b>A I don't believe so.</b></p> <p>15 Q So aside from the individuals</p> <p>16 we've talked about so far, Mr. Davis, Baris,</p> <p>17 Vinay, is there anyone else you spoke with, in</p> <p>18 or out of the Government, before you joined the</p> <p>19 DOGE team, about joining the team?</p> <p>20 <b>A It would have been casual</b></p> <p>21 <b>conversations with family, my dad, for example.</b></p> <p>22 <b>Outside of that, no.</b></p> <p>23 Q No.</p> <p>24 Did Mr. Davis or Baris tell you</p> <p>25 what you would be doing at DOGE?</p> |
| <p style="text-align: right;">22</p> <p>1 Q Got it. So did you and Vinay</p> <p>2 like meet after the election and talk about</p> <p>3 this or --</p> <p>4 <b>A We did meet after the election</b></p> <p>5 <b>virtually and had one phone call about my</b></p> <p>6 <b>background, spoke a little bit more about why</b></p> <p>7 <b>I'd be a good fit for DOGE. And then he</b></p> <p>8 <b>subsequently introduced me to Baris.</b></p> <p>9 Q Do you remember what you told</p> <p>10 him in that conversation about why you were</p> <p>11 interested?</p> <p>12 <b>A No.</b></p> <p>13 Q Why were you interested? Let me</p> <p>14 just ask you that.</p> <p>15 <b>A I was interested because I</b></p> <p>16 <b>wanted to help reduce the federal deficit.</b></p> <p>17 Q Any other reasons?</p> <p>18 <b>A No.</b></p> <p>19 Q You said that Mr. Davis offered</p> <p>20 you the job?</p> <p>21 <b>A It was an informal offer. It</b></p> <p>22 <b>was basically, if you're interested in joining</b></p> <p>23 <b>we will assign you a first project on the DOGE</b></p> <p>24 <b>team. And I said yes. And subsequently</b></p> <p>25 <b>started working on a project for the DOGE team.</b></p>                            | <p style="text-align: right;">24</p> <p>1 <b>A No.</b></p> <p>2 Q What did they tell you about</p> <p>3 what your responsibilities would be, generally?</p> <p>4 <b>A They did not tell me.</b></p> <p>5 Q So you just knew -- what did you</p> <p>6 know about DOGE at this point?</p> <p>7 <b>A I knew that the effort of DOGE</b></p> <p>8 <b>was to reduce the federal deficit from</b></p> <p>9 <b>\$2 trillion annually to as close to zero as</b></p> <p>10 <b>possible. And that was really all I was told.</b></p> <p>11 Q Did you know anything before you</p> <p>12 started about the mechanics, about how the</p> <p>13 Administration wanted to accomplish that goal?</p> <p>14 <b>A No.</b></p> <p>15 Q And you mentioned earlier that</p> <p>16 they assigned you -- they said that they would</p> <p>17 assign you to a project. Did they tell you</p> <p>18 what that project was going to be before you</p> <p>19 joined DOGE?</p> <p>20 <b>A No.</b></p> <p>21 Q Did they mention anything</p> <p>22 specific about the National Endowment for the</p> <p>23 Humanities?</p> <p>24 <b>A No.</b></p> <p>25 Q Anything specific about any of</p>                                                             |

Nathan Cavanaugh - January 23, 2026

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| <p>25</p> <p>1 the other agencies that you eventually worked</p> <p>2 at?</p> <p>3 <b>A No.</b></p> <p>4 Q Did you speak with Elon Musk</p> <p>5 before you joined DOGE?</p> <p>6 <b>A No.</b></p> <p>7 Q Did you speak with Amy Gleason?</p> <p>8 <b>A No.</b></p> <p>9 Q And do you recall the date that</p> <p>10 you first formally joined the DOGE team?</p> <p>11 <b>A I started working on my first</b></p> <p>12 <b>DOGE-related project in early January. I moved</b></p> <p>13 <b>to Washington, D.C. around Inauguration Day,</b></p> <p>14 <b>January 20th, and formally started working in</b></p> <p>15 <b>person a few days after that.</b></p> <p>16 Q What was that first project?</p> <p>17 <b>A We were building an</b></p> <p>18 <b>organizational chart of the Federal Government</b></p> <p>19 <b>to try and understand the relationship between</b></p> <p>20 <b>the different agencies and the associated</b></p> <p>21 <b>hierarchy.</b></p> <p>22 Q What was the goal of that</p> <p>23 project?</p> <p>24 <b>A Just to help the team get a</b></p> <p>25 <b>better understanding of how the Federal</b></p> | <p>27</p> <p>1 <b>A Yes.</b></p> <p>2 Q Part of the DOGE effort?</p> <p>3 <b>A Yes.</b></p> <p>4 Q There was also a US DOGE</p> <p>5 Service. What was that?</p> <p>6 <b>A There -- it was another</b></p> <p>7 <b>organization within the Federal Government that</b></p> <p>8 <b>I think was originally created under the Obama</b></p> <p>9 <b>administration. And it was subsequently</b></p> <p>10 <b>retooled, rebranded to onboard some of the DOGE</b></p> <p>11 <b>engineers to the DOGE team.</b></p> <p>12 Q So there was like a US Digital</p> <p>13 Service and that became the US DOGE Service?</p> <p>14 <b>A I believe so.</b></p> <p>15 Q Okay. Did you have an</p> <p>16 understanding as to how that was different from</p> <p>17 individuals at GSA elsewhere who might be</p> <p>18 helping with the DOGE effort but weren't</p> <p>19 employed by the US DOGE Service?</p> <p>20 <b>A My understanding is that the</b></p> <p>21 <b>general philosophy was to put engineers under</b></p> <p>22 <b>the US DOGE Service and then non-engineers</b></p> <p>23 <b>under GSA, or whichever agency they would have</b></p> <p>24 <b>been the best fit for.</b></p> <p>25 Q What about lawyers, people</p> |
| <p>26</p> <p>1 <b>Government is set up structurally.</b></p> <p>2 Q How long did that project take?</p> <p>3 <b>A A few days.</b></p> <p>4 Q And did you create that</p> <p>5 organizational chart?</p> <p>6 <b>A I was a part of helping create</b></p> <p>7 <b>it. There were multiple folks on the team.</b></p> <p>8 Q And it was created eventually?</p> <p>9 <b>A It was.</b></p> <p>10 Q Is that a public document, do</p> <p>11 you know?</p> <p>12 <b>A I believe it is -- it was public</b></p> <p>13 <b>on the DOGE website, on doge.gov.</b></p> <p>14 Q Okay. What was your title?</p> <p>15 <b>A I didn't have a title.</b></p> <p>16 Q Were you technically an employee</p> <p>17 of the General Services Administration?</p> <p>18 <b>A I was a political appointee at</b></p> <p>19 <b>GSA as a Schedule C employee.</b></p> <p>20 Q Do you know why you were placed</p> <p>21 in the General Services Administration as</p> <p>22 opposed to somewhere else?</p> <p>23 <b>A I don't.</b></p> <p>24 Q But you would agree you were</p> <p>25 associated with the DOGE team more broadly?</p>                          | <p>28</p> <p>1 providing legal advice to you and others, do</p> <p>2 you know where they were placed?</p> <p>3 <b>A I don't.</b></p> <p>4 Q Okay. You mentioned earlier</p> <p>5 that Justin Fox was part of the DOGE team and</p> <p>6 that you worked with him. Who else from the US</p> <p>7 DOGE Service do you recall working with while</p> <p>8 you were in the Government?</p> <p>9 <b>A Can you repeat the question?</b></p> <p>10 <b>Sorry.</b></p> <p>11 Q Who else from -- who from the US</p> <p>12 DOGE Service do you recall working with while</p> <p>13 you were at the Government?</p> <p>14 <b>A There were -- there were several</b></p> <p>15 <b>employees, engineers. Frankly, it was hard to</b></p> <p>16 <b>tell which agency people were onboarded with,</b></p> <p>17 <b>so you wouldn't know in conversations whether</b></p> <p>18 <b>they were onboarded with GSA, for example, or</b></p> <p>19 <b>the US DOGE Service.</b></p> <p>20 Q Got it.</p> <p>21 <b>A But pursuantly there were many.</b></p> <p>22 Q Let's just go through some names</p> <p>23 of individuals.</p> <p>24 So you said Justin Fox earlier</p> <p>25 was one?</p>                                                   |



Nathan Cavanaugh - January 23, 2026

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| <p>33</p> <p>1 working?</p> <p>2 <b>A I was physically working at GSA.</b></p> <p>3 Q Okay. On this list, who else</p> <p>4 was physically at GSA?</p> <p>5 <b>A Ethan Shaotran. Initially Kyle</b></p> <p>6 <b>Schutt. Occasionally Luke Farritor and Akash</b></p> <p>7 <b>Bobba. And I believe that's it.</b></p> <p>8 Q Where was Justin Aimonetti</p> <p>9 physically located?</p> <p>10 <b>A The Eisenhower Building at EEOB.</b></p> <p>11 Q Okay. This is a list of, it</p> <p>12 says detailees. Do you know what that means?</p> <p>13 <b>A I do know what a detailee is,</b></p> <p>14 <b>yes.</b></p> <p>15 Q What does it mean?</p> <p>16 <b>A It generally means you are</b></p> <p>17 <b>assigned from your home base agency, in my case</b></p> <p>18 <b>GSA, to another agency within the Federal</b></p> <p>19 <b>Government.</b></p> <p>20 Q So how would that apply to</p> <p>21 someone like Justin Aimonetti, if you know?</p> <p>22 <b>A I don't know how it would apply</b></p> <p>23 <b>to Justin Aimonetti because he was a lawyer</b></p> <p>24 <b>with the US DOGE Service. For non-lawyers, it</b></p> <p>25 <b>would be you were assigned from, for example,</b></p> | <p>35</p> <p>1 detailees or contractors?</p> <p>2 <b>A No.</b></p> <p>3 Q What work did you do with</p> <p>4 Anthony Armstrong?</p> <p>5 <b>A I didn't do any work with</b></p> <p>6 <b>Anthony Armstrong.</b></p> <p>7 Q But you knew of him?</p> <p>8 <b>A Yes.</b></p> <p>9 Q You spoke with him?</p> <p>10 <b>A Yes.</b></p> <p>11 Q What was his role?</p> <p>12 <b>A Initially he was a senior</b></p> <p>13 <b>official at OPM, Office of Personnel</b></p> <p>14 <b>Management, for DOGE.</b></p> <p>15 Q And what about Jennifer</p> <p>16 Balajadia?</p> <p>17 <b>A She was an assistant to Elon</b></p> <p>18 <b>Musk.</b></p> <p>19 Q Did you work with her?</p> <p>20 <b>A No.</b></p> <p>21 Q Who was the next individual on</p> <p>22 this list that you worked with?</p> <p>23 <b>A James Burnham.</b></p> <p>24 Q And what did you work with him</p> <p>25 on?</p>                                                                                                                                                                                                                                |
| <p>34</p> <p>1 <b>GSA to NEH.</b></p> <p>2 Q Okay. And let's look at the</p> <p>3 Contractor tab. What does this appear to be?</p> <p>4 If we could scroll up maybe to</p> <p>5 see the first row.</p> <p>6 <b>A I don't know.</b></p> <p>7 Q There are more names on this</p> <p>8 list. Just looking at them, did you work with</p> <p>9 any of them?</p> <p>10 <b>A No.</b></p> <p>11 Q Scroll down a little bit.</p> <p>12 Did you work with anyone on this</p> <p>13 list?</p> <p>14 <b>A No.</b></p> <p>15 Q Let's go to the Other tab.</p> <p>16 Do you know any of these</p> <p>17 individuals?</p> <p>18 <b>A Yes.</b></p> <p>19 Q Which ones?</p> <p>20 <b>A Anthony Armstrong, Jehn</b></p> <p>21 <b>Balajadia, James Burnham, Ed Coristine, Steve</b></p> <p>22 <b>Davis, Marko Elez, Cole -- Gautier, Adam</b></p> <p>23 <b>Ramada, Brad Smith and Christopher Stanley.</b></p> <p>24 Q Do you know why these</p> <p>25 individuals are listed as "Other" as opposed to</p>                                                                                                                                                                                                           | <p>36</p> <p>1 <b>A I didn't work with James on any</b></p> <p>2 <b>specific project, but he was a senior lawyer</b></p> <p>3 <b>for the DOGE team.</b></p> <p>4 Q Did you work with him in</p> <p>5 connection with the NEH?</p> <p>6 <b>A No.</b></p> <p>7 Q What did you work with him in</p> <p>8 connection with?</p> <p>9 <b>A James served as an escalatory</b></p> <p>10 <b>legal figure for the DOGE team. He would</b></p> <p>11 <b>generally get involved in projects, to the</b></p> <p>12 <b>extent that one of the other mid-level</b></p> <p>13 <b>attorneys could not answer a question.</b></p> <p>14 Q How often did that happen?</p> <p>15 <b>A Infrequently.</b></p> <p>16 Q Would you go to him, then, or</p> <p>17 would someone -- one of the more junior lawyers</p> <p>18 escalate it to him?</p> <p>19 <b>A It would mostly be a more junior</b></p> <p>20 <b>lawyer would escalate to James.</b></p> <p>21 Q Okay. Who's the next individual</p> <p>22 on this list that you worked with?</p> <p>23 <b>A Steve Davis.</b></p> <p>24 Q And what did you do with</p> <p>25 Mr. Davis?</p> |

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| <p>61</p> <p>1 Foundation.</p> <p>2 What was the next agency that</p> <p>3 you worked at?</p> <p>4 <b>A The United States Institute of</b></p> <p>5 <b>Peace.</b></p> <p>6 Q Approximately when was that?</p> <p>7 <b>A March of 2025.</b></p> <p>8 Q What did you do at the US</p> <p>9 Institute of Peace?</p> <p>10 <b>A We reduced the Institute of</b></p> <p>11 <b>Peace to its statutory minimum.</b></p> <p>12 Q What did that involve?</p> <p>13 <b>A It involved terminating all of</b></p> <p>14 <b>the existing contracts, grants, and firing all</b></p> <p>15 <b>the employees.</b></p> <p>16 Q Okay. So you terminated all the</p> <p>17 existing contracts, grants, and fired all the</p> <p>18 employees at the Institute of Peace?</p> <p>19 MS. DOUD: Objection.</p> <p>20 You can answer.</p> <p>21 <b>THE WITNESS: Effectively, yes.</b></p> <p>22 MR. ROBINSON: What's the</p> <p>23 objection?</p> <p>24 MS. DOUD: Form.</p> <p>25 STENOGRAPHER: What's the</p>                                                | <p>63</p> <p>1 BY MR. ROBINSON:</p> <p>2 Q And which agencies do you recall</p> <p>3 that applied to?</p> <p>4 <b>A I don't recall. It's the ones I</b></p> <p>5 <b>gave you, plus there was a second executive</b></p> <p>6 <b>order in March, I believe, which had another</b></p> <p>7 <b>set of agencies.</b></p> <p>8 Q But you also worked at agencies</p> <p>9 that weren't specifically referenced in an</p> <p>10 executive order --</p> <p>11 <b>A That's right.</b></p> <p>12 Q -- right?</p> <p>13 And what was your task there?</p> <p>14 <b>A That was not the same task. It</b></p> <p>15 <b>was to meet with the heads of the agencies to</b></p> <p>16 <b>evaluate personnel, contracts and grants, but</b></p> <p>17 <b>the mandate was not to reduce those agencies to</b></p> <p>18 <b>statutory minimum. It was just to conduct a</b></p> <p>19 <b>thorough review to make sure that all spending</b></p> <p>20 <b>was appropriate, given the broader mission of</b></p> <p>21 <b>DOGE.</b></p> <p>22 Q And how was that mandate</p> <p>23 conveyed to you?</p> <p>24 <b>A It wasn't explicitly conveyed to</b></p> <p>25 <b>me.</b></p>                                            |
| <p>62</p> <p>1 objection?</p> <p>2 MS. DOUD: Form.</p> <p>3 MR. ROBINSON: I see. Form in</p> <p>4 what sense?</p> <p>5 MS. DOUD: Well, you know, I</p> <p>6 mean, you know, partially just repeating</p> <p>7 what he said but -- in -- in a slightly</p> <p>8 different way.</p> <p>9 MR. ROBINSON: Okay.</p> <p>10 BY MR. ROBINSON:</p> <p>11 Q What did you do after the --</p> <p>12 which agency did you work at after the US</p> <p>13 Institute of Peace?</p> <p>14 <b>A I don't recall.</b></p> <p>15 Q So it sounds like essentially</p> <p>16 you were tasked with going to each of these</p> <p>17 agencies, terminating all grants, contracts,</p> <p>18 employees that weren't statutorily necessary?</p> <p>19 MS. DOUD: Objection.</p> <p>20 <b>THE WITNESS: That was the case</b></p> <p>21 <b>for agencies that were listed in an</b></p> <p>22 <b>executive order where the White House</b></p> <p>23 <b>stated through EO that they would be</b></p> <p>24 <b>reduced to statutory minimum, yes.</b></p> <p>25</p> | <p>64</p> <p>1 Q How did you understand that that</p> <p>2 was your mandate?</p> <p>3 <b>A Because when I was tasked by</b></p> <p>4 <b>Steve Davis to go meet with small agencies,</b></p> <p>5 <b>that was the implication.</b></p> <p>6 Q The implication, presumably that</p> <p>7 was something he said?</p> <p>8 MS. DOUD: Objection.</p> <p>9 <b>THE WITNESS: No, he did not say</b></p> <p>10 <b>that explicitly.</b></p> <p>11 BY MR. ROBINSON:</p> <p>12 Q So what did he say explicitly?</p> <p>13 <b>A Explicitly he said there would</b></p> <p>14 <b>be an executive order stating that certain</b></p> <p>15 <b>useless agencies be reduced to statutory</b></p> <p>16 <b>minimum, starting with the ones in February.</b></p> <p>17 <b>And that's what I worked on.</b></p> <p>18 Q But then we were talking about</p> <p>19 other agencies that weren't specifically</p> <p>20 referenced in that executive order. If I</p> <p>21 understood your testimony correctly, you said</p> <p>22 that for those agencies your mandate was to</p> <p>23 meet with the head of the agency and to clarify</p> <p>24 and identify wasteful spending.</p> <p>25 How did you understand that was</p> |

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| <p>77</p> <p>1 Q What did you do at the<br/>2 Millennium Challenge Corporation?<br/>3 A We similarly met with the<br/>4 management leadership of MCC to understand<br/>5 their compacts, they call them, which is<br/>6 effectively a grant for foreign spend. So was<br/>7 trying to understand the, again, total number<br/>8 of employees, contracts, grants.<br/>9 Q Did you terminate those<br/>10 compacts?<br/>11 A Some of them were terminated at<br/>12 the agency's discretion, not by -- DOGE did not<br/>13 have the authority to individually cancel<br/>14 contracts. It was always at the discretion of<br/>15 the head of the agency.<br/>16 Q Earlier we were discussing some<br/>17 agencies and I don't think you said that. Why<br/>18 did you emphasize that just now?<br/>19 A I'm sorry?<br/>20 Q Why did you -- why did you<br/>21 emphasize that just now?<br/>22 A Emphasize what exactly?<br/>23 Q That you had no discretion to<br/>24 terminate contracts.<br/>25 A Because you asked if I</p> | <p>79</p> <p>1 me personally. And the nature of these<br/>2 meetings were effectively all the same in that<br/>3 context.<br/>4 Q And what did -- what was the<br/>5 result of your work at DNI?<br/>6 A There was no direct result<br/>7 actually from our work. Because of the nature<br/>8 of the intelligence community, there was a much<br/>9 longer process to be fully onboarded, such as<br/>10 security clearances. After we met with their<br/>11 team two or three times, we realized that --<br/>12 and also because of my timing at DOGE, we ended<br/>13 up not terminating anything at ODNI. Later we<br/>14 then realized that, at their own discretion,<br/>15 they terminated, I think like 25 percent of<br/>16 ODNI's head count. But it wasn't a result of<br/>17 DOGE's actions.<br/>18 Q When you were working at these<br/>19 agencies, were you working at multiple agencies<br/>20 at the same time or would you take one agency<br/>21 at a time?<br/>22 A There were generally multiple<br/>23 agencies ongoing at the same time for me<br/>24 personally.<br/>25 MR. ROBINSON: All right. I'd</p> |
| <p>78</p> <p>1 terminated compacts at MCC.<br/>2 Q Okay. Is that something you<br/>3 discussed with counsel during the last break?<br/>4 A No.<br/>5 Q Okay. It just occurred to you<br/>6 just now?<br/>7 A Yeah. Because you asked me --<br/>8 Q Okay.<br/>9 A -- if I terminated the compacts.<br/>10 And I didn't.<br/>11 Q Okay. And what -- so contracts<br/>12 were terminated at MCC?<br/>13 A I don't know if contracts were<br/>14 terminated, but compacts -- there's a<br/>15 distinction -- I believe certain compacts were<br/>16 terminated by the head of MCC.<br/>17 Q Okay. What about at the DNI?<br/>18 A I did not terminate any<br/>19 personnel, grants or contracts at ODNI. It was<br/>20 done by Tulsi Gabbard, the Director of ODNI.<br/>21 Q Well, what was your -- what was<br/>22 your work at DNI?<br/>23 A We had two or three meetings<br/>24 with ODNI's team. One of my teammates,<br/>25 Marshall Wood, was the lead at that agency, not</p>                                             | <p>80</p> <p>1 like to look at another document. We'll<br/>2 mark this as Plaintiff's Exhibit 3.<br/>3 (E-mail and attachment, US-9508,<br/>4 was marked P-3 for identification.)<br/>5 BY MR. ROBINSON:<br/>6 Q This is a document Bates-stamped<br/>7 US-9508. This is an April 8, 2025 e-mail from<br/>8 your GSA e-mail address to your special.co<br/>9 e-mail address. And it's attaching a<br/>10 spreadsheet called Deletions 330 Scorecard.<br/>11 Do you recognize this?<br/>12 A Yes.<br/>13 Q So you said earlier that<br/>14 special.co is a company that you are founding,<br/>15 and also founding now. So would you sometimes<br/>16 forward documents from your GSA account to your<br/>17 special.co account?<br/>18 A In this case, yes. It wasn't a<br/>19 regular occurrence. And this -- the reason<br/>20 that this was forwarded was to provide the DOGE<br/>21 leadership team, specifically Steve Davis, with<br/>22 an update on the relevant savings at each<br/>23 agency.<br/>24 Q Okay. Why did you do that?<br/>25 A To my knowledge, Steve didn't</p>                                          |

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| <p>85</p> <p>1 Exhibit 6.<br/>2 (Attachment, US-9553, was marked<br/>3 P-6 for identification.)<br/>4 BY MR. ROBINSON:<br/>5 Q Is this the same spreadsheet we<br/>6 were looking at before or is it slightly<br/>7 different?<br/>8 A The template is the same. The<br/>9 agencies listed seems to have changed, as well<br/>10 as the associated savings.<br/>11 Q Do you know why it's different?<br/>12 A The list would dynamically<br/>13 change depending on week to week what the<br/>14 latest savings were for each agency.<br/>15 Q So I think the prior spreadsheet<br/>16 was called Deletion Scorecard and this is<br/>17 called Master Reporting. Were those the<br/>18 same -- just different words for the same<br/>19 thing?<br/>20 A Correct.<br/>21 Q Okay. We can take this down.<br/>22 Do you recall offhand when you<br/>23 first got involved with the National Endowment<br/>24 for the Humanities?<br/>25 A I believe it was March of 2025.</p>       | <p>87</p> <p>1 Q And was this a phone call or an<br/>2 in-person meeting?<br/>3 A This was an in-person meeting.<br/>4 Q Was anyone else there?<br/>5 A No.<br/>6 Q Okay. What specifically do you<br/>7 remember Mr. Davis saying besides the chair has<br/>8 been replaced, I want you to go meet with<br/>9 Mr. McDonald?<br/>10 A He introduced me to Mike. I<br/>11 believe he gave me his phone number, and I<br/>12 called Mike, and that was it.<br/>13 Q What did he tell you about<br/>14 Mr. McDonald?<br/>15 A That he was previously the<br/>16 general counsel for the agency. And that he<br/>17 was newly appointed in the role as acting<br/>18 chairman.<br/>19 Q Did he tell you anything else?<br/>20 A I don't believe so.<br/>21 Q Did he tell you that he might be<br/>22 amenable to DOGE coming in and looking at the<br/>23 agency?<br/>24 MS. DOUD: Objection.<br/>25 THE WITNESS: I don't recall.</p>                                |
| <p>86</p> <p>1 I don't recall the exact date.<br/>2 Q Okay. And do you recall, like,<br/>3 the first conversation you had about the<br/>4 agency?<br/>5 A About the agency or with the<br/>6 agency?<br/>7 Q About the agency.<br/>8 A About the agency would have been<br/>9 around the same time frame.<br/>10 Q And what was that conversation?<br/>11 A It was the short conversation<br/>12 with Steve Davis that I referenced previously.<br/>13 Q And it was your idea to go look<br/>14 at spending at the National Endowment for the<br/>15 Humanities?<br/>16 A It was not.<br/>17 Q Whose idea was it?<br/>18 A It was Steve's idea, with the<br/>19 context being that the prior head of the<br/>20 National Endowment for the Humanities was<br/>21 recently terminated and I was to go meet with<br/>22 Mike McDonald, the new acting chair of NEH.<br/>23 Q So he approached you about going<br/>24 to speak with Mr. McDonald at NEH?<br/>25 A That's right.</p> | <p>88</p> <p>1 BY MR. ROBINSON:<br/>2 Q About how long did this<br/>3 conversation last?<br/>4 A A minute.<br/>5 Q So you had a one-minute<br/>6 conversation with Mr. Davis, when he told you<br/>7 go look at NEH, talk to Mr. McDonald.<br/>8 Do you recall anything else from<br/>9 the conversation?<br/>10 A Substantively, no. That was the<br/>11 extent of the conversation.<br/>12 Q Did you take notes during the<br/>13 conversation?<br/>14 A No.<br/>15 Q And after you had that<br/>16 conversation with Mr. Davis, did you go talk to<br/>17 anyone else about this assignment?<br/>18 A I believe initially, no. And<br/>19 then when we first scheduled our meeting with<br/>20 Mike McDonald, Justin Fox was with me as a<br/>21 member of the small agencies team. So he and I<br/>22 were in all of the meetings with Mike.<br/>23 Q Did you talk to Mr. Fox about<br/>24 the meeting with Mr. McDonald before you<br/>25 actually met?</p> |



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| <p>89</p> <p>1       <b>A</b>    I don't recall exactly what the</p> <p>2 conversation was, but it would have been</p> <p>3 something to the effect of we're going to go</p> <p>4 meet with the new acting chairman of NEH and</p> <p>5 evaluate what's going on at the agency.</p> <p>6       Q    Did you speak with -- aside from</p> <p>7 that possible conversation with Mr. Fox, did</p> <p>8 you speak with anyone about NEH before you met</p> <p>9 with Mr. McDonald?</p> <p>10       <b>A</b>    No.</p> <p>11       Q    What did you know about the</p> <p>12 National Endowment for the Humanities at this</p> <p>13 point?</p> <p>14       <b>A</b>    Very little.</p> <p>15       Q    You had no prior experience with</p> <p>16 the agency?</p> <p>17       <b>A</b>    Outside of research that I did</p> <p>18 prior to the first meeting with Mike, no.</p> <p>19       Q    What was that research?</p> <p>20       <b>A</b>    Just browsing the NEH website,</p> <p>21 understanding the key personnel, the size of</p> <p>22 the agency, et cetera.</p> <p>23       Q    But that was after Mr. Davis had</p> <p>24 that conversation with you?</p> <p>25       <b>A</b>    That's right.</p> | <p>91</p> <p>1       <b>A</b>    No. There's no predefined role.</p> <p>2       Q    You were the lead, though,</p> <p>3 right?</p> <p>4       <b>A</b>    In the first meeting with Mike</p> <p>5 and his colleague, Adam, I believe is his name,</p> <p>6 we had a first meeting where I primarily led</p> <p>7 the conversation, introduced ourselves as</p> <p>8 members of the DOGE team from GSA. I led the</p> <p>9 majority of that first meeting. Thereafter,</p> <p>10 Justin took the lead role at NEH, in terms of</p> <p>11 working with Mike and Adam on reviewing their</p> <p>12 contracts and grants and personnel.</p> <p>13       Q    So after that first meeting</p> <p>14 Justin played more of a hands-on role --</p> <p>15       <b>A</b>    That's right.</p> <p>16       Q    -- at NEH than you did?</p> <p>17       <b>A</b>    Yeah.</p> <p>18       Q    But Justin still reported to</p> <p>19 you?</p> <p>20       <b>A</b>    In an informal capacity, yes.</p> <p>21       Q    So after you started working at</p> <p>22 NEH, did you and Mr. Fox have, like, regular</p> <p>23 meetings to talk about your work at the agency?</p> <p>24       <b>A</b>    We did not have regular</p> <p>25 meetings, no.</p> |
| <p>90</p> <p>1       Q    Okay. You didn't do any work in</p> <p>2 the humanities in college or anything?</p> <p>3       <b>A</b>    No.</p> <p>4       Q    Okay. Never applied for an NEH</p> <p>5 grant, I'm sure?</p> <p>6       <b>A</b>    No.</p> <p>7       Q    Never applied for any Federal</p> <p>8 grant, I take it?</p> <p>9       <b>A</b>    No.</p> <p>10       Q    Okay. So then you started</p> <p>11 working at NEH. You said that Mr. Fox was</p> <p>12 working there with you. Was anyone else</p> <p>13 working at NEH with you and Mr. Fox?</p> <p>14       <b>A</b>    I don't believe so, no.</p> <p>15       Q    What about Ethan Shaotran?</p> <p>16       <b>A</b>    He may have been detailed to the</p> <p>17 agency from GSA to NEH, but he wasn't</p> <p>18 physically present in any of our meetings with</p> <p>19 the NEH team.</p> <p>20       Q    Was he involved at all in the</p> <p>21 termination of grants at NEH?</p> <p>22       <b>A</b>    I don't believe so, no.</p> <p>23       Q    As between you and Mr. Fox, did</p> <p>24 you each have like a particular role in how you</p> <p>25 were conducting your work at NEH?</p>                                   | <p>92</p> <p>1       Q    Did you have irregular meetings?</p> <p>2       <b>A</b>    Not solely focused on NEH; so</p> <p>3 no.</p> <p>4       Q    So say more about that. You</p> <p>5 have meetings to talk about, what, a variety of</p> <p>6 small agencies and NEH would be one of them?</p> <p>7       <b>A</b>    That's right.</p> <p>8       Q    How often did you have those</p> <p>9 meetings?</p> <p>10       <b>A</b>    Well, we were in the office</p> <p>11 together every day at GSA. So in the casual</p> <p>12 course of working, you would talk about the</p> <p>13 status of each agency and what you were working</p> <p>14 on. And NEH was one of them.</p> <p>15       Q    Okay. But you didn't have</p> <p>16 designated NEH --</p> <p>17       <b>A</b>    No.</p> <p>18       Q    -- meetings?</p> <p>19       Did you meet with Mr. Davis to</p> <p>20 talk about your progress at NEH while you were</p> <p>21 working there?</p> <p>22       <b>A</b>    No.</p> <p>23       Q    Did you ever update him on</p> <p>24 the -- what you had done at NEH?</p> <p>25       <b>A</b>    We did. After the first meeting</p>                                                                                         |

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| <p style="text-align: right;">133</p> <p>1 BY MR. ROBINSON:<br/>2 Q This is an e-mail chain between<br/>3 you, Justin Fox and Ethan Shaotran titled "NEH<br/>4 Review," correct?<br/>5 <b>A Correct.</b><br/>6 Q Dated March 17th at 10:47 a.m.<br/>7 At the bottom of the page, there's an earlier<br/>8 e-mail, just a few rows down, March -- Sunday,<br/>9 March 16, 2025 at 7:28 p.m. from Justin Fox<br/>10 where Justin Fox says, "Nate - See attached PDF<br/>11 and Excels to share with Mike/Adam tonight for<br/>12 them to review." Correct?<br/>13 <b>A "For them to review tomorrow."</b><br/>14 Q "For them to review tomorrow<br/>15 a.m."<br/>16 And then you respond on<br/>17 March 17th at the top saying, "Nice job - this<br/>18 looks great. We just need to follow up with<br/>19 them today to make sure they are aligned on<br/>20 executing the plan quickly."<br/>21 That's what it says, right?<br/>22 <b>A Right.</b><br/>23 Q So what's "the plan" referring<br/>24 to here?<br/>25 <b>A The plan is canceling the grants</b></p>                                                                                                                                          | <p style="text-align: right;">135</p> <p>1 <b>A The general pacing of DOGE was</b><br/>2 <b>to try and make decisions and act quickly to</b><br/>3 <b>avoid Government employees dragging their feet</b><br/>4 <b>on cancellations.</b><br/>5 Q Aside from that general goal,<br/>6 did you receive any specific instruction to --<br/>7 <b>A No.</b><br/>8 Q -- execute this plan quickly?<br/>9 <b>A No.</b><br/>10 Q No.<br/>11 MR. ROBINSON: I'm marking<br/>12 Plaintiff's Exhibit 15.<br/>13 (E-mail dated 3/17/25, US-839,<br/>14 was marked P-15 for identification.)<br/>15 MR. ROBINSON: I'm handing it to<br/>16 the witness.<br/>17 BY MR. ROBINSON:<br/>18 Q This is a document Bates-stamped<br/>19 US-839. This is an e-mail from Justin Fox to<br/>20 Mr. McDonald, Mr. Wolfson; and you're copied.<br/>21 And it says, "Michael, Adam, I hope you both<br/>22 had a good weekend. See attached for our<br/>23 review of NEH grants, census and contracts."<br/>24 And then he has the same bullets<br/>25 from the prior e-mail. And under "Grants" it</p> |
| <p style="text-align: right;">134</p> <p>1 <b>that were flagged in the review files that</b><br/>2 <b>we've -- that Justin is referencing in his</b><br/>3 <b>previous e-mail.</b><br/>4 Q Okay. And these were the grants<br/>5 that you had identified before you reviewed the<br/>6 list from NEH?<br/>7 <b>A These were the list -- no,</b><br/>8 <b>this -- can you repeat the question? Sorry.</b><br/>9 Q These were grants that you had<br/>10 identified before reviewing the list of grants<br/>11 that NEH had supplied, that NEH staff had<br/>12 identified as potentially being related to<br/>13 diversity, equity, inclusion?<br/>14 <b>A The final list that we ended up</b><br/>15 <b>recommending to Mike and Adam were a</b><br/>16 <b>combination of both our original list and their</b><br/>17 <b>employee reviewed list. And we created a</b><br/>18 <b>synthesis of both of those to make a</b><br/>19 <b>recommendation to Mike.</b><br/>20 Q Okay. And this is what you were<br/>21 conveying in -- or this is what Mr. Fox was<br/>22 sending you in this March 16th e-mail?<br/>23 <b>A Yes.</b><br/>24 Q Okay. Why was there a need to<br/>25 execute the plan quickly?</p> | <p style="text-align: right;">136</p> <p>1 says, "We reviewed all active grants for DEI<br/>2 involvement and marked them accordingly."<br/>3 Did I read that correctly?<br/>4 <b>A Yes.</b><br/>5 Q And I know we talked about it<br/>6 somewhat already, but what is DEI referring to<br/>7 here?<br/>8 <b>A It stands for diversity, equity</b><br/>9 <b>and inclusion.</b><br/>10 Q And what is your opinion of<br/>11 diversity, equity and inclusion?<br/>12 <b>A My personal opinion?</b><br/>13 Q Well, let's start with what does<br/>14 it mean to you?<br/>15 <b>A It means diversity, equity and</b><br/>16 <b>inclusion.</b><br/>17 Q Well, those -- that's the label,<br/>18 but what does -- what do those words mean to<br/>19 you?<br/>20 <b>A It means -- it means making</b><br/>21 <b>decisions on a basis of something other than</b><br/>22 <b>merit.</b><br/>23 Q Okay. How does diversity differ<br/>24 from equity in that term, if you know?<br/>25 <b>A I don't know. I don't</b></p>                                                            |



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| <p style="text-align: right;">153</p> <p>1 Q Here McDonald says, "On<br/>2 March 17th to 18th, I worked with NEH Assistant<br/>3 Chairman for Programs, Adam Wolfson, to conduct<br/>4 a further individualized review of the<br/>5 spreadsheets of open grants created by program<br/>6 staff."<br/>7 So is that something that you<br/>8 and Fox told McDonald and Wolfson to do on<br/>9 March 17th and 18th?<br/>10 A I don't recall explicitly<br/>11 telling them to -- to review those. They were<br/>12 reviewing the grants that we had recommended<br/>13 for termination.<br/>14 Q And what did you tell him when<br/>15 you asked him to take a look at those grants?<br/>16 A I think this was Justin telling<br/>17 him, because he was running point on NEH for<br/>18 our team. But it was something to the effect<br/>19 of review our recommendations and let us know<br/>20 which you agree with.<br/>21 Q And I know we talked about some,<br/>22 but can you just say again what the goal was or<br/>23 the guiding principle or the criteria that you<br/>24 were asking them to apply?<br/>25 A There were two guiding</p>  | <p style="text-align: right;">155</p> <p>1 <b>Garden of Heroes museum that the White House</b><br/>2 <b>was interested in building with NEH funds.</b><br/>3 <b>So those were the cornerstones</b><br/>4 <b>of what we knew to keep. Otherwise, everything</b><br/>5 <b>was up to be evaluated for potential</b><br/>6 <b>termination.</b><br/>7 Q Okay.<br/>8 A <b>We didn't recommend that, but</b><br/>9 <b>that was the lens by which we were evaluating</b><br/>10 <b>things through.</b><br/>11 Q Okay. Because those ideas,<br/>12 America250, Garden of Heroes, those were things<br/>13 aligned with the Administration, in your view?<br/>14 A <b>Yes.</b><br/>15 Q Okay. Anything else would fall<br/>16 into the category of wasteful?<br/>17 A <b>Not -- not explicitly, but</b><br/>18 <b>potentially and subject to be reviewed.</b><br/>19 Q Okay. What would be a reason<br/>20 why something would be saved if it didn't align<br/>21 with those two viewpoints?<br/>22 A <b>Can we pull up the list of</b><br/>23 <b>grants that were kept versus cut and we can go</b><br/>24 <b>through each one?</b><br/>25 Q I don't know if that's a great</p> |
| <p style="text-align: right;">154</p> <p>1 principles.<br/>2 One was through the lens of the<br/>3 executive orders that were signed with respect<br/>4 to DEI, preference, et cetera, on the pages we<br/>5 have not referenced.<br/>6 The other was a list that we<br/>7 came up with, which, at our discretion, fell in<br/>8 the category of wasteful spending in the<br/>9 context of the broader deficit. And ones we<br/>10 felt did not align with the America250<br/>11 initiative and the Garden of Heroes initiative.<br/>12 And here is the master list, review it, and let<br/>13 us know if there are any that you'd like to<br/>14 keep.<br/>15 Q Did you provide any further<br/>16 gloss or instruction on what was meant by<br/>17 "wasteful spending"?<br/>18 A <b>No.</b><br/>19 Q What would you have expected<br/>20 them to do to determine whether something was<br/>21 wasteful?<br/>22 A <b>The two priorities that we know</b><br/>23 <b>were to be kept were anything around grants</b><br/>24 <b>related to the founding of the country, related</b><br/>25 <b>to this America250 initiative in 2026 and this</b></p> | <p style="text-align: right;">156</p> <p>1 use of time, but we can. But does any one come<br/>2 to mind right now, sitting here?<br/>3 A <b>No. There were 1,200 grants,</b><br/>4 <b>roughly.</b><br/>5 Q Do you remember, roughly, how<br/>6 many were saved?<br/>7 A <b>I don't.</b><br/>8 Q Okay.<br/>9 A <b>A large percentage of</b><br/>10 <b>outstanding grants were cut.</b><br/>11 Q Okay. We might come back to<br/>12 that later, but I'll just -- we'll leave it<br/>13 there for now.<br/>14 Okay. Back to the Thakur<br/>15 declaration, which I think you have in front of<br/>16 you, paragraph 14. He says, "On March 19,<br/>17 2025, NEH CIO Bobley sent NEH Assistant Chair<br/>18 for Planning and Operations, Pranita,"<br/>19 P-R-A-N-I-T-A, "Raghavan," R-A-G-H-A-V-A-N, "a<br/>20 final spreadsheet containing only those<br/>21 projects that I and Mr. Wolfson deemed to<br/>22 conflict with President Trump's executive<br/>23 orders."<br/>24 And then in the following<br/>25 paragraph it says, "On March 20, 2025, Miss</p>                                                                                                          |

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| <p style="text-align: right;">161</p> <p><b>1 DEI category for potential termination.</b></p> <p>2 Q And he says, "Let us know on</p> <p>3 these. I'll circle back on the total proposed</p> <p>4 cut based on the list Brett gave me."</p> <p>5 That's Brett Bobley there, I</p> <p>6 take it?</p> <p>7 <b>A Yes.</b></p> <p>8 Q He says, "For your benefit, I've</p> <p>9 also attached the attached RIF plan." And then</p> <p>10 he says, "Could you put us in touch with</p> <p>11 someone who could help us gain admin access to</p> <p>12 Microsoft?"</p> <p>13 Why did you and Fox want access</p> <p>14 to Microsoft?</p> <p>15 <b>A Part of our operating procedure</b></p> <p>16 <b>with DOGE was to get system administrator</b></p> <p>17 <b>access, we called it "sys admin," which allowed</b></p> <p>18 <b>us to operate as if we were an administrator</b></p> <p>19 <b>within the agency for provisioning e-mail</b></p> <p>20 <b>accounts, access to critical systems, et</b></p> <p>21 <b>cetera.</b></p> <p>22 Q Was this operating procedure set</p> <p>23 forth in any document?</p> <p>24 <b>A No.</b></p> <p>25 Q How did you know it was</p> | <p style="text-align: right;">163</p> <p>1 So it sounds like McDonald did</p> <p>2 misunderstand the purpose of logging in, right?</p> <p>3 <b>A I don't think he misunder- -- I</b></p> <p>4 <b>guess. I don't know.</b></p> <p>5 Q Well, you had -- you said that</p> <p>6 the reason you were asking for control -- could</p> <p>7 you say it again, why you were asking for</p> <p>8 control of the Microsoft account.</p> <p>9 <b>A Yeah. It was mostly in the</b></p> <p>10 <b>context of conducting RIF plans. We needed to</b></p> <p>11 <b>see which employees were actually logging into</b></p> <p>12 <b>their accounts for usage, which employees were</b></p> <p>13 <b>engaged, which weren't. It was also important</b></p> <p>14 <b>if we needed to make changes to anything within</b></p> <p>15 <b>the agency with respect to user accounts that</b></p> <p>16 <b>we could do so without having to rely on a CIO</b></p> <p>17 <b>figure like Brett.</b></p> <p>18 Q Okay. Was it also for purposes</p> <p>19 of terminating grants and contracts,</p> <p>20 potentially?</p> <p>21 <b>A No.</b></p> <p>22 Q So it was unrelated to that?</p> <p>23 <b>A Yes.</b></p> <p>24 Q Okay. It was more focused on</p> <p>25 RIFs?</p> |
| <p style="text-align: right;">162</p> <p>1 operating procedure?</p> <p>2 <b>A It was discussed openly during</b></p> <p>3 <b>all-hands meetings.</b></p> <p>4 Q By whom?</p> <p>5 <b>A Multiple members of the DOGE</b></p> <p>6 <b>team.</b></p> <p>7 Q Was it discussed by Mr. Davis as</p> <p>8 something you should do?</p> <p>9 <b>A Yes.</b></p> <p>10 Q And you did it at other</p> <p>11 agencies?</p> <p>12 <b>A Yes. To the maximum extent that</b></p> <p>13 <b>we could.</b></p> <p>14 Q Which other agencies do you</p> <p>15 recall?</p> <p>16 <b>A The vast maj- -- I mean, the</b></p> <p>17 <b>vast majority of agencies in which we were</b></p> <p>18 <b>onboarded.</b></p> <p>19 Q Okay. So then in the next</p> <p>20 e-mail McDonald says, "My understanding from</p> <p>21 our Friday meeting was that the idea was to</p> <p>22 check on whether employees were logging in to</p> <p>23 their e-mail accounts on a regular basis. But</p> <p>24 if I misunderstood what you needed, please let</p> <p>25 me know."</p>                                                                                                                         | <p style="text-align: right;">164</p> <p>1 <b>A Yes.</b></p> <p>2 Q Okay.</p> <p>3 <b>A In NEH's case, they had a</b></p> <p>4 <b>completely separate system for provisioning</b></p> <p>5 <b>grants.</b></p> <p>6 Q What was that system called?</p> <p>7 <b>A I don't remember.</b></p> <p>8 Q Okay.</p> <p>9 <b>A Brett Bobley was the</b></p> <p>10 <b>administrator of it.</b></p> <p>11 Q Yeah. Okay. Then if you look</p> <p>12 on the first page, on March 31st at 11:35, Fox</p> <p>13 sends an e-mail to McDonald saying, "Mike,</p> <p>14 could you pass along your cell #? Sorry, don't</p> <p>15 have it saved and need to catch up with you on</p> <p>16 something time sensitive."</p> <p>17 Do you see that?</p> <p>18 <b>A I do, yes.</b></p> <p>19 Q Do you know what he's referring</p> <p>20 to there?</p> <p>21 <b>A I don't.</b></p> <p>22 Q No idea?</p> <p>23 <b>A No, no idea. I assume it was</b></p> <p>24 <b>related to the status of the cancellations that</b></p> <p>25 <b>were being discussed.</b></p>                                                                                                                                                                                                         |

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| <p style="text-align: right;">165</p> <p>1 Q A couple hours later,<br/>2 12:29 p.m., Fox says, "Mike, please call me as<br/>3 soon as you can."<br/>4 Do you know what that's<br/>5 referring to?<br/>6 <b>A The same topic.</b><br/>7 Q But you said -- you said you<br/>8 don't know, but you assume it -- the status --<br/>9 <b>A I assume that that's the case,</b><br/>10 <b>is he was trying to get a status update for</b><br/>11 <b>Mike and Adam on their review of our proposed</b><br/>12 <b>cuts across people, contracts and grants.</b><br/>13 Q But why would he have needed a<br/>14 status update on a time-sensitive basis on<br/>15 March 31st?<br/>16 <b>A Because our general operating</b><br/>17 <b>procedure at DOGE was to try and get this work</b><br/>18 <b>done quickly. And this had now been dragging</b><br/>19 <b>out for two or three weeks with NEH. And so we</b><br/>20 <b>were trying to push Michael on to move faster</b><br/>21 <b>with agreeing on a plan.</b><br/>22 Q Is that something that you and<br/>23 Fox discussed?<br/>24 <b>A It wasn't explicitly discussed,</b><br/>25 <b>but the -- it was implicitly discussed that we</b></p> | <p style="text-align: right;">167</p> <p>1 <b>THE WITNESS: There wasn't</b><br/>2 <b>something specific other than us applying</b><br/>3 <b>pressure to get Mike to act on this plan.</b><br/>4 BY MR. ROBINSON:<br/>5 Q Is that something you and Fox<br/>6 discussed before he sent the e-mail?<br/>7 <b>A I don't believe Justin discussed</b><br/>8 <b>it.</b><br/>9 Q So your best understanding is<br/>10 that Fox just all of a sudden, at 11:35 on<br/>11 March 31st, thought, I'm going to call Mike --<br/>12 I'm going to e-mail Mike and say I need to talk<br/>13 to you about something time sensitive, but it<br/>14 was just to apply pressure to make him move<br/>15 more quickly?<br/>16 <b>A Yes.</b><br/>17 MS. DOUD: Objection.<br/>18 BY MR. ROBINSON:<br/>19 Q And what's that understanding<br/>20 based on?<br/>21 <b>A The broad operating procedures</b><br/>22 <b>of DOGE, of which I've done the same thing in</b><br/>23 <b>other agencies.</b><br/>24 Q Could you provide an example?<br/>25 <b>A Not off the top of my head, no.</b></p>                              |
| <p style="text-align: right;">166</p> <p>1 <b>wanted to try and get the agency heads to act</b><br/>2 <b>quickly on their proposed plans.</b><br/>3 Q Did you -- but at NEH<br/>4 specifically with McDonald, did you discuss<br/>5 with Fox, okay, we need to, like, apply<br/>6 pressure now because it's been two to three<br/>7 weeks?<br/>8 <b>A That was, like, not explicitly</b><br/>9 <b>discussed, but that was the implication of --</b><br/>10 <b>the culture of DOGE was to try and get these</b><br/>11 <b>folks to move fast.</b><br/>12 Q Yeah.<br/>13 <b>A So we were comfortable applying</b><br/>14 <b>pressure to the extent that we needed to.</b><br/>15 Q Understood.<br/>16 But I'm just trying to<br/>17 understand why, on March 31st, all of a sudden<br/>18 Fox is saying I need to talk about something<br/>19 time sensitive. It seems to suggest there's<br/>20 something specific.<br/>21 <b>A There wasn't something specific.</b><br/>22 <b>It was just --</b><br/>23 MS. DOUD: Objection. Sorry.<br/>24 <b>THE WITNESS: Please.</b><br/>25 MS. DOUD: Go ahead.</p>                                                                                    | <p style="text-align: right;">168</p> <p>1 Q And then an hour later, at<br/>2 12:29, when he says, "Please call me as soon as<br/>3 you can," you don't know why he sent that an<br/>4 hour later?<br/>5 MS. DOUD: Objection.<br/>6 <b>THE WITNESS: No, I don't.</b><br/>7 BY MR. ROBINSON:<br/>8 Q You think it was just the same,<br/>9 that he was just trying to get McDonald to move<br/>10 quickly? I mean, this is just -- less than an<br/>11 hour later.<br/>12 <b>A Right.</b><br/>13 MS. DOUD: Objection.<br/>14 <b>THE WITNESS: But our initial</b><br/>15 <b>meeting with Mike was on Wednesday,</b><br/>16 <b>March 12th. So 19 days later, in the</b><br/>17 <b>context of DOGE, would have been almost</b><br/>18 <b>three weeks of trying to align on a list</b><br/>19 <b>of grants to terminate that effectively</b><br/>20 <b>had not changed materially over the</b><br/>21 <b>course of the beginning to the end. And</b><br/>22 <b>so we were trying to push Mike to move</b><br/>23 <b>faster on the plan because it had been</b><br/>24 <b>almost three weeks.</b><br/>25</p> |

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| <p>169</p> <p>1 BY MR. ROBINSON:<br/>2 Q So nothing happened, though,<br/>3 from March 30th to March 31st from 11:35 to<br/>4 12:29 p.m., nothing happened besides the<br/>5 passage of time is what you're saying to lead<br/>6 to this e-mail?<br/>7 MS. DOUD: Objection.<br/>8 <b>THE WITNESS: Yes.</b><br/>9 BY MR. ROBINSON:<br/>10 Q All right. So then Fox e-mails<br/>11 again at 12:52 p.m., this is less than half an<br/>12 hour from the prior e-mail. I'll just read it.<br/>13 "Mike, call me when you get the chance. We<br/>14 need a game plan for effectuating RIFs, final<br/>15 grant terminations and contract cancellations<br/>16 by tomorrow a.m. We will carry these plans out<br/>17 before the end of the week. We're getting<br/>18 pressure from the top on this and would prefer<br/>19 that you remain on our side but let us know if<br/>20 you're no longer interested."<br/>21 So who from the top was<br/>22 pressuring you on this?<br/>23 <b>A Nobody explicitly. Again,</b><br/>24 <b>Mike's perception of where DOGE sat within the</b><br/>25 <b>Federal Government was we had a direct line of</b></p>                                                                                                                                                | <p>171</p> <p>1 Q You never communicated with<br/>2 anyone from the White House about that?<br/>3 <b>A About grant terminations?</b><br/>4 Q Yeah.<br/>5 <b>A No.</b><br/>6 Q And when I say "the White<br/>7 House," I mean the White House and all its<br/>8 components, Executive Office of the President,<br/>9 OMB.<br/>10 <b>A I believe we -- Justin</b><br/>11 <b>Aimonetti, who was a DOGE lawyer, who I believe</b><br/>12 <b>was onboarded by EOP, the Executive Office of</b><br/>13 <b>the President, he would have been involved in</b><br/>14 <b>the course of our work, just basically making</b><br/>15 <b>sure that it was -- that the work we were doing</b><br/>16 <b>was approved.</b><br/>17 Q Did you discuss this specific<br/>18 e-mail with Mr. Fox where he says "We're<br/>19 getting pressure from the top"?<br/>20 <b>A No, I did not.</b><br/>21 Q Didn't message with him about it<br/>22 on Signal that he was going to do it?<br/>23 <b>A No. We would have been working</b><br/>24 <b>in the office together at GSA and verbally</b><br/>25 <b>saying we need to get Mike to move quickly on</b></p> |
| <p>170</p> <p>1 <b>communication with the White House and so we</b><br/>2 <b>were there to help enforce the executive orders</b><br/>3 <b>that were signed. So as a pressure tactic we</b><br/>4 <b>would tell Mike that we were getting pressure</b><br/>5 <b>from basically the White House to effectuate</b><br/>6 <b>these contract and grant terminations that are</b><br/>7 <b>aligned with the EO. So it was a time pressure</b><br/>8 <b>tactic. There was no person explicitly putting</b><br/>9 <b>pressure on Justin to send this e-mail.</b><br/>10 Q What about implicitly?<br/>11 <b>A No.</b><br/>12 Q So it was just untrue?<br/>13 <b>A It -- I don't know if it -- I</b><br/>14 <b>don't think it's untrue.</b><br/>15 Q Was someone applying pressure<br/>16 from the top to terminate grants quickly?<br/>17 <b>A No. The top pressure in the</b><br/>18 <b>backdrop of our work at NEH was there were EOs</b><br/>19 <b>signed relating to the terminating grants</b><br/>20 <b>related to DEI initially. So we could use that</b><br/>21 <b>as a backstop to apply pressure to Mike to move</b><br/>22 <b>quickly on a contract and grant cutting plan.</b><br/>23 Q Was anyone at the White House<br/>24 involved in grant terminations at NEH?<br/>25 <b>A No.</b></p> | <p>172</p> <p>1 <b>this plan.</b><br/>2 Q Okay. And your strategy for<br/>3 doing that was just, like, making up this sense<br/>4 of pressure, e-mailing every hour or so until<br/>5 he responded?<br/>6 MS. DOUD: Objection.<br/>7 <b>THE WITNESS: Well, as you can</b><br/>8 <b>see from the e-mails, this has -- has not</b><br/>9 <b>happened previously in the three weeks</b><br/>10 <b>we'd been working with NEH. So it wasn't</b><br/>11 <b>used frequently. But when it had been</b><br/>12 <b>going on for three weeks and we had not</b><br/>13 <b>heard an update from Mike, we were</b><br/>14 <b>applying more pressure to get him to act</b><br/>15 <b>on the plan.</b><br/>16 BY MR. ROBINSON:<br/>17 Q Yeah. Did -- you say, you know,<br/>18 "Let us know" -- or Fox says, excuse me, Fox<br/>19 says, "Let us know if you're no longer<br/>20 interested."<br/>21 Did you have some sense that<br/>22 McDonald, you know, wasn't interested in -- in<br/>23 the terminations anymore?<br/>24 <b>A I don't believe so, but the</b><br/>25 <b>nature of their communications with us had</b></p>                     |



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| <p style="text-align: right;">177</p> <p>1           <b>THE WITNESS: Sure.</b></p> <p>2           STENOGRAPHER: Common? You'll</p> <p>3           notice there are?</p> <p>4           <b>THE WITNESS: The e-mail says,</b></p> <p>5           <b>"It is common to have small differences</b></p> <p>6           <b>between eGMS and those records found in</b></p> <p>7           <b>USAspending."</b></p> <p>8           <b>So he was cross-referencing the</b></p> <p>9           <b>list to ensure just thoroughness in our</b></p> <p>10          <b>work before we had a final list of grants</b></p> <p>11          <b>for termination.</b></p> <p>12       BY MR. ROBINSON:</p> <p>13          Q     And to generate that final list</p> <p>14          of grants for termination, did you use this</p> <p>15          list that Beth had sent you, or some other</p> <p>16          list?</p> <p>17          A     You'll have to ask Justin, but</p> <p>18          my sense is that we had a master Excel file</p> <p>19          which concluded -- which included both the data</p> <p>20          from USAspending and the data from eGMS. There</p> <p>21          was likely -- you'll have to ask Justin -- a</p> <p>22          very small discrepancy in what was in those two</p> <p>23          systems. And to the extent that we were</p> <p>24          missing one, we evaluated those through the</p> <p>25          same criteria and then put it into a master</p> | <p style="text-align: right;">179</p> <p>1     and sent you that first spreadsheet, which we</p> <p>2     feel very confident about. It's also the list</p> <p>3     that we sent to OMB. The attached list</p> <p>4     concerns, as you know, applications that staff</p> <p>5     rated N/A. That is involving products that</p> <p>6     seemed to have no applicability to promoting</p> <p>7     DEI. We feel much less confident about it.</p> <p>8     This is because many of the DEI rationale</p> <p>9     comments relating to products on the attached</p> <p>10    spreadsheet say things such as, does not relate</p> <p>11    directly to DEI topics. Or more emphatically,</p> <p>12    there is no direct connection to DEI. We think</p> <p>13    these products are harmless when it comes to</p> <p>14    promoting DEI."</p> <p>15           "The initial time, because we</p> <p>16    know you want to move quickly," I assume he</p> <p>17    meant, "we didn't give these applications the</p> <p>18    individualized consideration that we did to</p> <p>19    those on the first spreadsheet. Accordingly,</p> <p>20    we only explicitly initialed a few important</p> <p>21    products, such as the papers of George</p> <p>22    Washington whose cancellation would not reflect</p> <p>23    well on any of us. And the same could be said</p> <p>24    for many other listed projects. It would take</p> <p>25    too long at this point to review the N/A list</p> |
| <p style="text-align: right;">178</p> <p>1     <b>file for them to sign off on the termination.</b></p> <p>2          Q     So Mr. Fox generated the final</p> <p>3          list?</p> <p>4          A     Yes.</p> <p>5               MR. ROBINSON: I'm going to mark</p> <p>6               a document as P-21.</p> <p>7               (E-mail chain, NEH_AR_21 -</p> <p>8               NEH_AR_23, was marked P-21 for</p> <p>9               identification.)</p> <p>10       BY MR. ROBINSON:</p> <p>11          Q     This is labeled as AR_21. This</p> <p>12          is an e-mail chain that starts off April 1st,</p> <p>13          8:06 p.m. from McDonald to Fox, Wolfson.</p> <p>14          You're copied. I direct your attention to the</p> <p>15          first in time e-mail in the chain sent from</p> <p>16          McDonald to Fox at 10:07 a.m. I'm going to</p> <p>17          read a good portion of this, just as a</p> <p>18          background for questions. So if you'll indulge</p> <p>19          me.</p> <p>20               I'll start with the second</p> <p>21          paragraph. "As you know, after our staff</p> <p>22          reviewed all the awards made over the past four</p> <p>23          years and rated them high, medium or low in</p> <p>24          terms of promoting DEI. Adam and I carefully</p> <p>25          reviewed the staff's work over two full days</p>                                                                  | <p style="text-align: right;">180</p> <p>1     appropriately. Therefore, our recommendation</p> <p>2     is that wherever the DEI rationale on the</p> <p>3     spreadsheet makes clear that there is no DEI</p> <p>4     component to the project, there is no</p> <p>5     justification for canceling the product's</p> <p>6     funding and you should allow it to continue."</p> <p>7               Who decided to reject that</p> <p>8     recommendation from Mr. McDonald?</p> <p>9               MS. DOUD: Objection.</p> <p>10          <b>THE WITNESS: Who decided to</b></p> <p>11          <b>reject what recommendation?</b></p> <p>12       BY MR. ROBINSON:</p> <p>13          Q     The recommendation to save</p> <p>14          projects listed as NEA -- N/A for which he says</p> <p>15          there is no justification for canceling the</p> <p>16          product's funding?</p> <p>17          A     I -- I don't understand the</p> <p>18          question.</p> <p>19          Q     So Mr. McDonald here is saying</p> <p>20          in this e-mail that there are projects that NEH</p> <p>21          staff have flagged as N/A, meaning not</p> <p>22          applicable for DEI. And he says, "Our</p> <p>23          recommendation is that wherever the DEI</p> <p>24          rationale on the spreadsheet makes clear that</p> <p>25          there is no DEI component, there is no</p>                                                                       |



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| <p style="text-align: right;">201</p> <p>1 Q What were you spending most of<br/>2 your time on?<br/>3 A Other small agencies in the<br/>4 government.<br/>5 Q Can you provide some examples?<br/>6 A The Institute of Museum and<br/>7 Library Services, AmeriCorps, the Office of the<br/>8 Director of National Intelligence; three.<br/>9 Q Was there a sense in which<br/>10 NEH -- your work on NEH was paired in<br/>11 connection with work at NEA or the Institute of<br/>12 Museum and Library Services, were you, like,<br/>13 working on those at the same time and applying<br/>14 the same method at those three agencies or --<br/>15 or no?<br/>16 MS. DOUD: Objection.<br/>17 THE WITNESS: The short answer<br/>18 is no. Another person on our team,<br/>19 Marshall Wood, was the lead for NEA. We<br/>20 worked on that agency completely<br/>21 separately from NEH. We didn't have a<br/>22 relationship with the head of NEA at the<br/>23 time.<br/>24 IMLS I believe was listed in an<br/>25 executive order. And Keith Sonderling</p>                          | <p style="text-align: right;">203</p> <p>1 mentioned, but there were also others. I don't<br/>2 have the full list in front of me, but there<br/>3 were about a dozen.<br/>4 Q Aside from your work with the<br/>5 small -- sorry -- from the small agencies team,<br/>6 did you do anything else for DOGE?<br/>7 A At the -- at the end of my time<br/>8 at DOGE I worked at the Department of Homeland<br/>9 Security on the immigration team with ICE for<br/>10 about a month. And that was it.<br/>11 Q What did you do with ICE?<br/>12 A We were designing a voluntary<br/>13 departure program to encourage illegal<br/>14 immigrants to self-deport from the country.<br/>15 Q Anything else besides that time<br/>16 at ICE?<br/>17 A No.<br/>18 Q You left around August 2025; is<br/>19 that right?<br/>20 A Yes.<br/>21 Q Why did you leave?<br/>22 A I was not enjoying the work on<br/>23 immigration and I was ready to go start my next<br/>24 company.<br/>25 Q Why were you not enjoying it?</p>                                                                       |
| <p style="text-align: right;">202</p> <p>1 was appointed acting chairman of IMLS,<br/>2 and so we had a close relationship with<br/>3 Keith. And so the circumstances at that<br/>4 agency were different as well.<br/>5 STENOGRAPHER: You said the<br/>6 circumstances of that were?<br/>7 THE WITNESS: Different from<br/>8 that of NEH. Each agency had its own<br/>9 unique situation and circumstance.<br/>10 BY MR. ROBINSON:<br/>11 Q Was there a proposal at one<br/>12 point to merge NEH and NEA?<br/>13 A Not to my knowledge.<br/>14 Q Just to go back to something<br/>15 briefly, that list we were looking at before of<br/>16 grants that were to be kept and we went through<br/>17 some examples. Just to make sure I understand<br/>18 your testimony, if a grant related to DEI, it<br/>19 couldn't be on the keep list, right?<br/>20 A That's correct.<br/>21 Q After NEH, what did you do in<br/>22 Government?<br/>23 A After NEH, I continued my work<br/>24 as the leader of the small agencies team and<br/>25 proceeded to work on the three agencies I</p> | <p style="text-align: right;">204</p> <p>1 A I was not drawn to the<br/>2 immigration program personally. Wasn't -- I<br/>3 didn't agree with all of it.<br/>4 Q What didn't you agree with?<br/>5 A I had found the small agencies<br/>6 work more fulfilling, because I originally<br/>7 joined DOGE to help reduce the Federal deficit,<br/>8 and immigration was not directly related to<br/>9 that, so I wasn't interested in it.<br/>10 Q Did you feel like the ICE work<br/>11 was too aggressively getting people deported or<br/>12 not aggressively enough?<br/>13 MS. DOUD: Objection.<br/>14 THE WITNESS: I didn't think it<br/>15 was aggressive enough, but I -- at the<br/>16 same time, I didn't enjoy working on that<br/>17 project.<br/>18 BY MR. ROBINSON:<br/>19 Q So why did you go there in the<br/>20 first place?<br/>21 A The small agencies work<br/>22 ultimately was winding down in around July<br/>23 because there was growing tension between Elon<br/>24 and the White House, and the desire to cut<br/>25 spending from the White House started to</p> |

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| <p>237</p> <p>1 BY MR. ONAYEMI:<br/>2 Q Okay. So DEI, it sounds like to<br/>3 you, has something to do with hiring; is<br/>4 that --<br/>5 A That's one component under which<br/>6 DEI can be applied.<br/>7 Q And I'm asking you for the<br/>8 others. So what are the others?<br/>9 A In the context of the NEH<br/>10 grants?<br/>11 Q Sure.<br/>12 A Can you pull up some of the NEH<br/>13 grants? There were 1500 of them.<br/>14 Q Right.<br/>15 A Presumably, you can pull up one<br/>16 or two that were canceled.<br/>17 Q I don't think we need to pull it<br/>18 up to get your understanding of DEI.<br/>19 So you played a role in<br/>20 determining what grants would be canceled based<br/>21 on DEI, right?<br/>22 A Yes.<br/>23 Q Okay. And sitting here today,<br/>24 you can't give a definition of DEI without<br/>25 looking at the grants?</p>                                                                                                                            | <p>239</p> <p>1 noted that during the process of terminating<br/>2 grants "it is well understood that you were<br/>3 required to read the actual grant description<br/>4 before requesting that it be terminated."<br/>5 Do you remember testifying to<br/>6 that?<br/>7 A Yeah. We would read the full<br/>8 description on the list of grants that were<br/>9 exported from the grant management system or in<br/>10 the USAspending data export.<br/>11 Q Okay. And you said this was<br/>12 well understood. What did you base that on?<br/>13 A It was well understood by myself<br/>14 and my team, the small agencies team. And it<br/>15 was well understood among the DOGE team and<br/>16 culture, that you couldn't just randomly<br/>17 recommend to an agency head to terminate a<br/>18 grant or contract unless you thoroughly<br/>19 understood what it said and had a basis for<br/>20 doing so, either based on an executive order or<br/>21 through the lens of wasteful spending.<br/>22 Q Okay. When you talk about this<br/>23 culture, like, what exactly did you perceive<br/>24 that gave you that idea?<br/>25 A What did I perceive that gave me</p> |
| <p>238</p> <p>1 MS. DOUD: Objection.<br/>2 THE WITNESS: Many of the grants<br/>3 that we canceled explicitly said DEI in<br/>4 the description.<br/>5 BY MR. ONAYEMI:<br/>6 Q Okay. So is that the only basis<br/>7 through which you canceled grants, if they said<br/>8 DEI in the description?<br/>9 A No, that's not the only basis.<br/>10 Q Okay. So what other bases did<br/>11 you use?<br/>12 A As we discussed before, it was<br/>13 also -- could have been wasteful spending. It<br/>14 wasn't just on the basis of DEI.<br/>15 Q So wasteful spending or if DEI<br/>16 was explicitly noted in the grant description?<br/>17 A Those were two of the driving<br/>18 primary criteria, yes.<br/>19 Q I think we looked at some grants<br/>20 earlier that didn't explicitly say DEI in the<br/>21 description.<br/>22 A Okay. Maybe those fell in the<br/>23 wasteful spending bucket, then.<br/>24 Q So I want to go back to<br/>25 something you said earlier in testifying. You</p> | <p>240</p> <p>1 the idea that what?<br/>2 Q That that was part of the<br/>3 culture.<br/>4 A Because it was spoken about<br/>5 explicitly that you need to be precise in your<br/>6 cutting efforts. It wasn't -- it wasn't a<br/>7 random exercise.<br/>8 Q Who told you that?<br/>9 A Steve Davis made that very clear<br/>10 to the DOGE team, that that was the principle<br/>11 by which you should operate.<br/>12 Q And he said explicitly you<br/>13 should read every grant before canceling?<br/>14 MS. DOUD: Objection.<br/>15 THE WITNESS: Yes. Yes.<br/>16 MS. DOUD: He didn't say grant.<br/>17 He didn't say you should read the grant.<br/>18 THE WITNESS: Grant description,<br/>19 contract, et cetera, yes.<br/>20 BY MR. ONAYEMI:<br/>21 Q Okay. And do you understand<br/>22 that each grant application at any age comes<br/>23 with an entire file beyond just the grant<br/>24 description?<br/>25 A I do, yes.</p>                                                                                                                                                                                                                                     |

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| <p style="text-align: right;">269</p> <p>1 <b>description of the actual grant.</b><br/>2 BY MR. ONAYEMI:<br/>3 Q Okay. You just -- I'm sorry.<br/>4 I'm saying books because you said books.<br/>5 What books would you have read<br/>6 that would have informed your opinion on what<br/>7 grants to cancel based on DEI or not DEI?<br/>8 <b>A There -- there were no books.</b><br/>9 Q Okay. So there are no books.<br/>10 Anything else that would have informed you on<br/>11 how to do this?<br/>12 <b>A No.</b><br/>13 Q Okay. Just kind of your whims,<br/>14 I guess, is that what you're saying?<br/>15 MS. DOUD: Objection.<br/>16 <b>THE WITNESS: They're not my</b><br/>17 <b>whims. They're -- it's my judgment of</b><br/>18 <b>how to interpret a grant that includes</b><br/>19 <b>DEI characteristics or are wasteful</b><br/>20 <b>spend.</b><br/>21 BY MR. ONAYEMI:<br/>22 Q Right. And there was no one<br/>23 that you were consulting to make that call?<br/>24 <b>A No.</b><br/>25 Q Okay. Did you ever talk to</p>                                                                                                                                                                                             | <p style="text-align: right;">271</p> <p>1 type of HR onboarding when you joined GSA?<br/>2 <b>A Yes.</b><br/>3 Q Can you walk me through what<br/>4 that was?<br/>5 <b>A I don't remember the specific</b><br/>6 <b>courses we took. It was like a multi-hour</b><br/>7 <b>video series where you went through traditional</b><br/>8 <b>corporate HR policies.</b><br/>9 Q Okay. Was it one day of<br/>10 onboarding, two days, a week?<br/>11 <b>A It was about -- it was a day or</b><br/>12 <b>two of onboarding, including going through</b><br/>13 <b>training, get our PIV card, et cetera.</b><br/>14 Q Okay. Did you go through that<br/>15 onboarding with anyone else or by yourself?<br/>16 <b>A Someone from GSA HR, but there</b><br/>17 <b>were no other teammates with me at -- during</b><br/>18 <b>that time.</b><br/>19 Q Okay. Did you fill out any<br/>20 paperwork as part of that process?<br/>21 <b>A Did I fill out any paperwork</b><br/>22 <b>after completing the HR training?</b><br/>23 Q Or as part of the HR training.<br/>24 <b>A I didn't fill out any paperwork</b><br/>25 <b>regarding the HR training, no.</b></p> |
| <p style="text-align: right;">270</p> <p>1 Justin about edge cases --<br/>2 STENOGRAPHER: About what cases?<br/>3 MR. ONAYEMI: Edge cases. Cases<br/>4 on the edge.<br/>5 <b>THE WITNESS: Yeah. If there</b><br/>6 <b>was an edge -- again, the lens by which</b><br/>7 <b>we were making decisions was -- I know</b><br/>8 <b>you're very focused on DEI. There was</b><br/>9 <b>not -- the only lens was not DEI. It was</b><br/>10 <b>also wasteful spending.</b><br/>11 <b>The priorities for NEH's grants</b><br/>12 <b>were related to the founding of the</b><br/>13 <b>country or America250 initiative this</b><br/>14 <b>year, or the Garden of Heroes. If the</b><br/>15 <b>grants didn't fall in those three buckets</b><br/>16 <b>and met a DEI criteria or, in our view,</b><br/>17 <b>were wasteful spending, we would flag</b><br/>18 <b>those grants for review for Mike and Adam</b><br/>19 <b>to agree with. If there was an edge</b><br/>20 <b>case, we lean on the side of cutting it</b><br/>21 <b>because DOGE's mission was to reduce</b><br/>22 <b>Federal spending. We erred on the side</b><br/>23 <b>of the cut versus keep, generally.</b><br/>24 BY MR. ONAYEMI:<br/>25 Q Okay. Did you go through any</p> | <p style="text-align: right;">272</p> <p>1 Q Did you have a background check<br/>2 run on you?<br/>3 <b>A I did.</b><br/>4 Q Okay. Did you go through any<br/>5 training on how to maintain Government records?<br/>6 <b>A I believe so, yes. Yes. I</b><br/>7 <b>don't recall exactly what was in there, but</b><br/>8 <b>yes.</b><br/>9 Q Okay. Did it touch at all on<br/>10 using auto-delete services?<br/>11 <b>A I honestly don't recall.</b><br/>12 Q Did the onboarding -- did you<br/>13 receive, as part of the onboarding process, a<br/>14 Government laptop and phone?<br/>15 <b>A Yes.</b><br/>16 Q Okay. And did you -- have you<br/>17 since returned those after leaving the<br/>18 Government?<br/>19 <b>A Yes.</b><br/>20 Q Okay. So earlier we talked<br/>21 about some of your communications with<br/>22 Mr. Davis, including the context of you<br/>23 e-mailing yourself, I think you were saying,<br/>24 and then using that e-mail on Signal to send to<br/>25 Mr. Davis.</p>                                                                                                                                                |