

1 PROCEEDINGS
 2 THE VIDEOGRAPHER: Going on the record
 3 at 9:38 a.m. Today's date is May the 17th,
 4 2019. This begins the video deposition of
 5 Stephanie Hofeller taken in the matter of
 6 Common Cause, et al., versus David Lewis, in
 7 his Official Capacity As Senior Chairman of
 8 the House Select Committee on Redistrict --
 9 Redistricting, et al. This is filed in the
 10 General Court of Justice, Superior Court
 11 Division, in Wake County, North Carolina,
 12 Case Number 18 CVS 014001.
 13 If counsel will please identify
 14 yourselves for the record and whom you
 15 represent and then our court reporter will
 16 swear in our witness.
 17 MR. JONES: Stanton Jones from Arnold &
 18 Porter for the plaintiffs.
 19 MR. SPEAS: Eddie Speas with Poyner
 20 Spruill for the plaintiffs.
 21 MR. COX: Paul Cox with the North
 22 Carolina Attorney General's Office for the
 23 State Board of Elections.
 24 MR. BRANCH: John Branch with Shanahan
 25 Law Group for the intervenor defendants.

5

1 MR. FARR: Tom Farr with Ogletree
 2 Deakins for the def- -- legislative
 3 defendants.
 4 MS. SCULLY: Elizabeth Scully with
 5 BakerHostetler for the legislative
 6 defendants.
 7 MR. SPARKS: Tom Sparks representing
 8 the deponent, Stephanie Hofeller.
 9 * * * *
 10 STEPHANIE HOFELLER,
 11 having been first sworn or affirmed by the court
 12 reporter and Notary Public to tell the truth, the
 13 whole truth, and nothing but the truth, testified
 14 as follows:
 15 EXAMINATION
 16 BY MR. JONES:
 17 Q. Good morning, Ms. Hofeller.
 18 A. Hello.
 19 Q. I'm Stanton Jones from Arnold & Porter and I
 20 represent the plaintiffs in this lawsuit.
 21 Would you please state your full name for the
 22 record.
 23 A. Stephanie Louise Hofeller.
 24 Q. Excellent. And am I right that you
 25 previously went by what I believe is a

6

1 married name of Stephanie Hofeller Lizon?
 2 A. It was actually Stephanie Louise Lizon.
 3 Q. Okay. And now you -- you've dropped the
 4 Lizon; you just go by Stephanie Hofeller?
 5 A. That's right.
 6 Q. And that's your maiden name?
 7 A. Correct.
 8 Q. Excellent. Okay. I'll go over some brief
 9 ground rules for the deposition today if
 10 that's okay.
 11 A. Yes.
 12 Q. So you understand that you've taken an oath
 13 to tell the truth today?
 14 A. I do.
 15 Q. Great. And the court reporter is taking down
 16 everything that we say so let's try not to
 17 talk over one another. If you let me finish
 18 my question, I will let you finish your
 19 answer. Does that make sense?
 20 A. Acknowledged, yes.
 21 Q. Your -- your counsel may object to some of my
 22 questions today and -- and that's fine.
 23 Un- -- you understand that unless he
 24 instructs you not to answer a question, you
 25 should let him state his objection for the

7

1 record and then you'll go ahead and answer?
 2 A. Yes, I understand that.
 3 Q. Great. Is there any reason that you couldn't
 4 give complete, accurate, and truthful
 5 testimony today?
 6 A. No.
 7 Q. And if you want a break, just let me know.
 8 We'll finish the question and answer that
 9 we're doing and -- and happy to take a break
 10 whenever you'd like, okay?
 11 A. All right. Thanks.
 12 Q. What state do you live in?
 13 A. Kentucky.
 14 Q. Great. So you don't live in North Carolina?
 15 A. That's correct.
 16 Q. Okay. And where you live in Kentucky, how
 17 far is it from where we are in Raleigh?
 18 A. It's about a ten- or 11-hour drive.
 19 Q. Okay. Do you know, roughly how many miles is
 20 it?
 21 A. Roughly 650, something like that, I think.
 22 Q. Okay. And can you tell me, who -- who are
 23 your parents?
 24 A. My father is Thomas Brooks Hofeller and my
 25 mother is Kathleen Hartsough Hofeller.

8

1 Q. Great. So I have some questions about the
 2 subpoena that you received in this case. Is
 3 that okay?
 4 A. Yes.
 5 Q. Great. So earlier this year you received a
 6 subpoena from the plaintiffs in this case; is
 7 that right?
 8 A. That's correct.
 9 Q. Okay.
 10 MR. JONES: Mark this.
 11 (HOFELLER EXHIBIT 1 was marked for
 12 identification.)
 13 BY MR. JONES:
 14 Q. I'm showing you what's been marked as Exhibit
 15 1. Do you recognize this document as the
 16 subpoena that you received from the
 17 plaintiffs in this case?
 18 A. Yes. Yes, I do.
 19 Q. Okay. And do you see on the first page under
 20 name and address of person subpoenaed on the
 21 left side toward the top it says, Stephanie
 22 Hofeller Lizon? That -- that's you, correct?
 23 A. That is me.
 24 Q. Okay. Great. And it says, care of Tom
 25 Sparks, Esquire. That's -- that's your

1 attorney, correct?
 2 A. That's my attorney.
 3 Q. Great. Okay. And if you look down in the
 4 handwritten portion where there's a date and
 5 a signature, do you see it's dated February
 6 13th, 2019?
 7 A. I do.
 8 Q. Okay. And is -- does -- is that around the
 9 time that you recall receiving this subpoena?
 10 A. Yes.
 11 Q. When you received the subpoena, did you take
 12 a look at it?
 13 A. Yeah.
 14 Q. Great.
 15 A. I got it in a electronic format initially
 16 from my attorney because I wasn't actually in
 17 the state at that moment, but I was shortly
 18 after that.
 19 Q. Great. And if you flip a couple of pages
 20 ahead to what's -- what's marked as Page 2 at
 21 the bottom of the page, do you see where it
 22 says, list of documents and things to be
 23 produced pursuant to this subpoena?
 24 A. Yes, I do.
 25 Q. Okay. And when you received this subpoena in

1 February, did you review this -- this list of
 2 documents and things that were -- were asked
 3 to be produced?
 4 A. Yes, I did.
 5 Q. Okay. And did -- did you understand that the
 6 subpoena was requesting any electronic
 7 storage devices that had any of your father's
 8 work drawing maps for the North Carolina
 9 legislature?
 10 A. Yes.
 11 Q. Okay. Did you have any materials that were
 12 responsive to these requests in the subpoena?
 13 A. I did.
 14 Q. Okay. And -- and were -- am I right that
 15 those were electronic storage devices?
 16 A. Yes.
 17 Q. Okay.
 18 A. External hard drives and ad -- I don't know
 19 what the proper -- or what people prefer to
 20 call them, ad-stick, thumb drive, external
 21 storage devices to be used as backup
 22 principally.
 23 Q. Okay. So -- so the materials that you had
 24 that were responsive to the requests in the
 25 subpoena were -- were external hard drives

1 and external what we'll call thumb drives?
 2 A. That's correct.
 3 Q. Okay. Great.
 4 A. Nothing that -- that appeared to have been
 5 pulled out from an already assembled
 6 computer. These were all, you know, backup
 7 devices.
 8 Q. Okay. These were all external devices that
 9 you would need to plug into a computer some
 10 way --
 11 A. Correct.
 12 Q. -- to look at them? Okay. Am I right that
 13 these storage devices had previously belonged
 14 to your father?
 15 A. Yes.
 16 Q. Okay.
 17 A. And mother.
 18 Q. And -- and you understood that the storage
 19 devices contained your father's work on North
 20 Carolina legislative maps?
 21 MS. SCULLY: Objection to form,
 22 leading. You can answer.
 23 A. It was -- at what point you -- I would have
 24 to -- to ask you to clarify at what point
 25 it -- it was or wasn't clear. I knew -- when

1 I first saw them I knew that they were all
 2 belonging to my father and mother. I wasn't
 3 really sure which of them, if any, would have
 4 anything involving his work in North Carolina
 5 or elsewhere.
 6 Q. Got it. Let -- let's focus on the time when
 7 you received the subpoena and you --
 8 A. Oh, at that point, yes, I did know that it
 9 contained -- that all of those devices had at
 10 least -- at least one or two -- at least one
 11 or two files that would -- that were labeled
 12 in a -- in a way that it was obvious that
 13 they pertained to my father's work
 14 redistricting in North Carolina.
 15 Q. And did you send the storage devices -- those
 16 storage devices that we've been discussing to
 17 the plaintiffs' lawyers in response to the
 18 subpoena?
 19 A. Yes, I did.
 20 Q. Okay. Do you recall roughly when you sent
 21 them?
 22 A. I remember it was about a month after I
 23 received the subpoena. Originally, I -- my
 24 intention was to -- to bring them physically
 25 to Raleigh, but I got delayed and it was then

13

1 decided that it would be best for preserving
 2 the integrity of -- of the evidence that it
 3 would be going straight to a third party.
 4 Q. Great. And I'll represent to you that I
 5 received the materials you sent on March
 6 13th. Does that sound about right in terms
 7 of --
 8 A. That does.
 9 Q. -- the time?
 10 A. That does, actually. Where -- where I was in
 11 Kentucky, I couldn't even find a FedEx
 12 office. I had to go -- I had to go down the
 13 highway. I was surprised.
 14 MR. JONES: Can we mark this?
 15 (HOFELLER EXHIBIT 2 was marked for
 16 identification.)
 17 BY MR. JONES:
 18 Q. I'm showing you what's been marked as Exhibit
 19 2. On the -- you can take a moment to -- to
 20 flip through. That's fine. Go ahead.
 21 A. That's...
 22 Q. So my first question is, if you look at the
 23 very first page, do you -- do you recognize
 24 the -- the photograph -- the photographs
 25 there as images of the package that you sent

14

1 containing the storage devices in --
 2 A. Yes.
 3 Q. -- response to the subpoena?
 4 A. Yes, that does appear to be the box that I
 5 sent them in, exactly.
 6 Q. Great. And -- and on the first page, if you
 7 look at that top picture, it's addressed to
 8 R. Stanton Jones at Arnold & Porter, LLP, at
 9 an address in Washington, D.C. Is that the
 10 address where you sent the package?
 11 A. Yes.
 12 Q. Great. And if you flap -- flip to the second
 13 page, do you recognize those as additional
 14 photographs of the outside of the package
 15 that you sent with the storage devices in
 16 response to the subpoena?
 17 A. Yes.
 18 Q. If you flip to the third page, if you'll
 19 focus on the bottom image, do you recognize
 20 that as a photograph of the -- the interior
 21 of the box that you sent to the plaintiffs'
 22 lawyers with the storage devices in response
 23 to the subpoena?
 24 A. Yes.
 25 Q. Okay. If you flip to Page 4, do you

15

1 recognize the image there as being one of the
 2 thumb drives that you put in the -- in the
 3 package and sent to the plaintiffs' lawyers
 4 in response to the subpoena?
 5 A. Yes.
 6 Q. Okay. Do you remember offhand how many
 7 external hard drives there were and how many
 8 thumb drives there were?
 9 A. I know there were four external hard drives.
 10 I honestly don't remember exactly how many --
 11 you know, there were -- I -- I -- there were
 12 a couple of empty thumb drives in my -- in
 13 my, you know, possession so I -- I was making
 14 sure that I wasn't, you know, sending
 15 anything wrong. These were all the ones
 16 that -- that I got from my father, but I
 17 don't remember exactly -- from his room, but
 18 I don't remember exactly how many there were.
 19 Like eight or nine, maybe, was it, or seven?
 20 Q. So if I -- I'll represent to you that inside
 21 the package that we received that we're
 22 looking at photographs of there were -- there
 23 were four external hard drives, as you said,
 24 and also 18 thumb drives.
 25 A. 18, yeah. Okay.

16

1 Q. Does that seem right?
 2 A. Yeah.
 3 Q. Great.
 4 A. Yeah.
 5 MR. FARR: Excuse me. I don't mean to
 6 interrupt and I'm new to the game, but what
 7 were the stipulations about objections in
 8 this case? Are all objections reserved
 9 except for privilege and form of the
 10 question?
 11 MR. SPEAS: Yeah. That's the way we've
 12 been operating so far.
 13 MR. FARR: Okay. Thank you.
 14 BY MR. JONES:
 15 Q. I'm not going to go through every single
 16 photograph here. There's about 50 pages of
 17 photographs. But would you just take a
 18 moment and flip through them and if you could
 19 just tell me, do you recognize these as
 20 photographs of the storage devices, both the
 21 external hard drives and the thumb drives,
 22 that you sent to the plaintiffs' lawyers in
 23 response to the subpoena? Do you recognize
 24 them that way?
 25 A. So far, yes. It's a rainbow of colors. I

17

1 remember that, too. Yes, those look -- all
 2 of them I -- I remember.
 3 Q. Great. So having flipped through all of the
 4 photographs here, you recognize all of these
 5 images --
 6 A. Yes.
 7 Q. -- as being --
 8 A. I -- I don't see anything that I didn't have
 9 my hands on and put in that package.
 10 Q. Okay. Excellent. Would you flip to Page 23.
 11 Do you see the image there of a storage
 12 device with the label, NC Data?
 13 A. Yes, I do.
 14 Q. Do you recall that as one of the images that
 15 you sent?
 16 A. I do.
 17 Q. Or, sorry, as one of the --
 18 A. One of the --
 19 Q. -- storage devices?
 20 A. -- storage devices, yes.
 21 Q. Okay. Before sending all of these storage
 22 devices to the plaintiffs' lawyers in
 23 response to the subpoena you received, did
 24 you alter any of the -- the contents of the
 25 storage devices?

18

1 A. No.
 2 Q. Okay.
 3 A. No.
 4 Q. Did you -- did you delete any files that were
 5 on any of the storage devices?
 6 A. No. I was careful not to add or take
 7 anything away.
 8 Q. Did you modify any of the files in any way?
 9 A. No.
 10 Q. Okay. You didn't make any changes at all to
 11 any of the files --
 12 A. None.
 13 Q. -- on the storage devices? You have to --
 14 A. I'm sorry.
 15 Q. Yeah. You -- you -- I'll just start over
 16 again so we have a clean record.
 17 A. Yes.
 18 Q. So you -- you did not make any changes to any
 19 of the files or data on these storage devices
 20 before sending them to the plaintiffs'
 21 lawyers in response to the subpoena?
 22 A. That's correct. I did not.
 23 Q. Okay. You can put that to the side. So now
 24 I have some -- some pretty basic questions
 25 about where you got the devices from. Is

19

1 that okay?
 2 A. Yes.
 3 Q. Okay. Great. So, first, can you please tell
 4 me just the month and the year when you got
 5 these devices.
 6 A. October 2018.
 7 Q. Okay. And next could you please tell me just
 8 where specifically did you get the devices
 9 from, just the physical location for
 10 starters?
 11 A. The apartment where my recently deceased
 12 father lived with my mother at Springmoor.
 13 Q. Okay. And what is Springmoor?
 14 A. Springmoor is a retirement community.
 15 Q. Okay. And your father and mother had been
 16 living in this apartment in Springmoor before
 17 his -- his death; is that right?
 18 A. That's correct.
 19 Q. Okay. And at the time you got these files
 20 from the Springmoor apartment in October
 21 2018, was your mother living there at the
 22 time?
 23 A. Yes, she was.
 24 Q. Okay. Before getting the devices from the
 25 apartment in Springmoor, did you ask your

20

1 mother if it was okay to take them?
 2 A. Yes, I did.
 3 Q. Okay. And did you ask her that in October
 4 2018?
 5 A. Yes, that -- that same day.
 6 Q. Okay. Did your mother object to you taking
 7 the devices?
 8 A. No, she didn't.
 9 Q. Okay. Did -- did -- did she say it was okay
 10 to take the devices?
 11 A. Yes. She encouraged me to.
 12 Q. Okay. So now I'm -- I'm going to back and --
 13 and ask a few more questions just to fill in
 14 some additional details about when and where
 15 you got the devices, okay?
 16 A. Yes.
 17 Q. Okay. When did you first learn that your
 18 father had died?
 19 A. September 30th, 2018.
 20 Q. Okay. And when you -- when you learned of
 21 his death -- and -- and I'll say for the
 22 record, I'm -- I'm sorry for your -- for the
 23 loss.
 24 When you learned of your father's death,
 25 did you contact your mother?

21

1 A. Yes.
 2 Q. Did -- did you go to visit her then?
 3 A. Yes.
 4 Q. Okay. And -- and did you go to visit her in
 5 Raleigh at the Springmoor apartment in
 6 October 2018?
 7 A. Yes, I did.
 8 Q. And at that time when you were there at the
 9 Springmoor apartment in Raleigh in October
 10 2018 visiting your mother, did -- did you
 11 go -- did you and your mother go through some
 12 of your father's things?
 13 A. There wasn't much to go through. Most of
 14 what there even was in there was what was
 15 left out, really. There were a couple of
 16 desk drawers. I -- there were a couple of
 17 keepsakes of mine that I was looking for, but
 18 one of the main reasons that I was looking
 19 was because when I walked in the door to his
 20 room, immediately I saw a keepsake of mine
 21 from my childhood, a -- a jewelry box that I
 22 had and that I had left in -- in my parents'
 23 care. And inside of it -- it was displayed
 24 prominently right under the flag that he was
 25 buried with and -- well, not with but the

22

1 flag that draped his coffin and a picture of
 2 my grandparents and inside the box was
 3 everything exactly as I had left it. So I
 4 took that to mean that I was supposed to look
 5 for other things and so I started -- I -- I
 6 thought there was a chance that there might
 7 have been something specifically for me as in
 8 a note or a message of some sort that I would
 9 find.
 10 Q. Okay. And -- and was that when you found the
 11 storage devices that we've been discussing?
 12 A. It was in that same incident, yes, that --
 13 that same evening.
 14 Q. Okay. And where in the apartment were the
 15 storage devices?
 16 A. They were on a shelf in my father's room.
 17 Q. Okay. Were they just sitting out open on the
 18 shelf?
 19 A. Yes, they were. There was a bag -- a clear
 20 plastic bag with the thumb drives and
 21 ad-sticks and then there was just a stack
 22 of -- it wasn't the only thing on the shelf.
 23 He had also some of those pullout boxes that
 24 kind of are like drawers that had some of his
 25 papers in there, and the -- the hard drives

23

1 just were there in the corner of -- it was
 2 a -- one of those kind of box-style book
 3 shelves. It wasn't just a straight shelf.
 4 Some of them had those removable drawers in
 5 them and others were just open.
 6 Q. Okay. But all of the four external hard
 7 drives and the 18 thumb drives that you sent
 8 to the plaintiffs' lawyers in response to the
 9 subpoena were on this bookshelf in your
 10 father's room in the apartment at Springmoor?
 11 A. That's right.
 12 Q. Okay. And -- and they weren't in any sort of
 13 safe or lockbox; they were -- they were just
 14 out?
 15 A. That's right.
 16 Q. Okay. Had you seen any of these storage
 17 devices before?
 18 A. Inasmuch as I could say later having looked
 19 at them and when they were done, then I was
 20 able to confirm that, yes, there were a
 21 couple of those that I recognized from when I
 22 was either staying with on short trips or
 23 living with my parents in their house in
 24 Alexandria, Virginia.
 25 Q. Okay. And -- and could you just tell me

24

1 briefly how -- how did you recognize -- what
 2 was the connection that you made to these
 3 storage devices?
 4 A. The -- one of them had that blue rubber
 5 lining around it that I recognized
 6 immediately, and I know that there could be
 7 more than one and I also know it's a
 8 removable cover, so -- but then it just -- it
 9 appeared to be really what I -- what I was
 10 looking for, really.
 11 Q. And after getting the storage devices, when
 12 did you ask your mother if it was okay to
 13 take them?
 14 A. When I noticed them, it was in a survey and
 15 I'd first come in and -- and I was a little
 16 overwhelmed with emotion when I first walked
 17 into my father's room. Excuse me. So, you
 18 know, I was sort of looking around. There
 19 was heirloom furniture all around the
 20 apartment and other -- other things that
 21 belonged to my extended family, my, you know,
 22 great-grandparents and such, so I -- I sort
 23 of took the whole thing in, had another sort
 24 of, you know, casual, brief conversation with
 25 my mother about how things had unfolded, and

25

1 it was later when I was back in there and I
 2 also said, this is -- I think he wanted me to
 3 have this jewelry box. And so I said, I'm
 4 going to take that. Is that okay? And she
 5 said, of course. And I said, I'm going to
 6 take these, too. I think that I'll find the
 7 pictures and some of the things that I'm
 8 looking for on -- on these. Can I take
 9 these? And she said, absolutely. She -- she
 10 said, I don't even know how to use them.
 11 Q. Okay. Do you know if anyone else other than
 12 you had been to your parents' apartment at
 13 Springmoor to -- to look through or -- or
 14 potentially take any of your father's things
 15 before you had gotten there?
 16 A. That was my understanding because before I
 17 took any of those things, I specifically
 18 asked my mother -- I said, he had a work
 19 laptop still, yes? She said, yes. And she
 20 said, and a work computer. And I said, okay,
 21 did Dale come and take that stuff? She said,
 22 yes, Dale took the laptop, Dale took the work
 23 computer, and Dale took everything that he
 24 wanted.
 25 Q. And -- and who is Dale?

26

1 A. Dalton Lamar Oldham. That was my father's
 2 business partner, attorney. Together he and
 3 my father were Geographic Strategies.
 4 Q. Okay. And -- and you understood your mother
 5 to be telling you that Mr. Oldham had come to
 6 the apartment in Springmoor after your
 7 father's death and taken -- is -- was it a
 8 laptop and a desktop computer?
 9 A. Yes. And, again, it was a -- it wasn't clear
 10 exactly how much had -- he had taken as my
 11 father was dying that he had -- that my
 12 father had said to him, take this. I don't
 13 think my mother really remembers exactly what
 14 was there before and -- shortly before and
 15 then shortly after his -- his death.
 16 Q. Okay. Great. Thank you. Okay. So now I
 17 have some questions just about what you did
 18 after getting the devices, okay?
 19 A. Uh-huh.
 20 Q. Great. So after getting the devices from
 21 your parents' apartment in Springmoor, did
 22 you consistently hold on to them until you
 23 sent them to the plaintiffs' lawyers in
 24 response to the subpoena?
 25 A. Yes.

27

1 Q. Okay. You didn't give them to anyone else
 2 for any period of time in there?
 3 A. No.
 4 Q. Okay.
 5 A. I'm sorry I laugh. It's just I was so
 6 thrilled to have some of this precious data
 7 of mine that I would not let anyone else near
 8 them.
 9 Q. Great. And did -- did you stay in Raleigh
 10 then or did -- did you eventually go back to
 11 Kentucky?
 12 A. I stayed in Raleigh for a few days that time
 13 and then I went back to Kentucky.
 14 Q. Okay. And -- and did you take the storage
 15 devices with you when you went back to
 16 Kentucky?
 17 A. Yes, I did.
 18 Q. Okay. And were you then able to look at any
 19 of the -- the actual contents of the devices?
 20 A. I looked at the content of some of them that
 21 first night in my hotel room in Raleigh.
 22 Q. Oh, okay. And did -- am I -- did you -- you
 23 connected them to a computer to be able to
 24 look at them?
 25 A. Yes. Yes. I had a -- I had -- I had a

28

1 laptop with me that I use. I had found a --
 2 an appropriate cable in one -- one of my
 3 father's drawers I found a whole box of
 4 cables and one of them was the proper adapter
 5 for that -- for those external hard drives.
 6 Q. Okay. And -- and when you -- when you did
 7 connect some of the -- the storage devices to
 8 the computer to be able to look at the
 9 contents, did -- did you see any personal
 10 information in there like photographs or
 11 other personal information?
 12 A. Yes. I found specifically really what I was
 13 looking for, which were files of mine that I
 14 had -- essentially I backed them up onto my
 15 parents' computer when I was visiting them
 16 last and, actually, many times before that as
 17 I felt that it was a really good way to
 18 assure that they would be preserved because I
 19 knew that my father was not -- you know, I
 20 knew he had a tendency to -- to be, you know,
 21 careful about those things -- those kinds of
 22 things. And, yes, I found a great many
 23 photographs that I was looking for of my
 24 children and other documents that were
 25 related to my life, matters that concerned me

29

1 and my children, and it was -- it was -- I
 2 felt, well, I buried this treasure and that I
 3 was getting to dig it up. I was really very
 4 excited to see those pictures again,
 5 pictures -- also some pictures of my -- of my
 6 great-grandparents and things like that that
 7 I had hoped that I would find copies of as
 8 well.
 9 Q. Got it. So -- so some of these photographs
 10 and other personal materials were things that
 11 you yourself had stored on your parents'
 12 computer years earlier when your father was
 13 still alive; is that correct?
 14 A. That's correct.
 15 Q. Okay. And -- and you -- you saw some of
 16 those materials on these storage devices?
 17 A. Yes.
 18 Q. Okay. Other than personal files like
 19 photographs, letters, et cetera, did you see
 20 data or files on the storage devices re- --
 21 that related to your father's work creating
 22 maps?
 23 A. Yes, I did.
 24 Q. Okay. And I think I asked this before, but
 25 I'll just ask it again. Before sending the

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1 storage devices to the plaintiffs' lawyers in
 2 this case in response to the subpoena, did
 3 you change or manipulate any of the files on
 4 the storage devices that related to your
 5 father's work?
 6 A. No, I did not.
 7 Q. Okay. Am I right that at some point after
 8 getting the storage devices, you contacted
 9 someone at the organization Common Cause; is
 10 that right?
 11 A. Yes.
 12 Q. Okay. And do -- do you remember the specific
 13 person who you first contacted at Common
 14 Cause?
 15 A. I first reached out to Bob Phillips, the
 16 director, and it was in hopes that he might
 17 be able -- he and Common Cause might be able
 18 to give me a referral to find an attorney for
 19 my mother.
 20 Q. Okay. And in the course of those discussions
 21 with Mr. Phillips, did you -- did you discuss
 22 these storage devices?
 23 A. Not in that conversation, no.
 24 Q. Okay. Did Mr. Phillips connect you to
 25 someone else at Common Cause?

31

1 A. Yes.
 2 Q. Okay. And who was that?
 3 A. Jane Pinsky.
 4 Q. Did you then have discussions with
 5 Ms. Pinsky?
 6 A. Yes, I did.
 7 Q. Okay. And in the course of those discussions
 8 with Ms. Pinsky did you mention the storage
 9 devices that we've been discussing?
 10 A. Yes, I did.
 11 Q. Okay. And did -- did you offer to -- to
 12 provide the devices to Ms. Pinsky and Common
 13 Cause?
 14 A. You know, when I first brought it up it was
 15 really just kind of an anecdotal reference to
 16 a interview with David Daley that I had
 17 recently read. At the end of this interview
 18 his last statement, and it was really the --
 19 the gist of it was about the fact that the
 20 rejected districts had been sent for redraw
 21 back to my father and now he was deceased and
 22 the comment that David Daley made was, I
 23 wonder -- I -- I think that somewhere out
 24 there on a hard drive there's a gift for the
 25 state legislators.

32

1 Q. I see. And -- and am I right, Mr. Daley is a
 2 journalist, an author who covers
 3 redistricting issues?
 4 A. Yes. He --
 5 Q. Okay.
 6 A. He sort of brought it to a little bit more
 7 mainstream attention by, I don't know, making
 8 it a little more personal, personable maybe
 9 even.
 10 Q. Got it. And -- and the article that you had
 11 read by Mr. Daley was one that was discussing
 12 the -- the redraw of North Carolina's
 13 legislative districts?
 14 A. Specifically, yes. Yes. That was the first
 15 time -- I did not even know that -- I was
 16 aware of Mr. Daley's book about Operation Red
 17 Map, but I was not aware that he was actually
 18 from North Carolina and would have such a
 19 specific interest in this for that reason.
 20 Q. Got it. So -- so in these discussions with
 21 Ms. Pinsky, having read Mr. Daley's article,
 22 am I right that you -- you expressed to
 23 Ms. Pinsky that you wanted to provide the
 24 storage devices to her and to Common Cause?
 25 A. Well, I -- I sim- --

33

1 THE WITNESS: Pardon?
 2 MR. SPARKS: I just want you to let him
 3 finish.
 4 A. Oh, I'm sorry.
 5 Q. Yeah. Go ahead.
 6 A. I -- I -- I simply quipped that, I have -- I
 7 have some hard drives. And we continued the
 8 discussion about that. At that time I was
 9 not aware that there was -- that one of the
 10 matters was not an appeal. I -- I was under
 11 the impression that all of the matters
 12 pending were appeals, therefore, no new
 13 evidence. I -- when I first mentioned these
 14 things, it was really from a journalistic
 15 point of view and more anecdotal. I did not
 16 presume that they had any value as
 17 evidence --
 18 Q. I see. And --
 19 A. -- per se.
 20 Q. -- did Ms. Pinsky explain to you that there
 21 is, in fact, a lawsuit relating to North
 22 Carolina's legislative districts that -- that
 23 is not on appeal yet, that is still in the
 24 trial phase?
 25 A. She did explain. I think the way she put

34

1 it -- because we were discussing whether
 2 there was new evidence or no new evidence,
 3 errors of law only. So she mentioned that
 4 the case of the state legislative districts
 5 would be accepting new evidence and I said,
 6 well, I think this might be pertinent. And I
 7 didn't know if it was -- I said -- even at
 8 that time I said that I was skeptical that
 9 there was anything here that was not already
 10 disclosed after all of those. I recall
 11 personally discovery and discovery and
 12 discovery and discovery and a lot of
 13 grumbling because everyone always grumbles
 14 about discovery in civil litigation. That's
 15 my experience.
 16 Q. So when you say that this is pertinent, you
 17 mean you believed that the storage devices
 18 that you had gotten from your parents'
 19 apartment in Springmoor had files or evidence
 20 that were pertinent or relevant to -- to this
 21 litigation?
 22 A. Well, in that they -- they were clearly about
 23 redistricting and they were clearly labeled,
 24 North Carolina.
 25 Q. Excellent. After speaking to Ms. Pinsky

35

1 about the devices, did she put you in touch
 2 then with the plaintiffs' lawyers in this
 3 case?
 4 A. Yes. And I wanted to clarify. This -- the
 5 conversation about these hard drives did not
 6 come up in the first of my conversations with
 7 Ms. Pinsky. That was a development later on
 8 when we were discussing how I was very
 9 frustrated about what was -- what was going
 10 on and -- with -- with my mother and I
 11 commented -- that's -- that's -- that's
 12 right. I commented on the progress that
 13 Common Cause had made with their assertions
 14 about the relative fairness of partisan
 15 redistricting and also the underlying issues
 16 that -- that sometimes are disguised, in my
 17 opinion, as simply partisan. And I sort of
 18 made that comment. I said, this is -- this
 19 is the furthest I've ever seen a plaintiff
 20 get with anything that my father drew, and I
 21 will say I also said, and the way I knew my
 22 father a decade ago, he would have looked at
 23 those maps and -- and laughed.
 24 Q. So am I understanding correctly that when you
 25 originally contacted Bob Phillips at Common

36

1 Cause and then in your initial discussions
 2 with Jane Pinsky, you were not contacting
 3 them principally about these storage devices?
 4 A. No, I was not.
 5 Q. Okay. Okay. Did you say you were -- you
 6 were contacting them in hopes that Common
 7 Cause would be able to help refer you to a
 8 lawyer in connection with your -- with your
 9 mother's situation?
 10 A. Yes.
 11 MR. SPARKS: Objection.
 12 MS. SCULLY: Objection to form,
 13 mischaracterizes the witness's testimony.
 14 A. I -- I know enough about litigation and
 15 attorneys because I'm a Hofeller. I knew
 16 that bias would come into play whether or not
 17 it was admitted. My father was often
 18 concerned that he would be discriminated
 19 against for his political position and took
 20 care to know the allegiance of someone he
 21 chose to represent him. I was not familiar
 22 with this town. I did not know -- I knew
 23 that -- many of the parties that were
 24 involved in the litigation surrounding my
 25 mother. I knew they had significant

37

1 allegiances here and I felt that the only
 2 party in Raleigh that would both believe me
 3 that politics was an element and would know
 4 who might be actually independent counsel for
 5 my mother --
 6 Q. Okay. And am I right that the -- the lawyer
 7 you were seeking for your mother was in
 8 connection with the incompetency proceeding?
 9 A. Correct.
 10 Q. Okay. Let's go -- go back. After you
 11 discussed the storage devices with Ms. Pinsky
 12 at Common Cause, am I right that Ms. Pinsky
 13 then connected you directly with the
 14 plaintiffs' lawyers in this case?
 15 A. That's correct.
 16 Q. Okay. And is that Mr. Speas and Ms. Mackie?
 17 A. Yes.
 18 Q. Okay. Great. And did you -- did you have
 19 conversations with them then?
 20 A. Yes.
 21 Q. Okay. And in the course of those
 22 conversations did you -- did you express that
 23 you wanted to provide the storage devices
 24 that you had gotten from the apartment in
 25 Springmoor to them?

38

1 A. Yes.
 2 Q. Okay. Then in February of -- of 2019 did you
 3 receive the subpoena from plaintiffs and
 4 that's when you sent the storage devices?
 5 A. Yes.
 6 Q. Okay. Did you tell anyone that you object to
 7 the subpoena or that you object to providing
 8 a response to the subpoena?
 9 A. No.
 10 Q. Okay. Did you, in fact, have any objection
 11 or problem with the subpoena or with
 12 providing a response to the subpoena?
 13 A. No, I didn't.
 14 Q. Okay. Did anyone else tell you that they
 15 object to the subpoena?
 16 A. No.
 17 Q. Did anyone else tell you that they had any
 18 objection or problem with you providing a
 19 response to the subpoena?
 20 A. No.
 21 Q. Did you -- did you ever speak to your mother
 22 about the subpoena?
 23 A. Yes, I did.
 24 Q. Okay. And did you tell her that you were
 25 going to respond to the subpoena?

39

1 A. Yes. And because there were files that
 2 belonged to her, I asked for her permission
 3 also. I said -- she said that she had no
 4 problem with that. She also felt, as I did,
 5 that the process would most likely be
 6 centered around provably pertinent files
 7 anyway, but that -- I -- I reassured her -- I
 8 assured her, I should say, that she should be
 9 aware that once you -- and, again, this is
 10 something my father taught me. Once you let
 11 go of it, you don't have control of it
 12 anymore so you can't be guaranteed what will
 13 and won't be disclosed, so it's something you
 14 should be prepared for when you are involved
 15 with discovery.
 16 Q. Okay. And in the course of that discussion
 17 with your mother, did you understand that
 18 your mother was giving you permission or her
 19 okay to --
 20 A. Yes.
 21 Q. -- to -- let me -- let me finish the
 22 question.
 23 A. I'm sorry.
 24 Q. That's okay. I'll just -- I'm just going to
 25 ask it again, okay?

40

1 A. (Nods head).
 2 Q. So in the course of that discussion with your
 3 mother about the subpoena, did you understand
 4 that she was giving you her permission or her
 5 okay to provide the storage devices that
 6 we've discussed to the plaintiffs' lawyers in
 7 response to the subpoena?
 8 A. Yes.
 9 Q. Okay. Thank you. Okay. I just have a -- a
 10 few other questions and I -- I did want to
 11 ask you just a couple of questions about your
 12 relationship with each of your parents. And
 13 I -- and I don't intend to pry, but -- but
 14 I'll just ask a couple of basic questions if
 15 that's okay.
 16 A. That is okay, yes.
 17 Q. Okay. Would -- would you say that you had a
 18 positive relationship with your father in
 19 recent years?
 20 A. Not in recent years, no.
 21 Q. Okay. When was the last time you spoke to
 22 your father before his death last year?
 23 A. July of 2014.
 24 Q. Okay. Would you say that you have a positive
 25 relationship, a functional relationship, with

41

1 your mother?
 2 A. Yes.
 3 Q. Okay. Do you know whether an official estate
 4 was opened for your father after his death?
 5 A. No. That has been a confused issue.
 6 Q. Okay. So when you say no, you --
 7 A. I --
 8 Q. -- the answer is, no, you don't know?
 9 A. Exactly.
 10 Q. Okay. That's fine. Did you send these
 11 storage devices to the plaintiffs' lawyers in
 12 this case to -- to get back at your father or
 13 to spite your father for personal reasons?
 14 A. Not at all.
 15 Q. Okay. Could you just tell me briefly in your
 16 words, why did you want to provide these
 17 devices to the plaintiffs' lawyers in this
 18 case?
 19 A. When I was expressing my skepticism that
 20 there would be anything in the way of
 21 evidence, I stated that I felt that these
 22 files would if -- certainly be of historical
 23 value, that they would give insight into the
 24 process, not any value judgment on that
 25 process. I did not have -- my political

42

1 viewpoint to me seemed irrelevant to the
 2 function of census data turning into voting
 3 districts, and I really thought of it in --
 4 in those terms. I really -- I knew that if I
 5 presented them this way that they would be
 6 preserved, that they -- their integrity would
 7 be preserved and everything there, including
 8 my files, including other matters completely
 9 unrelated to this, that those -- that that
 10 would be a snapshot in time.
 11 Q. Was -- was there any financial benefit to you
 12 personally from providing these files to the
 13 plaintiffs' lawyers? Did you -- did you make
 14 any profit here?
 15 A. No.
 16 Q. Okay.
 17 MR. JONES: Can we go off the record,
 18 take a five-minute break?
 19 THE WITNESS: Sounds great.
 20 THE VIDEOGRAPHER: Going off the
 21 record. The time is 10:24 a.m.
 22 (Whereupon, there was a recess in the
 23 proceedings from 10:24 a.m. to 10:46 a.m.)
 24 THE VIDEOGRAPHER: Going back on the
 25 record. The time is 10:46 a.m.

43

1 MR. JONES: Thank you. Ms. Hofeller, I
 2 have no more questions for you today. Thank
 3 you for your time.
 4 THE WITNESS: My pleasure.
 5 EXAMINATION
 6 BY MS. SCULLY:
 7 Q. Ms. Hofeller, Elizabeth Scully. We met
 8 earlier this morning. I represent the
 9 legislative defendants in this case and I do
 10 have some follow-up questions that I would
 11 like to ask of you today.
 12 First, if I could turn your attention to
 13 the document that was marked as Exhibit 2
 14 that you went through with counsel for the
 15 plaintiffs earlier. Looking at -- at the --
 16 at the first page where there's a photograph
 17 of a -- of a box and then appears to be
 18 handwriting for -- addressed to Arnold &
 19 Porter.
 20 Do you see that there?
 21 A. I see the handwriting behind the box.
 22 Q. Uh-huh.
 23 A. Yes.
 24 Q. Is that your handwriting?
 25 A. No.

44

1 Q. No. Do you know whose handwriting that is?
 2 A. No.
 3 Q. Did you personally prepare the box, label it,
 4 put the contents in the box and send it to
 5 Arnold & Porter?
 6 A. I put the contents in the box, I sealed the
 7 box, and at the FedEx office the label was
 8 printed out and put on it in front of me.
 9 Q. Okay. Did you send the materials directly to
 10 Arnold & Porter or to a vendor before you
 11 sent them to Arnold & Porter?
 12 A. I sent them directly to Arnold Porter.
 13 Q. Did you ever send the materials to a -- a
 14 vendor?
 15 A. No.
 16 Q. Turning to the -- it's marked Number 4 in
 17 Exhibit Number 2.
 18 A. Okay.
 19 Q. You have that in front of you?
 20 A. I do.
 21 Q. And it appears on Page Number 4 of Exhibit
 22 Number 2 is a picture of a thumb drive. Do
 23 you see that?
 24 A. I do.
 25 Q. And on that thumb drive there are some

45

1 drawing -- a handwritten drawing on that
 2 thumb drive. Do you recall what material was
 3 contained in this thumb drive?
 4 A. Are -- are you -- please clarify the -- the
 5 handwriting being the A as opposed to the
 6 label on the drive, which is etched into the
 7 metal, I believe.
 8 Q. Well, let me -- let me back up and ask you
 9 this: Do you know -- on this document on the
 10 fourth page there appears to be two
 11 photographs. Both appear to reflect a thumb
 12 drive. Do you know if these are two
 13 different thumb drives or one thumb drive?
 14 A. I believe that is the two opposite sides of
 15 the same thumb drive.
 16 Q. Do you know that for a fact or is that
 17 just -- you're making an assumption?
 18 A. I am making an assumption.
 19 Q. Do you know if you in -- if you ever reviewed
 20 the information that was on this thumb drive
 21 that appears on Page 4 of Exhibit Number 2
 22 that you sent to Arnold & Porter?
 23 A. I know that I reviewed all of the drives that
 24 I sent to -- to Arnold Porter. I do not
 25 recall what was on which storage device.

46

1 Q. Did you review all of the drives that you
 2 sent to Arnold & Porter during the same day?
 3 A. Yes. Yes. Maybe perhaps I had to take a
 4 break overnight, but it was -- I -- I made
 5 sure that I was not including anything that
 6 was mine that wasn't, you know, related to
 7 this at all, that I hadn't mistakenly mixed
 8 anything in, that these were all just the
 9 files and things that had come from my
 10 father's apartment. So that -- that's about
 11 the extent of it.
 12 Q. So if I understand you, if you found
 13 materials on the -- in any of these thumb
 14 drives or drives that you thought were yours
 15 or your personal information, you removed
 16 that information before you sent it to
 17 Arnold & Porter?
 18 A. No.
 19 MR. JONES: Objection. That
 20 mischar --
 21 THE WITNESS: Oh, I'm sorry.
 22 MR. JONES: -- mischaracterizes the
 23 testimony.
 24 MS. SCULLY: I -- I believe --
 25 MR. FARR: He asked -- she asked the

47

1 question so she can answer it.
 2 MR. SPEAS: Tom, how many people are
 3 representing your side in this deposition?
 4 MR. FARR: Three.
 5 BY MS. SCULLY:
 6 Q. I believe you testified earlier that when you
 7 looked through the materials you took from
 8 your father's room that you did find
 9 information on those electronic files that
 10 were personal to you, correct?
 11 A. That is correct.
 12 Q. Did you produce that personal information
 13 when you sent the electronic materials to
 14 Arnold & Porter?
 15 A. Yes, I did.
 16 Q. A moment ago when you said you looked through
 17 the electronic files before you produced them
 18 to Arnold & Porter to make sure that nothing
 19 that related only to you or that wasn't
 20 relevant -- you wanted to make sure that
 21 wasn't being produced, what did you mean by
 22 that?
 23 A. That wasn't what I said. What I said is I
 24 checked them to make sure that they were my
 25 father's, that I hadn't mistakenly grabbed

48

1 something from my own room, a storage device
 2 that I would keep, use with my phone, with my
 3 laptop, completely unrelated to this, never
 4 having been touched by my father. That's
 5 what I meant.

6 Q. Okay. Thank you for that clarification. How
 7 many hours did it take you to go through and
 8 review the entire contents of the materials
 9 that you provided to Arnold & Porter?

10 A. And please -- I would like to clarify that I
 11 did not open every file. I merely observed
 12 that this was the media that I thought it was
 13 when I arrived at my home. So it was, oh,
 14 two, three hours, I think, making sure. Some
 15 of them, you know, I -- they didn't light up
 16 at first. I had to put them in the other USB
 17 drive, reseat the connectors. Some -- some
 18 of them took -- some of them were slower than
 19 others to open, but I would say that I had
 20 made sure that -- done that last check before
 21 putting it in the mail that I knew what I was
 22 sending and that it was all what I was
 23 asserting it was, and I think that process
 24 took, yeah, maybe about two or three hours.

25 Q. Do you know how many files you opened during

49

1 those two to three hours?

2 A. During those two to three hours I didn't open
 3 any of the files. I merely looked in the
 4 basic root folders on each to confirm what it
 5 was and that it had belonged to my father
 6 really was the point. The files on all of
 7 these that were mine specifically as in
 8 photographs I took, letters I wrote, those I
 9 had looked at early on. My interest in these
 10 drives initially was only for those. I
 11 ignored everything else for a period of time.

12 Q. When you took these files from your father's
 13 room and spoke to your mother about it,
 14 you -- in that conversation with your mother
 15 you told her you were taking the files
 16 because you wanted to look through the files
 17 to find personal things related to you,
 18 photographs that may be on the files,
 19 correct?

20 A. That's correct.

21 Q. And with that understanding your mother gave
 22 you permission to take the files, correct?

23 A. I did not feel that my mother's permission
 24 for me to have these was conditional on
 25 anything. When she gave me permission to

50

1 take them, it was -- maybe I mentioned that I
 2 was excited about the possibility that there
 3 would be pictures of my children, but she
 4 said, they're yours. Take them. I don't
 5 have any use for them.

6 Q. And when you had that initial conversation
 7 with your mother, you had no discussions with
 8 her and expressed no interest in looking
 9 through to find any of your father's business
 10 records or materials he may have created in
 11 connection with his work as -- as an expert
 12 in other litigations, correct?

13 A. Correct. As a matter of fact, I went to the
 14 point of making sure that I asked my mother
 15 that all of his specifically work-related
 16 material had already been collected. I
 17 didn't wish to assert myself in -- in --
 18 in -- into the business intentionally.

19 Q. At some point you say when you were -- well,
 20 when you first took the -- the files, did
 21 you -- you didn't know what was on these
 22 files when you first took them, correct?

23 A. Some of them I didn't. The backups that I
 24 recognized from my parents' home PC back in
 25 Alexandria -- I was at least vaguely familiar

51

1 with what had been on my parents' home PC
 2 when I was there, so those were pretty much
 3 as I expected them. And then I -- my thought
 4 was that I would at least look at everything
 5 and see what it was.

6 Q. Now, you said you went to your mother's home.
 7 It was sometime in October 2018. Do you know
 8 specifically when you were -- went to your
 9 mother's home and took these files?

10 A. October 11th.

11 Q. And how do you know it was October 11th?

12 A. I have had to recount the details of my
 13 arrival at my mother's house several times
 14 over the past few months, so it's become
 15 pretty -- pretty normal.

16 Q. Do you have any documents that reflect when
 17 you were in North Carolina?

18 A. Documents. I don't think so, no.

19 Q. Did you go to any restaurants, make any
 20 credit card charges, purchase gasoline near
 21 your mother's apartment, any type of document
 22 that would indicate the time period when you
 23 were visiting with your mother?

24 A. I believe that receipts would reflect that I
 25 was in Raleigh during certain days.

52

1 Q. How long did you stay -- did you stay with
 2 your mother at that time?
 3 A. Not at that time. At that time I stayed in a
 4 hotel and I stayed for, I believe, around
 5 four days. I think -- I don't honestly
 6 recall off the top of my head if it was three
 7 nights or four nights.
 8 Q. Was the hotel located in Raleigh?
 9 A. Yes.
 10 Q. What was the name of the hotel where you
 11 stayed?
 12 A. I stayed one night in a hotel, the name of
 13 which I don't recall because I didn't like
 14 it. So then I moved to the La Quinta, I
 15 believe, yes --
 16 Q. And how --
 17 A. -- near Crabtree.
 18 Q. And how did you pay for your stay at the
 19 La Quinta?
 20 A. I paid -- I think the first night I paid cash
 21 and the next night I paid with my debit card.
 22 Q. And you get monthly statements of your debit
 23 card?
 24 A. I think I've gone paperless.
 25 Q. Do you receive e-mails of -- notification of

53

1 your debit card statement --
 2 A. Yes.
 3 Q. -- when it's available?
 4 A. Yes.
 5 Q. And your debit card is held with what bank?
 6 A. PNC.
 7 Q. After you took the materials from -- from
 8 your father's room, when did you first begin
 9 to look through the materials?
 10 A. That same evening.
 11 Q. When you stayed at the hotel that you don't
 12 recall the name of?
 13 A. Yes.
 14 Q. And how many -- well, did you review one
 15 device? How many devices did you review that
 16 night?
 17 A. That first night I stuck with the one because
 18 that's where I found hundreds of pictures of
 19 me with my infant children.
 20 Q. And was the one a thumb drive or was it a
 21 hard drive, if you remember?
 22 A. An external hard drive.
 23 Q. When looking through this one external hard
 24 drive on that first night, did you also find
 25 materials that appeared to be related to your

54

1 father's business work with his partner, Dale
 2 Oldham?
 3 A. I noticed, as was standard on my father's
 4 home PC, there would -- there was usually at
 5 least a folder related to his work. I was
 6 accustomed to not really paying much
 7 attention to the specifics. I talked to him
 8 about things. I didn't need to poke.
 9 Q. And when you noticed that there were folders
 10 on this hard drive that you reviewed related
 11 to your father's work and knowing that Dale
 12 Oldham had taken efforts to try to reclaim
 13 business records, did you go back and tell
 14 your mom, you know, we still have information
 15 related to Dad's work?
 16 A. My father always had information related to
 17 his work on the personal hard drive. It
 18 wasn't noteworthy.
 19 Q. Does that mean you did not go back and tell
 20 your mom that there was information related
 21 to his work on the hard drive that you had?
 22 A. At some point when I discussed the fact that
 23 they might be of interest to the case, I --
 24 again, with my mother there are some things
 25 because she's my mother that don't need to be

55

1 explicitly stated. She assumed that there
 2 would be at least some work-related material
 3 on the hard drive. I discussed with her the
 4 nature of this litigation and, again, such
 5 similar litigation was a regular fixture in
 6 my entire life living with my father. So the
 7 idea that there would be some litigation
 8 going on around things that he had drawn was
 9 just par for the course. So, yes, I don't
 10 know that I would have explicitly said,
 11 Mother, there are these kinds of files on
 12 this. It was more like, Common Cause may
 13 have an interest in these work files. And
 14 even I -- with her I even discussed my belief
 15 that this would not -- these all being
 16 backups, that this would not be any
 17 information that was not already known and
 18 had already been disclosed. There were files
 19 that were titled, Discovery, so I assumed
 20 that those had gone previously into
 21 discoveries that had already happened.
 22 Q. From your answer I'm still not clear whether
 23 you actually had a conversation with your
 24 mother about your father's business records
 25 that you discovered on the external hard

56

1 drives.

2 Did you have a specific conversation

3 with your mother to tell her that you

4 identified business records of your father's

5 on these external hard drives that you had

6 taken possession of?

7 MR. JONES: Objection, asked and

8 answered.

9 A. All of those points were at some point

10 mentioned. My mother was aware of the fact

11 that the interest -- the subpoena for these

12 hard drives was, in fact, for work-related

13 files only. So not only was it clear to her

14 that there were work-related files, but it

15 was clear to her that the lawyers that would

16 be looking at it on either side would not be

17 looking at anything other than my father's

18 work-related files.

19 Q. When did you first begin discussing with your

20 mother the fact that Common Cause may have an

21 interest in your father's work files?

22 A. My -- wow. She and I were discussing the

23 matter of this pressing issue of hers. Most

24 of our discussions about Common Cause in

25 those first two months were just about how

57

1 nice it was that they had given us some

2 referrals.

3 Q. When you say your discussions in those first

4 two months, you mean -- what -- what time

5 period do you mean?

6 A. That would have been October and November.

7 Q. Of 2018?

8 A. Correct. I'm sorry. Yes.

9 Q. So October/November 2018 your discussions

10 with your mother are focusing on the

11 referral -- attorney referral you received

12 for her and on the --

13 A. And her case, really.

14 Q. And her case?

15 A. All of it as it may be related to the

16 unfortunate politicizing of our family life.

17 Q. And when you say her case, I believe you

18 testified earlier that the case you're

19 referring to was a petition to have your

20 mother found incompetent, correct?

21 A. Yes.

22 Q. You are aware that there was an interim order

23 entered and your mother had a guardian over

24 her estate and over her person appointed,

25 correct?

58

1 A. I'm aware.

2 Q. Do you know the time period in which that

3 occurred?

4 A. November. Early November.

5 Q. October/November your conversations with your

6 mom with respect to Common Cause are focused

7 on how they'd helped her identify an

8 attorney. Who was that attorney that they

9 helped her identify?

10 A. I was referred to Allan From, who explained

11 that he didn't handle specifically those

12 matters and referred us to Douglas Noreen.

13 Q. At what point in time did you discuss with

14 your mother the possibility of turning over

15 your father's business records to Common

16 Cause or to Arnold & Porter?

17 A. The subpoena. That -- that would be when we

18 specifically discussed that.

19 Q. Did you --

20 A. I think I might have quipped about that David

21 Daley article way back in October when I was

22 looking at those hard drives recalling that

23 comment, somewhere out there on a hard drive.

24 Q. Did you --

25 A. I made a joke about that. I wasn't really,

59

1 you know, saying, look at those hard drives.

2 Well --

3 Q. Did you have --

4 A. Dale got all the good stuff. Sorry.

5 Q. Did you have a conversation with your mother

6 about the possibility of turning over your

7 father's business records to Common Cause or

8 Arnold & Porter before you received the

9 subpoena?

10 A. I think that I did -- the -- did -- she was

11 also curious about the case and I had said

12 that I was -- I think I shared with her on

13 that moment when I -- when I realized --

14 maybe around that same day when I realized

15 that this wasn't strictly appeal, that --

16 that there had been a new -- a new matter

17 opened. And she never really was all that

18 familiar with the details and, to be honest,

19 I'm no expert on redistricting either. I

20 really only felt that I was uniquely informed

21 about my father as a person and perhaps his

22 process, his -- his creative process, his --

23 his political philosophy. Those kinds of

24 things I felt that I was perhaps -- that I

25 possessed some unique understanding of the

60

1 man, but my mother was not -- my mother has a
 2 career of her own so her interest was really
 3 more incidental, just as much as anyone in --
 4 in -- in the public -- the general public
 5 might be interested in the political process.
 6 Q. You testified earlier that you understood
 7 your father had a business and a business
 8 partner, Dale Oldham, correct?
 9 A. Correct.
 10 Q. And you understood that your -- your father
 11 and Mr. Oldham in their business were
 12 retained and engaged as experts in
 13 litigations over the years, correct?
 14 A. That's correct.
 15 Q. You testified you're familiar with civil
 16 litigation earlier, correct?
 17 A. Yeah, and specifically with litigation on the
 18 matters of the concern of the people.
 19 Q. You understand that in connection with your
 20 father's work as an expert consultant that
 21 there are materials that he prepares as an
 22 expert that are privileged materials --
 23 MR. JONES: Ob- --
 24 BY MS. SCULLY:
 25 Q. -- materials that he prepares on behalf of

61

1 the clients he's been retained to be an
 2 expert for, correct?
 3 MR. JONES: Objection, calls for a
 4 legal conclusion. The witness is not a
 5 lawyer.
 6 A. None of the materials were labeled
 7 privileged.
 8 Q. Do you have -- do you believe that you have
 9 the appropriate training or skills to
 10 determine whether the materials on your
 11 father's hard drives contained privileged
 12 information?
 13 A. All of the attorneys I've ever worked with if
 14 they were concerned about protecting
 15 privilege have pretty bold letters that said,
 16 the following contains privileged
 17 attorney-client communication and the
 18 proceeding contains privileged
 19 attorney-client communications. In that I
 20 can read when something says that it's
 21 privileged, I'm qualified. But, no, beyond
 22 that, I think if -- if -- if I just stumbled
 23 into a client's file, I would not be able to
 24 say which was and wasn't privileged, no.
 25 Q. You do not have a law degree, correct?

62

1 A. That is absolutely correct.
 2 Q. You have no legal training, correct?
 3 A. No formal training.
 4 Q. You've never worked --
 5 A. Just on the street. I'm sorry.
 6 Q. You've never been employed or worked in a law
 7 firm, correct?
 8 A. I believe that I've done temp work as a
 9 receptionist for law firms but nothing --
 10 nothing noteworthy in that it would pad my
 11 CV.
 12 Q. You have never made any determinations or
 13 been asked by anyone to make any
 14 determinations about whether something is a
 15 privileged document or not, correct?
 16 A. No. That's correct. I mean, I have not been
 17 ever asked by anyone to do that, no.
 18 Q. Other than seeing a document marked as
 19 privileged, you have -- you've testified you
 20 don't know and haven't -- you don't have the
 21 skills to determine whether a document is a
 22 privileged document or not if it doesn't
 23 reflect privileged on the document itself?
 24 A. Well, you know, if it was civil litigation
 25 concerning personal matters, then I think I

63

1 would assume privilege, but considering that
 2 this is a public matter and it's -- this is
 3 a -- this is a -- my understanding of -- of
 4 political philosophy and the founding of this
 5 republic is that this is -- this concerns the
 6 people and, therefore, I would probably err
 7 in the direction of it not being privileged
 8 if it weren't marked so, if that clarifies.
 9 Q. Prior to making the production of the
 10 electronic files that you made to Arnold &
 11 Porter in response to the subpoena marked as
 12 Exhibit 1, did you engage in any sort of
 13 review to determine whether the files that
 14 you were turning over contained privileged
 15 information?
 16 MR. JONES: I'll -- I'll object. It's
 17 ambiguous, the term privilege. There are
 18 lots of privileges.
 19 A. Also, I really was -- it had already been
 20 kind of clarified that the best way to
 21 preserve the integrity of this -- of this
 22 data would be not to pick and choose. There
 23 were personal files of mine on these hard
 24 drives and I left everything exactly as it
 25 was. I did not make decisions about what did

64

1 and didn't go specifically for the purpose of
 2 a historical documentation of the complete
 3 media as it was when I found it.
 4 Q. You testified that it was clarified to you
 5 that the best way to preserve this data was
 6 not to go through and make any selection or
 7 remove anything from it, just to turn all of
 8 the materials over to Arnold & Porter,
 9 correct?
 10 MR. JONES: Objection. I think that
 11 mischaracterizes the testimony.
 12 BY MS. SCULLY:
 13 Q. You can answer the question.
 14 A. Could you ask it again?
 15 Q. You testified that it was clarified to you
 16 that the best way for you to preserve the
 17 integrity of this data was to just turn over
 18 the data in its entirety to Arnold & Porter
 19 and not to go through and pick and choose or
 20 remove anything from the data, correct?
 21 MR. JONES: I'll -- I'll object.
 22 It's --
 23 A. These are theoretical --
 24 MR. SPARKS: Hold on.
 25 MR. JONES: Hold on. Hold on. Let

65

1 me --
 2 THE WITNESS: Sorry.
 3 MR. JONES: I have to state my
 4 objection. So I'll object because it
 5 mischaracterizes the testimony and the use of
 6 the passive voice makes it ambiguous.
 7 MR. SPARKS: Now you can answer.
 8 A. I don't think there are any -- I don't think
 9 there are any solid lines in this. I think
 10 that there was a -- a collective attempt to
 11 maintain accuracy, maintain transparency.
 12 Q. Who clarified that for you? When you said,
 13 it was clarified --
 14 A. It wasn't clar- --
 15 Q. -- for me --
 16 A. Okay.
 17 Q. -- who was that?
 18 MR. SPARKS: Hold on a second. Please
 19 let her finish.
 20 THE WITNESS: I'm sorry.
 21 MR. JONES: Yeah. I'll --
 22 MR. SPARKS: Thank you.
 23 MR. JONES: Go ahead and -- is the
 24 question done?
 25 MS. SCULLY: (Nods head).

66

1 MR. JONES: Okay. I'll object because
 2 it misclar- -- characterizes the testimony.
 3 She has not testified that anyone clarified
 4 anything for her.
 5 A. Yeah. That's --
 6 Q. You may answer the question.
 7 A. That's -- I -- yes, I was going to say
 8 exactly that. I don't recall that -- that it
 9 was -- certainly if I said clarify -- in the
 10 discussion that I had with the attorneys
 11 Caroline Mackie and Eddie Speas, there was
 12 discussion on how it would be best recognized
 13 in court as -- as -- as a -- a good chain of
 14 custody, transparency. There would be no
 15 accusation of picking and choosing, of
 16 keeping some things secret and some things
 17 not if the media were turned over to a third
 18 party in its exact state.
 19 Q. Prior to turning over the hard drives and the
 20 thumb drives to Arnold & Porter did you ask
 21 your counsel to conduct -- well, let me ask
 22 this: Did you -- did you have representation
 23 at that point in time?
 24 A. I did not or did --
 25 THE WITNESS: Were we -- were you

67

1 retained yet?
 2 A. I don't -- certainly not in this matter. No,
 3 I did -- I did not have counsel at that time
 4 I don't think.
 5 THE WITNESS: Or did I?
 6 A. I don't know. I wasn't consulting with an
 7 attorney on this matter.
 8 Q. I take it from --
 9 MR. SPARKS: Do you want me to
 10 interject anything here?
 11 MS. SCULLY: No, that's all right.
 12 BY MS. SCULLY:
 13 Q. I take it from your answer that you did not
 14 seek counsel from any attorney about whether
 15 there were concerns with respect to any
 16 privileged information that may be turned
 17 over to Arnold & Porter in response to the
 18 subpoena?
 19 MR. JONES: I'll -- I'll object. I
 20 think the question is asking about
 21 communications she may or may not have had
 22 between herself and one of her lawyers, which
 23 would be privileged.
 24 BY MS. SCULLY:
 25 Q. You testified a moment ago you didn't have

68

1 counsel at that point in time. I'm just
 2 clarifying that you never sought any guidance
 3 from any attorney as to whether there was a
 4 concern about turning over privileged
 5 information from your father's business
 6 records to Arnold & Porter?
 7 MR. SPARKS: And I will object to that
 8 because if she did it --
 9 THE WITNESS: It would be privileged.
 10 MR. SPARKS: -- it would be
 11 attorney-client privileged.
 12 MR. JONES: Just answer it --
 13 instruct -- instruct her not -- you should
 14 instruct her not to answer.
 15 MR. SPARKS: And don't answer, please.
 16 BY MS. SCULLY:
 17 Q. I'll ask a more general question. Did you
 18 seek any counsel prior to producing the
 19 materials in response to Arnold & Porter's
 20 subpoena?
 21 MR. SPARKS: Same objection and please
 22 don't answer that.
 23 MR. FARR: Whether -- whether she
 24 talked to an attorney is privileged? Are you
 25 saying that?

69

1 THE WITNESS: I think so.
 2 MR. SPARKS: I'm sorry. Ask the
 3 question again.
 4 MR. FARR: Whether she -- whether she
 5 talked to an attorney is privileged, just the
 6 fact that she talked to an attorney?
 7 MS. SCULLY: Just the general thing,
 8 not what -- specifically what was discussed.
 9 Did she speak with an attorney.
 10 MR. SPARKS: I'm -- I'm going to lodge
 11 the same objection, yes, and give the same
 12 instruction.
 13 BY MS. SCULLY:
 14 Q. You testified earlier that you understood
 15 that your father's business partner,
 16 Mr. Oldham, had taken steps to retrieve
 17 records related to their business, correct,
 18 retrieve one of your father's computers, yes?
 19 A. Two --
 20 Q. Two?
 21 A. -- of his computers.
 22 Q. When you realized that there was information
 23 related to your father's business contained
 24 on these hard drives and thumb drives, did
 25 you reach out to Mr. Oldham to let him know

70

1 that you had possession of business records
 2 of theirs?
 3 A. There have been work files on my father's
 4 home PC since we had a home PC so, no, in
 5 that I asked -- there are other matters
 6 concerning contact. Dale isn't exactly easy
 7 to get ahold of, but I specifically -- I felt
 8 that I had pretty much covered that when I
 9 asked everyone involved that knew anything
 10 about my father and/or Dale if Dale had
 11 gotten everything he wanted and the answer
 12 was yes given the fact that some of those
 13 backups are from 2009, '10, '11, and that I
 14 was in many of those times living at home
 15 using that computer as my own and those files
 16 were there.
 17 Q. You said you asked everyone involved if Dale
 18 got everything he wanted and the answer was
 19 yes. Who is the everyone involved that you
 20 asked?
 21 A. The other person that I asked -- there are
 22 two other people that I asked other than my
 23 mother. I asked my uncle -- oh, and
 24 through -- I asked my cousin and I -- I sort
 25 of tried to establish that he had come and

71

1 gone. That was when my mother explained that
 2 also when Dale left with the things that were
 3 related to Geographic Strategies before my
 4 father died, that my father had given him his
 5 half of the business, which amounted to
 6 around \$300,000.
 7 Q. Who was your uncle that you asked? What's
 8 his name?
 9 A. Chris Hartsough.
 10 Q. What was his relationship with Dale?
 11 A. There -- he did not have a relationship with
 12 Dale; rather, he had been present during my
 13 parents' move from their house in Raleigh to
 14 the retirement community in Raleigh. I was
 15 interested in this move because many of my
 16 personal possessions went missing at this
 17 time. That's my -- was my principle interest
 18 in finding out what had happened.
 19 Q. And who's your cousin that you spoke with?
 20 A. Trudy Harris.
 21 Q. Did she have a relationship with Dale?
 22 A. No. None of these people had a relationship
 23 with Dale. It's just that he had apparently
 24 been there during this longer period of time
 25 when my family was helping my parents move.

72

1 That's all.
 2 Q. If you wanted to know if Dale Oldham had
 3 gotten everything that he wanted, why not ask
 4 Mr. Oldham directly himself?
 5 A. Because he was a part of the litigation that
 6 was ongoing with my mother. He was a -- he
 7 was an opposing party in that litigation and
 8 noncommunicative before that point as well.
 9 I did at -- at one point attempt to reach out
 10 to him to discuss my mother, but he did not
 11 return my calls and resisted all of my
 12 attempts to -- to talk to him.
 13 Q. When did you attempt to reach out to
 14 Mr. Oldham to discuss your mother?
 15 A. Twice, once during the first trip to Raleigh
 16 and again in the second trip to Raleigh. Oh,
 17 and then we sent him notice of -- of certain
 18 documents -- family documents that bore his
 19 name as those documents had been changed. He
 20 got notice of that as well.
 21 Q. The first trip to Raleigh, was that the trip
 22 in October around -- on or about October
 23 11th, 2018?
 24 A. Yes.
 25 Q. And when was the second trip?

1 A. That would have been shortly after. Let's
 2 see. The first trip was October -- okay. So
 3 I -- I believe that I was then three or four
 4 days back in Kentucky, but the situation
 5 was -- was serious enough that I felt I had
 6 to -- to change my plans to continue my work
 7 in Kentucky and actually drop everything in
 8 Kentucky and come back to Raleigh to help my
 9 mother. That would be -- I think I was back
 10 by the 18th.
 11 Q. Prior to turning over the hard drives and the
 12 thumb drives to Arnold & Porter, is it
 13 correct that you never communicated with Dale
 14 Oldham to let him know that materials related
 15 to his business with your father were being
 16 turned over?
 17 A. Those were my father's files. I did not
 18 assume that any of them or all of them --
 19 many of them were there on that hard drive
 20 before Geographic Strategies existed. There
 21 were files related to my father's work that
 22 were there from a time when I'm not even sure
 23 that Dale knew my father. I did not really
 24 think of this in terms of Dale Oldham, no. I
 25 thought of this in terms of my dead father

1 and his work in -- in public service, not so
 2 much about -- about Dale, honestly.
 3 Q. Is that, no, you did not communicate with
 4 Dale Oldham before you turned over these
 5 files to Arnold & Porter to let him know that
 6 there were --
 7 A. I did not make --
 8 Q. -- records related to --
 9 THE WITNESS: Yeah, I'm sorry.
 10 BY MS. SCULLY:
 11 Q. -- that there were records related to his
 12 business with your father that were being
 13 turned over in response to a subpoena?
 14 MR. JONES: Objection, asked and
 15 answered.
 16 MR. SPARKS: Go ahead and answer.
 17 A. I didn't attempt yet again to contact
 18 Mr. Oldham in advance of responding to that
 19 subpoena. No, I did not.
 20 Q. Did you ever attempt to contact Mr. Oldham
 21 and leave any substantive message for him
 22 that you had possession of --
 23 A. Of my father's stuff.
 24 Q. -- business records --
 25 A. I'm sorry.

1 Q. -- of records related to your father and
 2 Mr. Oldham's business and that you intended
 3 to turn those records over to Arnold & Porter
 4 and Common Cause?
 5 MR. JONES: Objection, asked and
 6 answered.
 7 A. I didn't.
 8 Q. Turning back to Exhibit Number 2. I believe
 9 you testified that you -- sitting here today,
 10 you do not know what specific information is
 11 contained on the thumb drive that is pictured
 12 on Page 4 of Exhibit 2, correct?
 13 A. That's correct.
 14 Q. If I could turn your attention to Page 7.
 15 And is -- do you know what this device is
 16 that appears on Page 7?
 17 A. It appears to be an external drive.
 18 Q. Do you know what the contents were of the --
 19 this external drive that appears on Page 7?
 20 A. I know that that's my father's handwriting on
 21 that label. Beyond that, I don't know
 22 offhand.
 23 Q. Do you have any specific recollection of
 24 reviewing the files that are contained on the
 25 hard drive that appears on Page 7 of Exhibit

1 2?
 2 A. Not specifically that one, no. None of them
 3 specifically. They all seem to have sort of
 4 a -- a mix -- a mixture of -- of different
 5 kinds of data on different matters. All of
 6 them were mingle -- mingled.
 7 Q. Turning to Page 9, do you know what that is a
 8 picture of?
 9 A. Once again, it appears to be a picture of --
 10 of one of the external drives.
 11 Q. I take it similar to the drive that we saw in
 12 the picture immediately before that you have
 13 no specific recollection of what material is
 14 contained on this drive, correct?
 15 A. That's correct.
 16 Q. Is it fair to say that you do not have any
 17 specific recollection of what information is
 18 contained on any of the hard drives or the
 19 thumb drives that are photographed that
 20 appear in Exhibit 2?
 21 A. Well, it's very similar with all of them was
 22 my impression. So it was -- it would be very
 23 difficult to say what was on which. I mean,
 24 I don't know offhand -- like there were
 25 two -- for example, there were two drives

77

1 that were identical in appearance, but they
 2 seemed to be backups of the same hard drive
 3 but at different times. So that would be
 4 very hard for me to say which was the 2011
 5 set and which was the 2013 set, for example.
 6 Q. You testified earlier when -- under your
 7 examination with plaintiffs' counsel that you
 8 recognized one of the hard drives because of
 9 the blue rubber band that was around it.
 10 A. No, the blue cover.
 11 Q. Blue cover. Turning your attention to Page
 12 15 of Exhibit 2, is that the blue -- is that
 13 a picture of the blue cover you were
 14 referring to when you testified earlier?
 15 A. It -- it -- I would assume that it is the
 16 cover that I was referring to.
 17 Q. And what did -- what is it about that cover
 18 that stood out in your mind?
 19 A. You know, this -- it wasn't an effort at
 20 precision. I just remembered that this was a
 21 cover that went typically with a brand and
 22 type of external storage device that my
 23 father liked to use. And I had a hunch -- I
 24 was hoping that it would be what it turned
 25 out to be and that is a backup of the -- my

78

1 parents' personal computer, which would
 2 contain the files that I was looking for of
 3 mine.
 4 Q. In the subpoena that you received from
 5 Arnold & Porter there was a specific request
 6 looking for materials relating to the 2011 or
 7 the 2017 North Carolina redistricting. You
 8 understood that, correct?
 9 A. Yes, I -- yes.
 10 Q. Did you undertake any efforts to limit the
 11 materials that you were turning over to
 12 Arnold & Porter in response to the subpoena
 13 to only documents that related to the 2011 or
 14 2017 North Carolina redistricting?
 15 MR. JONES: I'll -- I'll -- I'll
 16 object. I think it mischaracterizes the
 17 scope of the face of the subpoena.
 18 MR. SPARKS: Go ahead and answer.
 19 A. The request was for any and all materials
 20 that might, so I -- since there appeared to
 21 be relevant -- relevant data, I -- I think I
 22 already answered this question. I think the
 23 idea was that it was going to be preserved
 24 and that I would not be deciding which files
 25 would go and which files wouldn't.

79

1 Q. I take it from your answer that you did not
 2 review each hard drive and each thumb drive
 3 to confirm that each hard drive and each
 4 thumb drive, in fact, had any information
 5 with respect to the 2011 or 2017 North
 6 Carolina redistricting; instead, you just
 7 turned it over in its entirety --
 8 A. I was answering the subpoena --
 9 MR. SPARKS: Let her finish.
 10 THE WITNESS: Sorry.
 11 BY MR. SPARKS:
 12 Q. -- to Arnold & Porter, correct?
 13 A. Yes. Yes.
 14 Q. You testified earlier when you took the
 15 electronic hard drives and thumb drives from
 16 your father's home you said you were so
 17 thrilled to have precious data of yours. You
 18 said mine, but -- what precious data were you
 19 referring to?
 20 A. Pictures of me and my infant children,
 21 pictures of me on my property in West
 22 Virginia, pictures of dead friends, music
 23 recorded years ago by me and a friend who had
 24 a band together, letters that I had written
 25 to friends, letters that I wrote to my

80

1 father, documents that I might have otherwise
 2 possession of if it weren't for first a house
 3 fire that destroyed everything I owned in
 4 2013 and also a divorce in which everything
 5 else that I had pretty much was, you know,
 6 left in the hands of -- of someone I didn't
 7 really feel like communicating with.
 8 Q. You didn't consider the records relating to
 9 your father's work -- redistricting work to
 10 be your data, correct?
 11 A. The hard drives were given to me by my -- by
 12 my mother, so I would say that I considered
 13 everything on those hard drives that my
 14 father had left in his room that my mother
 15 gave to me unconditionally -- I considered
 16 all of it mine at that point when it was
 17 given to me by my deceased father's wife.
 18 Q. Even if the material related to your father's
 19 business with another business partner, you
 20 considered it your material, your --
 21 A. I considered the stor- --
 22 MR. JONES: Ob- -- objection. It's
 23 been asked and answered.
 24 MR. SPARKS: Go ahead and answer.
 25 A. I considered everything that my mother gave

81

1 me that had previously belonged to my father
 2 who was now dead mine, yes.
 3 Q. Did your father have a will?
 4 A. Yes.
 5 Q. Do you know if in the will there was any
 6 provision with respect to his personal
 7 property and who the personal property would
 8 be left to?
 9 A. My understanding, not being an estate
 10 attorney, is my mother was the beneficiary.
 11 Q. Have you seen a copy of the will?
 12 A. Yes.
 13 Q. Did you -- did your father make any direct
 14 gifts to you in the will?
 15 A. I don't believe he did, no.
 16 Q. Did your father in the will address anything
 17 related to his -- his business records,
 18 business files?
 19 A. I don't recall.
 20 Q. Prior to turning over the electronic files to
 21 Arnold & Porter you said you spent two to
 22 three hours immediately before turning them
 23 over to Arnold & Porter. I would like to
 24 understand how much time in total you spent
 25 reviewing the materials at any point in time

82

1 before you gave them to Arnold & Porter.
 2 A. That would be difficult. Do you mean -- you
 3 know, I -- for example, I printed out copies
 4 of pictures of me and my children. Do you
 5 consider me putting those on my wall time
 6 reviewing the materials?
 7 Q. No. Time spent looking through the
 8 electronic files on a computer.
 9 A. That would be very difficult to determine. I
 10 mean, I don't know. How much time do you
 11 spend looking at pictures of your children?
 12 Q. Putting aside the amount -- well --
 13 A. I didn't spend a lot of time looking at my
 14 father's work files if that's what you're
 15 driving at. No, I didn't.
 16 Q. So let's focus on that point. Putting aside
 17 the time you spent looking through files that
 18 related to you or photographs related to you
 19 or issues that were personal to you, putting
 20 all of those personal materials aside, how
 21 much time would you estimate you spent
 22 reviewing files that related to your father,
 23 his redistricting work, his business records,
 24 any expert documents he may have created,
 25 those materials?

83

1 A. Well, it's also hard because there were
 2 certain situations in some of those backups
 3 where there were folders that contained a
 4 multitude of mixed documents. In certain
 5 cases I would open something thinking that it
 6 was one thing and find that it was something
 7 different. So there were -- there were both
 8 situations where -- for example, news
 9 articles that he had in a folder of -- I
 10 believe there were a lot of -- of news
 11 articles that I actually read through that he
 12 had saved, maybe articles even that mentioned
 13 him specifically and, of course, I was
 14 interested in preserving that. Of course, I
 15 wanted, you know, a scrapbook of my father
 16 and so -- also, there were -- just looking at
 17 the file extensions and having a basic
 18 familiarity with my father's work, I knew a
 19 lot of them would be file extensions that I
 20 wouldn't even be able to open considering
 21 that I didn't have the right proprietary
 22 software. So -- wow. I really -- it would
 23 be very difficult for me to give an estimate.
 24 I don't really understand. Maybe -- I mean,
 25 not -- not to be snide, but what -- what --

84

1 what -- what exactly are we driving at? How
 2 many hours I spent looking specifically at
 3 just the files in folders that contained
 4 things like, again, letters to me, old trust
 5 documents, letters that my grandfather sent
 6 to my father, and interesting stories and
 7 maybe a few photographs, some of them of my
 8 father and my relatives, some of them my
 9 father and my children, some of them me and
 10 my children? It would be -- it would be very
 11 difficult to give you an estimate of how many
 12 of those minutes were spent looking at files
 13 that were specifically related to his work,
 14 much less specifically related to which -- I
 15 mean, I wouldn't be able to distinguish the
 16 legislative maps from the congressional
 17 district maps.

18 Q. Is it fair to say that the majority of the
 19 time you spent reviewing the files was spent
 20 reviewing materials related personal to you
 21 and that, in comparison, you spent very
 22 little time reviewing files related --

23 A. Very little --

24 Q. -- to your father's --

25 A. -- is kind of a --

85

1 MR. SPARKS: Hold, please.

2 BY MS. SCULLY:

3 Q. -- work? Yeah. It's a --

4 A. I'm sorry.

5 Q. It's -- my question, is it fair to say that?

6 MR. JONES: Objection, asked and
 7 answered.

8 MR. SPARKS: Please answer.

9 A. Yes.

10 MR. JONES: We've been going about
 11 an -- about an hour.

12 MS. SCULLY: We can take a break.

13 MR. JONES: Can we take a break?

14 THE WITNESS: This time I am going to
 15 smoke a cigarette.

16 THE VIDEOGRAPHER: Going off the
 17 record. The time is 11:39 a.m.

18 (Whereupon, there was a recess in the
 19 proceedings from 11:39 a.m. to 11:59 a.m.)

20 THE VIDEOGRAPHER: Going back on the
 21 record. The time is 11:59 a.m.

22 BY MR. SPARKS:

23 Q. Ms. Hofeller, you testified earlier today
 24 that Dale got all the good stuff. What did
 25 you mean by that?

86

1 A. The specifically work-related stuff, the
 2 stuff that would be -- you know, the stuff
 3 that he wanted, the stuff that he felt was
 4 pertinent.

5 Q. And you said he took two computers from your
 6 father's office; is that correct?

7 A. That's what I'm told.

8 Q. You've also testified today that these hard
 9 drives and the thumb drives, you understood
 10 them to be backups, correct?

11 A. That's correct.

12 Q. Was it your understanding that your father's
 13 work-related files that they had on the
 14 computer that Dale Oldham had taken or
 15 computers that he'd taken were also backed up
 16 on any of these hard drives or thumb drives
 17 that you received?

18 MR. JONES: Ob- -- objection, calls for
 19 speculation.

20 A. Honestly, if I speculated I would speculate
 21 that any backups that had been done
 22 specifically of the work computers would be
 23 already taken by him. I did not -- I did
 24 not -- actually, the opposite. I assumed
 25 that these were personal backups because they

87

1 were there with -- with those things. And,
 2 again, it's -- it's always been a little
 3 bit -- those lines have always been a bit
 4 blurry in the household.

5 MR. BRANCH: All right. I'm --

6 BY MS. SCULLY:

7 Q. Do you --

8 MR. BRANCH: -- going to remind
 9 everybody here that under the North Carolina
 10 rules, counsel's only supposed to object to
 11 the form of the question. There are no
 12 speaking objections allowed in North
 13 Carolina. This is multiple times now that
 14 the witness has changed her answer in
 15 response to a speaking objection by
 16 Mr. Jones. Now, unless I'm mistaken,
 17 Mr. Jones, you do not represent the witness.
 18 Under the rules you can object to the form of
 19 the question and that's it. You can't
 20 instruct her not to answer and she should not
 21 be changing her testimony in response to
 22 something that you articulate for her.

23 BY MS. SCULLY:

24 Q. Ms. Hofeller, do you, in fact, know one way
 25 or another if the information that was

88

1 contained on the hard drives and the thumb
 2 drives that you provided to Arnold & Porter
 3 were in part duplicative of the information
 4 that was contained on the computers that Dale
 5 Oldham took possession of?
 6 A. I really don't know. I really honestly don't
 7 know.
 8 Q. Turning back to your communications with
 9 Common Cause, you testified earlier that your
 10 first outreach to Common Cause was a
 11 communication that you had with someone named
 12 Bob Phillips, correct?
 13 A. Correct.
 14 Q. When did that communication occur?
 15 A. That would have been in very -- very early
 16 November, the first week of November.
 17 Q. How many times did you speak with
 18 Mr. Phillips?
 19 A. Once.
 20 Q. Was your communication with Mr. Phillips in
 21 person, telephonic? How did you communicate
 22 with him?
 23 A. Telephonic.
 24 Q. What did you know about Common Cause when you
 25 reached out to Mr. Phillips?

89

1 A. I knew that they were representing the
 2 interest of voters that felt that this
 3 redistricting represented a violation of
 4 their constitutional rights.
 5 Q. And the redistricting that you're referring
 6 to, does that include the maps that were
 7 prepared by your father, Mr. Hofeller, in
 8 North Carolina?
 9 A. Yes.
 10 Q. So you understood that Common Cause was
 11 seeking to have the redistricting maps that
 12 your father had prepared thrown out, correct?
 13 A. Yes.
 14 Q. You knew that Common Cause was antagonistic
 15 to the work of your father, Mr. Hofeller,
 16 correct?
 17 A. I didn't know that they were -- initially, I
 18 did not know that they were antagonistic to
 19 the new maps.
 20 Q. When you say the new maps, what do you mean
 21 by that?
 22 A. Well, he's drawn more than one set, so
 23 interesting to know I didn't actually know
 24 that there was a new case when I first spoke
 25 to Common Cause. I thought that this was all

90

1 concerning maps that had already been
 2 redrawn.
 3 Q. You knew historically that Common Cause had
 4 been antagonistic to the work that your
 5 father had done in North Carolina, correct?
 6 A. If -- if -- if that's the way to characterize
 7 it, then, yes.
 8 Q. I believe you testified you reached out to
 9 Mr. Phillips to seek a referral for your
 10 mother. Did you communicate any specific
 11 details to Mr. Phillips about why you were
 12 looking for an attorney for your mother?
 13 A. Yes, so that I could get the right kind of
 14 attorney.
 15 Q. What -- can you share with me specifically to
 16 the best of your recollection what you said
 17 to Mr. Phillips when you communicated with
 18 him on the phone?
 19 A. That my mother was facing a challenge to her
 20 competence.
 21 Q. Did you share with Mr. Phillips who had
 22 brought the incompetency petition against
 23 her?
 24 A. No.
 25 Q. Did you share with Mr. Phillips any

91

1 information about who was involved in the
 2 incompetency proceedings?
 3 A. Not specifically, no.
 4 Q. If I recall correctly, you testified that
 5 Mr. Phillips then put you in touch with Jane
 6 Pinsky?
 7 A. That's correct.
 8 Q. Jane Pinsky also works for Common Cause?
 9 A. Yes.
 10 Q. Is Ms. Pinsky a lawyer, if you know?
 11 A. I don't think she is.
 12 Q. How many times did you speak with Ms. Pinsky?
 13 A. In total I believe that we had three -- three
 14 or four conversations, all on the phone.
 15 Q. Do you know what Ms. Pinsky's title is with
 16 Common Cause?
 17 A. Not offhand, no.
 18 Q. I want to go through the three or four
 19 communications that you had with Ms. Pinsky.
 20 Do you recall the first communication you had
 21 with her --
 22 A. Yes.
 23 Q. -- the time period?
 24 A. That would have been also very early
 25 November. Sometime during the first --

92

1 sometime during the first eight or nine days
2 of November.
3 Q. Was anyone else on the phone during that
4 first communication that you had with
5 Ms. Pinsky?
6 A. Not that I know of.
7 Q. Approximately how long did that first
8 communication with Ms. Pinsky last?
9 A. I'm not -- it wasn't a particularly long
10 conversation. Ten minutes, maybe -- maybe,
11 if that.
12 Q. Tell me what you recall about that
13 conversation, what you said and what she
14 said.
15 A. She had -- she -- we confirmed that this was
16 about the matter of referral and that Bob had
17 said that she would be the one that would --
18 was more familiar with the names of -- of
19 local attorneys. And she had some names for
20 me and so I took down those names, and she
21 wished me luck and expressed condolences for
22 the loss of my father and I think that was
23 about it in that first conversation, I think.
24 Q. When you first communicated with Ms. Pinsky,
25 did she give you the impression that she was

1 expecting your call? Did you make the call
2 to her?
3 A. I re- -- I think we -- I don't actually know
4 who initiated the call that was the one where
5 we actually spoke. We exchanged a few
6 messages. I got an e-mail from Bob saying
7 that he had told Jane to reach out to me and
8 then exactly what combination of who left who
9 what message, I'm not honestly sure.
10 Q. You had an e-mail communication with Bob.
11 How many e-mail communications did you have
12 with Mr. Phillips?
13 A. One. I mean, one conversation. It was, I
14 think, maybe two, maybe three messages, his
15 saying that and me saying thank you. So I
16 think was -- two, I think, was all.
17 Q. I just want to make sure I understand your
18 testimony. You had one telephone
19 conversation with Mr. Phillips and then you
20 had one e-mail with Mr. Phillips, but the
21 e-mail may have had a couple of threads
22 within it?
23 A. Recalling to my best ability, it was -- the
24 e-mail would have contained his noted that I
25 would be hearing from Jane and my thanks --

1 Q. Reply.
2 A. -- for the -- for that.
3 Q. Did you have any e-mail communications with
4 Jane Pinsky?
5 A. I think that I did, yes, because I wanted --
6 we -- we were confirming names and numbers
7 and things. Like I didn't know how do you
8 spell that and I said, can you just e-mail me
9 that? And -- and then I think it was more --
10 I think maybe one more time in e-mail --
11 she -- she really prefers the phone. We --
12 we both kind of felt that way, I think. So
13 any further e-mail was more to the -- to
14 the -- to the -- like, are you going to be at
15 the office? Can I reach you today? Are you
16 busy? That sort of thing. Like the --
17 that -- that predicated the -- a follow-up
18 phone call about those attorneys. It was
19 still pretty much exclusively on that and
20 just sort of incidentals on the topic of --
21 of what this proceeding against my mother
22 really actually was, you know, very -- I
23 didn't know much about what -- what -- what
24 was actually being asserted. It's hard to
25 explain. It wasn't really very detailed. It

1 was just kind of clarifying what kind of
2 attorney I would need, I think, really,
3 whether this is -- is this an estate
4 attorney? Is this a litigation attorney? Is
5 this -- and a lot of my questions she would
6 then say, you know, I would have to -- I
7 would have to ask an attorney what kind of
8 attorney you need for your mother, that sort
9 of thing.
10 Q. Did you share with Ms. Pinsky any of the
11 documents from the incompetency proceedings,
12 any of the legal documents --
13 A. No.
14 Q. -- court documents?
15 A. No, I don't -- no, I don't think I did,
16 actually. It didn't seem necessary or
17 appropriate since she wasn't the attorney.
18 Q. Approximately how many e-mail communications
19 did you have with Ms. Pinsky?
20 A. I think maybe a grand total of two, if two.
21 I would have to look. It may even be just
22 one thread. I hon- -- I didn't really study
23 it.
24 Q. Your first conversation that you had with
25 Ms. Pinsky in early November, first eight or

1 nine days, said lasted approximately ten
 2 minutes. Can you tell me what you recall
 3 specifically about what was discussed during
 4 that conversation, what you said to her and
 5 what she said to you?
 6 A. I don't recall specifics, no. I -- it was --
 7 I was just trying to get an attorney for my
 8 mother, so I don't remember exactly what I
 9 said on the --
 10 Q. In that first communication did she give you
 11 names of attorneys that you could reach out
 12 to?
 13 A. Yes.
 14 Q. In the first conversation that you had with
 15 Ms. Pinsky did you talk substantively about
 16 who was involved in the incompetency
 17 proceedings?
 18 A. No.
 19 Q. Did you at any point in time discuss with
 20 Ms. Pinsky who was involved in the
 21 incompetency proceedings?
 22 A. Not that I recall, no. I really said very
 23 little other than I felt that the fact that
 24 my father had so many friends and coworkers
 25 and colleagues and -- and supporters and

97

1 really, frankly, people who really, really,
 2 really idolized him and -- and -- and had
 3 kind of a -- a nonhuman vision of him, and
 4 that was why I was contacting Common Cause.
 5 I didn't have any -- I wasn't expecting there
 6 to be a discussion about specific names. It
 7 seemed to me from the point of view where I
 8 was at the time that the specific names were
 9 going to have to be people in Raleigh that
 10 didn't worship my father. There was no need
 11 to -- no need to -- to -- to detail. And
 12 also I wasn't really trying to discuss the
 13 merits of my mother's matter with -- with --
 14 with Common Cause. I was only trying to
 15 really seriously just hope that I might find
 16 an attorney in Raleigh that was independent
 17 of -- of my father and -- and the people he
 18 worked for.
 19 Q. When you say independent from your father,
 20 what do you mean by that?
 21 A. I mean that in matters that concern a man as
 22 a person, often when you're dealing with
 23 people that only know him in a professional
 24 context and have a great deal of their
 25 personal and professional life mingled with

98

1 that image, when you begin to speak about
 2 that person as if they were a human being
 3 with multitudes of emotions, contradictions,
 4 all of those things, often people get
 5 hostile. If you are -- if you are bringing a
 6 human image to a hero's image, they -- they
 7 sometimes feel that maybe they -- they get
 8 angry.
 9 Q. How did your father's work in redistricting
 10 relate, if at all, to the incompetency
 11 proceedings that were ongoing with respect to
 12 your mother?
 13 A. Many people who only knew my father
 14 incidentally or knew him only in one context
 15 were resisting the assertion that I had that
 16 perhaps my mother and I would know better
 17 what it was that my father wanted that was
 18 not specifically spelled out. There was a
 19 lot of speculation about what your father
 20 wanted coming from a variety of sources, some
 21 people that really didn't know him very well
 22 outside of the context of work, and it was,
 23 frankly, a little bit offensive.
 24 Q. You did not have any conversations with your
 25 father regarding what he wanted to have

99

1 happen with his work related to redistricting
 2 upon his death, did you?
 3 A. I don't believe I -- I don't believe I ever
 4 had a conversation with my father about what
 5 he wanted to have happen after his death
 6 pertaining specifically to his work. I think
 7 he felt that once he was dead, that his work
 8 to him at least would be no longer relevant.
 9 Q. What led you to that belief?
 10 A. He often would say that that was -- you know,
 11 if you're going to divide people into -- into
 12 camps of how they view death, my father
 13 would, whether he was sincere or not, he
 14 would often say, you know, sometimes
 15 jokingly -- I don't know how well you knew
 16 him, but he -- he had a -- he had a penchant
 17 for irony and he would often say, well, it
 18 won't matter once I'm dead, right? So -- he
 19 also said things like, I know that people on
 20 their deathbed very rarely look up and say, I
 21 wish I'd spent more time at work.
 22 Q. At what point in time did you discuss with
 23 Ms. Pinsky that you had some of your father's
 24 hard drives that you thought might be of
 25 interest to Common Cause?

100

1 A. That would have been sometime in December.
 2 That was later. She -- she called me to ask
 3 how things were going with my mother because
 4 I also -- one of the things that I -- that
 5 comes -- that was coming pretty clear to
 6 anyone who talked to me in that time is there
 7 was a lot of -- there was a lot of emotion
 8 regarding the then still very recent death of
 9 my father and that it was -- it was sad that,
 10 you know, the principle concern about him,
 11 his life, and everything having to do with
 12 him was this -- this matter rather than the
 13 matter of his family.
 14 Q. How many conversations did you have with
 15 Ms. Pinsky about your father's hard drives
 16 and electronic materials that you had?
 17 A. I'm sure -- pretty -- pretty sure it was only
 18 one because she said that she really would
 19 not be certain -- I mean, really, that was
 20 it. I said -- we -- we had that
 21 conversation. She said, I'll ask the
 22 lawyers. And I think then any further
 23 conversation at all about those -- that media
 24 was had with the attorneys.
 25 Q. When you say Ms. Pinsky said, I'll ask the

101

1 lawyers, was that in response to a question
 2 you asked her? What do you mean by that?
 3 A. That was not a response to a specific
 4 question. That was a response to the
 5 conversation that had begun with me
 6 mentioning the David Daley interview and
 7 saying, I have hard drives. And in the
 8 context of that article he had -- David Daley
 9 had implied that those hard drives would have
 10 maps that the state legislators would like.
 11 I, once again, didn't really think that it
 12 was anything, you know -- I don't know how to
 13 describe it. I --
 14 Q. Do you -- do you have an understanding of
 15 which lawyer she was referring to when
 16 Ms. Pinsky said, I'll ask the lawyers?
 17 A. The -- the lawyers who were involved in this
 18 matter since we were discussing whether or
 19 not there would be any use -- any
 20 admissibility. Again, I thought -- I wasn't
 21 even sure that -- I didn't even understand --
 22 at that moment when I spoke to her the first
 23 time about it and mentioned that article, I
 24 was under the impression that everything in
 25 this matter was on appeal so I wasn't

102

1 thinking of it in terms of -- of evidence for
 2 any case. I was thinking of it more just as
 3 a -- an archival -- an academic interest.
 4 Q. When did you come to the understanding that
 5 this action in which you received the
 6 subpoena is still at the trial level and not
 7 on appeal?
 8 A. Actually, what's funny is that I was -- I was
 9 a little bit confused and, again, other
 10 matters were really, really pressing
 11 throughout, so I wasn't spending a lot of
 12 time studying what was going on with this. I
 13 had somehow gotten the impression that this
 14 already was in appeal, but for some reason
 15 this was -- because it was going to the lower
 16 court that it wasn't. I -- I just -- you
 17 know, I'm used to lawyers saying things.
 18 Okay, all right, whatever. I didn't even
 19 know -- I just thought it was a certain type
 20 of appeal that I wasn't even familiar with.
 21 I didn't actually understand completely that
 22 this was a new matter until it was said so
 23 like about a week ago. I -- I just -- all I
 24 knew -- all I knew for certain was that
 25 unlike the congressional districts that are

103

1 at the U.S. Supreme Court, this matter
 2 would -- that new evidence would be allowed.
 3 That was what was clear.
 4 Q. How did you come to that understanding?
 5 A. Because the -- because that first
 6 conversation that -- on the matter -- I think
 7 Jane mentioned that there might be. I think
 8 might be. And, again, she was always saying,
 9 you know, I'm not -- you know, I would have
 10 to confirm that with the attorneys as a, you
 11 know, good public servant.
 12 Q. What was Jane having to confirm with the
 13 attorneys?
 14 A. That there would be -- that -- that the --
 15 that the hard drives would be potential --
 16 potentially usable as evidence in that the
 17 matter was open in that regard. I just,
 18 again, initially felt that Common Cause,
 19 being not directly affiliated with my father,
 20 would be a good -- literally like a
 21 repository for the information that I felt
 22 had historical value beyond any partisan
 23 interest but, rather -- I even used the words
 24 insight into the process -- the literal
 25 process because I -- I -- again, I'm not an

104

1 expert on redistricting, but I have worked in
 2 political demographics and I have alongside
 3 my father -- you know, he studied political
 4 philosophy in general. So the -- the
 5 academic interest in this was -- was
 6 paramount to me even above any other
 7 potential. I did -- I'm not a North Carolina
 8 resident. I'm not a North Carolina voter. I
 9 have no personal concern about what happens
 10 in this case beyond the fact that this
 11 would -- this -- this man was my father and
 12 my mother was being -- being -- having a -- a
 13 very unpleasant procedure in a town that was
 14 not our home where the only people we even --
 15 that she even knew were people that had been
 16 working with my father.
 17 Q. I believe you testified that Jane mentioned
 18 there might be some use for your father's
 19 materials as evidence, correct?
 20 A. She did not put it in terms of use as
 21 evidence. She simply stated that the matter
 22 in the lower house was not a closed matter as
 23 far as evidence was concerned. I think
 24 that -- I don't remember her exact words, but
 25 there was no implication in that that there

105

1 would be a literal use, just that there's
 2 even a possibility that new evidence could be
 3 heard on this matter at all.
 4 Q. So you did understand based on your
 5 communications with Ms. Pinsky that there was
 6 a possibility that this information might be
 7 useful in the matter, correct?
 8 A. Yes.
 9 Q. And --
 10 MR. SPARKS: I need to clarify one
 11 thing. I'm sorry. You said lower house.
 12 Did you mean lower court?
 13 THE WITNESS: Lower court, yes. I'm
 14 sorry.
 15 MR. SPARKS: Go ahead.
 16 BY MS. SCULLY:
 17 Q. And the party you were producing the
 18 information that might be useful to was on
 19 the opposite side from the work your father
 20 had done, correct?
 21 MR. JONES: Objection, asked and
 22 answered.
 23 MR. SPEAS: That's not a --
 24 A. I understood that Common Cause was
 25 representing the voters.

106

1 Q. Did Ms. Pinsky put you eventually in
 2 communication with any of the attorneys in
 3 this litigation?
 4 A. Yes.
 5 Q. Did you initiate the communications with any
 6 of the attorneys in this litigation?
 7 A. No.
 8 Q. Who did you first speak with as an attorney
 9 in this litigation?
 10 A. I got a text from Eddie Speas.
 11 Q. Do you still have a copy of the text message
 12 you received from him?
 13 A. I don't.
 14 Q. When did you receive the text from him, if
 15 you recall?
 16 A. Shortly after that conversation with Jane. I
 17 believe that was December. I'm honestly -- I
 18 really -- I didn't -- the phone that I was
 19 using was running out of storage so it was --
 20 it was kind of -- you know, the phones will
 21 tend to dump those text messages. There was
 22 really no way for me to -- to track it back
 23 to exactly when.
 24 Q. So you believe it was sometime in December
 25 2018 you received a text message from Eddie

107

1 Speas, Jr. -- 2018, thank you, correct?
 2 A. Yes.
 3 Q. What do you recall the text message saying?
 4 A. Intro -- he introduced himself and -- and
 5 basically said that -- I don't remember exact
 6 words. More like, Jane said you might be
 7 willing to -- to speak to us, something along
 8 those lines, and basically asking permission
 9 for contact and doing what is now polite in
 10 business and -- if you have a cell phone, you
 11 introduce yourself over text so that if he
 12 were to call again, I would know what that
 13 number was.
 14 Q. Did you respond to the text message?
 15 A. Yes.
 16 Q. How did you respond?
 17 A. Yes. I don't know if I said more than just
 18 yes. Maybe something polite just to -- to
 19 make it not so terse, but --
 20 Q. You responded via text; is that correct?
 21 A. Yes, I did.
 22 Q. Approximately how many text communications
 23 have you had with Mr. Speas?
 24 A. Not very many. There -- it was really more
 25 just an effort to schedule phone calls.

108

1 Q. You have had more than one text communication
 2 with Mr. Speas, correct?
 3 A. I think there were may- -- I think there were
 4 two, one in advance of -- of -- of two phone
 5 calls, two, you know, are you going to be
 6 available at such and such a time sort of
 7 thing.
 8 Q. After you communicated in response to
 9 Mr. Speas's first text where you said, yes,
 10 willing to talk to you, when was the next
 11 time you spoke with Mr. Speas?
 12 A. I think that that was about a week or so. It
 13 was -- you know, it was starting to get close
 14 to the holidays so, you know, there was time
 15 between communiques. If -- if, you know,
 16 research needed to be done or references
 17 or -- or questions asked, it -- everything
 18 was starting to take a lot longer because it
 19 was the holiday season.
 20 Q. The next time you spoke with Mr. Speas, was
 21 that a telephone communication?
 22 A. Yes.
 23 Q. Did you initiate the call?
 24 A. I don't know. I really don't remember. It
 25 was -- we -- the idea being follow-up

109

1 questions need to be asked on our end and --
 2 and it -- the -- the discussion continued as
 3 to whether or not there was -- I don't know.
 4 I think I -- I don't know how to -- to
 5 explain it any differently than I've already
 6 explained it, frankly.
 7 Q. On the first telephone call that you had with
 8 Mr. Speas, was there anyone else on the call
 9 as far as you know?
 10 A. No.
 11 Q. So just you and Mr. Speas on the first
 12 telephone call?
 13 A. That's how I remember it.
 14 Q. And that's all I can ask you for is the best
 15 of your recollection --
 16 A. Yeah.
 17 Q. -- today. Approximately how long did the
 18 first telephone call between you and
 19 Mr. Speas last?
 20 A. Maybe ten minutes, again, just -- there was
 21 not a lot of detail --
 22 Q. Tell me --
 23 A. -- discussed. It was really more just a
 24 friendly business-style conversation.
 25 Q. Tell me as -- to the best of your

110

1 recollection what you said and what Mr. Speas
 2 said on that first telephone call.
 3 A. I said that I had -- I said that I had
 4 material that might be relevant to the case.
 5 Q. Did you explain in any further detail what
 6 material you had?
 7 A. Vague detail, external storage devices
 8 that -- I don't know whether or not I
 9 mentioned -- I -- I don't think I
 10 specifically said backups. I just said
 11 external storage devices.
 12 Q. What do you recall Mr. Speas saying in
 13 response to that?
 14 A. I believe that he did even in that first
 15 phone call want to clarify that these were --
 16 that -- that these had been given to me.
 17 Q. What specifically did Mr. Speas ask you about
 18 the hard drives?
 19 A. The -- I think if they'd been given to me.
 20 Q. And so your recollection is Mr. Speas said,
 21 have these been given to you?
 22 A. I don't know what his exact words were. The
 23 gist of it was, are they yours, and I said
 24 that they had, indeed, been given to me.
 25 Q. Did you tell him the circumstances under

111

1 which you had obtained them?
 2 A. More or less, that along with things that
 3 literally belonged to me and things that I
 4 took to mean from my father that he wanted me
 5 to have, I had -- I had asked for these, you
 6 know, and as I said, I asked my mother if I
 7 could take my jewelry box, too, even though,
 8 of course, the answer would have been yes and
 9 many -- many would say that if it was
 10 something that I left with my father of mine
 11 specifically with the intent that he would
 12 hold it for me, that when I came to his
 13 apartment after his death, that anything that
 14 had belonged to me up till the point of his
 15 death was already mine, but I still went to
 16 the extra effort to make sure because, you
 17 know, I -- I didn't want to -- I didn't want
 18 to give anyone the impression that I was
 19 there to -- to pick over the corpse.
 20 Q. Just to clarify, your -- your father never
 21 told you he wanted you to have his external
 22 hard drives or these thumb drives, correct?
 23 A. He said that he wanted -- that he would keep
 24 the data that I had stored on his computer.
 25 With that I took to mean -- we didn't really

112

1 get a chance to discuss the details of all of
 2 his personal effects because when I last
 3 spoke to him he wasn't dying.
 4 Q. The information you turned over to Arnold &
 5 Porter in response to the subpoena was not
 6 limited to the -- your personal data that you
 7 discussed with your father that he would
 8 preserve for you, correct?
 9 A. Correct.
 10 Q. You did not have any conversations with your
 11 father in which he told you he wanted you to
 12 have possession of his hard drives or thumb
 13 drives which you've turned over to Arnold &
 14 Porter, correct?
 15 MR. JONES: Objection, asked and
 16 answered.
 17 A. No.
 18 Q. In your initial conversation with Mr. Speas
 19 did you share with him your understanding
 20 that the external hard drives and thumb
 21 drives that you had contained your --
 22 contained information regarding your father's
 23 redistricting work including his expert
 24 consulting work?
 25 A. Could -- could you ask the question again?

113

1 I'm sorry.
 2 Q. Did you share with Mr. Speas any detailed
 3 information about what you believed these
 4 hard drives and thumb drives -- what the
 5 materials were on those hard drives and thumb
 6 drives?
 7 A. I did not get very specific, no. That is how
 8 I'm accustomed to doing things with attorneys
 9 is that attorneys decide what's relevant and
 10 what isn't and that if there's a chance that
 11 it might be relevant to a matter that that
 12 attorney is working on, that I would say,
 13 this might be relevant to the matter that
 14 you're working on. So that was pretty much
 15 what I said. I don't recall talking about
 16 specific files. I don't think that there
 17 was -- already we -- there was a feeling that
 18 it would be most proper to say, this might be
 19 relevant, and then to not speculate further.
 20 Q. Did anyone from Arnold & Porter specifically
 21 tell you that would be the better way to
 22 proceed, to give --
 23 A. I did not have any discussion with anyone
 24 from Arnold Porter.
 25 Q. Okay. Did anyone from -- I apologize --

114

1 Poyner Spruill tell you that the best way to
 2 proceed would be to give them the entirety of
 3 the contents?
 4 A. Well, I didn't necessarily know who was and
 5 wasn't with Pointer Spruill [sic]. I only
 6 knew that these were attorneys that were
 7 working on the matter.
 8 Q. Did Mr. Speas or Ms. Mackie ever tell you
 9 that it would be best for you to turn over
 10 the entirety --
 11 A. They didn't say that it would be best. I'm
 12 sorry. They said that it would be a -- a --
 13 a better preservation of the integrity, that
 14 the chain of custody would be transparent and
 15 in that transparency, the integrity of the --
 16 of the potential evidence would be preserved.
 17 Q. Who told you that, Mr. Speas, Mr. Mackie, or
 18 both?
 19 MR. FARR: It's Ms. Mackie.
 20 A. Ms. Mackie.
 21 Q. Ms. Mackie. Sorry.
 22 A. I -- I don't recall which one of them said
 23 that. I'm sorry. I really don't.
 24 Q. This was a discussion you had with Mr. Speas
 25 or Ms. Mackie prior to your receiving the

115

1 subpoena, correct?
 2 A. I -- I don't know. Now that you ask, I don't
 3 know which -- because at some point,
 4 honestly, I, once again, had assumed that
 5 this had all been seen before and I was
 6 really honestly talking about the fact that
 7 there was personal information of mine and
 8 explaining that, once again, it's that
 9 classic, okay, you know, just because you
 10 don't have anything to hide doesn't mean that
 11 you aren't entitled to privacy. So I
 12 actually did have a -- you know, with my dad
 13 echoing in my ear that you ask about that. I
 14 was getting ready to potentially turn over
 15 data that was personal to me as well so I
 16 really wanted to find out what the intentions
 17 were. And it was explained to me that --
 18 that this was quite clear -- it was quite
 19 clear that -- that anyone, either the -- the
 20 legislative defendants or the plaintiffs,
 21 were only properly entitled to even look at
 22 the content of files that were explicitly and
 23 obviously related to this case.
 24 Q. And that was something that either Mr. Speas
 25 or Ms. Mackie told you, that the only

116

1 information anyone would be entitled to look
 2 at is information related to the
 3 redistricting and that no one would be
 4 entitled to look at any of your personal --
 5 A. Well --
 6 Q. -- information?
 7 A. -- no -- I'm sorry. No one in this -- in
 8 this -- in this matter, yes.
 9 Q. Is it your understanding that your personal
 10 information to the extent it existed on the
 11 hard drives and the thumb drives has been
 12 maintained by Poyner Spruill and has not been
 13 produced in this litigation?
 14 A. You know, I haven't really been keeping up to
 15 date on -- I know that it's a matter of
 16 contention. I know that I was a little
 17 bit -- kind of raised my eyebrows when I
 18 found out that the legislative defendants
 19 felt that they needed to see everything,
 20 but -- I knew that that was probably going to
 21 be the end result because I know how
 22 litigation goes and I myself have been the
 23 subject of, you know, quite a few
 24 speculations about whether or not a person is
 25 entitled to privacy or confidentiality.

117

1 Usually the answer ends up somehow being no
 2 so with that expectation, I still yet spoke
 3 my intention and that was that my personal
 4 data be protected, that my mother's personal
 5 data be protected, and that my father's
 6 personal data be protected, and that the only
 7 things that were on these drives that would
 8 be -- would be looked at on paper was files
 9 that were explicitly and clearly related to
 10 this matter. So when the legislative
 11 defendants moved to see it all, I -- I went,
 12 huh, well, what do you know. Wonder why they
 13 want that. That was about the extent of it,
 14 but it seemed pretty -- pretty predictable.
 15 My father used to often exasperate about,
 16 well, they -- they're not entitled to that,
 17 it's personal, so...
 18 Q. Did you have any conversations with Mr. Speas
 19 or with Ms. Mackie about the incompetency
 20 proceedings that you were dealing with with
 21 your mother?
 22 A. No. No. I mean, maybe I might have
 23 mentioned that that's how we got into
 24 conversation, because I was getting a
 25 referral, but, no, I did not discuss the

118

1 incompetency matter with Eddie Speas or
 2 Caroline Mackie beyond the fact that it
 3 existed.
 4 Q. You do recall the -- having the discussion of
 5 the existence of the fact with them in the
 6 context --
 7 A. You know --
 8 Q. -- of the referral?
 9 A. -- I -- I'm sorry. I didn't mean to cut you
 10 off. I honestly don't know if -- if we
 11 discussed it even to that point. The only
 12 way in which there would have even been any
 13 awareness -- I don't even know if I got as
 14 specific as to say that it was incompetency.
 15 I think, honestly, I probably used some sort
 16 of colloquialism, à la Hofellerism, like,
 17 yeah, I got to beat the vultures off the
 18 widow. So really I think I put it more in
 19 terms like that. It was never my intention
 20 to discuss the matter or the merits of the
 21 case or anything specific with these
 22 attorneys. It was unrelated.
 23 Q. And who are the -- the vultures you were
 24 referring to?
 25 A. Various friends and family.

119

1 Q. Who specifically?
 2 A. Trudy Harris, my cousin; a half-uncle who may
 3 or may not have been -- you know, there --
 4 it's -- it's been very unclear how many
 5 friends and family were expressing some sense
 6 of entitlement to things like my
 7 grandmother's jewelry, you know, things like
 8 that.
 9 Q. Were either Ms. Harris or your uncle involved
 10 at all in the incompetency proceedings?
 11 A. Involved, no. And, again, it's still yet
 12 unclear exactly. There's been very little
 13 transparency. So names of interested
 14 parties. That doesn't mean they were
 15 involved. It just means that someone, i.e.,
 16 the petitioner, may have looked on documents
 17 including trusts and wills and such and seen
 18 names of beneficiaries and simply written
 19 them down. I was all very unclear who was
 20 and wasn't literally involved. I mean, this
 21 is an estate. There's usually a mess when
 22 there's an estate that has any -- any
 23 interest to anyone at all.
 24 Q. During your first telephone call with
 25 Mr. Speas sometime in December 2018 did

120

1 Mr. Speas during that communication talk
 2 about possibility of sending you a subpoena?
 3 A. I don't remember in which conversation, but,
 4 actually, I believe that it was -- I believe
 5 that it was Jane Pinsky that actually said
 6 they're going to send -- I think she said,
 7 they -- they asked me to let you know so that
 8 you would have a heads-up that there was a
 9 subpoena out.
 10 Q. So you had -- that there was a subpoena out.
 11 I don't understand.
 12 A. That it had been mailed --
 13 Q. Okay.
 14 A. -- or whatever.
 15 Q. Prior to your receiving the subpoena, it's
 16 your recollection that Ms. Pinsky called you
 17 to let you know that there was a subpoena
 18 being sent out?
 19 A. I don't know that that was the specific
 20 reason that she called. We had sort of --
 21 you know, we were -- we had casual
 22 conversation at that point because we --
 23 she -- she, once again, was asking me how
 24 things were going and was there -- you know,
 25 how -- how was my mother feeling, was she --

121

1 how was she doing, because I'd told her that
 2 she was extremely stressed out and -- and
 3 emotionally -- emotionally drained and
 4 very -- feeling very vulnerable and -- and
 5 all because, you know, she really isn't --
 6 she isn't prepared for litigation. She was
 7 not expecting to be in such a -- an exposed
 8 position and, you know, my father had managed
 9 to keep her very sheltered from his work up
 10 until the point when he was no longer around
 11 to do that.
 12 Q. In the first telephone call that you had with
 13 Mr. Speas you told him that you had some
 14 external storage devices. You weren't sure
 15 if they were backup or not, but you had these
 16 materials. You said he asked you for
 17 clarification if they were yours and you said
 18 yes, they were yours.
 19 What else was discussed during that
 20 conversation, if you recall?
 21 A. I think at that point really that -- there
 22 wasn't much other than that. It was -- as
 23 communication with attorneys often is, you
 24 know, there was a -- a basic set of questions
 25 and then it was let's -- let's consult, let's

122

1 re- -- do our research and get back to you.
 2 MR. SPARKS: Are you okay? Do you need
 3 a break?
 4 THE WITNESS: (Nods head).
 5 MS. SCULLY: We can take a break.
 6 MR. SPARKS: She seems to be tired.
 7 Thank you.
 8 THE VIDEOGRAPHER: Going off the
 9 record. The time is 12:47 p.m.
 10 (Whereupon, there was a recess in the
 11 proceedings from 12:47 p.m. to 1:04 p.m.)
 12 THE VIDEOGRAPHER: Going back on the
 13 record. The time is 1:04 p.m.
 14 BY MS. SCULLY:
 15 Q. Ms. Hofeller, before we went off the record
 16 we were talking about the first telephone
 17 communication that you had with Mr. Speas and
 18 I believe you testified that in conclusion of
 19 that conversation, Mr. Speas said something
 20 along the lines of, okay, we'll have to do
 21 some research. We'll be back in
 22 communication with you; is that correct?
 23 A. As far as I know. I mean, it -- it -- I
 24 remember it being very much what I would
 25 expect communication with an attorney on a

123

1 civil matter to be like as in, tell us about
 2 what you have and we will then -- they -- I
 3 got the impression that they really wanted to
 4 make sure that -- that I was -- that this was
 5 a voluntary -- you know, that I was okay with
 6 the idea that -- that -- that I might -- you
 7 know, that this would be potentially involved
 8 in the matter, not just, you know, an aside.
 9 And with that they wanted to make sure that
 10 it was relevant really, I guess, would be the
 11 best word, that it was relevant. And before
 12 they even wanted to go into any more of the
 13 nuts and bolts, they wanted to make sure that
 14 this was even a relevant matter because I
 15 think the impression being that they didn't
 16 want to discuss -- they didn't want to
 17 discuss a lot with me that wasn't
 18 specifically relevant to the case.
 19 Q. When was the next communication that you
 20 recall having with Mr. Speas after this
 21 original approximately ten-minute phone
 22 conversation that you had with him sometime
 23 in December 2018?
 24 A. Well, again, my impressions from that time,
 25 mostly about the fact that the holidays were

124

1 upon us and so there was a lot of -- there
 2 was a lot of phone tag. There was a lot of
 3 someone's going to be out of town and then
 4 another person's going to be on vacation and
 5 things like that. So I think -- I mean, the
 6 next -- the next conversation, I believe,
 7 that I can really firmly say it happened
 8 instead of just leaving messages would have,
 9 I think, been after the holidays, sometime --
 10 I think sometime in January, I think.

11 Q. That next conversation when you actually
 12 spoke with Mr. Speas, not just exchanging
 13 voicemail messages, sometime in January, did
 14 you make that call or did Mr. Speas call you?

15 A. I don't recall.

16 Q. Regardless of who initiated the call, who was
 17 on the call?

18 A. I think that -- I think that it was just --
 19 you know, it -- it -- it had come to the
 20 point where it was clear to me at least
 21 that -- that Eddie and Caroline were the
 22 attorneys that -- that were -- at Common
 23 Cause that were working on this matter. So,
 24 honestly, which -- which step was -- which --
 25 which bit of information was given to me by

125

1 which one of them, Eddie or Caroline, it's
 2 kind of hard for me to recall off the top of
 3 my head, honestly. I'm not trying to be
 4 evasive. I just don't know who -- who said
 5 what. I was -- I was already thinking of
 6 them as interchangeable, you know, so --

7 Q. I understand.

8 A. -- it didn't seem relevant to me so I
 9 didn't -- I didn't make the point to remember
 10 who said what.

11 Q. Did you have any telephone conversations in
 12 which both Mr. Speas and Ms. Mackie were both
 13 on the line at the same time?

14 A. Yes. Yes, we did have at least one, and I
 15 think that was -- yeah, I think that would
 16 have been in January.

17 Q. What do you recall about that conversation
 18 with both Mr. Speas and Ms. Mackie on the
 19 phone in January?

20 A. I remember that the -- I believe -- I could
 21 say that the point of the conversation was
 22 to -- to get a -- an accurate survey of what
 23 information, what format, anything else that
 24 might be includable -- I know that's not a
 25 word but, you know, might be best included

126

1 with the -- the media we'd already
 2 established was relevant to the -- to the
 3 case. Like is there any -- is -- is there
 4 anything else that you have that appears to
 5 be related to this directly that you would
 6 like to -- to mention? And I think -- I
 7 think that there was only -- there were
 8 things that were related to my father's work
 9 in that everything was related to his work,
 10 like, you know, certain -- certain statements
 11 where the -- the business is mentioned like
 12 as a -- like taxes, things like that, but
 13 nothing -- you know, nothing specific. I
 14 don't -- I don't recall.

15 Q. Do you recall having conversations with
 16 Mr. Speas and Ms. Mackie about the fact that
 17 information about your father's taxes were
 18 included in these materials that you were
 19 discussing producing to them?

20 A. We did not discuss specifically taxes. I
 21 had -- we were -- it -- it was established
 22 already that this media contained really a --
 23 a masala of -- of -- of data that was my
 24 personal data, my father's personal data, my
 25 father's work data, and, frankly, even my

127

1 work data. There was stuff relevant to my
 2 work as well as my personal life on all of
 3 them and that it was very -- it was -- I
 4 think when I said personal that that pretty
 5 much covered everything nonre- --
 6 specifically North Carolina redistricting
 7 related. What I'm saying is I don't remember
 8 saying specifically, his tax returns are on
 9 this. I'm pretty sure I never said that.
 10 I -- we just -- when -- when we discussed the
 11 fact that it was all mingled, personal and
 12 work, that I -- I think that was implied that
 13 was covered.

14 Q. If I understand your testimony, you discussed
 15 with Mr. Speas and Ms. Mackie that within the
 16 materials you were providing to them was both
 17 data related to your father's work as well as
 18 personal data with regards to your father and
 19 personal data for your mother and personal
 20 data for yourself, correct?

21 A. Correct.

22 Q. Do you recall what, if anything, Mr. Speas or
 23 Ms. Mackie said in response to you sharing
 24 with them that this data was commingled and
 25 contained --

128

1 A. They addressed it without -- I don't think I
 2 even had to really specify what, I think,
 3 seemed obvious and that is that obvious -- I
 4 wouldn't expect to see a lot of personal data
 5 suddenly appearing in this matter because
 6 their understanding of the directive to them
 7 was that only files that were explicitly,
 8 obviously North Carolina redistricting during
 9 this period of time related would even be
 10 looked at, much less entered into evidence.
 11 That was their understanding at that time.
 12 Q. And when you say that was their
 13 understanding --
 14 A. That's what they told me their understanding
 15 was.
 16 Q. Did you have any conversations with
 17 Ms. Mackie without Mr. Speas on the line?
 18 A. Yes.
 19 Q. How many conversations have you had with
 20 Ms. Mackie?
 21 A. I don't know. Three, maybe four. It was
 22 very -- again, many of these conversations
 23 weren't much more than just touch base,
 24 here's what we're doing, we're doing the
 25 research on this, we will get back to you,

129

1 just, you know, polite -- if it had been a
 2 while or if I called and left a message,
 3 like, you know, have you found out whether or
 4 not X, X, X, then it was -- a lot of this was
 5 voice mail. I don't honestly -- I can't tell
 6 you exactly how many conversations and many
 7 of them were very brief, like just an attempt
 8 to schedule a phone call or something.
 9 Q. Did you have any e-mail communications with
 10 Ms. Mackie?
 11 A. I did and I -- the -- the -- what pops into
 12 my mind instantly is she e-mailed me the
 13 address to which I -- when it was established
 14 that I was not going to be able to get to
 15 Raleigh to actually produce the -- the
 16 evidence as per the subpoena -- because that
 17 was my original intention because I was back
 18 and forth, you know, helping my mother
 19 between my work in Kentucky and -- and -- and
 20 visiting and helping her with -- with her
 21 matters. But it -- it -- it became
 22 increasingly clear, one, that I wasn't going
 23 to make it to Raleigh soon enough to -- to --
 24 to -- to -- to get this produced and, two, I
 25 think they -- that they had already said that

130

1 it was going to a third party anyway and that
 2 it would be basically not even handled by
 3 them. It would go directly to a third party
 4 anyway, so it would probably be just as well
 5 that I mail it directly to that third party
 6 for the -- the forensic IT expert really is
 7 what my understanding was. I don't remember
 8 the exact words they used, but the idea that
 9 this would be someone that could say, this is
 10 how it was when we received it and could
 11 confirm things like that none of the files
 12 had been altered.
 13 Q. I thought you testified earlier that you did
 14 not mail the materials directly to a
 15 third-party vendor; is that correct?
 16 A. I mailed them to -- I mean, I thought that
 17 Poyner Spruill -- no, not Poyner Spruill. I
 18 mean --
 19 Q. Is it your understanding that you thought --
 20 A. Yes.
 21 Q. -- Arnold & Porter was a third-party vendor
 22 when you sent them the material?
 23 A. Vendor? No. Just another -- a different
 24 attorney. I said an attorney in D.C. who is
 25 a forensic expert on IT essentially.

131

1 Q. Okay.
 2 A. I don't remember the exact words, but that
 3 was the understanding that I took away from
 4 it, that they felt that it would be a -- a --
 5 a better -- I don't know how to put it. I
 6 don't -- I don't have, as my father would
 7 call it, the legalese to -- to repeat exactly
 8 what was said. I did not ever get the
 9 impression this was a vendor. My
 10 understanding this was still a lawyer but
 11 that this was somebody who specialized in
 12 this sort of thing.
 13 Q. Okay. Approximately how many e-mail
 14 communications did you have with Ms. Mackie?
 15 A. Not very many. I remember that she gave me
 16 the address and then she had said that if I
 17 was having trouble -- at a certain point
 18 because I was having trouble finding a -- a
 19 FedEx office close to my house, and also, for
 20 a brief period of time, you know, the --
 21 it -- it was about a hundred dollars to ship
 22 and we had a brief discussion about how I
 23 would be reimbursed and I said, well, I'll
 24 have to wait till Friday because, you know,
 25 my paycheck was clearing and I didn't want to

132

1 spend that money in advance. So, you know,
 2 stuff like that. It was very much just how
 3 was I going to actually achieve getting it in
 4 a box and getting it to that party. So I
 5 don't know exactly how many exchanges we had
 6 over that.

7 Q. I know we talked about your text messages
 8 with Mr. Speas. Did you have any e-mail
 9 communications with Mr. Speas?

10 A. I don't know that I had a specific e-mail
 11 communication with Mr. Speas. I -- I think
 12 he was maybe CC'd on a couple of the things
 13 or if not all the things that -- anything --
 14 like I said, I was -- I was very quickly
 15 aware of the fact that Caroline and Eddie
 16 were the attorneys, so, again, I'm accustomed
 17 to working with teams of lawyers where
 18 everybody is CC'd on everything relevant. So
 19 I don't know how many of them were. I just
 20 remember seeing who was on the CC list and --
 21 like, for example, when I saw the motion, I
 22 noticed Mark Braden. I was like, oh, hey,
 23 hi, Mark.

24 Q. In your -- you've testified in the
 25 conversations that you've had with Ms. Mackie

133

1 and as well as with Mr. Speas that they've
 2 mentioned doing research. Did they say
 3 specifically what type of research they were
 4 doing?

5 A. As to the relevance and admissibility of
 6 this -- potential relevance and admissibility
 7 of this evidence. Also, they -- they were --
 8 you know, they were very polite and -- and
 9 really wanted to make sure that I didn't feel
 10 that they were pulling this out of me or that
 11 I was on the spot. They were sensitive about
 12 the fact that my father had very recently
 13 passed and they were just, I mean, like
 14 attorneys are, you know, careful, you know,
 15 just polite. They didn't -- they didn't want
 16 to make me feel like I was under any pressure
 17 or -- I don't know how to put it best. I
 18 think -- is my -- am I getting my point
 19 across? I don't know.

20 Q. When you -- at what point in time did you
 21 make the decision that you were going to turn
 22 over to Arnold & Porter these hard drives and
 23 thumb drives? I know you said you originally
 24 had a plan that you were going to hand
 25 deliver them in Raleigh and couldn't do that.

134

1 A. At what point did I make the decision to --
 2 did we make the decision to mail them --

3 Q. No.

4 A. -- or --

5 Q. Earlier in the process. At what point did
 6 you say, yeah, I'm going to give you -- I'm
 7 comfortable giving you all of this stuff, you
 8 can have it?

9 A. Well, honestly, I wouldn't have brought it up
 10 if I wasn't comfortable with the idea that I
 11 would eventually give it to somebody.

12 Q. So is it fair to say when you had your
 13 initial communication with Mr. Speas, at that
 14 point in time you already intended and
 15 planned to provide them if they wanted it the
 16 hard drives and the thumb drives?

17 A. Yes.

18 Q. Have you had conversations with anyone else
 19 at Poyner Spruill besides Edwin Speas and
 20 Ms. Mackie?

21 A. No.

22 Q. Is there anything you discussed with
 23 Ms. Speas [sic] or Ms. Mackie in your
 24 communications with them that we haven't
 25 already covered?

135

1 A. I really don't think so, no. Maybe -- maybe
 2 somebody said something about the weather but
 3 nothing -- certainly nothing relevant.

4 Q. Other than exchanging of general pleasantries
 5 on the communications that you've had with
 6 Ms. Speas and Ms. Mackie, have we discussed
 7 the substance of the communications that
 8 you've had with them?

9 A. Yes.

10 Q. Have you had any communications with Stanton
 11 Jones with Arnold & Porter before today?

12 A. Phone call.

13 THE WITNESS: Were you -- yes, that
 14 was --

15 A. I'm sorry. I don't remember all of the
 16 names.

17 THE WITNESS: When you called and --
 18 and said, I have a room full of attorneys --
 19 it's, you know, a colloquialism -- that
 20 was -- what day was that?

21 A. Last week before the weekend. The Thursday,
 22 I think it was, there was a conference call
 23 where we -- where it was -- it was dropped
 24 that there would very likely be a deposition
 25 to authenticate.

136

1 Q. Last Thursday you had a conference call with
 2 Mr. Jones. Was Mr. Sparks on the --
 3 A. Yes.
 4 Q. -- call as well? Who else was on the call,
 5 if anyone?
 6 A. I -- Caroline definitely and --
 7 THE WITNESS: Eddie, were you part of
 8 that, too?
 9 A. No. Okay.
 10 Q. It's only if you recall.
 11 A. I don't. I -- I -- I remember asking for the
 12 list, but I was in the car and --
 13 MR. JONES: I'll -- I'll just say we're
 14 looking blankly at you because --
 15 MS. SCULLY: Yes.
 16 MR. JONES: -- you have to answer based
 17 on your recollection.
 18 THE WITNESS: I know.
 19 MR. JONES: You're not allowed --
 20 THE WITNESS: I know. It's --
 21 MR. JONES: -- to ask us questions.
 22 THE WITNESS: It's -- it's -- I --
 23 MR. JONES: So I don't --
 24 THE WITNESS: I --
 25 MR. JONES: And we're not trying to be

137

1 rude.
 2 BY MS. SCULLY:
 3 Q. It's an un- --
 4 A. Sometimes I forget that it's not --
 5 Q. And it's an unnatural --
 6 A. -- a casual conversation.
 7 MR. JONES: Yes.
 8 BY MS. SCULLY:
 9 Q. Right.
 10 A. This is -- I honestly don't recall the names
 11 of -- of everyone that was involved. I do
 12 remember because I said, hi, Caroline --
 13 because I had spoken to her before. And I
 14 think that the other names were names that I
 15 did not offhand know so...
 16 Q. So to the best of your recollection, on the
 17 call was Stanton Jones, Caroline Mackie, and
 18 Mr. Sparks. There may have been a few
 19 additional individuals whose names you can't
 20 recall and you didn't recognize at the time?
 21 A. Yes.
 22 Q. You were in a car when you received the call
 23 you said, yes?
 24 A. Yes.
 25 Q. Approximately how long did the telephone call

138

1 last?
 2 A. It -- it -- it's hard to say because my -- my
 3 Bluetooth connection with my car kept
 4 dropping calls so there were -- there were a
 5 number of -- of drops. There was -- at one
 6 point I even continued -- I must have gone on
 7 for at least a minute or two before I
 8 realized that there was no one on the other
 9 end. Basically, it was just about how I
 10 came -- the same set of questions that you
 11 asked today, basically, how did I come by it,
 12 making -- you know, was I -- was it given to
 13 me? Yes. All of that. That -- and I -- you
 14 know, I spoke a lot about -- actually, in
 15 that phone call I ex- -- I spoke a lot about
 16 the importance of -- of my father's work and
 17 how it was a very -- it seemed to me a very
 18 pertinent matter. And I explained at that
 19 time that I had throughout my young life
 20 been as an only child very involved in --
 21 involved in that when my father had a
 22 PowerPoint presentation that he had just
 23 designed for the state legislators, he would
 24 say (indicates). He -- I -- at age 11 I
 25 think he felt that I was about at that level.

139

1 If you can understand this, then I've done --
 2 I've done my job. And -- and any -- any
 3 attempts that he made to -- to -- to make the
 4 matter understandable to someone who wasn't
 5 in, you know, cartography and demographics,
 6 he would often test that on me to see because
 7 I knew more probably than your average
 8 11-year-old but still wasn't, you know, like
 9 one of the programmers. So he thought that
 10 if -- if it was clear to me, that that would
 11 be a good measure of if he, you know,
 12 summarized it accurately. So, you know, I
 13 did a little bit of -- of -- of, I don't
 14 know, sort of anecdotal tales about what it
 15 was like growing up in -- in a -- inside the
 16 beltway as it were.
 17 Q. Would you say the call lasted more than an
 18 hour?
 19 A. I don't think it was more than an hour, no.
 20 It was about -- as -- as far as the amount of
 21 time that I actually spent on the phone,
 22 closer to 45 minutes. I mean, I -- as best I
 23 can recall. I honestly was kind of trying to
 24 find a place to park where people weren't all
 25 close by. I had -- you know, wasn't really

140

1 familiar with the area. I just wanted to get
 2 somewhere so I wasn't going to be talking and
 3 driving at the same time.
 4 Q. Did you have any in-person meeting with
 5 Mr. Jones or Mr. Speas in advance of today's
 6 deposition?
 7 A. Nope. This is the first time I've seen
 8 either of them.
 9 Q. Prior to today's deposition had you ever seen
 10 the photographs that were marked as Exhibit
 11 2?
 12 A. No.
 13 Q. Have you had any other communications with
 14 Mr. Jones besides this telephone conversation
 15 we were talking about that occurred last
 16 Thursday?
 17 A. No. No. Messages about everything have been
 18 coming to me through my attorney.
 19 Q. In your communications with Mr. Speas and
 20 Ms. Mackie, at what point in time did either
 21 Ms. Speas or Ms. Mackie address the actual
 22 issuance of a subpoena?
 23 A. I don't think -- I honestly don't think
 24 that -- I'm not sure that I even spoke to
 25 them directly in advance of -- well, I think

141

1 that -- that -- that it was Jane who
 2 mentioned that they wanted to give me the
 3 heads-up that there would be -- that that
 4 would be out and -- because I had mentioned
 5 that the Geographic Strategies computers had
 6 been taken already by my father's business
 7 partner, I think they mentioned to me that
 8 there was a subpoena issued to Dale, to
 9 Dalton Oldham, but then at that point it
 10 was -- I asked questions like, will I
 11 theoretically get this back?
 12 Q. Uh-huh.
 13 A. And they said yes. And I was just trying to
 14 get an idea of -- of what their journey was
 15 going to be, you know, considering that it
 16 was my property. And it was mostly at that
 17 point discussion about just, you know,
 18 literally where they should be sent and --
 19 and all of that.
 20 Q. Who mentioned to you that a subpoena was
 21 issued to Dale Oldham?
 22 A. I don't remember whether that was Eddie or
 23 Caroline.
 24 Q. Were you surprised that a subpoena was issued
 25 to Dale Oldham?

142

1 A. No. No.
 2 Q. In what context did they bring up that a
 3 subpoena was issued to Dale Oldham?
 4 A. I think it was when I, again, had said
 5 something about -- I don't know. I felt like
 6 I didn't want to promise that any of this
 7 was -- was relevant or new because -- and I
 8 kept -- I really did genuinely believe that
 9 because of the fact that Dale had had this
 10 repeated conversation, this repeated
 11 interaction with my father and his -- you
 12 know, his possessions that everything that
 13 could possibly be at all pertinent had
 14 already been collected.
 15 Q. Did either Mr. Speas or Ms. Mackie tell you
 16 that Dale Oldham had produced materials in
 17 response to a subpoena?
 18 A. No. I -- I did ask.
 19 Q. And what did they say?
 20 A. And I think it was Caroline that said, he's
 21 refusing this -- to accept service. And I
 22 said, that's the Dale I know.
 23 Q. So it didn't surprise you that Mr. Oldham was
 24 not responding to the subpoena?
 25 A. That's correct. It's --

143

1 MR. SPARKS: Objection --
 2 THE WITNESS: Oh, yeah.
 3 MR. SPARKS: -- mischaracterization.
 4 THE WITNESS: Yeah.
 5 MR. SPARKS: Go ahead.
 6 A. I -- I would say nothing -- nothing surprises
 7 me with attorneys. I -- again, you know, my
 8 father did not -- no offense to any -- any
 9 esquire here, but he did not have a very
 10 reverential attitude towards the whole
 11 process. He said something about that --
 12 along with like a -- a little quip like with
 13 legislation -- you know, legislation is like
 14 sausage, you -- you shouldn't watch it being
 15 made. You know, I think he felt the same
 16 about litigation so -- he --
 17 Q. You un- --
 18 A. -- often used to say that Dale was a very --
 19 very -- a good strategist.
 20 Q. You understood at the time you were speaking
 21 with Mr. Speas and Ms. Mackie that they had
 22 been unable to obtain from Mr. Oldham records
 23 relating to your father's work --
 24 A. Only --
 25 Q. -- correct?

144

1 A. -- because I --
 2 THE WITNESS: I'm sorry.
 3 MR. SPARKS: Objection,
 4 mischaracterization. And just to be specific
 5 and not to have a talking -- she said that
 6 her -- what she was told is he never accepted
 7 service so -- and I'm not trying to shape
 8 testimony. That's just what she said.
 9 A. Yes. I asked because I was curious because
 10 I -- again, the same reason I was curious
 11 when I saw all of these files and had a
 12 minute to look at them, really my -- my
 13 interest in them was a bit more on the
 14 academic end than anything else.
 15 Q. You understood based on your conversations
 16 with Mr. Speas and Ms. Mackie that they had
 17 not received any of your father's business
 18 records from Mr. Oldham in the litigation,
 19 correct?
 20 MR. JONES: Objection. It's been asked
 21 and answered.
 22 A. It was --
 23 MS. SCULLY: It hasn't been answered.
 24 A. -- my --
 25 Q. You may answer.

145

1 A. -- understanding based on a response to my
 2 direct question that Dalton Oldham was
 3 refusing to accept service on the subpoena.
 4 Q. And as a result of his refusing to accept
 5 service, you understood he had not turned
 6 over any documents, correct?
 7 A. Yes.
 8 Q. Did you retain copies of any of the hard
 9 drives and thumb drives that you produced to
 10 Arnold & Porter in response to the subpoena?
 11 A. Yes.
 12 Q. Did you make copies of all of the hard drives
 13 and thumb drives?
 14 A. I was not actually able to copy everything
 15 because I did not at that moment have
 16 adequate storage.
 17 Q. What -- which files did you copy and
 18 maintain?
 19 A. I was really principally concerned with --
 20 well, first of all, I -- I did -- there was
 21 one hard drive I know that had many, many,
 22 many, many backups of the same hard drive, so
 23 I copied, you know, the first one and the
 24 last one only knowing that that was going to
 25 be redundant and I was not -- I was not, I

146

1 didn't feel, charged with maintaining the
 2 forensic integrity so I was just -- I wanted
 3 to make sure that I had -- that I had
 4 everything in that it was mine, in that it
 5 was -- I don't have a lot of -- of memento
 6 from my father. I was kind of hoping that I
 7 would be able to preserve this for posterity
 8 if nothing else. And knowing how these
 9 things work, even though it was clear that
 10 the -- that the intention was that these
 11 things would be returned to me, that's
 12 another thing my father taught me. You don't
 13 count on it.
 14 Q. The copies that you made of the -- some of
 15 the materials that you provided to Arnold &
 16 Porter, where are those copies maintained?
 17 A. I have those at home in my home in Kentucky
 18 and I have it on a couple of my own thumb
 19 drives.
 20 Q. And where are the thumb drives kept?
 21 A. In the same drawer where I keep pens,
 22 pencils, stuff like that.
 23 Q. Is the drawer in your home in Kentucky? I'm
 24 trying to understand --
 25 A. Yes.

147

1 Q. -- physically --
 2 A. Yes.
 3 Q. -- where it is.
 4 A. Yes. I'm sorry. I didn't mean to -- I -- I
 5 wasn't sure what you were asking. Yes,
 6 they're -- they're in Kentucky.
 7 Q. So all of the copies that you've made are
 8 maintained at someplace in your home in
 9 Kentucky, correct?
 10 A. All of the copies that I made, yes, and --
 11 Q. Correct?
 12 A. Except, of course -- now, I have some copies
 13 of the photographs of me and my children, for
 14 example, on -- on -- on like my laptop that
 15 is -- it's like -- I -- I don't put pictures
 16 as background for desktop, but sometimes I
 17 have little decorative things. I was, again,
 18 so happy to have these pictures again that I
 19 have some of those, but other than that, no,
 20 I -- I tried really to keep it separate. I'm
 21 not, you know -- have more pressing matters.
 22 Q. Have you provided anyone else with any copies
 23 of the materials that you turned over to
 24 Arnold & Porter?
 25 A. Yes. My files, things that were literally

148

1 mine, I have shared with colleagues in my
 2 work as a research consultant in criminology,
 3 specifically victimology, specifically with
 4 an emphasis on gender-based violence. So
 5 things that were relevant to our study of --
 6 of anything involving that topic that were
 7 there on note files, those -- mine, yes.
 8 Q. Have you shared with anyone any copies of any
 9 materials that relate to your father or your
 10 father's work?
 11 A. No, other than communication between him and
 12 me on matters that were related to me, but
 13 not -- nothing related to his work.
 14 Q. There was, I understand also, on the files
 15 you provided to Arnold & Porter personal
 16 health information about your mother,
 17 correct?
 18 A. I -- I honestly don't know. I didn't really
 19 examine all of the files that appeared to be
 20 health related to see which of them were Mom
 21 and which of them were Dad, and honestly,
 22 right at this moment I -- I don't -- I don't
 23 know that I really observed -- okay. I think
 24 there was like a HIPAA form, but one of them
 25 was mine and I know there are medical records

149

1 of mine on that hard drive, one of them.
 2 Several, I think. I have some HIPAA release
 3 forms that I scanned and sent to hospitals,
 4 doctors, to obtain medical records on myself
 5 and my children. My children's medical
 6 records are part of that archive, vaccination
 7 records, things like that.
 8 Q. Sitting here today, do you know if -- in the
 9 materials that you provided to Arnold &
 10 Porter if there was personal health
 11 information related to your mother in those
 12 materials?
 13 A. I don't know.
 14 Q. Could have been; you just don't know?
 15 A. Exactly.
 16 Q. Other than the information related to you
 17 personally that you provided to some of your
 18 coworkers, have you provided copies of
 19 information -- this information that you
 20 produced to Arnold & Porter to anybody else?
 21 A. I'm -- I'm sorry. Clarify the question
 22 again.
 23 Q. You've testified that you provided some of
 24 your personal information that is contained
 25 within the materials you provided to Arnold &

150

1 Porter, correct?
 2 A. Yes.
 3 Q. I'd like to understand if -- putting that
 4 information aside --
 5 A. Uh-huh.
 6 Q. -- have you provided any other information
 7 from the materials you provided to Arnold &
 8 Porter to anyone else?
 9 A. No.
 10 Q. You mentioned that Mr. Speas and Ms. Mackie
 11 talked to you about a subpoena that they'd
 12 issued to Dale Oldham. Did either Mr. Speas
 13 or Ms. Mackie inform you that they had issued
 14 a subpoena to your mother as well as to the
 15 estate of your father?
 16 A. Yes.
 17 Q. When did they first tell you about that
 18 subpoena that they had issued?
 19 A. I think almost immediately after it was
 20 issued.
 21 Q. Did they tell you in advance of issuing it
 22 that they were going to issue it?
 23 A. I don't think so. I don't honestly remember.
 24 No. I think it was they had just issued it.
 25 Q. Did they tell you why they were sharing that

151

1 information with you?
 2 A. Because they knew that I was in constant
 3 communication with my mother and they --
 4 again, this was all -- there was -- there's a
 5 lot of talk about being sensitive to the fact
 6 that my father had recently deceased and I
 7 think that the -- the impression was that
 8 they wanted me to know so that I -- so that
 9 my mother wouldn't, you know, see another
 10 legal document and think that it was, you
 11 know, something that she was going to be, you
 12 know, directly -- I don't know. That the
 13 incompetency got her very understandably --
 14 she felt very put upon, very examined, and --
 15 and I think the idea was -- I think I had
 16 told them that they -- that I would like them
 17 to tell me at that point so that I could know
 18 that my mother was not going to be scared
 19 when -- when she received it and think, you
 20 know, she's -- she has some memory -- memory
 21 issues as is normal for someone her age. So
 22 they knew that I was very sensitive to that
 23 and that she -- even if I had told her, which
 24 I didn't, that she might not remember that --
 25 that that's what that was. So that was

152

1 really pretty much it, so that -- that I
 2 would -- that my mother wouldn't be caught
 3 off guard and -- and be frightened and that I
 4 would have a chance to -- to, once again,
 5 clarify with her what was going on and that
 6 that wasn't going to be a -- a problem for
 7 her.
 8 Q. And when you say it wasn't going to be a
 9 problem for her, what do you mean by that?
 10 A. As opposed to the proceedings that are
 11 directly -- that were directly challenging
 12 her competence, which was very much a problem
 13 for her.
 14 Q. Did you have conversations with either
 15 Mr. Speas or Ms. Mackie about the fact that
 16 your mom had these memory problems?
 17 A. No, not specifically the memory problems. I
 18 think it was more casual like, you know,
 19 she's -- she's -- her emotions are very raw
 20 right now. She's on edge from everything
 21 that's been happening. And I think really it
 22 was more, again, in casual conversation
 23 the -- neither Eddie nor Caroline was
 24 expressing any type of interrogatory interest
 25 in -- in the other matter. We really -- our

153

1 conversation really was very much centered on
 2 this whole -- this, this matter, those
 3 materials, and my father in his -- in the
 4 context of his work as a political
 5 demographer.
 6 Q. Did you have any conversations with Mr. Speas
 7 or Ms. Mackie about whether your mom would --
 8 had possession of any materials that would be
 9 responsive to a subpoena?
 10 A. Yes, in that I -- basically, I -- I had said
 11 that I -- that between Dale having taken the
 12 work stuff and I taken the rest of what I
 13 saw, then that all -- all that remained in
 14 her home was -- was a personal PC that was
 15 really relatively new. I don't think that --
 16 that my parents even had that PC for more
 17 than a few weeks before my father died, and
 18 it did not -- it did not appear to me -- and
 19 the reason that I was familiar at all with
 20 the content of my mother's -- now my mother's
 21 personal computer is because she'd had some
 22 issue with a virus shortly before I had come,
 23 so I had -- along with the -- with the -- the
 24 gentleman that she had -- had come in to help
 25 her make sure that her -- her PC was secure,

154

1 I just checked around to see if I saw
 2 anything untoward I -- looking for, you
 3 know --
 4 Q. So you shared -- if I understand your
 5 testimony correctly, you had shared with
 6 Mr. Speas and Ms. Mackie that between Dale
 7 Oldham having the two computers of your
 8 father and you having the hard drives and the
 9 thumb drives that your mother no longer had
 10 possession of any of your father's electronic
 11 work files, correct?
 12 A. I had said that if there was -- I remember
 13 that I was, again, like a -- like a lawyer,
 14 you know, I can't say for sure, but it looked
 15 to me that the only thing that could possibly
 16 even exist in her possession would be most
 17 certainly a duplicate of one or two files, a
 18 duplicate of something that was already in
 19 the matter, i.e., that -- that there might be
 20 one or two of the last things that he -- he
 21 mentioned to himself on that PC but that --
 22 that -- at first glance -- because also, I
 23 was looking for things relevant to me,
 24 photographs of the family, things that I
 25 might have missed, but it appeared as though

155

1 there really wasn't anything much new at all
 2 on -- on -- on my mother's hard drive. So
 3 I -- I did not say for sure that I knew
 4 because I -- I didn't feel confident. I
 5 wasn't even in Raleigh at that time. I just
 6 said, as far as I know, there is nothing on
 7 her personal computer and I don't believe
 8 there's anything else much there. And I said
 9 that I would -- that I would probably be
 10 better able to confirm it when I was next in
 11 Raleigh.
 12 And in answer to your next question, no,
 13 I haven't really been -- my mother and I have
 14 not really been -- that hasn't been our
 15 focus. I only recently found out that there
 16 was even going to be a deposition or that --
 17 so I haven't actually gone through to --
 18 to -- to confirm it, but that's my
 19 understanding and that's her understanding,
 20 my mother's understanding, as far as I know,
 21 too.
 22 Q. I want to make sure I understand your
 23 testimony. So you --
 24 MR. SPEAS: Ms. Scully, your questions
 25 about my conversations with this witness have

156

1 now exceeded the length of those
 2 conversations. I really think it's time you
 3 moved on to something else.
 4 BY MS. SCULLY:
 5 Q. In your communications with Mr. Speas, did
 6 you share with him that you would take it
 7 upon yourself to look to determine if your
 8 mom in her files had information related to
 9 your father's work?
 10 A. I really -- it was not -- I don't know -- I
 11 mean, I wasn't giving testimony. It was just
 12 a casual conversation where I said, as far as
 13 I know, there's really nothing there. I
 14 can't say for sure because I'm not there, but
 15 I'll ask my mother and I'll look just like to
 16 see if there's a new computer sitting on the
 17 table when I get there. I mean, really,
 18 there was very nonspecific tone, but I
 19 expressed what I'll go ahead and express
 20 again and that is that I really think that I
 21 had gotten the -- the survey of everything
 22 that could possibly be relevant and it was
 23 already in the hands of Poyner Spruill, I
 24 guess. No. Which one? I'm -- I'm getting
 25 all of you confused. Yes. Okay. Arnold

157

1 Porter.
 2 Q. Did you at any point in time actually go
 3 through your mother's files to determine if
 4 she had any information that may be
 5 responsive to the subpoena that was served on
 6 her?
 7 MR. SPARKS: Objection. That has been
 8 asked and answered.
 9 A. Yes, it has. It --
 10 Q. Did you?
 11 A. -- really has. I -- I said that I went
 12 through her files before -- not her files --
 13 again, the personal PC principally to look
 14 for any other pictures -- honestly, pictures
 15 of family members was specifically what I was
 16 looking for. As I did that survey, I didn't
 17 notice anything else work related -- my
 18 father's work related. So did I go through
 19 it with the idea that I was looking for stuff
 20 for them? No. Did I go through it? Yes.
 21 Q. Did you have a conversation with your mother
 22 about the subpoena that was issued by Poyner
 23 Spruill on her?
 24 A. Yes. A conversation is a little bit an
 25 exaggeration. I basically said, you don't

158

1 really have to be worried about this. This
 2 is -- this is -- this is about stuff that you
 3 gave me, but just -- she's used to the idea
 4 that lawyers like to cross their T's and dot
 5 their I's, and that's the way I put it to her
 6 and she understood it that way, and that was
 7 the end of the matter as far as she was
 8 concerned. I really didn't want to -- I
 9 mean, she -- she's bored with this. She
 10 spent 52 years being married to my father.
 11 MR. JONES: We've --
 12 BY MS. SCULLY:
 13 Q. It was your ex --
 14 MR. JONES: We've been going --
 15 BY MS. SCULLY:
 16 Q. It was your expectation that your mother
 17 didn't have any materials to produce and so
 18 you told her, you don't have to worry about
 19 it because you have no materials to produce
 20 in response to the subpoena, correct?
 21 MR. SPARKS: Objection,
 22 mischaracterization. Go ahead and answer the
 23 question.
 24 A. I'm really not trying to be evasive. I don't
 25 understand what part of your question I

159

1 haven't answered yet. Maybe you could
 2 clarify what you would like to know so that I
 3 can answer --
 4 Q. Did you --
 5 A. -- your question.
 6 Q. -- tell your mother that there -- there were
 7 no materials that she needed to produce in
 8 response to the subpoena?
 9 A. You know what, no, I didn't put it that way
 10 because -- I just told her not to worry about
 11 it because my mother's really had enough of
 12 all of this and I didn't -- really, it was --
 13 it was pointless to -- to trouble her at that
 14 moment because we were actually discussing
 15 the funding of her trust, whether or not she
 16 was going to be able to access funds to come
 17 and visit me in Lexington. That was really
 18 the meat of our conversation and I -- as she
 19 was accustomed to sort of letting things go
 20 by with my father's work as married couples
 21 often don't pay a lot of attention to each
 22 other's work, it was in that tone. So I
 23 don't -- I'm really just trying to be
 24 accurate.
 25 Q. How about --

160

1 A. I don't know how important it is...

2 MR. SPARKS: Do you have any more?

3 THE WITNESS: No.

4 MR. SPARKS: Okay. We need to take a

5 break. She's -- she's tired. Thank you.

6 THE VIDEOGRAPHER: Going off the

7 record. The time is 1:50 p.m.

8 (Whereupon, there was a recess in the

9 proceedings from 1:50 p.m. to 1:57 p.m.)

10 THE VIDEOGRAPHER: Going back on the

11 record. The time is 1:57 p.m.

12 BY MS. SCULLY:

13 Q. Ms. Hofeller, have you had any communications

14 with a David Gersch?

15 A. Not that I can recall, no.

16 Q. Have you had any communications with someone

17 named Elizabeth Theodore?

18 A. No.

19 Q. Any conversations or communications with

20 Daniel Jacobson?

21 A. No.

22 Q. Any conversations that you can recall with

23 anyone that works for Arnold & Porter besides

24 Mr. Stanton Jones, the conversation we've

25 already discussed?

161

1 A. No.

2 Q. Any conversations with anyone working for

3 Poyner Spruill besides the conversations that

4 you've had with Mr. Speas and Ms. Mackie?

5 A. No.

6 Q. Have you had any conversations or

7 communications with Mark Elias?

8 A. No.

9 Q. Have you had any conversations or other

10 communications with someone named Aria C.

11 Branch?

12 A. No.

13 Q. Have you had any communications or other

14 written communications with Abha Khanna?

15 A. No.

16 Q. Have you had any communications with anyone

17 working for Perkins Coie?

18 A. No.

19 Q. Have you had any communications with anyone

20 at Common Cause besides the communications

21 with Ms. Pinsky and the communication with --

22 MR. JONES: Mr. Phillips.

23 BY MS. SCULLY:

24 Q. -- Bob Phillips?

25 A. No.

162

1 Q. Are you a member of Common Cause?

2 A. No.

3 Q. Have you ever worked for Common Cause?

4 A. No.

5 Q. Have you ever told anyone that you were

6 working for Common Cause?

7 A. No.

8 Q. Have you ever received any money from Common

9 Cause?

10 A. No. Oh, you know, actually, I think there

11 was reimbursement for the FedEx --

12 Q. And the reim- --

13 A. -- in the form of a check.

14 Q. The reimbursement for the FedEx -- and you're

15 referring to the FedEx for shipping the

16 documents to Arnold & Porter, correct?

17 A. Yes. I provided them with a receipt and they

18 provided me with a reimbursement for that

19 amount.

20 Q. Other than the reimbursement for the shipment

21 for the box that you sent via FedEx to

22 Arnold & Porter, have you received any other

23 monies from Common Cause?

24 A. No compensations, no considerations, no

25 money.

163

1 Q. Have you at any point in time received any

2 monies from anyone at Poyner Spruill?

3 A. No.

4 Q. Have you received any monies at any point in

5 time from anyone at Arnold & Porter?

6 A. No.

7 Q. Have you received monies at any time from

8 anyone working for Perkins Coie?

9 A. No.

10 Q. You've talked about the review of the

11 materials that you have conducted of the hard

12 drives and the thumb drives. At any point in

13 time did anyone else have access to and

14 review those materials before you produced

15 them to Arnold & Porter?

16 A. No.

17 Q. Did -- you testified that the materials that

18 you took possession of from the residence

19 where your father and mother resided -- you

20 took those materials -- those electronic

21 materials to your home in Kentucky --

22 A. That's correct.

23 Q. -- before --

24 A. I'm sorry. I --

25 Q. -- before you produced them to Arnold &

164

1 Porter approximately March 13th, 2019,
 2 correct?
 3 A. Correct.
 4 Q. Has anyone else resided in your home in
 5 Kentucky during that period of time between
 6 October 2018 and March 13th, 2019?
 7 A. No. I live alone. Ditched the husband.
 8 First time in my life, actually, I have my
 9 own place. It's wonderful. I love it.
 10 Q. Prior to sending the hard drives and thumb
 11 drives to Arnold & Porter, did you provide
 12 copies of any of those materials to anyone
 13 else?
 14 MR. JONES: Ob- -- objection. That's
 15 been --
 16 A. I already answered that.
 17 MR. JONES: -- asked and answered.
 18 BY MS. SCULLY:
 19 Q. Was --
 20 A. I already answered that.
 21 Q. I just wanted to clarify if it was prior to
 22 your -- I know you -- you've testified
 23 already that you provided some personal
 24 information to a coworker. Was that prior to
 25 your sending the information to Arnold &

165

1 Porter or after?
 2 A. That was prior and after because there was
 3 something else relevant. So, again, my
 4 material, exclusively mine, as in may -- I
 5 sent a copy of one of those pictures to
 6 another one of my colleagues, picture of my
 7 son.
 8 Q. I just wanted to clarify --
 9 A. Yeah.
 10 Q. -- so there wasn't a confusion about whether
 11 the copies were distributed prior to or after
 12 the -- the release of the information to
 13 Arnold & Porter.
 14 A. Yeah. I mean, I don't know. I mean, you
 15 know...
 16 Q. You testified earlier that before you made
 17 the production of the materials to Arnold &
 18 Porter that you did have some conversations
 19 with your mother about the fact that you were
 20 going to produce those materials to Arnold &
 21 Porter, correct?
 22 A. Yes.
 23 Q. Was anyone else present when you had those
 24 communications with your mother?
 25 A. No. I don't think so. I mean, these were

166

1 done over the phone. I didn't get the
 2 impression that there was anyone else there
 3 so as far as I know there wasn't, no.
 4 MS. SCULLY: Can I have these marked 3
 5 and 4? 3 is on top, 4 is on bottom.
 6 (HOFELLER EXHIBIT 3 was marked for
 7 identification.)
 8 (HOFELLER EXHIBIT 4 was marked for
 9 identification.)
 10 MR. BRANCH: Thank you.
 11 MS. SCULLY: We're short one.
 12 MR. BRANCH: If you need to --
 13 MS. SCULLY: She has it. It's marked.
 14 MR. JONES: Why don't we give Tom your
 15 copy because --
 16 MR. SPEAS: Yeah.
 17 MR. JONES: -- he doesn't have one and
 18 we can share. So, Tom -- Tom --
 19 A. Okay. I see.
 20 MR. JONES: -- take a --
 21 BY MS. SCULLY:
 22 Q. Oh.
 23 MR. JONES: -- take a copy for each.
 24 MR. SPARKS: Thank you.
 25 A. I see that these are two different --

167

1 MR. JONES: We'll share.
 2 MS. SCULLY: Thank you. I thought I'd
 3 made enough copies but apparently not.
 4 MR. SPARKS: It's good. We're good.
 5 Thanks.
 6 BY MS. SCULLY:
 7 Q. Ms. Hofeller, what's just been put in front
 8 of you marked as Exhibit 3 and 4, focusing
 9 first on Exhibit 3, do you recognize Exhibit
 10 3 as a copy of the subpoena that was issued
 11 to your mother, Kathleen Hofeller, on or
 12 about January 15th, 2019?
 13 A. I see that it is, but I don't recognize it.
 14 Q. Had you ever seen -- I know you testified
 15 earlier that you were aware that a subpoena
 16 was issued to your mother in this case. Had
 17 you ever seen a copy of the subpoena before
 18 today?
 19 A. Actually, no.
 20 Q. Exhibit 4 appears to be a copy -- I'll
 21 represent to you is a copy of a subpoena that
 22 was issued to the Estate of Thomas Hofeller.
 23 I know you testified earlier that you were
 24 aware that a subpoena was issued to your
 25 father's estate. Had you ever seen a copy of

168

1 the actual subpoena?
 2 A. No.
 3 Q. Put that aside. You testified earlier that
 4 you first learned of your father's passing
 5 in -- I apologize --
 6 A. September 30th.
 7 Q. -- September 30th, 2018. How did you come to
 8 learn of your father's passing?
 9 A. I typed his name into Google and saw the New
 10 York Times article of his obituary.
 11 Q. What had prompted you to search for your
 12 father's name that day?
 13 A. I had a feeling, a hunch something might
 14 be -- and, you know, it would -- I think it
 15 had -- like a few months ago I was aware of
 16 the -- the -- the fact that there was another
 17 set of -- another set of districts in court,
 18 so, I mean, I figured if nothing else, I'd
 19 see if there was anything interesting about
 20 that basically really in my role as a -- as
 21 a -- as a student of -- of -- of political
 22 philosophy and -- and other such things.
 23 But, honestly, I -- I -- I had a hunch that
 24 maybe something was wrong.
 25 Q. Once you found out that your father had

169

1 passed away, did you reach out to your
 2 mother?
 3 A. Yes.
 4 Q. Did you ask your mother why she hadn't
 5 contacted you to inform you --
 6 A. I didn't.
 7 Q. -- that your father --
 8 A. No.
 9 Q. -- had passed?
 10 A. No.
 11 Q. And why not? You said you didn't --
 12 A. I didn't need to because I don't believe that
 13 she knew how to reach me.
 14 Q. And -- and why do you say that?
 15 MR. JONES: I'm -- I'm -- I'll object
 16 to this line of questioning. I -- I can't
 17 imagine why the -- the circumstances around
 18 Ms. Hofeller's communications with her -- her
 19 mother relating to her father's death could
 20 possibly have any relevance here. It
 21 seems -- it seems vexatious.
 22 MR. SPARKS: Are you going to instruct
 23 the witness not to answer?
 24 MR. JONES: She's not my witness.
 25 A. I was -- let's see. No, I didn't ask her why

170

1 she hadn't contacted me.
 2 Q. Had your father -- had there already been a
 3 funeral service for your father at that point
 4 in time when you learned of his passing?
 5 MR. JONES: Object again. It's -- I
 6 think it's inappropriate.
 7 A. I know as much about it as anyone who read
 8 the New York Times obituary.
 9 Q. I take it you did not attend a funeral
 10 service for your father; is that correct?
 11 MR. JONES: Objection.
 12 A. No.
 13 Q. You testified that you -- earlier that you
 14 had not spoken to your father -- the last
 15 time you'd spoken to your father was July
 16 2014 prior to his passing in August of 2018,
 17 correct?
 18 A. Yes.
 19 Q. Had you followed your father's work in any
 20 way between July 2014 and August 2018?
 21 MR. SPARKS: Now I'm going to object.
 22 It's -- my understanding of this proceeding
 23 is that this is to authenticate things that
 24 she turned over and we're now getting to
 25 personal family matters. I'm going to -- are

171

1 we going to continue down this line? If
 2 we're going to continue down this line, I am
 3 going to instruct her not to answer.
 4 MS. SCULLY: Not much further, but I
 5 just want -- it is important. It is relevant
 6 and we can talk outside about whether it's
 7 relevant or not, but I'm not going to talk
 8 about that in front of the witness.
 9 MR. SPARKS: Okay.
 10 MS. SCULLY: I'm simply asking if she's
 11 kept track of --
 12 THE WITNESS: Oh, go on ahead.
 13 MS. SCULLY: -- her father's work.
 14 THE WITNESS: Sorry.
 15 MR. SPARKS: Go ahead and answer that
 16 question.
 17 MR. JONES: Can you repeat it? I
 18 forgot it.
 19 Can you -- can you read back the last
 20 question?
 21 MS. SCULLY: I can reask the question.
 22 BY MS. SCULLY:
 23 Q. Between July 2014 and August 6 -- I'm sorry,
 24 July 2014 and August 16th, 2018, have you
 25 followed any of your father's work?

172

1 A. That is a very vague question. Maybe you
 2 could be more specific. I was not in
 3 communication with him. In what way would I
 4 follow his work?
 5 Q. Have -- did you read articles about any work
 6 your father was doing in redistricting
 7 between July 2014 and August 16th, 2018?
 8 A. I quite certainly may have read any number of
 9 the many, many newspaper articles about my
 10 father who was rather well-known including
 11 the one I just mentioned, the New York Times
 12 article that was his obituary. I read that.
 13 Q. Did you read any articles or any statements
 14 made by Common Cause about your father's
 15 work?
 16 A. I do not recall having made note of the name
 17 Common Cause until such point as my father
 18 was already deceased. I really wasn't that
 19 involved.
 20 Q. Ms. Hofeller, have you ever been charged with
 21 a crime?
 22 MR. SPARKS: Objection. Ob- -- this is
 23 totally inadmissible. I mean, this is
 24 absolutely inadmissible. Don't answer that.
 25 Go ahead.

173

1 MS. SCULLY: You're going to instruct
 2 her not to answer?
 3 MR. SPARKS: I am instructing her not
 4 to answer that question.
 5 MS. SCULLY: Okay.
 6 MR. BRANCH: Okay.
 7 MS. SCULLY: Oh, did I give you one
 8 that's got any markings on it? I don't think
 9 so.
 10 MR. SPARKS: Here, you can --
 11 MS. SCULLY: That's all right. No,
 12 that's all right. I'll give you one in one
 13 second. Sorry. I just..
 14 THE WITNESS: Oh, more -- you would
 15 have --
 16 MR. SPARKS: Please.
 17 THE WITNESS: Yeah. Okay.
 18 (HOFELLER EXHIBIT 5 was marked for
 19 identification.)
 20 MS. SCULLY: I seem to have lost mine.
 21 I'm going to have this one marked also at the
 22 same time.
 23 (HOFELLER EXHIBIT 6 was marked for
 24 identification.)
 25 MR. BRANCH: Thank you.

174

1 MR. JONES: These are 5 and 6?
 2 MS. SCULLY: Yes.
 3 BY MS. SCULLY:
 4 Q. Ms. Hofeller, have you had an opportunity to
 5 review the documents that's been put in front
 6 of you marked Exhibit 5 and Exhibit 6?
 7 A. Let me look quickly at 6. Yes.
 8 Q. Yes.
 9 A. Yeah.
 10 Q. Have you seen the documents marked as Exhibit
 11 5 and Exhibit 6 before?
 12 A. I have never seen this page right here
 13 (indicates).
 14 Q. When you're pointing to this page right here,
 15 which one are --
 16 A. This one on top, the first page --
 17 Q. -- you referring to?
 18 A. -- of Exhibit 5, I have never seen this
 19 before. I have seen the -- the -- this page
 20 is familiar to me.
 21 Q. And when you're saying this page, I just want
 22 to reflect for the record on the document
 23 marked as Exhibit 5, you're referring to the
 24 second page which has the caption, Notice of
 25 Hearing on Incompetence Motion in the Cause

175

1 and Order Appointing Guardian Ad Litem?
 2 A. Yes.
 3 Q. Okay. And have you seen the third page of
 4 the document?
 5 A. No.
 6 Q. In the document marked Exhibit 5, the second
 7 page that you've seen, did you see that on or
 8 about October 29th, 2018, that there was
 9 going to be a hearing for your mother
 10 regarding her in- -- whether she was
 11 incompetent or not?
 12 A. On or about.
 13 MR. SPARKS: Ask the question again,
 14 please.
 15 BY MS. SCULLY:
 16 Q. Do you recall when you first saw the second
 17 page of the document marked Exhibit 5?
 18 A. Yes.
 19 Q. When?
 20 A. I think it was a few -- few days later.
 21 Q. A few days later from --
 22 A. After it was filed.
 23 Q. -- when?
 24 A. A few days after it was filed. I mean, I
 25 guess that it was filed on the 29th

176

1 considering that this is stamped there.
 2 Q. And --
 3 A. I did not see it on the 29th.
 4 Q. Your recollection is that you recall seeing
 5 the second page of the document marked as
 6 Exhibit 5 a few days after October 29th,
 7 2018, correct?
 8 A. Correct.
 9 Q. The document marked as Exhibit 6 which
 10 states, Petition for Adjudication of
 11 Incompetence and Application for Appointment
 12 of Guardian or Limited Guardian, have you
 13 seen that document before?
 14 A. Yes.
 15 Q. When did you first see that document?
 16 A. A few days after it was filed.
 17 Q. You understood that one of the grounds that
 18 was asserted by the petitioner for seeking to
 19 have your mother found incompetent, if you
 20 refer to the --
 21 A. Yes, I understand --
 22 Q. -- second page --
 23 A. -- what's written here.
 24 Q. You had knowledge of that?
 25 A. I have know- -- I had knowledge of what was

177

1 written here when I saw the document.
 2 Q. And when you're referring to what was written
 3 here, you are referring to -- on the second
 4 page under Paragraph 5 there are four grounds
 5 listed as the grounds for seeking to have
 6 your mother found incompetent. You
 7 understood those, correct?
 8 MR. SPARKS: Objection as to
 9 characterization. They're allegations. I
 10 understand that I'm parsing -- I'm being a
 11 lawyer here, but they are allegations and
 12 that -- to the extent that you're saying
 13 they're grounds, they're -- they're verified
 14 or they're -- they're true...
 15 Do you understand they're allegations?
 16 THE WITNESS: I understand that they
 17 are allegations.
 18 BY MS. SCULLY:
 19 Q. I'll reask the question, Ms. Hofeller. Did
 20 you -- you understood -- when you're saying,
 21 I understood what is written here, I'm just
 22 trying to make sure we have agreement on the
 23 record that the here you're referring to are
 24 the four allegations that are set forth on
 25 the second page of Exhibit 6 as the alleged

178

1 basis for seeking your -- to find your mother
 2 incompetent, you understood that those were
 3 the grounds that were being alleged, correct?
 4 A. I understood that these were the facts set
 5 forth that the petitioner alleges are
 6 grounds, yes.
 7 Q. One of the facts that were set forth that the
 8 petitioner alleged that were grounds was that
 9 the respondent is believed to be under the
 10 influence of a previously estranged child.
 11 Since appearance of child financial assistant
 12 hired for respondent quit her employment upon
 13 concerns of personal safety based on actions
 14 of -- actions of previously estranged child.
 15 Respondent removed appointed attorney-in-fact
 16 over security of funds.
 17 Did you disagree with those assertions?
 18 MR. JONES: I'll -- I'm going to
 19 object.
 20 A. The --
 21 MR. JONES: I think that you're just --
 22 A. The -- you know what --
 23 THE REPORTER: One -- one at a time.
 24 MR. JONES: Hold on. Hold on. I'm
 25 going to object. I -- I think at this point

179

1 you're just harassing the -- the witness.
 2 MR. SPARKS: Yeah.
 3 MR. JONES: She's not my witness so I'm
 4 not going to -- but it seems --
 5 A. This is not for me to say.
 6 MR. SPARKS: I believe the same thing.
 7 I -- I believe the same thing. If -- if you
 8 want to ask about the factual basis of this,
 9 I don't understand how it has anything to do
 10 with something so we're going to take a
 11 break -- or can you answer -- there's a
 12 question on the table. Can you answer the
 13 question?
 14 THE WITNESS: No.
 15 MR. SPARKS: Okay. Let's you and I
 16 talk, please, if we can take a break.
 17 Thanks.
 18 Not you -- not you and I.
 19 THE WITNESS: Oh, good. Excellent.
 20 THE VIDEOGRAPHER: Going off the
 21 record. Time is 2:23 p.m.
 22 (Whereupon, there was a recess in the
 23 proceedings from 2:23 p.m. to 2:36 p.m.)
 24 (HOFELLER EXHIBIT 7 was marked for
 25 identification.)

180

1 THE VIDEOGRAPHER: Going back on the
 2 record. The time is 2:37 p.m.
 3 BY MS. SCULLY:
 4 Q. Ms. Hofeller, have you had an opportunity to
 5 review the document that's marked Exhibit 7
 6 that's in front of you?
 7 A. Let me -- let me finish.
 8 Q. Please, take your time. Tell me when you're
 9 ready.
 10 A. Hold on. Get my glasses. Is this -- when
 11 was this filed? What is the date on this? I
 12 don't see the date that it was filed. Is it
 13 on the second page?
 14 Q. It's -- the document is dated on Page 4,
 15 the -- November 5th, 2018.
 16 A. Oh, okay. All right. All right. I've
 17 had -- I've reviewed this.
 18 Q. Ms. Hofeller, my first question is, have you
 19 prior to today seen the document that's
 20 marked as Exhibit 7?
 21 A. I don't believe that I did ever see this one,
 22 no. No.
 23 Q. Were you at any point aware that a guardian
 24 ad litem had been appointed in the
 25 incompetency proceedings related to your

181

1 mother?
 2 A. A guardian ad litem?
 3 Q. Yes.
 4 A. As in the guardian ad litem, Erin Riddick?
 5 Q. Yes.
 6 A. At -- ask again. Was I at some point aware
 7 that a guardian ad litem had been
 8 appointed --
 9 Q. Yes.
 10 A. -- at -- yes. Yes.
 11 Q. When did you first become aware of the
 12 appointment of a guardian ad litem?
 13 A. I think that that was part of the original
 14 petition. Yes, it was. Erin Riddick was
 15 appointed guardian ad litem when the petition
 16 was filed. When that was served I was aware
 17 of the fact that a guardian ad litem had been
 18 appointed for my mother.
 19 Q. Did you ever have any communications with
 20 Ms. Riddick?
 21 A. No. She never reached out to me.
 22 Q. Did you ever reach out to Ms. Riddick
 23 directly?
 24 A. No.
 25 Q. Did you ever become aware that Ms. Riddick

182

1 had concluded that based on the interview of
 2 the petitioner's attorney and a review of
 3 your mother's medical records, that she
 4 believed the petitioner had met the burden to
 5 show reasonable cause to believe that your
 6 mother was --
 7 A. My mother didn't have --
 8 Q. -- incompetent?
 9 A. -- and attorney.
 10 MR. SPARKS: Stop, please.
 11 THE WITNESS: I'm sorry.
 12 MR. SPARKS: Thank you. Go ahead.
 13 THE WITNESS: I'm sorry.
 14 A. No. The answer to your question is no.
 15 Q. Did you at any point in time become aware
 16 that Ms. Riddick had informed the court that
 17 she was concerned that your mother's
 18 well-being and estate were at risk without
 19 the appointment of an interim guardian?
 20 A. Not really, no. No. No.
 21 Q. Were you aware that the guardian ad litem had
 22 informed the court that you had had until
 23 recently an estranged relationship with your
 24 mother?
 25 A. Was I aware that Erin Riddick specifically

183

1 said that I had a previously estranged
 2 relationship?
 3 Q. Yes.
 4 A. I don't think I was aware specifically that
 5 Erin Riddick said that, no. No, I wasn't.
 6 (HOFELLER EXHIBIT 8 was marked for
 7 identification.)
 8 MS. SCULLY: Can you provide Exhibit 8,
 9 please, to the witness.
 10 THE WITNESS: I never saw this. I'm
 11 sorry.
 12 BY MS. SCULLY:
 13 Q. Ms. Hofeller, you've had an opportunity to
 14 review the document marked as Exhibit 8?
 15 A. Uh-huh.
 16 Q. I believe you said a moment ago you've not
 17 previously seen the document marked as
 18 Exhibit 8?
 19 A. That's correct.
 20 Q. This is the first time you've seen the
 21 document marked as Exhibit 8?
 22 A. Yep.
 23 Q. You were aware, is it correct, that the court
 24 had entered an order appointing an interim
 25 guardian of your mother, correct? Whether

184

1 you'd seen the document or not, you -- you
 2 were aware that the court had appointed an
 3 interim guardian for your mother?
 4 A. At what point?
 5 Q. On or about November 6th, 2018.
 6 A. I was aware that the hearing -- the result of
 7 the hearing was a interim guardian appointed,
 8 I believe, yes.
 9 Q. You were aware that there was an interim
 10 guardian appointed over both your mother's
 11 person and over her estate, correct?
 12 A. You know, again, I am reading these
 13 documents. I am not an attorney in these
 14 matters. In that that is the proper
 15 interpretation of these documents, I was
 16 aware of what these documents said. My
 17 mother's attorney handled the matter from
 18 that point forward, so my awareness would
 19 extend to reading this as a layperson. So
 20 if -- if it says -- if you're asking me was I
 21 aware that -- that this was done, I -- yes,
 22 I -- I guess. I'm not --
 23 Q. Contemporaneous with the proceedings that
 24 were ongoing, the incompetency proceedings,
 25 were you communicating with your mother's

185

1 attorney about the proceedings?
 2 A. Well, this is a -- this has -- this had been
 3 going on -- this was on -- going on for quite
 4 a while. At -- at some point I did have
 5 communication with my mother's attorney on
 6 this matter, yes.
 7 Q. And your mother's attorney on this matter I
 8 believe you said was Douglas Noreen?
 9 A. That's right.
 10 Q. Did Mr. Noreen share with you or discuss with
 11 you the fact that an interim guardian over
 12 your mother's estate and over her person was
 13 going to be appointed by the court?
 14 A. Going to be? No.
 15 Q. Did he share with you that it was, in -- that
 16 it did, in fact, occur?
 17 A. I don't think that --
 18 MR. SPARKS: Objection. You're
 19 assuming facts not in -- in evidence and I --
 20 you might want to find out when Doug Noreen
 21 became her mother's attorney. Just a hint.
 22 Go ahead and answer the question to the
 23 best -- if you can, please.
 24 A. I think that the actual -- the -- the moment
 25 when I finally saw the result of that was --

186

1 was after Doug Noreen was retained that I saw
 2 the paperwork; otherwise, I would not be --
 3 not really --
 4 Q. Do --
 5 A. -- don't tend to be in communication with the
 6 Wake County court as a -- as a matter of
 7 course.
 8 Q. Did someone represent your mother prior to
 9 Doug Noreen entering his appearance and
 10 representing her in the incompetency
 11 proceeding?
 12 A. No.
 13 Q. When did Mr. Noreen first begin to represent
 14 your mother?
 15 A. I think that his first conversation with her
 16 was one or two days after the preliminary.
 17 Q. What preliminary?
 18 A. The one at which apparently the interim
 19 guardian -- the one requested in these
 20 documents that I explained that I had seen.
 21 Q. One or two days after the document that's
 22 marked Exhibit 6, the petition for
 23 incompetence?
 24 A. Yes. Isn't there a -- yeah. I think that --
 25 if I -- let's see. November 8th rings a bell

187

1 for the day that my mother retained Doug
 2 Noreen.
 3 Q. November 8th --
 4 A. Uh-huh.
 5 Q. -- 2018?
 6 A. Yeah.
 7 MS. SCULLY: Can you provide the
 8 witness Exhibit 9.
 9 (HOFELLER EXHIBIT 9 was marked for
 10 identification.)
 11 BY MS. SCULLY:
 12 Q. Ms. Hofeller, actually, before I review
 13 Exhibit 9, I had one follow-up question on
 14 Exhibit 8. If I could turn your attention
 15 back to Exhibit 8.
 16 Were you aware that the interim guardian
 17 of the estate that was appointed in these
 18 proceedings was Everett Bolton?
 19 A. Yes.
 20 Q. Did you have any communications with
 21 Mr. Bolton at any point in time?
 22 A. No.
 23 Q. No?
 24 A. No.
 25 Q. Thank you. Were you aware that the Wake

188

1 County Human Services was appointed as the
 2 interim guardian over your mom's person?
 3 A. Was that the name? I thought it was
 4 LifeLinks? Oh, that was the one they
 5 suggested, maybe. I -- I was aware that it
 6 was a -- a -- a body of some sort rather than
 7 a -- an individual.
 8 Q. Did you at any point in time have any
 9 communications with anyone at Wake County
 10 Human Services?
 11 A. No.
 12 Q. Turning your attention to Exhibit 9, I
 13 believe you had an opportunity to review that
 14 a few moments ago, correct?
 15 A. Yeah.
 16 Q. Have you seen the document marked as Exhibit
 17 9 before today?
 18 A. I don't -- okay. Report of the -- of the
 19 guardian ad litem. I think I reviewed it
 20 briefly.
 21 Q. It appears on Exhibit 9, last page, there's a
 22 certificate of service and it reflects
 23 that -- do you see the last page there?
 24 A. Oh. Oh, okay. I -- I was going to say, this
 25 isn't...

189

1 Q. On that page it reflects that -- Tom Sparks
 2 is listed as your attorney?
 3 A. Yes.
 4 Q. Yes. At this point in time, No- -- February
 5 6, 2019, was Tom Sparks acting as your
 6 attorney in these proceedings?
 7 MR. SPARKS: What -- what is this
 8 proceeding? I want to make sure you
 9 understand.
 10 MS. SCULLY: Sorry.
 11 BY MS. SCULLY:
 12 Q. The incompetency proceedings for your mother.
 13 A. Yes.
 14 Q. When did you first retain Mr. Sparks in
 15 connection with your mother's incompetency
 16 proceedings?
 17 A. Was it December or January? I don't -- it --
 18 it's all a blur. I think it was early
 19 January. It was after the hol- -- no. It
 20 was --
 21 THE WITNESS: I think you -- you got
 22 back to me during the holiday -- what I felt
 23 was the holiday time. There you go. Thank
 24 you.
 25 A. I'm sorry. I can't keep track of --

190

1 Q. At this point --
 2 A. -- all these dates.
 3 Q. -- in time, February 6, 2019, was Mr. Sparks
 4 representing you in any other matters other
 5 than your mom's incompetency proceedings?
 6 A. I -- not -- not -- what else was going on
 7 then?
 8 Q. You were having communications with Mr. Speas
 9 and --
 10 A. Oh. Only in that --
 11 Q. -- Ms. Meese [sic].
 12 A. Only in that -- I'm sorry. Only in that
 13 he -- he was kind enough to allow me to use
 14 his office address as a service address where
 15 I could receive service.
 16 Q. Did you have any communications with your
 17 mother's counsel, Mr. Noreen, about the
 18 subpoena that was issued to her in -- in this
 19 litigation?
 20 A. No, I did not.
 21 Q. I take it you didn't have any communications
 22 with the interim guardian over her estate
 23 about the subpoena that was directed to her
 24 in this litigation, correct?
 25 A. Yes.

191

1 Q. And you didn't have any communications with
 2 the interim guardian over her person
 3 regarding the subpoena that was issued upon
 4 her in this litigation, correct?
 5 A. That is correct.
 6 MS. SCULLY: Can you show the witness
 7 Exhibit 10.
 8 (HOFELLER EXHIBIT 10 was marked for
 9 identification.)
 10 BY MS. SCULLY:
 11 Q. Ms. Hofeller, have you had -- had an
 12 opportunity to review the document marked
 13 Exhibit 10?
 14 A. Yes.
 15 Q. Have you seen the document marked as Exhibit
 16 10 before?
 17 A. Yes.
 18 Q. When did you first see the document marked as
 19 Exhibit 10?
 20 A. Sometime after. I really don't know exactly
 21 when. My attorney received --
 22 MR. SPARKS: Some -- sometime after
 23 when? Please tell her.
 24 A. The 7th day of February, 2019.
 25 Q. Were you aware prior to February -- the date

192

1 on the document marked as Exhibit 7, February
 2 7, 2019, that there was a plan to dismiss the
 3 incompetency proceedings and submit to the
 4 court the settlement agreement that had been
 5 entered into among the interested parties?
 6 A. You know, I was represented by my attorney at
 7 that time and he was in communication with my
 8 mother's attorney. What I was and wasn't
 9 aware of, that would be really difficult to
 10 say what and when and how and to what degree
 11 because it was being negotiated. I was,
 12 again, represented by counsel so I wasn't
 13 really being spoken to directly on these
 14 matters other than my attorney.
 15 Q. You understood that Exhibit 10 was a motion
 16 to dismiss that was submitted to the court
 17 along with a settlement agreement that was in
 18 the process of being executed, correct?
 19 MR. JONES: And I'll -- I'll -- I'll
 20 object. I think the witness has already
 21 testified that she was communicating with her
 22 attorney here so it seems like anything that
 23 she learned from her attorney would be
 24 privileged.
 25 THE WITNESS: Yes.

193

1 MR. SPARKS: Your -- your awareness of
 2 it -- she's asked about your awareness of it.
 3 Will you --
 4 A. Yes. At some --
 5 MR. SPARKS: -- answer her question.
 6 A. -- point I was aware of -- of this, yes.
 7 Q. Do you know if the settlement agreement that
 8 is attached as Exhibit A to what's been
 9 marked as Exhibit 10, do you know if that, in
 10 fact, was ultimately signed by all the
 11 individuals that are --
 12 A. I would --
 13 Q. -- listed on --
 14 A. -- not --
 15 Q. -- Page 6 and 7?
 16 A. I'm sorry. I would not be able to tell you
 17 if this is exactly like the one that's signed
 18 without seeing the signatures on it. I was
 19 not a signator. I would not have a
 20 familiarity to the point where I would be
 21 able to say that this is the one that was
 22 signed.
 23 Q. Is it correct that you were aware that
 24 between the period November 6th, 2018, and
 25 February 7th, 2019, there was a interim

194

1 guardian over your mother's estate and over
 2 her person?
 3 A. Yes. I'm trusting you that those are the
 4 right dates.
 5 MS. SCULLY: If I could just have a
 6 moment to look through my notes, I believe I
 7 don't have any further questions. Might have
 8 a couple col- -- follow-ups.
 9 THE VIDEOGRAPHER: Going off the
 10 record. The time is 2:57 p.m.
 11 (Whereupon, there was a recess in the
 12 proceedings from 2:57 p.m. to 2:58 p.m.)
 13 THE VIDEOGRAPHER: Going back on the
 14 record. The time is 2:58 p.m.
 15 EXAMINATION
 16 BY MR. BRANCH:
 17 Q. Good afternoon, Ms. Hofeller. My name is
 18 John Branch. I am counsel for the intervenor
 19 defendants and with the Shanahan Law Group
 20 law firm here in Raleigh. Appreciate you
 21 kind of plowing through things today. I know
 22 there's been a lot and my hope is that I
 23 don't have very many topics for you to cover
 24 and we can get out of here on a fairly quick
 25 basis. But what -- what's going to happen is

195

1 I'm going to jump around some because my
 2 colleague has covered 95 percent of what I
 3 had on my list to cover. So if you would be
 4 patient with me if I do that, and if you
 5 don't understand any of the questions that I
 6 pose, want me to restate anything, please
 7 feel free to ask me to do so. I'm happy to
 8 accommodate you as best --
 9 A. Thank you.
 10 Q. -- that I can.
 11 My first question is, what's your home
 12 address?
 13 A. I stated that I wanted that protected.
 14 I'm --
 15 Q. And --
 16 A. -- a survivor of domestic violence and these
 17 documents proliferate at an amazing rate. I
 18 don't believe that it's in my best interest
 19 or -- it's a risk to my safety. That -- that
 20 address is -- I've been able to have it
 21 sealed with courts in the past. I think it's
 22 well established that I'm --
 23 Q. Well, and --
 24 A. -- at risk.
 25 Q. -- with all due respect, ma'am, I -- I don't

196

1 know that part of your personal history and
 2 I'm not --
 3 A. Uh-huh.
 4 Q. -- trying to antagonize you by asking you
 5 your home address. However, there's a
 6 process that the parties have agreed to with
 7 regard to having documents held confidential
 8 and highly confidential in the context of
 9 this litigation. And so what I would suggest
 10 is that if you're asking that the -- your
 11 address that you -- that would be -- that the
 12 parties would agree that it is confidential
 13 or highly confidential, I'm certain that we
 14 would not have an objection to it so long as
 15 we --
 16 MR. SPARKS: She can be served at my
 17 office. She's not going to agree to reveal
 18 that. If you want to go to the court and --
 19 and compel that, you can go to the court and
 20 compel that, but --
 21 MR. BRANCH: Okay.
 22 MR. SPARKS: -- she can be served at my
 23 office.
 24 BY MR. BRANCH:
 25 Q. And just -- just so we're clear, for purposes

197

1 of any later subpoenas that's served in --
 2 that are served in the context of this
 3 lawsuit, trial subpoenas or any other
 4 documents, you're willing to be served
 5 through counsel here as opposed to at your
 6 house?
 7 MR. JONES: Hold on.
 8 MR. SPARKS: At this time are you
 9 willing to have that done?
 10 THE WITNESS: Yes.
 11 BY MR. BRANCH:
 12 Q. All right. And in the event that you are --
 13 you withdraw that authorization for your
 14 lawyer, would you then be willing to provide
 15 us with your home address so that we can
 16 serve you with process?
 17 MR. JONES: I'll object. She's
 18 outside -- she lives outside the range of the
 19 subpoena range of the court. She already
 20 testified --
 21 MR. BRANCH: I mean, doesn't mean we
 22 can't subpoena her and we have a right to --
 23 in the event that we believe that her
 24 testimony is necessary at trial to subpoena
 25 her to testify and --

198

1 MR. JONES: Agree to disagree. If
 2 she's outside the range of the -- the
 3 subpoena range of the court I think you can't
 4 subpoena her.
 5 MR. SPARKS: So that we can move on,
 6 we've been here for a long time, may I
 7 interject with a question or two, please --
 8 MR. BRANCH: Uh-huh.
 9 MR. SPARKS: -- if -- if that's okay
 10 with you because it's out of order?
 11 At this time, Ms. Hofeller, are you
 12 willing to have -- allow me to accept service
 13 of documents on your behalf?
 14 THE WITNESS: I am, yes.
 15 MR. SPARKS: If that changes, will you
 16 provide to me an address at which you can be
 17 served, wherever that address is, and give me
 18 permission to let all these fine people know
 19 and everybody that's -- every attorney
 20 involved in this case know where that address
 21 might be?
 22 THE WITNESS: Yes. Yes, as long as it
 23 doesn't appear on any of these documents.
 24 MR. SPARKS: No. No. No. I didn't
 25 ask you for your home address. I said an

199

1 address --
 2 THE WITNESS: Oh, yes.
 3 MR. SPARKS: -- at which you can be
 4 served.
 5 THE WITNESS: Yes. Absolutely.
 6 MR. SPARKS: Okay. Is that -- is that
 7 sufficient, sir?
 8 MR. BRANCH: Yeah, I think that's fine.
 9 MS. SCULLY: Yeah.
 10 MR. SPARKS: Thank you. I'm sorry to
 11 interrupt.
 12 MR. BRANCH: No. No. Well, that was
 13 very helpful so thank you for interrupting.
 14 THE WITNESS: Thanks.
 15 BY MR. BRANCH:
 16 Q. Why did you pick Common Cause to reach out to
 17 you -- or to reach out to with regard to
 18 finding an attorney to represent your mother
 19 in the competency dispute?
 20 MR. JONES: Objection, asked and
 21 answered earlier.
 22 A. I answered that question I thought pretty
 23 thoroughly.
 24 Q. And maybe I missed it, but I'd just like to
 25 go back over it just for a little bit. I

200

1 mean, why -- again, why Common Cause?
 2 MR. JONES: Objection, asked and
 3 answered.
 4 MR. BRANCH: And, again, she can answer
 5 the question.
 6 A. They are local. They're local and I needed
 7 to, you know, ascertain who was local as far
 8 as local attorneys, and their knowledge of
 9 the politicization of my family affairs as it
 10 pertains to anyone who is involved on this
 11 level with politics, it seemed that they
 12 would comprehend that.
 13 Q. And why -- why did it seem like Common Cause
 14 would have a comprehension of the
 15 politicization of your family's affairs?
 16 A. Because all of the attorneys involved in all
 17 of these matters would have an understanding
 18 of it.
 19 Q. So that's because Common Cause had attorneys
 20 that had been involved in legal matters with
 21 knowledge of the politicization of your
 22 family's affairs?
 23 A. How shall I put this? Your average American
 24 doesn't understand what redistricting even
 25 is, so attorneys that are involved in matters

201

1 that pertain to it are much more likely to
 2 understand the importance of my father's
 3 position on these matters.
 4 Q. Okay. And prior to reaching out to Common
 5 Cause about the -- about the topics on which
 6 you reached out to them, you were aware that
 7 they -- that Common Cause was involved in
 8 litigation regarding redistricting?
 9 A. Yes.
 10 Q. And were you -- and you were aware that they
 11 had taken positions adverse to those of your
 12 father or your father's businesses?
 13 A. You know, my father --
 14 MR. JONES: Oh, object. Object.
 15 MR. SPARKS: She --
 16 MR. JONES: Ans and ans --
 17 MR. SPARKS: She --
 18 MR. JONES: Asked and answered.
 19 MR. SPARKS: She actually said that --
 20 THE WITNESS: Yeah.
 21 MR. JONES: You just changed the word
 22 antagonistic to adverse. It's been asked and
 23 answered multiple times.
 24 MR. BRANCH: Well, then it's a --
 25 A. And this wasn't my father's --

202

1 MR. BRANCH: -- different question.
 2 A. -- position. This was just what he did.
 3 MR. SPARKS: Please.
 4 THE WITNESS: I'm sorry.
 5 BY MR. BRANCH:
 6 Q. Was your father retained by parties in
 7 litigation with Common Cause?
 8 MR. JONES: Objection. There's no
 9 establishment of any foundation.
 10 MR. BRANCH: I'm asking if she has
 11 knowledge of that.
 12 A. I don't know the details of how my father was
 13 actually involved in all of this. I don't
 14 know the details. I -- he -- he was all over
 15 the country all the time my whole entire
 16 childhood. I don't know when he signed on
 17 with who in what capacity, whether he was
 18 working for the RNC, whether he was a
 19 consultant. I don't know those details. It
 20 would be very -- I don't know. It seems
 21 almost like it -- it -- we're trying to
 22 establish that I would misstate. I would
 23 rather just go ahead and say that I don't
 24 know these details. If you continue to press
 25 me to tell you yes or no, eventually there is

203

1 an idea that I will say that I know something
 2 that I wasn't aware of.
 3 Q. And I -- to be clear, I don't know is a
 4 perfectly valid answer. If you don't know,
 5 you don't know. That's fine. I'm not trying
 6 to press you for a certain answer. I'm
 7 trying to understand what it is you do
 8 actually know.
 9 A. And, again, I've really tried to --
 10 MR. JONES: There's no --
 11 THE WITNESS: Okay.
 12 A. I tried to address it before.
 13 Q. And so are you aware that the redistricting
 14 maps at issue in this case are ones that were
 15 passed by the North Carolina General Assembly
 16 in 2017?
 17 A. Passed by? You mean -- no. No, I wasn't
 18 aware.
 19 Q. Okay. Well, are you aware that redistricting
 20 maps are enacted laws by the North Carolina
 21 General Assembly in North Carolina?
 22 A. No.
 23 Q. And you weren't -- I believe you just
 24 testified that you weren't aware that the
 25 maps that are being challenged by the

204

1 plaintiffs in this lawsuit are ones that were
 2 enacted in 2017?
 3 A. No. I didn't know --
 4 Q. Okay.
 5 A. -- any of those state- -- specifics.
 6 Q. If -- on the assumption that I'm correct that
 7 the General Assembly passed the maps that are
 8 at issue in this litigation in 2017, would it
 9 be correct to say that you had no
 10 communications with your father about those
 11 maps that were passed?
 12 A. I don't know when he started drawing those
 13 maps. My fa- -- I was an only child. My
 14 father and I spoke about a lot of matters
 15 right up until the point when I didn't speak
 16 to him anymore. So I have no idea whether or
 17 not the maps that he was drawing the last
 18 time I spoke to him were those maps. I would
 19 have no way of knowing that.
 20 Q. So you have no way of knowing one way or
 21 another?
 22 A. That's right.
 23 Q. Okay. Did you -- what's -- I'm not trying to
 24 raise the same concerns you have about your
 25 address, but I do have some questions about

205

1 the use of your phone. So --
 2 A. The use of my what?
 3 Q. Your --
 4 MS. SCULLY: Phone.
 5 BY MR. BRANCH:
 6 Q. Your cell phone. And so I'm going to ask you
 7 what your cell phone number is so...
 8 MR. JONES: I'll --
 9 BY MR. BRANCH:
 10 Q. Are you willing -- are you willing to share
 11 that for the --
 12 A. No.
 13 Q. Okay. Let me ask the question a different
 14 way. Have you used the same -- do you have a
 15 smartphone that you use -- that is associated
 16 with the regular phone number that you use
 17 and give out to people?
 18 A. Forgive me for being a little bit concerned
 19 about where -- I mean, I -- what can I say?
 20 I mean, I -- the -- what -- what period of
 21 time are we talking about here? I mean...
 22 Q. Current -- let's say today do you have an
 23 iPhone?
 24 A. Do I have --
 25 Q. Do you have --

206

1 A. -- a smartphone?
 2 Q. -- an Android? Yes. That --
 3 A. Yes, I have a smartphone.
 4 Q. Okay. And what kind of a phone is it? Is it
 5 an iPhone, Android?
 6 MR. JONES: Ob- -- object. This is --
 7 this is ri- -- ridiculously irrelevant.
 8 MR. BRANCH: It is not.
 9 BY MR. BRANCH:
 10 Q. You can answer.
 11 A. It's -- it's either an iPhone or an Android.
 12 Q. All right. And it's one specific device. Is
 13 that the same device that you have used since
 14 September 30th of 2018?
 15 A. No.
 16 Q. Okay. How many different devices have you
 17 used since September 30th of 2018 associated
 18 with your primary telephone number?
 19 A. Two.
 20 Q. Two?
 21 A. Two, I think, yeah.
 22 Q. Okay. Do you --
 23 A. I don't know. These were not associated with
 24 the same phone number. I -- I'm a popular
 25 person. I don't tend to just give my phone

207

1 number out and I also tend to -- to find that
 2 it's better when you're on Google to -- to
 3 not be quite as consistent as most of -- most
 4 people are.
 5 MR. SPARKS: Do you need to take a
 6 break?
 7 THE WITNESS: No. No, I don't.
 8 A. So, no, it hasn't been the same phone number.
 9 Q. Okay. And -- all right. So the question I
 10 had was actually as to the device that you
 11 use, the physical hardware. And what I was
 12 asking, and it was based on an assumption
 13 that I think turned out not to be correct,
 14 was how many different devices have you used
 15 since September 30th of 2018 to present day?
 16 A. I think it's two. Two.
 17 Q. Okay. Okay. Do you -- did you change phone
 18 numbers when you changed devices at some
 19 point during that period of time?
 20 A. Yes.
 21 Q. Okay. Can you tell me approximately when
 22 that was?
 23 A. Late last year, I think.
 24 Q. Towards the -- do you think possibly
 25 December? I'm not looking for a specific

208

1 date.
 2 A. Possibly, yeah.
 3 Q. Okay. Can you tell me why you switched phone
 4 numbers and devices?
 5 A. Old -- old device, running out of storage. I
 6 didn't have a contract so...
 7 Q. Okay. Did you keep the old device?
 8 A. For a while I did.
 9 Q. And where is it now?
 10 A. I gave it to a friend. Cleared it off, reset
 11 it to factory settings, and gave it to a
 12 friend of mine who couldn't afford to buy a
 13 new one.
 14 Q. Okay. And when did you do that
 15 approximately?
 16 A. January, February, sometime in there.
 17 Q. All right. And is that -- you testified
 18 earlier when you were asked about the --
 19 being -- whether you're in possession of the
 20 text messages with Mr. Speas that some of the
 21 old text messages had been deleted. Were
 22 they -- when you talked about --
 23 A. That's why I got a --
 24 Q. -- them being --
 25 A. -- new phone.

209

1 MR. SPARKS: Let him --
 2 THE WITNESS: I'm sorry.
 3 MR. SPARKS: Let him answer --
 4 THE WITNESS: I'm sorry.
 5 MR. SPARKS: -- ask the question,
 6 please.
 7 BY MR. BRANCH:
 8 Q. Yeah. Well, I think -- you -- you can go
 9 ahead and explain. Can you tell me what
 10 happened?
 11 A. Yeah. My phone started running out of
 12 storage, it couldn't do the updates, and as
 13 it ran more and more out of storage, it was
 14 dropping -- it was dropping things like text
 15 messages and -- yeah. Both the iPhones and
 16 the androids do that so...
 17 Q. Okay. And then after it was dropping text
 18 messages, you went and got a new phone?
 19 A. You know, as -- at my earliest convenience I
 20 got a new phone.
 21 Q. Okay. And -- and to the extent that
 22 you've -- well, strike that.
 23 Has -- have you encountered the same
 24 problems with dropping phone calls and text
 25 messages since you've had your new phone?

210

1 A. I don't think so.
 2 Q. Okay. So you wouldn't have lost any of the
 3 text messages that have been sent to or from
 4 you with regard to the new phone?
 5 A. I don't suppose that I would have.
 6 Q. Okay. And the old phone, I believe you
 7 testified that you gave -- you erased the
 8 information that was on the old phone and
 9 gave it to a friend of yours in January or
 10 February of this year?
 11 A. Sometime early this year, yeah.
 12 Q. Okay. What -- I'm shifting topics back to
 13 the -- the devices that you turned over to
 14 Arnold & Porter in connection with the
 15 subpoena. What computers or other electronic
 16 devices did you use to read the contents of
 17 those hard drives or thumb drives?
 18 A. A laptop.
 19 Q. Was it just one laptop?
 20 A. Yes.
 21 Q. And do you still have possession of the
 22 laptop?
 23 A. Yes, I do.
 24 Q. Okay.
 25 MR. BRANCH: All right. If we can go

211

1 off the record for a couple minutes, I'm just
 2 about done.
 3 MS. SCULLY: I want to talk about
 4 something.
 5 THE VIDEOGRAPHER: Going off the
 6 record. The time is 3:15 p.m.
 7 (Whereupon, there was a recess in the
 8 proceedings from 3:15 p.m. to 3:18 p.m.)
 9 THE VIDEOGRAPHER: Going back on the
 10 record. The time is 3:18 p.m.
 11 MR. BRANCH: Nothing further.
 12 MR. SPARKS: Nothing from me.
 13 MR. JONES: Nothing from me either.
 14 THE VIDEOGRAPHER: This concludes the
 15 video deposition. Time going off the record
 16 is 3:18 p.m.
 17 [SIGNATURE RESERVED]
 18 [DEPOSITION CONCLUDED AT 3:18 P.M.]
 19
 20
 21
 22
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 24
 25

212

1 ACKNOWLEDGEMENT OF DEPONENT
 2
 3 I, STEPHANIE HOFELLER, declare under the
 4 penalties of perjury under the State of North
 5 Carolina that I have read the foregoing 212 pages,
 6 which contain a correct transcription of answers
 7 made by me to the question therein recorded, with
 8 the exception(s) and/or addition(s) reflected on
 9 the correction sheet attached hereto, if any.
 10 Signed this, the ____ day of
 11 _____, 2019.
 12
 13
 14 _____
 15 STEPHANIE HOFELLER
 16
 17 State of: _____
 18 County of: _____
 19 Subscribed and sworn to before me this
 20 ____ day of _____, 2019.
 21
 22 _____
 23 Notary Public
 24 My commission expires: _____
 25

213

1 STATE OF NORTH CAROLINA)
) CERTIFICATE
 2 COUNTY OF WAKE)
 3
 4 I, LISA A. WHEELER, RPR, CRR, Court
 5 Reporter and Notary Public, the officer before whom
 6 the foregoing proceeding was conducted, do hereby
 7 certify that the witness whose testimony appears in
 8 the foregoing proceeding was duly sworn by me; that
 9 the testimony of said witness was taken by me to
 10 the best of my ability and thereafter transcribed
 11 by me; and that the foregoing pages, inclusive,
 12 constitute a true and accurate transcription of the
 13 testimony of the witness.
 14 I do further certify that I am neither
 15 counsel for, related to, nor employed by any of the
 16 parties to this action and, further, that I am not
 17 a relative or employee of any attorney or counsel
 18 employed by the parties thereof, nor financially or
 19 otherwise interested in the outcome of said action.
 20 This the 20th day of May, 2019.
 21
 22 _____
 23 Lisa A. Wheeler, RPR, CRR
 24 Notary Public #19981350007
 25

215

1 ERRATA SHEET
 2 Case Name: COMMON CAUSE, ET AL. VS. DAVID R.
 3 LEWIS, ET AL.
 4 Witness Name: STEPHANIE HOFELLER
 5 Deposition Date: FRIDAY, MAY 17, 2019
 6 Page/Line Reads Should Read
 7 / | | |
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 24 _____
 25 Signature Date

214

214

A	141:21 169:1	103:23 169:15	213:8	anyway 40:7
à 119:16	186:24	184:16 189:14	Android 207:2,5	131:1,4
a.m 1:15 5:3	ad 4:19,22 11:18	agree 197:12,17	207:11	apartment 20:11
43:21,23,23,25	176:1 181:24	199:1	androids 210:16	20:16,20,25
86:17,19,19,21	182:2,4,7,12	agreed 197:6	anecdotal 32:15	22:5,9 23:14
Abha 162:14	182:15,17	agreement	34:15 140:14	24:10 25:20
ability 94:23	183:21 189:19	178:22 193:4	angry 99:8	26:12 27:6,21
215:10	ad-stick 11:20	193:17 194:7	ans 202:16,16	35:19 38:24
able 24:20 28:18	ad-sticks 23:21	ahead 8:1 10:20	answer 7:19,24	47:10 52:21
28:23 29:8	adapter 29:4	14:20 34:5	8:1,8 12:22	112:13
31:17,17 37:7	add 19:6	66:23 75:16	42:8 48:1	apologize
62:23 84:20	addition(s)	79:18 81:24	56:22 65:13	114:25 169:5
85:15 130:14	213:8	106:15 144:5	66:7 67:6	apparently
146:14 147:7	additional 15:13	157:19 159:22	68:13 69:12,14	72:23 168:3
156:10 160:16	21:14 138:19	172:12,15	69:15,22 71:11	187:18
194:16,21	address 9:20	173:25 183:12	71:18 75:16	appeal 34:10,23
196:20	15:9,10 82:16	186:22 203:23	79:18 80:1	60:15 102:25
absolutely 26:9	130:13 132:16	210:9	81:24 86:8	103:7,14,20
63:1 173:24	141:21 191:14	ahold 71:7	88:14,20 112:8	appeals 34:12
200:5	191:14 196:12	al 1:4,8 5:6,9	118:1 137:16	appear 15:4
academic 103:3	196:20 197:5	214:2,3	145:25 156:12	46:11 77:20
105:5 145:14	197:11 198:15	Alexandria	159:22 160:3	154:18 199:23
accept 143:21	199:16,17,20	24:24 51:25	170:23 172:3	appearance 78:1
146:3,4 199:12	199:25 200:1	alive 30:13	172:15 173:24	179:11 187:9
accepted 145:6	204:12 205:25	Allan 59:10	174:2,4 180:11	appeared 12:4
accepting 35:5	addressed 15:7	allegations	180:12 183:14	25:9 54:25
access 160:16	44:18 129:1	178:9,11,15,17	186:22 194:5	79:20 149:19
164:13	adequate 146:16	178:24	201:4 204:4,6	155:25
accommodate	Adjudication	alleged 178:25	207:10 210:3	appearing 129:5
196:8	4:16 177:10	179:3,8	answered 57:8	appears 44:17
accuracy 66:11	admissibility	alleges 179:5	75:15 76:6	45:21 46:10,21
accurate 8:4	102:20 134:5,6	allegiance 37:20	79:22 81:23	76:16,17,19,25
126:22 160:24	admitted 37:17	allegiances 38:1	86:7 106:22	77:9 127:4
215:12	advance 75:18	allow 191:13	113:16 145:21	168:20 189:21
accurately	109:4 133:1	199:12	145:23 158:8	215:7
140:12	141:5,25	allowed 88:12	160:1 165:16	Application
accusation	151:21	104:2 137:19	165:17,20	4:17 177:11
67:15	adverse 202:11	alongside 105:2	200:21,22	appointed 58:24
accustomed 55:6	202:22	alter 18:24	201:3 202:18	179:15 181:24
114:8 133:16	affairs 201:9,15	altered 131:12	202:23	182:8,15,18
160:19	201:22	amazing 196:17	answering 80:8	185:2,7,10
achieve 133:3	affiliated 104:19	ambiguous	answers 213:6	186:13 188:17
Acknowledged	affirmed 6:11	64:17 66:6	antagonistic	189:1
7:20	afford 209:12	American	90:14,18 91:4	appointing
acting 190:5	afternoon	201:23	202:22	176:1 184:24
action 103:5	195:17	amount 83:12	antagonize	appointment
215:16,19	age 139:24	140:20 163:19	197:4	4:17,21 177:11
actions 179:13	152:21	amounted 72:5	anybody 150:20	182:12 183:19
179:14	ago 36:22 48:16	and- 2:6,21	anymore 40:12	Appreciate
actual 28:19	68:25 80:23	and/or 71:10	205:16	195:20

appropriate 29:2 62:9 96:17	ascertain 201:7 aside 83:12,16 83:20 124:8 151:4 169:3	assumption 46:17,18 205:6 208:12	114:9 115:6 119:22 122:23 125:22 133:16 134:14 136:18 144:7 201:8,16 201:19,25	123:12,21 129:25 130:17 142:11 161:10 172:19 181:1 188:15 190:22 195:13 200:25 211:12 212:9
approximately 93:7 96:18 97:1 108:22 110:17 124:21 132:13 138:25 165:1 208:21 209:15	asked 11:2 26:18 30:24 40:2 47:25,25 51:14 57:7 63:13,17 71:5,9,17,20 71:21,22,23,24 72:7 75:14 76:5 81:23 86:6 102:2 106:21 109:17 110:1 112:5,6 113:15 121:7 122:16 139:11 142:10 145:9 145:20 158:8 165:17 194:2 200:20 201:2 202:18,22 209:18	assure 29:18 assured 40:8 attached 194:8 213:9 Attachments 4:15 attempt 66:10 73:9,13 75:17 75:20 130:7 attempts 73:12 140:3 attend 171:9 attention 33:7 44:12 55:7 76:14 78:11 160:21 188:14 189:12 attitude 144:10 attorney 5:22 10:1,2,16 27:2 31:18 58:11 59:8,8 68:7,14 69:3,24 70:5,6 70:9 82:10 91:12,14 96:2 96:4,4,7,8,17 97:7 98:16 107:8 114:12 123:25 131:24 131:24 141:18 183:2,9 185:13 185:17 186:1,5 186:7,21 190:2 190:6 192:21 193:6,8,14,22 193:23 199:19 200:18 215:17	August 171:16 171:20 172:23 172:24 173:7 authenticate 136:25 171:23 author 33:2 authorization 198:13 available 54:3 109:6 Avenue 2:4,19 average 140:7 201:23 aware 33:16,17 34:9 40:9 57:10 58:22 59:1 133:15 168:15,24 169:15 181:23 182:6,11,16,25 183:15,21,25 184:4,23 185:2 185:6,9,16,21 188:16,25 189:5 192:25 193:9 194:6,23 202:6,10 204:2 204:13,18,19 204:24 awareness 119:13 185:18 194:1,2	backed 29:14 87:15 background 148:16 backup 11:21 12:6 78:25 122:15 backups 51:23 56:16 71:13 78:2 84:2 87:10,21,25 111:10 146:22 bag 23:19,20 BakerHostetler 2:17 6:5 band 78:9 80:24 bank 54:5 base 129:23 based 106:4 137:16 145:15 146:1 179:13 183:1 208:12 basic 19:24 41:14 50:4 84:17 122:24 basically 108:5,8 131:2 139:9,11 154:10 158:25 169:20 basis 179:1 180:8 195:25 beat 119:17 begins 5:4 begun 102:5 behalf 61:25 199:13 belief 56:14 100:9 believe 6:25 38:2 46:7,14 47:24 48:6 52:24 53:4,15 58:17 62:8 63:8 74:3
arrival 52:13 arrived 49:13 article 33:10,21 59:21 102:8,23 169:10 173:12 articles 84:9,11 84:12 173:5,9 173:13 articulate 88:22	asked 11:2 26:18 30:24 40:2 47:25,25 51:14 57:7 63:13,17 71:5,9,17,20 71:21,22,23,24 72:7 75:14 76:5 81:23 86:6 102:2 106:21 109:17 110:1 112:5,6 113:15 121:7 122:16 139:11 142:10 145:9 145:20 158:8 165:17 194:2 200:20 201:2 202:18,22 209:18 asking 68:20 108:8 121:23 137:11 148:5 172:10 185:20 197:4,10 203:10 208:12 assembled 12:5 Assembly 204:15,21 205:7 assert 51:17 asserted 95:24 177:18 asserting 49:23 assertion 99:15 assertions 36:13 179:17 assistant 179:11 associated 206:15 207:17 207:23 assume 64:1 74:18 78:15 assumed 56:1,19 87:24 116:4 assuming 186:19	attorney-client 62:17,19 69:11 attorney-in-fact 179:15 attorneys 37:15 62:13 67:10 93:19 95:18 97:11 101:24 104:10,13 107:2,6 114:8	back 21:12 26:1 28:10,13,15 32:21 38:10 42:12 43:24 46:8 51:24 55:13,19 59:21 74:4,8,9 76:8 86:20 89:8 107:22 123:1	<hr/> B <hr/> B 4:7 back 21:12 26:1 28:10,13,15 32:21 38:10 42:12 43:24 46:8 51:24 55:13,19 59:21 74:4,8,9 76:8 86:20 89:8 107:22 123:1

76:8 82:15	117:17 125:25	43:18 47:4	111:2,15	cartography
84:10 91:8	140:13 145:13	86:12,13 123:3	120:24 122:12	140:5
92:13 100:3,3	158:24 200:25	123:5 161:5	125:14,14,16	case 5:12 9:2,6
105:17 107:17	206:18	180:11,16	125:17 130:8	9:17 17:8 31:2
107:24 111:14	blankly 137:14	208:6	132:7 136:12	35:4 36:3
121:4,4 123:18	blue 25:4 78:9	brief 7:8 25:24	136:22 137:1,4	38:14 42:12,18
125:6 126:20	78:10,11,12,13	130:7 132:20	137:4 138:17	44:9 55:23
143:8 156:7	Bluetooth 139:3	132:22	138:22,25	58:13,14,17,18
170:12 180:6,7	blur 190:18	briefly 25:1	139:15 140:17	60:11 90:24
181:21 183:5	blurry 88:4	42:15 189:20	called 101:2	103:2 105:10
184:16 185:8	Board 2:11 5:23	bring 13:24	121:16,20	111:4 116:23
186:8 189:13	Bob 31:15 36:25	143:2	130:2 136:17	119:21 124:18
195:6 196:18	89:12 93:16	bringing 99:5	calls 62:3 73:11	127:3 168:16
198:23 204:23	94:6,10 162:24	Brooks 8:24	87:18 108:25	199:20 204:14
211:6	body 189:6	brought 32:14	109:5 139:4	214:2
believed 35:17	bold 62:15	33:6 91:22	210:24	cases 84:5
114:3 179:9	Bolton 188:18	135:9	camp 100:12	cash 53:20
183:4	188:21	burden 183:4	capacity 1:7 5:7	casual 25:24
bell 187:25	bolts 124:13	buried 22:25	203:17	121:21 138:6
belonged 12:13	book 24:2 33:16	30:2	caption 175:24	153:18,22
25:21 40:2	bookshelf 24:9	business 27:2	car 137:12	157:12
50:5 82:1	bore 73:18	51:9,18 55:1	138:22 139:3	caught 153:2
112:3,14	bored 159:9	55:13 56:24	card 52:20 53:21	cause 1:4 5:6
belonging 13:2	bottom 10:21	57:4 59:15	53:23 54:1,5	31:9,14,17,25
beltway 140:16	15:19 167:5	60:7 61:7,7,11	care 9:24 22:23	32:13 33:24
beneficiaries	box 15:4,21	69:5 70:15,17	37:20	36:13 37:1,7
120:18	22:21 23:2	70:23 71:1	career 61:2	38:12 56:12
beneficiary	26:3 29:3	72:5 74:15	careful 19:6	57:20,24 59:6
82:10	44:17,21 45:3	75:12,24 76:2	29:21 134:14	59:16 60:7
benefit 43:11	45:4,6,7 112:7	81:19,19 82:17	Carolina 1:1,19	76:4 89:9,10
best 14:1 64:20	133:4 163:21	82:18 83:23	2:12,14,24 3:4	89:24 90:10,14
65:5,16 67:12	box-style 24:2	108:10 127:11	3:9,18 5:11,22	90:25 91:3
91:16 94:23	boxes 23:23	142:6 145:17	8:14 11:8	92:8,16 98:4
110:14,25	Braden 133:22	business-style	12:20 13:4,14	98:14 100:25
115:1,9,11	Branch 3:3 4:4	110:24	33:18 35:24	104:18 106:24
124:11 126:25	5:24,24 88:5,8	businesses	52:17 79:7,14	125:23 162:20
134:17 138:16	162:11 167:10	202:12	80:6 88:9,13	163:1,3,6,9,23
140:22 186:23	167:12 174:6	busy 95:16	90:8 91:5	173:14,17
196:8,18	174:25 195:16	buy 209:12	105:7,8 128:6	175:25 183:5
215:10	195:18 197:21		129:8 204:15	200:16 201:1
better 99:16	197:24 198:11	C	204:20,21	201:13,19
114:21 115:13	198:21 199:8	C 2:1 3:1 5:1	213:5 215:1	202:5,7 203:7
132:5 156:10	200:8,12,15	162:10 213:1	Carolina's 33:12	214:2
208:2	201:4 202:24	215:1,1	34:22	CC 133:20
beyond 62:21	203:1,5,10	cable 29:2	Caroline 67:11	CC'd 133:12,18
76:21 104:22	206:5,9 207:8	cables 29:4	119:2 125:21	cell 108:10 206:6
105:10 119:2	207:9 210:7	call 11:20 12:1	126:1 133:15	206:7
bias 37:16	211:25 212:11	94:1,1,4 95:18	137:6 138:12	census 43:2
bit 33:6 88:3,3	brand 78:21	108:12 109:23	138:17 142:23	centered 40:6
99:23 103:9	break 8:7,9	110:7,8,12,18	143:20 153:23	154:1

certain 52:25 73:17 84:2,4 101:19 103:19 103:24 127:10 127:10 132:17 197:13 204:6	childhood 22:21 203:16	clients 62:1	57:20,24 59:6 59:15 60:7 76:4 89:9,10 89:24 90:10,14 90:25 91:3 92:8,16 98:4 98:14 100:25 104:18 106:24 125:22 162:20 163:1,3,6,8,23 173:14,17 200:16 201:1 201:13,19 202:4,7 203:7 214:2	162:16,19,20 166:24 170:18 182:19 188:20 189:9 191:8,16 191:21 192:1 205:10
certainly 42:22 67:9 68:2 136:3 155:17 173:8	children 29:24 30:1 51:3 54:19 80:20 83:4,11 85:9 85:10 148:13 150:5	close 109:13 132:19 140:25	col- 195:8	communiques 109:15
certificate 4:14 189:22	children's 150:5	closed 105:22	colleague 196:2	community 20:14 72:14
certify 215:7,14	choose 64:22 65:19	closer 140:22	colleagues 97:25 149:1 166:6	comparison 85:21
cetera 30:19	choosing 67:15	Colie 162:17 164:8	collected 51:16 143:14	compel 197:19 197:20
chain 67:13 115:14	chose 37:21	collective 66:10	collect 51:16 143:14	compensations 163:24
Chairman 1:7 5:7	Chris 72:9	colloquialism 119:16 136:19	Color 4:11	competence 91:20 153:12
challenge 91:19	cigarette 86:15	colors 17:25	combination 94:8	competency 200:19
challenged 204:25	circumstances 111:25 170:17	combines 25:15 26:21 27:5 36:6 37:16 47:9 71:25 74:8 103:4 104:4 125:19 139:11 154:22 154:24 160:16 169:7	communicate 75:3 89:21 91:10	complete 8:4 65:2
challenging 153:11	civil 35:14 61:15 63:24 124:1	come 25:15 26:21 27:5 36:6 37:16 47:9 71:25 74:8 103:4 104:4 125:19 139:11 154:22 154:24 160:16 169:7	communicated 74:13 91:17 93:24 109:8	completely 43:8 49:3 103:21
chance 23:6 113:1 114:10 153:4	clar- 66:14	comes 101:5	communicating 81:7 185:25 193:21	comprehend 201:12
change 31:3 74:6 208:17	clarification 49:6 122:17	comfortable 135:7,10	communication 62:17 89:11,14 89:20 92:20 93:4,8 94:10 97:10 107:2 109:1,21 121:1 122:23 123:17 123:22,25 124:19 133:11 135:13 149:11 152:3 162:21 173:3 186:5 187:5 193:7	comprehension 201:14
changed 73:19 88:14 202:21 208:18	clarified 64:20 65:4,15 66:12 66:13 67:3	coming 99:20 101:5 141:18	computer 12:6,9 26:20,23 27:8 28:23 29:8,15 30:12 71:15 79:1 83:8 87:14 112:24 154:21 156:7 157:16	computers 70:18 70:21 87:5,15 87:22 89:4 142:5 155:7 211:15
changes 19:10 19:18 199:15	clarifies 64:8	comment 32:22 36:18 59:23	concern 61:18 69:4 98:21 101:10 105:9	concerned 29:25 37:18 62:14 105:23 146:19 159:8 183:17 206:18
changing 88:21	clarify 12:24 36:4 46:4 49:10 67:9 106:10 111:15 112:20 150:21 153:5 160:2 165:21 166:8	commented 36:11,12	concerning	
characterizati... 178:9	clarifying 69:2 96:1	commingled 128:24		
characterize 91:6	classic 116:9	commission 213:24		
characterizes 67:2	clean 19:16	Committee 1:8 5:8		
charged 147:1 173:20	clear 12:25 23:19 27:9 56:22 57:13,15 101:5 104:3 116:18,19 125:20 130:22 140:10 147:9 197:25 204:3	Common 1:4 5:6 31:9,13,17,25 32:12 33:24 36:13,25 37:6 38:12 56:12		
charges 52:20	Cleared 209:10			
check 49:20 163:13	clearing 132:25			
checked 48:24 155:1	clearly 35:22,23 118:9			
child 139:20 179:10,11,14 205:13	client's 62:23			

63:25 71:6 91:1 concerns 64:5 68:15 179:13 205:24 concluded 183:1 212:18 concludes 212:14 conclusion 62:4 123:18 conditional 50:24 condolences 93:21 conduct 67:21 conducted 164:11 215:6 conference 136:22 137:1 confident 156:4 confidential 197:7,8,12,13 confidentiality 117:25 confirm 24:20 50:4 80:3 104:10,12 131:11 156:10 156:18 confirmed 93:15 confirming 95:6 confused 42:5 103:9 157:25 confusion 166:10 congressional 85:16 103:25 connect 29:7 31:24 connected 28:23 38:13 Connecticut 2:19 connection 25:2 37:8 38:8 51:11 61:19 139:3 190:15 211:14 connectors	49:17 consider 81:8 83:5 considerations 163:24 considered 81:12,15,20,21 81:25 considering 64:1 84:20 142:15 177:1 consistent 208:3 consistently 27:22 constant 152:2 constitute 215:12 constitutional 90:4 consult 122:25 consultant 61:20 149:2 203:19 consulting 68:6 113:24 contact 21:25 71:6 75:17,20 108:9 contacted 31:8 31:13 36:25 170:5 171:1 contacting 37:2 37:6 98:4 contain 79:2 213:6 contained 12:19 13:9 46:3 62:11 64:14 70:23 76:11,24 77:14,18 84:3 85:3 89:1,4 94:24 113:21 113:22 127:22 128:25 150:24 containing 15:1 contains 62:16 62:18 Contemporan... 185:23 content 28:20 116:22 154:20	contention 117:16 contents 18:24 28:19 29:9 45:4,6 49:8 76:18 115:3 211:16 context 98:24 99:14,22 102:8 119:6 143:2 154:4 197:8 198:2 continue 74:6 172:1,2 203:24 continued 3:1 34:7 110:2 139:6 contract 209:6 contradictions 99:3 control 40:11 convenience 210:19 conversation 25:24 31:23 36:5 50:14 51:6 56:23 57:2 60:5 93:10,13,23 94:13,19 96:24 97:4,14 100:4 101:21,23 102:5 104:6 107:16 110:24 113:18 118:24 121:3,22 122:20 123:19 124:22 125:6 125:11 126:17 126:21 138:6 141:14 143:10 153:22 154:1 157:12 158:21 158:24 160:18 161:24 187:15 conversations 36:6 38:19,22 59:5 92:14 99:24 101:14 113:10 118:18	126:11 127:15 129:16,19,22 130:6 133:25 135:18 145:15 153:14 154:6 156:25 157:2 161:19,22 162:2,3,6,9 166:18 copied 146:23 copies 30:7 83:3 146:8,12 147:14,16 148:7,10,12,22 149:8 150:18 165:12 166:11 168:3 copy 82:11 107:11 146:14 146:17 166:5 167:15,23 168:10,17,20 168:21,25 corner 24:1 corpse 112:19 correct 7:7 8:15 9:8,22 10:1 12:2,11 19:22 20:18 30:13,14 38:9,15 48:10 48:11 50:19,20 50:22 51:12,13 51:22 58:8,20 58:25 61:8,9 61:13,14,16 62:2,25 63:1,2 63:7,15,16 65:9,20 70:17 74:13 76:12,13 77:14,15 79:8 80:12 81:10 87:6,10,11 89:12,13 90:12 90:16 91:5 92:7 105:19 106:7,20 108:1 108:20 109:2 112:22 113:8,9 113:14 116:1 123:22 128:20	128:21 131:15 143:25 144:25 145:19 146:6 148:9,11 149:17 151:1 155:11 159:20 163:16 164:22 165:2,3 166:21 171:10,17 177:7,8 178:7 179:3 184:19 184:23,25 185:11 189:14 191:24 192:4,5 193:18 194:23 205:6,9 208:13 213:6 correction 213:9 correctly 36:24 92:4 155:5 counsel 2:2,11 2:16 3:2,6 5:13 7:21 38:4 44:14 67:21 68:3,14 69:1 69:18 78:7 191:17 193:12 195:18 198:5 215:15,17 counsel's 88:10 count 147:13 country 203:15 County 1:2 5:11 187:6 189:1,9 213:18 215:2 couple 10:19 16:12 22:15,16 24:21 41:11,14 94:21 133:12 147:18 195:8 212:1 couples 160:20 course 26:5 31:20 32:7 38:21 40:16 41:2 56:9 84:13,14 112:8 148:12 187:7 court 1:1,1 3:16 5:10,10,15
--	--	---	---	--

67:13 96:14	213:1	102:6,8 161:14	3:2	device 18:12
103:16 104:1	D.C 2:4,19 15:9	214:2	defendants 1:9	46:25 49:1
106:12,13	131:24	day 21:5 47:2	2:11,16 5:25	54:15 76:15
169:17 183:16	dad 116:12	60:14 136:20	6:3,6 44:9	78:22 207:12
183:22 184:23	149:21	169:12 188:1	116:20 117:18	207:13 208:10
185:2 186:13	Dad's 55:15	192:24 208:15	118:11 195:19	209:5,7
187:6 193:4,16	Dale 26:21,22,22	213:10,20	definitely 137:6	devices 11:7,15
197:18,19	26:23,25 55:1	215:20	degree 62:25	11:21 12:7,8
198:19 199:3	55:11 60:4	days 28:12 52:25	193:10	12:13,19 13:9
215:4	61:8 71:6,10	53:5 74:4 93:1	delayed 13:25	13:15,16 15:1
courts 196:21	71:10,17 72:2	97:1 176:20,21	delete 19:4	15:15,22 17:20
cousin 71:24	72:10,12,21,23	176:24 177:6	deleted 209:21	18:19,20,22,25
72:19 120:2	73:2 74:13,23	177:16 187:16	deliver 134:25	19:5,13,19,25
cover 25:8 78:10	74:24 75:2,4	187:21	demographer	20:5,8,24 21:7
78:11,13,16,17	86:24 87:14	dead 74:25	154:5	21:10,15 23:11
78:21 195:23	89:4 142:8,21	80:22 82:2	demographics	23:15 24:17
196:3	142:25 143:3,9	100:7,18	105:2 140:5	25:3,11 27:18
covered 71:8	143:16,22	Deakins 2:22 6:2	Department	27:20 28:15,19
128:5,13	144:18 151:12	deal 98:24	2:12	29:7 30:16,20
135:25 196:2	154:11 155:6	dealing 98:22	deponent 3:6 6:8	31:1,4,8,22
covers 33:2	Daley 32:16,22	118:20	deposition 1:12	32:9,12 33:24
coworker	33:1,11 59:21	death 20:17	5:4 7:9 48:3	35:17 36:1
165:24	102:6,8	21:21,24 27:7	136:24 141:6,9	37:3 38:11,23
coworkers 97:24	Daley's 33:16,21	27:15 41:22	156:16 212:15	39:4 41:5
150:18	Dalton 27:1	42:4 100:2,5	212:18 214:5	42:11,17 54:15
Cox 2:13 5:21	142:9 146:2	100:12 101:8	describe 102:13	111:7,11
5:21	Daniel 161:20	112:13,15	DESCRIPTION	122:14 207:16
Crabtree 53:17	data 18:12 19:19	170:19	4:8	208:14,18
created 51:10	28:6 30:20	deathbed 100:20	designed 139:23	209:4 211:13
83:24	43:2 64:22	debit 53:21,22	desk 22:16	211:16
creating 30:21	65:5,17,18,20	54:1,5	desktop 27:8	died 21:18 72:4
creative 60:22	77:5 79:21	decade 36:22	148:16	154:17
credit 52:20	80:17,18 81:10	deceased 20:11	destroyed 81:3	different 46:13
crime 173:21	112:24 113:6	32:21 81:17	detail 98:11	77:4,5 78:3
criminology	116:15 118:4,5	152:6 173:18	110:21 111:5,7	84:7 131:23
149:2	118:6 127:23	December 101:1	detailed 95:25	167:25 203:1
cross 159:4	127:24,24,25	107:17,24	114:2	206:13 207:16
CRR 1:23 3:17	128:1,17,18,19	120:25 124:23	details 21:14	208:14
215:4,23	128:20,24	190:17 208:25	52:12 60:18	differently
curious 60:11	129:4	decide 114:9	91:11 113:1	110:5
145:9,10	date 5:3 10:4	decided 14:1	203:12,14,19	difficult 77:23
Current 206:22	117:15 181:11	deciding 79:24	203:24	83:2,9 84:23
custody 67:14	181:12 192:25	decision 134:21	determinations	85:11 193:9
115:14	209:1 214:5,25	135:1,2	63:12,14	dig 30:3
cut 119:9	dated 10:5	decisions 64:25	determine 62:10	direct 82:13
CV 63:11	181:14	declare 213:3	63:21 64:13	146:2
CVS 1:2 5:12	dates 191:2	decorative	83:9 157:7	directed 191:23
	195:4	148:17	158:3	direction 64:7
D	David 1:7 5:6	def- 6:2	development	directive 129:6
D 4:1 5:1 213:1	32:16,22 59:20	Defendant-Int...	36:7	directly 38:13

45:9,12 73:4	31:20 32:4,7	185:13,15,16	57:1,5,12	94:11,20,21,24
104:19 127:5	33:20 37:1	187:20 196:17	59:22 60:1	95:3,8,10,13
131:3,5,14	51:7 57:24	197:7 198:4	62:11 64:24	96:18 130:9
141:25 152:12	58:3,9	199:13,23	67:19,20 70:24	132:13 133:8
153:11,11	disguised 36:16	doing 8:9 108:9	70:24 74:11,12	133:10
182:23 193:13	dismiss 4:24	114:8 122:1	77:10,18,19,25	e-mailed 130:12
director 31:16	193:2,16	129:24,24	78:8 80:15,15	e-mails 53:25
disagree 179:17	displayed 22:23	134:2,4 173:6	81:11,13 87:9	ear 116:13
199:1	dispute 200:19	dollars 132:21	87:9,16,16	earlier 9:5 30:12
disclosed 35:10	distinguish	domestic 196:16	89:1,2 100:24	44:8,15 48:6
40:13 56:18	85:15	door 22:19	101:15 102:7,9	58:18 61:6,16
discovered	distributed	dot 159:4	104:15 111:18	70:14 78:6,14
56:25	166:11	Doug 186:20	112:22,22	80:14 86:23
discoveries	district 85:17	187:1,9 188:1	113:12,13,20	89:9 131:13
56:21	districts 32:20	Douglas 59:12	113:21 114:4,4	135:5 166:16
discovery 3:16	33:13 34:22	186:8	114:5,6 117:11	168:15,23
35:11,11,12,12	35:4 43:3	drained 122:3	117:11 118:7	169:3 171:13
35:14 40:15	103:25 169:17	draped 23:1	134:22,23	200:21 209:18
56:19	Ditched 165:7	drawer 147:21	135:16,16	earliest 210:19
discriminated	divide 100:11	147:23	146:9,9,12,13	early 50:9 59:4
37:18	Division 1:1	drawers 22:16	147:19,20	89:15 92:24
discuss 31:21	5:11	23:24 24:4	155:8,9 164:12	96:25 190:18
59:13 73:10,14	divorce 81:4	29:3	164:12 165:10	211:11
97:19 98:12	doctors 150:4	drawing 11:8	165:11 211:17	easy 71:6
100:22 113:1	document 9:15	46:1,1 205:12	211:17	echoing 116:13
118:25 119:20	44:13 46:9	205:17	driving 83:15	Eddie 5:19
124:16,17	52:21 63:15,18	drawn 56:8	85:1 141:3	67:11 107:10
127:20 186:10	63:21,22,23	90:22	drop 74:7	107:25 119:1
discussed 38:11	152:10 175:22	drew 36:20	dropped 7:3	125:21 126:1
41:6 55:22	176:4,6,17	drive 8:18 11:20	136:23	133:15 137:7
56:3,14 59:18	177:5,9,13,15	32:24 45:22,25	dropping 139:4	142:22 153:23
70:8 97:3	178:1 181:5,14	46:2,3,6,12,13	210:14,14,17	Edenton 2:14
110:23 113:7	181:19 184:14	46:15,20 49:17	210:24	edge 153:20
119:11 122:19	184:17,21	54:20,21,22,24	drops 139:5	Edwin 2:8
128:10,14	185:1 187:21	55:10,17,21	due 196:25	135:19
135:22 136:6	189:16 192:12	56:3 59:23	duly 215:8	effects 113:2
161:25	192:15,18	74:19 76:11,17	dump 107:21	effort 78:19
discussing 13:16	193:1	76:19,25 77:11	duplicate 155:17	108:25 112:16
23:11 32:9	documentation	77:14 78:2	155:18	efforts 55:12
33:11 35:1	65:2	80:2,2,3,4	duplicative 89:3	79:10
36:8 57:19,22	documents	146:21,22	dying 27:11	eight 16:19 93:1
102:18 127:19	10:22 11:2	150:1 156:2	113:3	96:25
160:14	29:24 52:16,18	drives 11:18,25	<hr/>	either 24:22
discussion 34:8	73:18,18,19	12:1 16:2,7,8,9	E	57:16 60:19
40:16 41:2	79:13 81:1	16:12,23,24	E 2:1,1 3:1,1,3,4	116:19,24
67:10,12 98:6	83:24 84:4	17:21,21 23:20	4:1,7 5:1,1	120:9 141:8,20
110:2 114:23	85:5 96:11,12	23:25 24:7,7	213:1,1,1,1,1	143:15 151:12
115:24 119:4	96:14 120:16	29:5 34:7 36:5	214:1,1,1	153:14 207:11
132:22 142:17	146:6 163:16	46:13,23 47:1	215:1,1	212:13
discussions	175:5,10	47:14,14 50:10	e-mail 94:6,10	Elections 2:11

5:23	erased 211:7	35:2,5,19	Excuse 17:5	111:5 210:9
electronic 10:15	Erin 182:4,14	42:21 103:1	25:17	explained 59:10
11:6,15 48:9	183:25 184:5	104:2,16	executed 193:18	72:1 110:6
48:13,17 64:10	err 64:6	105:19,21,23	Exhibit 4:9,11	116:17 139:18
80:15 82:20	errors 35:3	106:2 115:16	4:12,13,14,16	187:20
83:8 101:16	escully@bake...	129:10 130:16	4:19,20,22,24	explaining 116:8
155:10 164:20	2:20	134:7 186:19	9:11,14 14:15	explicitly 56:1
211:15	espeas@poyn...	ex- 139:15	14:18 44:13	56:10 116:22
element 38:3	2:10	159:13	45:17,21 46:21	118:9 129:7
Elias 162:7	esquire 9:25	exact 67:18	64:12 76:8,12	exposed 122:7
Elizabeth 2:18	144:9	105:24 108:5	76:25 77:20	express 38:22
6:4 44:7	essentially 29:14	111:22 131:8	78:12 141:10	157:19
161:17	131:25	132:2	167:6,8 168:8	expressed 33:22
emotion 25:16	establish 71:25	exactly 15:5	168:9,9,20	51:8 93:21
101:7	203:22	16:10,17,18	174:18,23	157:19
emotionally	established	23:3 27:10,13	175:6,6,10,11	expressing
122:3,3	127:2,21	42:9 64:24	175:18,23	42:19 120:5
emotions 99:3	130:13 196:22	67:8 71:6 85:1	176:6,17 177:6	153:24
153:19	establishment	94:8 97:8	177:9 178:25	extend 185:19
emphasis 149:4	203:9	107:23 120:12	180:24 181:5	extended 25:21
employed 63:6	estate 4:13 42:3	130:6 132:7	181:20 184:6,8	extensions 84:17
215:15,18	58:24 82:9	133:5 150:15	184:14,18,21	84:19
employee 215:17	96:3 120:21,22	192:20 194:17	187:22 188:8,9	extent 47:11
employment	151:15 168:22	exaggeration	188:13,14,15	117:10 118:13
179:12	168:25 183:18	158:25	189:12,16,21	178:12 210:21
empty 16:12	185:11 186:12	examination 4:2	192:7,8,13,15	external 11:18
enacted 204:20	188:17 191:22	4:3,4 6:15 44:5	192:19 193:1	11:20,25 12:1
205:2	195:1	78:7 195:15	193:15 194:8,9	12:8 16:7,9,23
encountered	estimate 83:21	examine 149:19	exist 155:16	17:21 24:6
210:23	84:23 85:11	examined	existed 74:20	29:5 54:22,23
encouraged	estranged	152:14	117:10 119:3	56:25 57:5
21:11	179:10,14	example 77:25	existence 119:5	76:17,19 77:10
ends 118:1	183:23 184:1	78:5 83:3 84:8	expect 123:25	78:22 111:7,11
Enforcement	et 1:4,8 5:6,9	133:21 148:14	129:4	112:21 113:20
2:11	30:19 214:2,3	exasperate	expectation	122:14
engage 64:12	etched 46:6	118:15	118:2 159:16	extra 112:16
engaged 61:12	Ethics 2:11	exceeded 157:1	expected 52:3	extremely 122:2
entered 58:23	evasive 126:4	Excellent 6:24	expecting 94:1	eyebrows
129:10 184:24	159:24	7:8 18:10	98:5 122:7	117:17
193:5	evening 23:13	35:25 180:19	experience	
entering 187:9	54:10	exception(s)	35:15	F
entire 49:8 56:6	event 198:12,23	213:8	expert 51:11	F 215:1
203:15	eventually 28:10	exchanged 94:5	60:19 61:20,22	fa- 205:13
entirety 65:18	107:1 135:11	exchanges 133:5	62:2 83:24	face 79:17
80:7 115:2,10	203:25	exchanging	105:1 113:23	facing 91:19
entitled 116:11	Everett 188:18	125:12 136:4	131:6,25	fact 32:19 34:21
116:21 117:1,4	everybody 88:9	excited 30:4	experts 61:12	39:10 46:16
117:25 118:16	133:18 199:19	51:2	expires 213:24	51:13 55:22
entitlement	evidence 14:2	exclusively	explain 34:20,25	57:10,12,20
120:6	34:13,17 35:2	95:19 166:4	95:25 110:5	70:6 71:12

80:4 88:24	36:20,22 37:17	60:7 61:20	139:25 143:5	54:24 84:6
97:23 105:10	40:10 41:18,22	62:11 69:5	144:15 152:14	98:15 116:16
116:6 119:2,5	42:4,12,13	70:15,18,23	190:22	140:24 179:1
124:25 127:16	49:4 50:5	71:3 74:17,21	Fiduciary 3:7	186:20 208:1
128:11 133:15	55:16 56:6	75:23 76:20	figured 169:18	finding 72:18
134:12 143:9	60:21 61:7,10	80:16 81:9,17	file 49:11 62:23	132:18 200:18
152:5 153:15	71:10 72:4,4	81:18 83:14	84:17,19	fine 7:22 14:20
166:19 169:16	74:15,23,25	84:18 85:24	filed 5:9 176:22	42:10 199:18
182:17 186:11	75:12 76:1	87:6,12 99:9	176:24,25	200:8 204:5
186:16 194:10	78:23 81:1,14	100:23 101:15	177:16 181:11	finish 7:17,18
factory 209:11	82:1,3,13,16	105:18 113:22	181:12 182:16	8:8 34:3 40:21
facts 179:4,7	83:22 84:15	118:5 127:8,17	files 13:11 19:4	66:19 80:9
186:19	85:6,8,9 90:7	127:24,25	19:8,11,19	181:7
factual 180:8	90:12,15 91:5	128:17 139:16	20:19 29:13	fire 81:3
fair 77:16 85:18	93:22 97:24	142:6 144:23	30:18,20 31:3	firm 63:7 195:20
86:5 135:12	98:10,17,19	145:17 149:10	35:19 40:1,6	firmly 125:7
fairly 195:24	99:13,17,19,25	155:10 157:9	42:22 43:8,12	firms 63:9
fairness 36:14	100:4,12 101:9	158:18 160:20	47:9 48:9,17	first 6:11 9:19
familiar 37:21	104:19 105:3	168:25 169:4,8	49:25 50:3,6	13:1 14:22,23
51:25 60:18	105:11,16	169:12 170:19	50:12,15,16,18	15:6 20:3
61:15 93:18	106:19 112:4	171:19 172:13	50:22 51:20,22	21:17 25:15,16
103:20 141:1	112:10,20	172:25 173:14	52:9 56:11,13	28:21 31:13,15
154:19 175:20	113:7,11	202:2,12,25	56:18 57:13,14	32:14 33:14
familiarity	118:15 122:8	Fayetteville 1:18	57:18,21 64:10	34:13 36:6
84:18 194:20	128:18 132:6	2:8	64:13,23 71:3	44:12,16 49:16
family 25:21	134:12 139:21	February 10:5	71:15 74:17,21	51:20,22 53:20
58:16 72:25	143:11 144:8	11:1 39:2	75:5 76:24	54:8,17,24
73:18 101:13	147:6,12 149:9	190:4 191:3	79:2,24,25	57:19,25 58:3
119:25 120:5	151:15 152:6	192:24,25	82:18,20 83:8	73:15,21 74:2
155:24 158:15	154:3,17 155:8	193:1 194:25	83:14,17,22	81:2 89:10,16
171:25 201:9	159:10 164:19	209:16 211:10	85:3,12,19,22	90:24 92:20,25
family's 201:15	169:25 170:7	FedEx 14:11	87:13 114:16	93:1,4,7,23,24
201:22	171:2,3,10,14	45:7 132:19	116:22 118:8	96:24,25 97:10
far 8:17 17:12	171:15 173:6	163:11,14,15	129:7 131:11	97:14 102:22
17:25 105:23	173:10,17	163:21	145:11 146:17	104:5 107:8
110:9 123:23	202:12,13	feel 50:23 81:7	148:25 149:7	109:9 110:7,11
140:20 156:6	203:6,12	99:7 134:9,16	149:14,19	110:18 111:2
156:20 157:12	205:10,14	147:1 156:4	155:11,17	111:14 120:24
159:7 167:3	father's 11:7	196:7	157:8 158:3,12	122:12 123:16
201:7	12:19 13:13	feeling 114:17	158:12	141:7 146:20
Farr 2:23 6:1,1	21:24 22:12	121:25 122:4	fill 21:13	146:23 151:17
17:5,13 47:25	23:16 24:10	169:13	finally 186:25	155:22 165:8
48:4 69:23	25:17 26:14	felt 29:17 30:2	financial 43:11	168:9 169:4
70:4 115:19	27:1,7 29:3	38:1 40:4	179:11	175:16 176:16
father 8:24	30:21 31:5	42:21 60:20,24	financially	177:15 181:18
12:14 13:2	47:10 48:8,25	71:7 74:5 87:3	215:18	182:11 184:20
16:16 20:12,15	50:12 51:9	90:2 95:12	find 14:11 23:9	187:13,15
21:18 27:3,11	54:8 55:1,3,11	97:23 100:7	26:6 30:7	190:14 192:18
27:12 29:19	56:24 57:4,17	104:18,21	31:18 48:8	196:11
30:12 32:21	57:21 59:15	117:19 132:4	50:17 51:9	five-minute

43:18	foundation	61:4 69:17	65:1,6,19	206:6 212:5,9
fixture 56:5	203:9	70:7 105:4	66:23 75:16	212:15
flag 22:24 23:1	founding 64:4	136:4 204:15	79:18,25 81:24	good 6:17 29:17
flap 15:12	four 16:9,23	204:21 205:7	92:18 106:15	60:4 67:13
flip 10:19 14:20	24:6 53:5,7	General's 5:22	124:12 131:3	86:24 104:11
15:12,18,25	74:3 92:14,18	gentleman	144:5 157:19	104:20 140:11
17:18 18:10	129:21 178:4	154:24	158:2,18,20	144:19 168:4,4
flipped 18:3	178:24	genuinely 143:8	159:22 160:19	180:19 195:17
focus 13:6 15:19	fourth 46:10	Geographic 27:3	172:12,15	Google 169:9
83:16 156:15	frankly 98:1	72:3 74:20	173:25 183:12	208:2
focused 59:6	99:23 110:6	142:5	186:22 190:23	gotten 26:15
focusing 58:10	127:25	Gersch 161:14	197:18,19	35:18 38:24
168:8	free 196:7	getting 20:24	200:25 203:23	71:11 73:3
folder 55:5 84:9	Friday 1:16	25:11 27:18,20	210:8 211:25	103:13 157:21
folders 50:4 55:9	132:24 214:5	30:3 31:8	goes 117:22	grabbed 48:25
84:3 85:3	friend 80:23	116:14 118:24	going 5:2 14:3	grand 96:20
follow 173:4	209:10,12	133:3,4 134:18	17:15 21:12	grandfather
follow-up 44:10	211:9	157:24 171:24	26:4,5 36:9	85:5
95:17 109:25	friendly 110:24	gift 32:24	39:25 40:24	grandmother's
188:13	friends 80:22,25	gifts 82:14	43:20,24 56:8	120:7
follow-ups 195:8	97:24 119:25	gist 32:19	67:7 70:10	grandparents
followed 171:19	120:5	111:23	79:23 86:10,14	23:2
172:25	frightened 153:3	give 8:4 28:1	86:16,20 88:8	great 7:15 8:3,14
following 62:16	front 45:8,19	31:18 42:23	95:14 98:9	9:1,5,24 10:3
follows 6:14	168:7 172:8	70:11 84:23	100:11 101:3	10:14,19 12:3
foregoing 213:5	175:5 181:6	85:11 93:25	103:12,15	14:4 15:6,12
215:6,8,11	frustrated 36:9	97:10 112:18	109:5 117:20	17:3 18:3 20:3
forensic 131:6	full 6:21 136:18	114:22 115:2	121:6,24 123:8	27:16,20 28:9
131:25 147:2	function 43:2	135:6,11 142:2	123:12 125:3,4	29:22 38:18
forget 138:4	functional 41:25	167:14 174:7	130:14,22	43:19 98:24
Forgive 206:18	funding 160:15	174:12 199:17	131:1 133:3	great-grandpa...
forgot 172:18	funds 160:16	206:17 207:25	134:21,24	25:22 30:6
Forks 2:23 3:17	179:16	given 58:1 71:12	135:6 141:2	ground 7:9
form 12:21 17:9	funeral 171:3,9	72:4 81:11,17	142:15 146:24	grounds 177:17
37:12 88:11,18	funny 103:8	111:16,19,21	151:22 152:11	178:4,5,13
149:24 163:13	furniture 25:19	111:24 125:25	152:18 153:5,6	179:3,6,8
formal 63:3	further 95:13	139:12	153:8 156:16	Group 3:3,7
format 10:15	101:22 111:5	giving 40:18	159:14 160:16	5:25 195:19
126:23	114:19 172:4	41:4 135:7	161:6,10	growing 140:15
forms 150:3	195:7 212:11	157:11	166:20 170:22	grumbles 35:13
forth 130:18	215:14,16	glance 155:22	171:21,25	grumbling
178:24 179:5,7	furthest 36:19	glasses 181:10	172:1,2,3,7	35:13
forward 185:18		go 7:4,8 8:1	174:1,21 176:9	guaranteed
found 23:10	G	14:12,12,20	179:18,25	40:12
29:1,3,12,22	G 5:1 213:1	17:15 22:2,4	180:4,10,20	guard 153:3
47:12 54:18	game 17:6	22:11,11,13	181:1 186:3,3	guardian 4:17
58:20 65:3	gasoline 52:20	28:10 34:5	186:13,14	4:18,19,21,22
117:18 130:3	gender-based	38:10,10 40:11	189:24 191:6	58:23 176:1
156:15 169:25	149:4	43:17 49:7	195:9,13,25	177:12,12
177:19 178:6	general 1:1 5:10	52:19 55:13,19	196:1 197:17	181:23 182:2,4

182:7,12,15,17	62:11 64:23	hide 116:10	164:21 165:4	I's 159:5
183:19,21	67:19 70:24	highly 197:8,13	196:11 197:5	i.e 120:15
184:25 185:3,7	74:11,19 76:25	highway 14:13	198:15 199:25	155:19
185:10 186:11	77:18 78:2,4,8	hint 186:21	hon- 96:22	idea 56:7 79:23
187:19 188:16	80:2,3,15	HIPAA 149:24	honest 60:18	109:25 124:6
189:2,19	81:11,13 84:1	150:2	honestly 16:10	131:8 135:10
191:22 192:2	87:8,16 89:1	hired 179:12	53:5 75:2	142:14 152:15
195:1	95:24 100:24	historical 42:22	87:20 89:6	158:19 159:3
guess 124:10	101:15 102:7,9	65:2 104:22	94:9 107:17	204:1 205:16
157:24 176:25	104:15 111:18	historically 91:3	116:4,6 119:10	identical 78:1
185:22	112:22 113:12	history 197:1	119:15 125:24	identification
guidance 69:2	113:20 114:4,5	Hofeller 1:13	126:3 130:5	9:12 14:16
	117:11 126:2	4:8,9,12,13 5:5	135:9 138:10	167:7,9 174:19
	134:22 135:16	6:8,10,17,23	140:23 141:23	174:24 180:25
H	139:2 146:8,12	7:1,4 8:24,25	149:18,21	184:7 188:10
H 4:7,12 214:1	146:21,22	9:11,22 14:15	151:23 158:14	192:9
half 72:5	150:1 155:8	37:15 44:1,7	169:23	identified 57:4
half-uncle 120:2	156:2 164:11	86:23 88:24	hope 98:15	identify 5:13
hand 134:24	165:10 211:17	90:7,15 123:15	195:22	59:7,9
handle 59:11	hardware	161:13 167:6,8	hoped 30:7	idolized 98:2
handled 131:2	208:11	168:7,11,22	hopes 31:16 37:6	ignored 50:11
185:17	Hargett 3:4	173:20 174:18	hoping 78:24	III 3:3
hands 18:9 81:6	Harris 72:20	174:23 175:4	147:6	image 15:19
157:23	120:2,9	178:19 180:24	hospitals 150:3	16:1 18:11
handwriting	Hartsough 8:25	181:4,18 184:6	hostile 99:5	99:1,6,6
44:18,21,24	72:9	184:13 188:9	hotel 28:21 53:4	images 14:25
45:1 46:5	head 41:1 53:6	188:12 192:8	53:8,10,12	18:5,14
76:20	66:25 123:4	192:11 195:17	54:11	imagine 170:17
handwritten	126:3	199:11 213:3	hour 86:11	immediately
10:4 46:1	heads-up 121:8	213:15 214:4	140:18,19	22:20 25:6
happen 100:1,5	142:3	Hofeller's	hours 49:7,14,24	77:12 82:22
195:25	health 149:16,20	170:18	50:1,2 82:22	151:19
happened 56:21	150:10	Hofellerism	85:2	implication
72:18 125:7	heard 106:3	119:16	house 1:8 5:8	105:25
210:10	hearing 94:25	hol- 190:19	24:23 52:13	implied 102:9
happening	175:25 176:9	hold 27:22 65:24	72:13 81:2	128:12
153:21	185:6,7	65:25,25 66:18	105:22 106:11	importance
happens 105:9	heirloom 25:19	86:1 112:12	132:19 198:6	139:16 202:2
happy 8:9	held 54:5 197:7	179:24,24	household 88:4	important 161:1
148:18 196:7	Hello 6:18	181:10 198:7	Howerton 3:12	172:5
harassing 180:1	help 37:7 74:8	holiday 109:19	huh 118:12	impression
hard 11:18,25	154:24	190:22,23	human 99:2,6	34:11 77:22
16:7,9,23	helped 59:7,9	holidays 109:14	189:1,10	93:25 102:24
17:21 23:25	helpful 200:13	124:25 125:9	hunch 78:23	103:13 112:18
24:6 29:5	helping 72:25	home 49:13	169:13,23	124:3,15 132:9
32:24 34:7	130:18,20	51:24 52:1,6,9	hundred 132:21	152:7 167:2
36:5 54:21,22	hereto 213:9	55:4 71:4,4,14	hundreds 54:18	impressions
54:23 55:10,17	hero's 99:6	80:16 105:14	husband 165:7	124:24
55:21 56:3,25	hey 133:22	147:17,17,23		in- 176:10
57:5,12 59:22	hi 133:23 138:12	148:8 154:14	I	in-person 141:4
59:23 60:1				

inadmissible 173:23,24	influence 179:10	70:12	interrupt 17:6 200:11	Jacobson 161:20
inappropriate 171:6	inform 151:13 170:5	instructs 7:24	interrupting 200:13	Jane 32:3 37:2 92:5,8 94:7,25 95:4 104:7,12 105:17 107:16 108:6 121:5 142:1
Inasmuch 24:18	information 29:10,11 46:20 47:15,16 48:9 48:12 55:14,16 55:20 56:17 62:12 64:15 68:16 69:5 70:22 76:10 77:17 80:4 88:25 89:3 92:1 104:21 106:6,18 113:4 113:22 114:3 116:7 117:1,2 117:6,10 125:25 126:23 127:17 149:16 150:11,16,19 150:19,24 151:4,6 152:1 157:8 158:4 165:24,25 166:12 211:8	65:17 115:13 115:15 147:2	intervenor 5:25 195:18	January 125:10 125:13 126:16 126:19 168:12 190:17,19 209:16 211:9
incident 23:12	informed 60:20 183:16,22	intend 41:13	interview 32:16 32:17 102:6 183:1	jbranch@sha... 3:5
incidental 61:3	initial 37:1 51:6 113:18 135:13	intended 76:2 135:14	Intro- 108:4	jewelry 22:21 26:3 112:7 120:7
incidentally 99:14	initially 10:15 50:10 90:17 104:18	intent 112:11	introduce 108:11	job 140:2
incidentals 95:20	initiate 107:5 109:23	intention 13:24 118:3 119:19 130:17 147:10	introduced 108:4	John 3:3 5:24 195:18
includable 126:24	initiated 94:4 125:16	intentionally 51:18	involved 37:24 40:14 71:9,17 71:19 92:1 97:16,20 102:17 120:9 120:11,15,20 124:7 138:11 139:20,21 173:19 199:20 201:10,16,20 201:25 202:7 203:13	joke 59:25
include 90:6	inside 16:20 22:23 23:2 140:15	intentions 116:16	involving 13:4 149:6	jokingly 100:15
included 126:25 127:18	insight 42:23 104:24	interaction 143:11	iPhone 206:23 207:5,11	Jones 2:3 4:2 5:17,17 6:16 6:19 9:10,13 14:14,17 15:8 17:14 43:17 44:1 47:19,22 57:7 61:23 62:3 64:16 65:10,21,25 66:3,21,23 67:1 68:19 69:12 75:14 76:5 79:15 81:22 86:6,10 86:13 87:18 88:16,17 106:21 113:15 136:11 137:2 137:13,16,19 137:21,23,25 138:7,17 141:5 141:14 145:20 159:11,14 161:24 162:22 165:14,17 167:14,17,20 167:23 168:1 170:15,24
including 43:7,8 47:5 113:23 120:17 173:10	instantly 130:12	interchangeable 126:6	irony 100:17	
inclusive 215:11	instruct 69:13 69:13,14 88:20 170:22 172:3 174:1	interest 33:19 50:9 51:8 55:23 56:13 57:11,21 61:2 72:17 90:2 100:25 103:3 104:23 105:5 120:23 145:13 153:24 196:18	irrelevant 43:1 207:7	
incompetence 4:17 175:25 177:11 187:23	instruction	interested 61:5 72:15 84:14 120:13 193:5 215:19	issuance 141:22	
incompetency 38:8 91:22 92:2 96:11 97:16,21 99:10 118:19 119:1 119:14 120:10 152:13 181:25 185:24 187:10 190:12,15 191:5 193:3		interesting 85:6 90:23 169:19	issue 42:5 57:23 151:22 154:22 204:14 205:8	
incompetent 4:15 58:20 176:11 177:19 178:6 179:2 183:8		interim 4:19,21 58:22 183:19 184:24 185:3,7 185:9 186:11 187:18 188:16 189:2 191:22 192:2 194:25	issued 142:8,21 142:24 143:3 151:12,13,18 151:20,24 158:22 168:10 168:16,22,24 191:18 192:3	
increasingly 130:22		interior 15:20	issues 33:3 36:15 83:19 152:21	
independent 38:4 98:16,19		interject 68:10 199:7	issuing 151:21	
indicate 52:22		interpretation 185:15		
indicates 139:24 175:13		interrogatory 153:24		
individual 189:7				
individuals 138:19 194:11				
infant 54:19 80:20				

J

171:5,11	95:12 96:1,1,7	95:23 96:6	157:13 160:2,9	laws 204:20
172:17 175:1	98:3 107:20	98:23 99:16,21	161:1 163:10	lawsuit 6:20
179:18,21,24	117:17 126:2	100:10,14,15	165:22 166:14	34:21 198:3
180:3 193:19	140:23 147:6	100:19 101:10	166:15 167:3	205:1
198:7,17 199:1	191:13 195:21	102:12,12	168:14,23	lawyer 37:8 38:6
200:20 201:2	207:4	103:17,19	169:14 171:7	62:5 92:10
202:14,16,18	kinds 29:21	104:9,9,11	179:22 185:12	102:15 132:10
202:21 203:8	56:11 60:23	105:3 107:20	192:20 193:6	155:13 178:11
204:10 206:8	77:5	108:12,17	194:7,9 195:21	198:14
207:6 212:13	knew 12:25 13:1	109:5,13,14,15	197:1 199:18	lawyers 13:17
journalist 33:2	29:19,20 36:21	109:24 110:3,4	199:20 201:7	15:22 16:3
journalistic	37:15,22,25	110:9 111:8,22	202:13 203:12	17:22 18:22
34:14	43:4 49:21	112:6,17 115:4	203:14,16,19	19:21 24:8
journey 142:14	71:9 74:23	116:2,3,9,12	203:20,24	27:23 31:1
Jr 2:8 108:1	84:18 90:1,14	117:14,15,16	204:1,3,4,5,8	36:2 38:14
judgment 42:24	91:3 99:13,14	117:21,23	205:3,12	41:6 42:11,17
July 41:23	100:15 103:24	118:12 119:7	207:23 210:19	43:13 57:15
171:15,20	103:24 105:15	119:10,13	know- 177:25	68:22 101:22
172:23,24	115:6 117:20	120:3,7 121:7	knowing 55:11	102:1,16,17
173:7	140:7 152:2,22	121:17,19,21	146:24 147:8	103:17 133:17
jump 196:1	156:3 170:13	121:24 122:5,8	205:19,20	159:4
Justice 1:1 2:12	know 8:7,19	122:24 123:23	knowledge	layperson
5:10	11:18 12:6	124:5,7,8	177:24,25	185:19
	13:8 16:9,11	125:19 126:4,6	201:8,21	leading 12:22
	16:13,14 25:6	126:24,25	203:11	learn 21:17
K	25:7,18,21,24	127:10,13	known 56:17	169:8
K 213:1	26:10,11 29:19	129:21 130:1,3		learned 21:20,24
Kathleen 4:12	29:20 32:14	130:18 132:5	L	169:4 171:4
8:25 168:11	33:7,15 35:7	132:20,24	L 213:1	193:23
Kaye 2:3	37:14,20,22	133:1,5,7,10	la 53:14,19	leave 75:21
keep 49:2	38:3 42:3,8	133:19 134:8	119:16	leaving 125:8
112:23 122:9	45:1 46:9,12	134:14,14,17	label 18:12 45:3	led 100:9
147:21 148:20	46:16,19,23	134:19,23	45:7 46:6	left 9:21 22:15
190:25 209:7	47:6 49:15,25	136:19 137:18	76:21	22:22 23:3
keeping 67:16	51:21 52:7,11	137:20 138:15	labeled 13:11	64:24 72:2
117:14	55:14 56:10	139:12,14	35:23 62:6	81:6,14 82:8
keepsake 22:20	59:2 60:1	140:5,8,11,12	Lamar 27:1	94:8 112:10
keepsakes 22:17	63:20,24 68:6	140:14,25	laptop 26:19,22	130:2
Kentucky 8:13	70:25 73:2	142:15,17	27:8 29:1 49:3	legal 3:16 62:4
8:16 14:11	74:14 75:5	143:5,12,22	148:14 211:18	63:2 96:12
28:11,13,16	76:10,15,18,20	144:7,13,15	211:19,22	152:10 201:20
74:4,7,8	76:21 77:7,24	146:21,23	lasted 97:1	legalese 132:7
130:19 147:17	78:19 81:5	148:21 149:18	140:17	legislation
147:23 148:6,9	82:5 83:3,10	149:23,25	Late 208:23	144:13,13
164:21 165:5	84:15 87:2	150:8,13,14	laugh 28:5	legislative 2:16
kept 139:3 143:8	88:24 89:6,7	152:8,9,11,12	laughed 36:23	6:2,5 12:20
147:20 172:11	89:24 90:17,18	152:12,17,20	law 3:3 5:25	33:13 34:22
Khanna 162:14	90:23,23 92:10	153:18 155:3	35:3 62:25	35:4 44:9
kind 23:24 24:2	92:15 93:6	155:14 156:6	63:6,9 195:19	85:16 116:20
32:15 64:20	94:3 95:7,22	156:20 157:10	195:20	117:18 118:10
85:25 91:13				

legislators 32:25 102:10 139:23	106:1	look 10:3,12 12:12 14:22	M	91:1 102:10
legislature 11:9	literally 104:20	15:7 18:1 23:4	M 2:8,13 213:1	204:14,20,25
length 157:1	112:3 120:20	26:13 28:18,24	ma'am 196:25	205:7,11,13,17
let's 7:16 13:6	142:18 148:25	29:8 50:16	Mackie 38:16	205:18
38:10 74:1	litigation 2:13	52:4 54:9 60:1	67:11 115:8,17	March 14:5
83:16 122:25	3:7 35:14,21	96:21 100:20	115:19,20,21	165:1,6
122:25,25	37:14,24 56:4	116:21 117:1,4	115:25 116:25	mark 9:10 14:14
170:25 180:15	56:5,7 61:16	145:12 157:7	118:19 119:2	133:22,23
187:25 206:22	61:17 63:24	157:15 158:13	126:12,18	162:7
letters 30:19	73:5,7 96:4	175:7 195:6	127:16 128:15	marked 9:11,14
50:8 62:15	107:3,6,9	looked 24:18	128:23 129:17	10:20 14:15,18
80:24,25 85:4	117:13,22	28:20 36:22	129:20 130:10	44:13 45:16
85:5	122:6 144:16	48:7,16 50:3,9	132:14 133:25	63:18 64:8,11
letting 160:19	145:18 191:19	118:8 120:16	135:20,23	141:10 167:4,6
level 103:6	191:24 192:4	129:10 155:14	136:6 138:17	167:8,13 168:8
139:25 201:11	197:9 202:8	looking 16:22	141:20,21	174:18,21,23
Lewis 1:7 5:6	203:7 205:8	22:17,18 25:10	143:15 144:21	175:6,10,23
214:3	litigations 51:12	25:18 26:8	145:16 151:10	176:6,17 177:5
Lexington	61:13	29:13,23 44:15	151:13 153:15	177:9 180:24
160:17	little 25:15 33:6	51:8 54:23	154:7 155:6	181:5,20 184:6
life 29:25 56:6	33:8 85:22,23	57:16,17 59:22	162:4	184:14,17,21
58:16 98:25	88:2 97:23	79:2,6 83:7,11	maiden 7:6	187:22 188:9
101:11 128:2	99:23 103:9	83:13,17 84:16	mail 49:21 130:5	189:16 192:8
139:19 165:8	117:16 120:12	85:2,12 91:12	131:5,14 135:2	192:12,15,18
LifeLinks 189:4	140:13 144:12	137:14 155:2	mailed 121:12	193:1 194:9
light 49:15	148:17 158:24	155:23 158:16	131:16	markings 174:8
liked 78:23	200:25 206:18	158:19 208:25	main 22:18	married 7:1
limit 79:10	live 8:12,14,16	loss 21:23 93:22	mainstream	159:10 160:20
limited 4:18	165:7	lost 174:20	33:7	masala 127:23
113:6 177:12	lived 20:12	211:2	maintain 66:11	Massachusetts
line 126:13	lives 198:18	lot 35:12 83:13	66:11 146:18	2:4
129:17 170:16	living 20:16,21	84:10,19 96:5	maintained	material 46:2
172:1,2	24:23 56:6	99:19 101:7,7	117:12 147:16	51:16 56:2
lines 66:9 88:3	71:14	103:11 109:18	148:8	77:13 81:18,20
108:8 123:20	Lizon 4:10 7:1,2	110:21 124:17	maintaining	111:4,6 131:22
lining 25:5	7:4 9:22	125:1,2,2	147:1	166:4
Lisa 1:23 3:17	LLP 15:8	129:4 130:4	majority 85:18	materials 11:11
215:4,23	local 93:19	139:14,15	making 16:13	11:23 14:5
list 10:22 11:1	201:6,6,7,8	147:5 152:5	33:7 46:17,18	30:10,16 45:9
133:20 137:12	located 53:8	160:21 195:22	49:14 51:14	45:13 47:13
196:3	location 20:9	205:14	64:9 139:12	48:7,13 49:8
listed 178:5	lockbox 24:13	lots 64:18	man 61:1 98:21	51:10 54:7,9
190:2 194:13	lodge 70:10	Louise 6:23 7:2	105:11	54:25 61:21,22
litem 4:19,23	long 53:1 93:7,9	love 165:9	managed 122:8	61:25 62:6,10
176:1 181:24	110:17 138:25	lower 103:15	manipulate 31:3	65:8 69:19
182:2,4,7,12	197:14 199:6	105:22 106:11	Map 33:17	74:14 79:6,11
182:15,17	199:22	106:12,13	maps 11:8 12:20	79:19 82:25
183:21 189:19	longer 72:24	luck 93:21	30:22 36:23	83:6,20,25
literal 104:24	100:8 109:18		85:16,17 90:6	85:20 101:16
	122:10 155:9		90:11,19,20	105:19 114:5

122:16 127:18	98:20,21	102:6	missed 155:25	55:24,25 56:11
128:16 131:14	101:19 102:2	merely 49:11	200:24	56:24 57:3,10
143:16 147:15	106:12 112:4	50:3	missing 72:16	57:20 58:10,20
148:23 149:9	112:25 116:10	merits 98:13	misstate 203:22	58:23 59:14
150:9,12,25	118:22 119:9	119:20	mistaken 88:16	60:5 61:1,1
151:7 154:3,8	120:14,20	mess 120:21	mistakenly 47:7	71:23 72:1
159:17,19	123:23 125:5	message 23:8	48:25	73:6,10,14
160:7 164:11	131:16,18	75:21 94:9	mix 77:4	74:9 81:12,14
164:14,17,20	134:13 140:22	107:11,25	mixed 47:7 84:4	81:25 82:10
164:21 165:12	148:4 153:9	108:3,14 130:2	mixture 77:4	91:10,12,19
166:17,20	157:11,17	messages 94:6	modify 19:8	95:21 96:8
matter 5:5 51:13	159:9 166:14	94:14 107:21	mom 55:14,20	97:8 99:12,16
57:23 60:16	166:14,25	125:8,13 133:7	59:6 149:20	101:3 105:12
64:2 68:2,7	169:18 173:23	141:17 209:20	153:16 154:7	112:6 118:21
93:16 98:13	176:24 198:21	209:21 210:15	157:8	121:25 128:19
100:18 101:12	198:21 201:1	210:18,25	mom's 189:2	130:18 149:16
101:13 102:18	204:17 206:19	211:3	191:5	150:11 151:14
102:25 103:22	206:20,21	met 44:7 183:4	moment 10:17	152:3,9,18
104:1,6,17	means 120:15	metal 46:7	14:19 17:18	153:2 155:9
105:21,22	meant 49:5	miles 8:19	48:16 60:13	156:13 157:15
106:3,7 114:11	measure 140:11	mind 78:18	68:25 102:22	158:21 159:16
114:13 115:7	meat 160:18	130:12	146:15 149:22	160:6 164:19
117:8,15	media 49:12	mine 22:17,20	160:14 184:16	166:19,24
118:10 119:1	65:3 67:17	28:7 29:13	186:24 195:6	168:11,16
119:20 124:1,8	101:23 127:1	47:6 50:7	moments 189:14	170:2,4,19
124:14 125:23	127:22	64:23 79:3	money 133:1	176:9 177:19
129:5 139:18	medical 149:25	80:18 81:16	163:8,25	178:6 179:1
140:4 153:25	150:4,5 183:3	82:2 112:10,15	monies 163:23	182:1,18 183:6
154:2 155:19	Meese 191:11	116:7 147:4	164:2,4,7	183:7,24
159:7 185:17	meeting 141:4	149:1,7,25	month 13:22	184:25 185:3
186:6,7 187:6	member 163:1	150:1 166:4	20:4	187:8,14 188:1
matters 29:25	members 2:11	174:20 209:12	monthly 53:22	190:12 200:18
34:10,11 43:8	158:15	mingle 77:6	months 52:14	mother's 37:9
59:12 61:18	memento 147:5	mingled 77:6	57:25 58:4	50:23 52:6,9
63:25 71:5	memory 152:20	98:25 128:11	169:15	52:13,21 98:13
77:5 98:21	152:20 153:16	minute 139:7	morning 6:17	118:4 154:20
103:10 130:21	153:17	145:12	44:8	154:20 156:2
148:21 149:12	mention 32:8	minutes 85:12	mother 8:25	156:20 158:3
171:25 185:14	127:6	93:10 97:2	12:17 13:2	160:11 183:3
191:4 193:14	mentioned 34:13	110:20 140:22	20:12,15,21	183:17 185:10
201:17,20,25	35:3 51:1	212:1	21:1,6,25	185:17,25
202:3 205:14	57:10 84:12	mischar- 47:20	22:10,11 25:12	186:5,7,12,21
may- 109:3	102:23 104:7	mischaracteri...	25:25 26:18	190:15 191:17
mean 17:5 23:4	105:17 111:9	144:3 145:4	27:4,13 31:19	193:8 195:1
35:17 48:21	118:23 127:11	159:22	36:10 37:25	motion 4:20,24
55:19 58:4,5	134:2 142:2,4	mischaracteri...	38:5,7 39:21	133:21 175:25
63:16 77:23	142:7,20	37:13 47:22	40:17,18 41:3	193:15
83:2,10 84:24	151:10 155:21	65:11 66:5	42:1 50:13,14	move 72:13,15
85:15 86:25	173:11	79:16	50:21 51:7,14	72:25 199:5
90:20 94:13	mentioning	misclar- 67:2	52:23 53:2	moved 53:14

118:11 157:3 multiple 88:13 202:23 multitude 84:4 multitudes 99:3 music 80:22	74:13 112:20 119:19 128:9 145:6 175:12 175:18 182:21 184:10 new 17:6 34:12 35:2,2,5 60:16 60:16 90:19,20 90:24 103:22 104:2 106:2 143:7 154:15 156:1 157:16 169:9 171:8 173:11 209:13 209:25 210:18 210:20,25 211:4 news 84:8,10 newspaper 173:9 nice 58:1 night 28:21 53:12,20,21 54:16,17,24 nights 53:7,7 nine 16:19 93:1 97:1 No- 190:4 Nods 41:1 66:25 123:4 noncommunic... 73:8 nonhuman 98:3 nonre- 128:5 nonspecific 157:18 Nope 141:7 Noreen 59:12 186:8,10,20 187:1,9,13 188:2 191:17 normal 52:15 152:21 North 1:1,19 2:12,14,24 3:4 3:9,18 5:11,21 8:14 11:8 12:19 13:4,14 33:12,18 34:21 35:24 52:17	79:7,14 80:5 88:9,12 90:8 91:5 105:7,8 128:6 129:8 204:15,20,21 213:4 215:1 Notary 6:12 213:23 215:5 215:24 note 23:8 149:7 173:16 noted 94:24 notes 195:6 noteworthy 55:18 63:10 notice 73:17,20 158:17 175:24 noticed 25:14 55:3,9 133:22 notification 53:25 November 58:6 59:4,4 89:16 89:16 92:25 93:2 96:25 181:15 185:5 187:25 188:3 194:24 number 4:8 5:12 45:16,17,21,22 46:21 76:8 108:13 139:5 173:8 206:7,16 207:18,24 208:1,8 numbers 95:6 208:18 209:4 nuts 124:13 NW 2:4	64:16 65:21 66:4 67:1 68:19 69:7 79:16 88:10,18 170:15 171:5 171:21 179:19 179:25 193:20 198:17 202:14 202:14 207:6 objection 7:25 12:21 37:11,12 39:10,18 47:19 57:7 62:3 65:10 66:4 69:21 70:11 75:14 76:5 81:22 86:6 87:18 88:15 106:21 113:15 144:1 145:3,20 158:7 159:21 165:14 171:11 173:22 178:8 186:18 197:14 200:20 201:2 203:8 objections 17:7 17:8 88:12 observed 49:11 149:23 obtain 144:22 150:4 obtained 112:1 obvious 13:12 129:3,3 obviously 116:23 129:8 occur 89:14 186:16 occurred 59:3 141:15 October 20:6,20 21:3 22:6,9 52:7,10,11 58:6 59:21 73:22,22 74:2 165:6 176:8 177:6 October/Nove... 58:9 59:5	offense 144:8 offensive 99:23 offer 32:11 offhand 16:6 76:22 77:24 92:17 138:15 office 5:22 14:12 45:7 87:6 95:15 132:19 191:14 197:17 197:23 officer 215:5 official 1:7 5:7 42:3 Ogletree 2:22 6:1 oh 13:8 28:22 34:4 47:21 49:13 71:23 73:16 133:22 144:2 163:10 167:22 172:12 174:7,14 180:19 181:16 189:4,24,24 191:10 200:2 202:14 okay 7:3,8,10 8:10,16,19,22 9:3,9,19,24 10:3,8,25 11:5 11:11,14,17,23 12:3,8,12,16 13:20 15:25 16:6,25 17:13 18:10,21 19:2 19:10,23 20:1 20:3,7,13,15 20:19,24 21:1 21:3,6,9,9,12 21:15,17,20 22:4 23:10,14 23:17 24:6,12 24:16,25 25:12 26:4,11,20 27:4,16,16,18 28:1,4,14,18 28:22 29:6 30:15,18,24 31:7,12,20,24
<hr/> N <hr/> N 2:1 3:1 4:1 5:1 213:1,1,1,1 N.W 2:19 name 6:21 7:1,6 9:20 53:10,12 54:12 72:8 73:19 169:9,12 173:16 189:3 195:17 214:2,4 named 89:11 161:17 162:10 names 93:18,19 93:20 95:6 97:11 98:6,8 120:13,18 136:16 138:10 138:14,14,19 Nash 2:22 nature 56:4 NC 2:9 18:12 near 28:7 52:20 53:17 necessarily 115:4 necessary 96:16 198:24 need 12:9 55:8 55:25 96:2,8 98:10,11 106:10 110:1 123:2 161:4 167:12 170:12 208:5 needed 109:16 117:19 160:7 201:6 negotiated 193:11 neither 153:23 215:14 never 49:3 60:17 63:4,6,12 69:2	<hr/> O <hr/> O 5:1 213:1,1 oath 7:12 Ob- 61:23 81:22 87:18 165:14 173:22 207:6 obituary 169:10 171:8 173:12 object 7:21 21:6 39:6,7,15			

32:2,7,11 33:5	89:19 100:7,18	p.m 123:9,11,11	35:18 51:24	people 11:19
37:5,5 38:6,10	102:11 116:4,8	123:13 161:7,9	52:1 72:13	48:2 61:18
38:16,18,21	121:23 153:4	161:9,11	79:1	64:6 71:22
39:2,6,10,14	169:25	180:21,23,23	park 140:24	72:22 98:1,9
39:24 40:16,19	ones 16:15	181:2 195:10	parsing 178:10	98:17,23 99:4
40:24,25 41:5	204:14 205:1	195:12,12,14	part 73:5 89:3	99:13,21
41:9,9,15,16	ongoing 73:6	212:6,8,8,10	137:7 150:6	100:11,19
41:17,21,24	99:11 185:24	212:16,18	159:25 182:13	105:14,15
42:3,6,10,15	oOo-- 3:19	package 14:25	197:1	140:24 199:18
43:16 45:9,18	open 23:17 24:5	15:10,14 16:3	particularly	206:17 208:4
49:6 66:16	49:11,19 50:2	16:21 18:9	93:9	percent 196:2
67:1 74:2	84:5,20 104:17	pad 63:10	parties 37:23	perfectly 204:4
103:18 114:25	opened 42:4	page 4:1,8 9:19	120:14 193:5	period 28:2
116:9 121:13	49:25 60:17	10:20,21 14:23	197:6,12 203:6	50:11 52:22
123:2,20 124:5	operating 17:12	15:6,13,18,25	215:16,18	58:5 59:2
132:1,13 137:9	Operation 33:16	18:10 44:16	partisan 36:14	72:24 92:23
149:23 157:25	opinion 36:17	45:21 46:10,21	36:17 104:22	129:9 132:20
161:4 167:19	opportunity	76:12,14,16,19	partner 27:2	165:5 194:24
172:9 174:5,6	175:4 181:4	76:25 77:7	55:1 61:8	206:20 208:19
174:17 176:3	184:13 189:13	78:11 175:12	70:15 81:19	perjury 213:4
180:15 181:16	192:12	175:14,16,19	142:7	Perkins 162:17
189:18,24	opposed 46:5	175:21,24	party 14:3 38:2	164:8
197:21 199:9	153:10 198:5	176:3,7,17	67:18 73:7	permission 40:2
200:6 202:4	opposing 73:7	177:5,22 178:4	106:17 131:1,3	40:18 41:4
204:11,19	opposite 46:14	178:25 181:13	131:5 133:4	50:22,23,25
205:4,23	87:24 106:19	181:14 189:21	passed 134:13	108:8 199:18
206:13 207:4	order 4:20 58:22	189:23 190:1	170:1,9 204:15	person 9:20
207:16,22	176:1 184:24	194:15	204:17 205:7	31:13 58:24
208:9,17,17,21	199:10	Page/Line 214:6	205:11	60:21 71:21
209:3,7,14	organization	pages 10:19	passing 169:4,8	89:21 98:22
210:17,21	31:9	17:16 213:5	171:4,16	99:2 117:24
211:2,6,12,24	original 124:21	215:11	passive 66:6	185:11 186:12
old 85:4 209:5,5	130:17 182:13	paid 53:20,20,21	patient 196:4	189:2 192:2
209:7,21 211:6	originally 13:23	paper 118:8	Paul 2:13 5:21	195:2 207:25
211:8	36:25 134:23	paperless 53:24	pay 53:18	person's 125:4
Oldham 27:1,5	other's 160:22	papers 23:25	160:21	personable 33:8
55:2,12 61:8	outcome 215:19	paperwork	paycheck	personal 29:9,11
61:11 70:16,25	outreach 89:10	187:2	132:25	30:10,18 33:8
73:2,4,14	outside 15:14	par 56:9	paying 55:6	42:13 47:15
74:14,24 75:4	99:22 172:6	Paragraph	PC 51:24 52:1	48:10,12 50:17
75:18,20 87:14	198:18,18	178:4	55:4 71:4,4	55:17 63:25
89:5 142:9,21	199:2	paramount	154:14,16,25	64:23 72:16
142:25 143:3	overnight 47:4	105:6	155:21 158:13	79:1 82:6,7
143:16,23	overwhelmed	Pardon 34:1	pcox@ncdoj.g...	83:19,20 85:20
144:22 145:18	25:16	parents 8:23	2:15	87:25 98:25
146:2 151:12	owned 81:3	24:23 41:12	penalties 213:4	105:9 113:2,6
155:7		72:25 154:16	penchant 100:16	116:7,15 117:4
Oldham's 76:2		parents' 22:22	pencils 147:22	117:9 118:3,4
once 40:9,10		26:12 27:21	pending 34:12	118:6,17
73:15 77:9		29:15 30:11	pens 147:21	127:24,24
	P			
	P 2:1,1 3:1,1 5:1			
	213:1			

128:2,4,11,18 128:19,19 129:4 149:15 150:10,24 154:14,21 156:7 158:13 165:23 171:25 179:13 197:1 personally 35:11 43:12 45:3 150:17 pertain 202:1 pertained 13:13 pertaining 100:6 pertains 201:10 pertinent 35:6 35:16,20 40:6 87:4 139:18 143:13 petition 4:16 58:19 91:22 177:10 182:14 182:15 187:22 petitioner 120:16 177:18 179:5,8 183:4 petitioner's 183:2 phase 34:24 Phillips 31:15,21 31:24 36:25 89:12,18,20,25 91:9,11,17,21 91:25 92:5 94:12,19,20 162:22,24 philosophy 60:23 64:4 105:4 169:22 phone 49:2 91:18 92:14 93:3 95:11,18 107:18 108:10 108:25 109:4 111:15 124:21 125:2 126:19 130:8 136:12 139:15 140:21 167:1 206:1,4 206:6,7,16	207:4,24,25 208:8,17 209:3 209:25 210:11 210:18,20,24 210:25 211:4,6 211:8 phones 107:20 Photocopied 4:11 photograph 14:24 15:20 17:16 44:16 photographed 77:19 photographs 4:11 14:24 15:14 16:22 17:17,20 18:4 29:10,23 30:9 30:19 46:11 50:8,18 83:18 85:7 141:10 148:13 155:24 physical 20:9 208:11 physically 13:24 148:1 pick 64:22 65:19 112:19 200:16 picking 67:15 picture 15:7 23:1 45:22 77:8,9,12 78:13 166:6 pictured 76:11 pictures 26:7 30:4,5,5 51:3 54:18 80:20,21 80:22 83:4,11 148:15,18 158:14,14 166:5 Pinsky 32:3,5,8 32:12 33:21,23 34:20 35:25 36:7 37:2 38:11,12 92:6 92:8,10,12,19 93:5,8,24 95:4 96:10,19,25	97:15,20 100:23 101:15 101:25 102:16 106:5 107:1 121:5,16 162:21 Pinsky's 92:15 place 140:24 165:9 plaintiff 36:19 plaintiffs 1:5 2:2 5:18,20 6:20 9:6,17 39:3 44:15 116:20 205:1 plaintiffs' 13:17 15:21 16:3 17:22 18:22 19:20 24:8 27:23 31:1 36:2 38:14 41:6 42:11,17 43:13 78:7 plan 134:24 193:2 planned 135:15 plans 74:6 plastic 23:20 play 37:16 pleasantries 136:4 please 5:13 6:21 20:3,7 46:4 49:10 66:18 69:15,21 86:1 86:8 174:16 176:14 180:16 181:8 183:10 184:9 186:23 192:23 196:6 199:7 203:3 210:6 pleasure 44:4 plowing 195:21 plug 12:9 PNC 54:6 point 12:23,24 13:8 31:7 34:15 50:6 51:14,19 55:22	57:9 59:13 67:23 69:1 73:8,9 81:16 82:25 83:16 97:19 98:7 100:22 112:14 116:3 119:11 121:22 122:10 122:21 125:20 126:9,21 132:17 134:18 134:20 135:1,5 135:14 139:6 141:20 142:9 142:17 152:17 158:2 164:1,4 164:12 171:3 173:17 179:25 181:23 182:6 183:15 185:4 185:18 186:4 188:21 189:8 190:4 191:1 194:6,20 205:15 208:19 Pointer 115:5 pointing 175:14 pointless 160:13 points 57:9 poke 55:8 polite 108:9,18 130:1 134:8,15 political 37:19 42:25 60:23 61:5 64:4 105:2,3 154:4 169:21 politicization 201:9,15,21 politicizing 58:16 politics 38:3 201:11 pops 130:11 popular 207:24 Porter 2:3 5:18 6:19 15:8 44:19 45:5,10 45:11,12 46:22 46:24 47:2,17	48:14,18 49:9 59:16 60:8 64:11 65:8,18 67:20 68:17 69:6 74:12 75:5 76:3 79:5 79:12 80:12 82:21,23 83:1 89:2 113:5,14 114:20,24 131:21 134:22 136:11 146:10 147:16 148:24 149:15 150:10 150:20 151:1,8 158:1 161:23 163:16,22 164:5,15 165:1 165:11 166:1 166:13,18,21 211:14 Porter's 69:19 portion 10:4 pose 196:6 position 37:19 122:8 202:3 203:2 positions 202:11 positive 41:18 41:24 possessed 60:25 possession 16:13 57:6 71:1 75:22 81:2 89:5 113:12 154:8 155:10 155:16 164:18 209:19 211:21 possessions 72:16 143:12 possibility 51:2 59:14 60:6 106:2,6 121:2 possibly 143:13 155:15 157:22 170:20 208:24 209:2 posterity 147:7 potential 104:15 105:7 115:16
--	---	---	--	--

134:6	pretty 19:24	153:17 210:24	proliferate	36:1 45:4,6,8
potentially	52:2,15,15	procedure	196:17	49:16 92:5
26:14 104:16	62:15 71:8	105:13	prominently	105:20 107:1
116:14 124:7	81:5 95:19	proceed 114:22	22:24	119:18 132:5
PowerPoint	101:5,17,17	115:2	promise 143:6	134:17 148:15
139:22	114:14 118:14	proceeding 4:15	prompted	152:14 159:5
Poyner 1:17 2:7	118:14 128:4,9	38:8 62:18	169:11	160:9 168:7
5:19 115:1	153:1 200:22	95:21 171:22	proper 11:19	169:3 175:5
117:12 131:17	previously 6:25	187:11 190:8	29:4 114:18	201:23
131:17 135:19	12:13 56:20	215:6,8	185:14	putting 49:21
157:23 158:22	82:1 179:10,14	proceedings	properly 116:21	83:5,12,16,19
162:3 164:2	184:1,17	43:23 86:19	property 80:21	151:3
precious 28:6	primary 207:18	92:2 96:11	82:7,7 142:16	
80:17,18	principally	97:17,21 99:11	proprietary	Q
precision 78:20	11:22 37:3	118:20 120:10	84:21	qualified 62:21
predicated	146:19 158:13	123:11 153:10	protected 118:4	question 7:18,24
95:17	principle 72:17	161:9 180:23	118:5,6 196:13	8:8 14:22
predictable	101:10	181:25 185:23	protecting 62:14	17:10 40:22
118:14	printed 45:8	185:24 186:1	provably 40:6	48:1 65:13
prefer 11:19	83:3	188:18 190:6	provide 32:12	66:24 67:6
prefers 95:11	prior 64:9 67:19	190:12,16	33:23 38:23	68:20 69:17
preliminary	69:18 74:11	191:5 193:3	41:5 42:16	70:3 79:22
187:16,17	82:20 115:25	195:12 212:8	135:15 165:11	86:5 88:11,19
prepare 45:3	121:15 141:9	process 40:5	184:8 188:7	102:1,4 113:25
prepared 40:14	165:10,21,24	42:24,25 49:23	198:14 199:16	146:2 150:21
90:7,12 122:6	166:2,11	60:22,22 61:5	provided 49:9	156:12 159:23
prepares 61:21	171:16 181:19	104:24,25	89:2 147:15	159:25 160:5
61:25	187:8 192:25	135:5 144:11	148:22 149:15	172:16,20,21
present 3:12	202:4	193:18 197:6	150:9,17,18,23	173:1 174:4
72:12 166:23	privacy 116:11	198:16	150:25 151:6,7	176:13 178:19
208:15	117:25	produce 48:12	163:17,18	180:12,13
presentation	privilege 17:9	130:15 159:17	165:23	181:18 183:14
139:22	62:15 64:1,17	159:19 160:7	providing 39:7	186:22 188:13
presented 43:5	privileged 61:22	166:20	39:12,18 43:12	194:5 196:11
preservation	62:7,11,16,18	produced 10:23	128:16	199:7 200:22
115:13	62:21,24 63:15	11:3 48:17,21	provision 82:6	201:5 203:1
preserve 64:21	63:19,22,23	117:13 130:24	pry 41:13	206:13 208:9
65:5,16 113:8	64:7,14 68:16	143:16 146:9	public 6:12 61:4	210:5 213:7
147:7	68:23 69:4,9	150:20 164:14	61:4 64:2 75:1	questioning
preserved 29:18	69:11,24 70:5	164:25	104:11 213:23	170:16
43:6,7 79:23	193:24	producing 69:18	215:5,24	questions 7:22
115:16	privileges 64:18	106:17 127:19	pulled 12:5	9:1 19:24
preserving 14:1	probably 64:6	production 64:9	pulling 134:10	21:13 27:17
84:14	117:20 119:15	166:17	pullout 23:23	41:10,11,14
press 203:24	131:4 140:7	professional	purchase 52:20	44:2,10 96:5
204:6	156:9	98:23,25	purpose 65:1	109:17 110:1
pressing 57:23	problem 39:11	profit 43:14	purposes 197:25	122:24 137:21
103:10 148:21	39:18 40:4	programmers	pursuant 10:23	139:10 142:10
pressure 134:16	153:6,9,12	140:9	put 16:2 18:9	156:24 195:7
presume 34:16	problems 153:16	progress 36:12	19:23 34:25	196:5 205:25

quick 195:24	33:21 62:20	159:1,8,24	138:22 145:17	150:7 183:3
quickly 133:14	84:11 171:7	160:11,12,17	152:19 163:8	recount 52:12
175:7	172:19 173:5,8	160:23 169:20	163:22 164:1,4	Red 33:16
Quinta 53:14,19	173:12,13	173:18 183:20	164:7 192:21	Redistrict 5:8
quip 144:12	211:16 213:5	187:3 192:20	receiving 10:9	redistricting 1:8
quipped 34:6	214:6	193:9,13 204:9	115:25 121:15	5:9 13:14 33:3
59:20	reading 185:12	reask 172:21	receptionist 63:9	35:23 36:15
quit 179:12	185:19	178:19	recess 43:22	60:19 79:7,14
quite 116:18,18	Reads 214:6	reason 8:3 33:19	86:18 123:10	80:6 81:9
117:23 173:8	ready 116:14	103:14 121:20	161:8 180:22	83:23 90:3,5
186:3 208:3	181:9	145:10 154:19	195:11 212:7	90:11 99:9
<hr/>	realized 60:13	reasonable	reclaim 55:12	100:1 105:1
R	60:14 70:22	183:5	recognize 9:15	113:23 117:3
R 2:1,3 3:1 5:1	139:8	reasons 22:18	14:23 15:13,19	128:6 129:8
15:8 214:1,1,2	really 13:3 22:15	42:13	16:1 17:19,23	173:6 201:24
215:1	25:9,10 27:13	reassured 40:7	18:4 25:1	202:8 204:13
rainbow 17:25	29:12,17 30:3	recall 10:9 13:20	138:20 168:9	204:19
raise 205:24	32:15,18 34:14	18:14 35:10	168:13	redraw 32:20
raised 117:17	43:3,4 50:6	46:2,25 53:6	recognized	33:12
Raleigh 1:19 2:9	55:6 58:13	53:13 54:12	24:21 25:5	redrawn 91:2
2:14,24 3:4,9	59:25 60:17,20	67:8 82:19	51:24 67:12	redundant
3:18 8:17	61:2 64:19	92:4,20 93:12	78:8	146:25
13:25 22:5,9	74:23 81:7	97:2,6,22	recollection	refer 37:7
28:9,12,21	84:22,24 89:6	107:15 108:3	76:23 77:13,17	177:20
38:2 52:25	89:6 95:11,22	111:12 114:15	91:16 110:15	reference 32:15
53:8 72:13,14	95:25 96:2,22	115:22 119:4	111:1,20	references
73:15,16,21	97:22 98:1,1,1	122:20 124:20	121:16 137:17	109:16
74:8 98:9,16	98:2,12,15	125:15 126:2	138:16 177:4	referral 31:18
130:15,23	99:21 101:18	126:17 127:14	record 5:2,14	58:11,11 91:9
134:25 156:5	101:19 102:11	127:15 128:22	6:22 8:1 19:16	93:16 118:25
156:11 195:20	103:10,10	137:10 138:10	21:22 43:17,21	119:8
ran 210:13	107:18,22	138:20 140:23	43:25 86:17,21	referrals 58:2
range 198:18,19	108:24 109:24	161:15,22	123:9,13,15	referred 59:10
199:2,3	110:23 112:25	173:16 176:16	161:7,11	59:12
rarely 100:20	115:23 116:6	177:4	175:22 178:23	referring 58:19
rate 196:17	116:16 117:14	recalling 59:22	180:21 181:2	78:14,16 80:19
raw 153:19	119:18 122:5	94:23	195:10,14	90:5 102:15
re- 30:20 94:3	122:21 124:3	receipt 163:17	212:1,6,10,15	119:24 163:15
123:1	124:10 125:7	receipts 52:24	recorded 80:23	175:17,23
reach 70:25 73:9	127:22 129:2	receive 39:3	213:7	178:2,3,23
73:13 94:7	131:6 134:9	53:25 107:14	records 51:10	reflect 46:11
95:15 97:11	136:1 140:25	191:15	55:13 56:24	52:16,24 63:23
170:1,13	143:8 145:12	received 9:2,5	57:4 59:15	175:22
182:22 200:16	146:19 148:20	9:16 10:11,25	60:7 69:6	reflected 213:8
200:17	149:18,23	13:7,23 14:5	70:17 71:1	reflects 189:22
reached 31:15	153:1,21,25	16:21 18:23	75:8,11,24	190:1
89:25 91:8	154:1,15 156:1	58:11 60:8	76:1,3 81:8	refusing 143:21
182:21 202:6	156:13,14	79:4 87:17	82:17 83:23	146:3,4
reaching 202:4	157:2,10,13,17	103:5 107:12	144:22 145:18	regard 104:17
read 32:17 33:11	157:20 158:11	107:25 131:10	149:25 150:4,6	197:7 200:17

211:4	relatively 154:15	reporter 5:15	179:9,12,15	183:2 184:14
regarding 99:25	relatives 85:8	6:12 7:15	responding	188:12 189:13
101:8 113:22	release 150:2	179:23 215:5	75:18 143:24	192:12
176:10 192:3	166:12	Reporters 3:16	response 13:17	reviewed 46:19
202:8	relevance 134:5	repository	15:3,16,22	46:23 55:10
Regardless	134:6 170:20	104:21	16:4 17:23	181:17 189:19
125:16	relevant 35:20	represent 5:15	18:23 19:21	reviewing 76:24
regards 128:18	48:20 79:21,21	6:20 14:4	24:8 27:24	82:25 83:6,22
regular 56:5	100:8 111:4	16:20 37:21	31:2 39:8,12	85:19,20,22
206:16	114:9,11,13,19	44:8 88:17	39:19 41:7	ri- 207:7
reim- 163:12	124:10,11,14	168:21 187:8	64:11 68:17	Riddick 182:4
reimbursed	124:18 126:8	187:13 200:18	69:19 75:13	182:14,20,22
132:23	127:2 128:1	representation	79:12 88:15,21	182:25 183:16
reimbursement	133:18 136:3	67:22	102:1,3,4	183:25 184:5
163:11,14,18	143:7 149:5	represented	109:8 111:13	ridiculously
163:20	155:23 157:22	90:3 193:6,12	113:5 128:23	207:7
rejected 32:20	166:3 172:5,7	representing 6:7	143:17 146:1	right 6:24 7:5
relate 99:10	remained	48:3 90:1	146:10 159:20	8:11 9:7 11:14
149:9	154:13	106:25 187:10	160:8	12:12 14:6
related 29:25	remember 13:22	191:4	responsive	17:1 20:17
30:21 31:4	16:6,10,17,18	republic 64:5	11:12,24 154:9	22:24 24:11,15
47:6 48:19	18:1,2 31:12	request 79:5,19	158:5	31:7,10 33:1
50:17 54:25	54:21 97:8	requested	rest 154:12	33:22 36:12
55:5,10,15,16	105:24 108:5	187:19	restate 196:6	38:6,12 68:11
55:20 58:15	109:24 110:13	requesting 11:6	restaurants	84:21 88:5
70:17,23 72:3	121:3 123:24	requests 11:12	52:19	91:13 100:18
74:14,21 75:8	126:9,20 128:7	11:24	result 117:21	103:18 138:9
75:11 76:1	131:7 132:2,15	research 109:16	146:4 185:6	149:22 153:20
79:13 81:18	133:20 136:15	123:1,21	186:25	174:11,12
82:17 83:18,18	137:11 138:12	129:25 134:2,3	retain 146:8	175:12,14
83:22 85:13,14	142:22 151:23	149:2	190:14	181:16,16
85:20,22 100:1	152:24 155:12	reset 49:17	retained 61:12	186:9 195:4
116:23 117:2	remembered	reserved 17:8	62:1 68:1	198:12,22
118:9 127:5,8	78:20	212:17	187:1 188:1	205:15,22
127:9 128:7,17	remembers	reset 209:10	203:6	207:12 208:9
129:9 149:12	27:13	resided 164:19	retirement	209:17 211:25
149:13,20	remind 88:8	165:4	20:14 72:14	rights 90:4
150:11,16	removable 24:4	residence 164:18	retrieve 70:16	rings 187:25
157:8 158:17	25:8	resident 105:8	70:18	risk 183:18
158:18 181:25	remove 65:7,20	resisted 73:11	return 73:11	196:19,24
215:15	removed 47:15	resisting 99:15	returned 147:11	RNC 203:18
relating 34:21	179:15	respect 59:6	returns 128:8	Road 2:23 3:17
79:6 81:8	repeat 132:7	68:15 80:5	reveal 197:17	role 169:20
144:23 170:19	172:17	82:6 99:11	reverential	room 16:17
relationship	repeated 143:10	196:25	144:10	22:20 23:16
41:12,18,25,25	143:10	respond 39:25	review 11:1 47:1	24:10 25:17
72:10,11,21,22	Reply 95:1	108:14,16	49:8 54:14,15	28:21 48:8
183:23 184:2	Report 4:19,22	responded	64:13 80:2	49:1 50:13
relative 36:14	189:18	108:20	164:10,14	54:8 81:14
215:17	Reported 3:16	respondent	175:5 181:5	136:18

root 50:4	61:24 65:12	169:19 170:25	separate 148:20	shifting 211:12
roughly 8:19,21 13:20	66:25 68:11,12	176:7 177:3,15	September	ship 132:21
RPR 1:23 3:17 215:4,23	68:24 69:16	181:12,21	21:19 169:6,7	shipment 163:20
rubber 25:4	70:7,13 75:10	187:25 189:23	207:14,17	shipping 163:15
78:9	86:2,12 88:6	192:18	208:15	short 24:22
rude 138:1	88:23 106:16	seeing 63:18	serious 74:5	167:11
rules 7:9 88:10	123:5,14	133:20 177:4	seriously 98:15	shortly 10:17
88:18	137:15 138:2,8	194:18	servant 104:11	27:14,15 74:1
running 107:19	145:23 156:24	seek 68:14 69:18	serve 198:16	107:16 154:22
209:5 210:11	157:4 159:12	91:9	served 158:5	show 183:5
S	159:15 161:12	seeking 38:7	182:16 197:16	192:6
S 2:1 3:1 4:7 5:1	162:23 165:18	90:11 177:18	197:22 198:1,2	showing 9:14
214:1	167:4,11,13,21	178:5 179:1	198:4 199:17	14:18
sad 101:9	168:2,6 172:4	seen 24:16 36:19	200:4	sic 115:5 135:23
safe 24:13	172:10,13,21	82:11 116:5	service 4:14 75:1	191:11
safety 179:13	172:22 174:1,5	120:17 141:7,9	143:21 145:7	side 9:21 19:23
196:19	174:7,11,20	168:14,17,25	146:3,5 171:3	48:3 57:16
sausage 144:14	175:2,3 176:15	175:10,12,18	171:10 189:22	106:19
saved 84:12	178:18 181:3	175:19 176:3,7	191:14,15	sides 46:14
saw 13:1 22:20	184:8,12 188:7	177:13 181:19	199:12	signator 194:19
30:15 77:11	188:11 190:10	184:17,20	Services 189:1	signature 10:5
133:21 145:11	190:11 192:6	185:1 187:20	189:10	212:17 214:25
154:13 155:1	192:10 195:5	189:16 192:15	set 78:5,5 90:22	signatures
169:9 176:16	200:9 206:4	Select 1:8 5:8	122:24 139:10	194:18
178:1 184:10	212:3	selection 65:6	169:17,17	signed 194:10,17
186:25 187:1	se 34:19	send 13:15 42:10	178:24 179:4,7	194:22 203:16
saying 60:1	sealed 45:6	45:4,9,13	settings 209:11	213:10
69:25 94:6,15	196:21	121:6	settlement 193:4	significant 37:25
94:15 102:7	search 169:11	sending 16:14	193:17 194:7	sim- 33:25
103:17 104:8	season 109:19	18:21 19:20	seven 16:19	similar 56:5
108:3 111:12	second 15:12	30:25 49:22	Shanahan 3:3	77:11,21
128:7,8 175:21	66:18 73:16,25	121:2 165:10	5:24 195:19	simply 34:6
178:12,20	174:13 175:24	165:25	shape 145:7	36:17 105:21
says 9:21,24	176:6,16 177:5	Senior 1:7 5:7	share 91:15,21	120:18 172:10
10:22 62:20	177:22 178:3	sense 7:19 120:5	91:25 96:10	sincere 100:13
185:20	178:25 181:13	sensitive 134:11	113:19 114:2	single 17:15
scanned 150:3	secret 67:16	152:5,22	157:6 167:18	sir 200:7
scared 152:18	secure 154:25	sent 13:20 14:5	168:1 186:10	sitting 23:17
schedule 108:25	security 179:16	14:25 15:5,10	186:15 206:10	76:9 150:8
130:8	see 9:19 10:5,21	15:15,21 16:3	shared 60:12	157:16
Scholar 2:3	18:8,11 29:9	17:22 18:15	149:1,8 155:4	situation 37:9
scope 79:17	30:4,19 33:1	24:7 27:23	155:5	74:4
scrapbook 84:15	34:18 44:20,21	32:20 39:4	sharing 128:23	situations 84:2,8
Scully 2:18 4:3	45:23 52:5	45:11,12 46:22	151:25	Six 2:23 3:17
6:4,4 12:21	74:2 117:19	46:24 47:2,16	she'd 154:21	skeptical 35:8
37:12 44:6,7	118:11 129:4	48:13 73:17	sheet 213:9	skepticism 42:19
47:24 48:5	140:6 149:20	85:5 121:18	shelf 23:16,18	skills 62:9 63:21
	152:9 155:1	131:22 142:18	23:22 24:3	slower 49:18
	157:16 167:19	150:3 163:21	sheltered 122:9	smartphone
	167:25 168:13	166:5 211:3	shelves 24:3	206:15 207:1,3

Smoak 2:22	66:7,18,22	119:1 120:25	134:3 149:3,3	Square 2:18
smoke 86:15	68:9 69:7,10	121:1 122:13	153:17 158:15	stack 23:21
snapshot 43:10	69:15,21 70:2	123:17,19	183:25 184:4	stamped 177:1
snide 84:25	70:10 75:16	124:20 125:12	specifics 55:7	standard 55:3
software 84:22	79:18 80:9,11	125:14 126:12	97:6 205:5	Stanton 2:3 5:17
solid 66:9	81:24 86:1,8	126:18 127:16	specify 129:2	6:19 15:8
somebody	86:22 106:10	128:15,22	speculate 87:20	136:10 138:17
132:11 135:11	106:15 123:2,6	129:17 133:8,9	114:19	161:24
136:2	137:2 138:18	133:11 134:1	speculated	stanton.jones...
someone's 125:3	144:1,3,5	135:13,19,23	87:20	2:5
someplace 148:8	145:3 158:7	136:6 141:5,19	speculation	start 19:15
son 166:7	159:21 161:2,4	141:21 143:15	87:19 99:19	started 23:5
soon 130:23	167:24 168:4	144:21 145:16	speculations	205:12 210:11
sorry 18:17	170:22 171:21	151:10,12	117:24	starters 20:10
19:14 21:22	172:9,15	153:15 154:6	spell 95:8	starting 109:13
28:5 34:4	173:22 174:3	155:6 156:24	spelled 99:18	109:18
40:23 47:21	174:10,16	157:5 162:4	spend 83:11,13	state 1:1 2:11
58:8 60:4 63:5	176:13 178:8	167:16 191:8	133:1	5:23 6:21 7:25
66:2,20 70:2	180:2,6,15	209:20	spending 103:11	8:12 10:17
75:9,25 80:10	183:10,12	Speas's 109:9	spent 82:21,24	32:25 35:4
86:4 106:11,14	186:18 190:1,5	Special 2:13	83:7,17,21	66:3 67:18
114:1 115:12	190:7,14 191:3	specialized	85:2,12,19,19	102:10 139:23
115:21,23	192:22 194:1,5	132:11	85:21 100:21	213:4,17 215:1
117:7 119:9	197:16,22	specific 31:12	140:21 159:10	state- 205:5
136:15 145:2	198:8 199:5,9	33:19 57:2	spite 42:13	stated 42:21
148:4 150:21	199:15,24	76:10,23 77:13	spoke 41:21	56:1 105:21
164:24 172:14	200:3,6,10	77:17 79:5	50:13 72:19	196:13
172:23 174:13	202:15,17,19	91:10 98:6,8	90:24 94:5	statement 32:18
183:11,13	203:3 208:5	102:3 114:7,16	102:22 109:11	54:1
184:11 190:10	210:1,3,5	119:14,21	109:20 113:3	statements
190:25 191:12	212:12	121:19 127:13	118:2 125:12	53:22 127:10
194:16 200:10	speak 39:21 70:9	133:10 145:4	139:14,15	173:13
203:4 210:2,4	89:17 92:12	173:2 207:12	141:24 205:14	states 177:10
sort 23:8 24:12	99:1 107:8	208:25	205:18	stay 28:9 53:1,1
25:18,22,23	108:7 205:15	specifically 20:8	spoken 138:13	53:18
33:6 36:17	speaking 35:25	23:7 26:17	171:14,15	stayed 28:12
64:12 71:24	88:12,15	29:12 33:14	193:13	53:3,4,11,12
77:3 95:16,20	144:20	50:7 51:15	spot 134:11	54:11
96:8 109:6	Speas 2:8 5:19	52:8 59:11,18	Springmoor	staying 24:22
119:15 121:20	5:19 17:11	61:17 65:1	20:12,13,14,16	step 125:24
132:12 140:14	38:16 48:2	70:8 71:7 77:2	20:20,25 22:5	Stephanie 1:13
160:19 189:6	67:11 106:23	77:3 84:13	22:9 24:10	4:9 5:5 6:8,10
sought 69:2	107:10 108:1	85:2,13,14	26:13 27:6,21	6:23 7:1,2,4
sound 14:6	108:23 109:2	87:1,22 91:15	35:19 38:25	9:21 213:3,15
Sounds 43:19	109:11,20	92:3 97:3	Spruill 1:17 2:7	214:4
sources 99:20	110:8,11,19	99:18 100:6	5:20 115:1,5	steps 70:16
South 3:8	111:1,12,17,20	111:10,17	117:12 131:17	Stewart 2:22
Sparks 3:8 6:7,7	113:18 114:2	112:11 114:20	131:17 135:19	stipulations 17:7
9:25 34:2	115:8,17,24	120:1 124:18	157:23 158:23	stood 78:18
37:11 65:24	116:24 118:18	127:20 128:6,8	162:3 164:2	Stop 183:10

stor- 81:21	submit 193:3	suggest 197:9	tag 125:2	122:12 123:16
storage 11:7,15	submitted	suggested 189:5	take 8:9 10:11	126:11 138:25
11:21 12:13,18	193:16	Suite 1:18 2:8,18	14:19 17:17	141:14 207:18
13:15,16 15:1	subpoena 4:9,12	2:23 3:4,8,17	19:6 21:1,10	telephonic 89:21
15:15,22 17:20	4:13 9:2,6,16	summarized	25:13 26:4,6,8	89:23
18:11,19,20,21	10:9,11,23,25	140:12	26:14,21 27:12	tell 6:12 7:13
18:25 19:5,13	11:6,12,25	Superior 1:1	28:14 43:18	8:22 17:19
19:19 23:11,15	13:7,18,23	5:10	47:3 49:7	20:3,7 24:25
24:16 25:3,11	15:3,16,23	supporters	50:22 51:1,4	39:6,14,17,24
28:14 29:7	16:4 17:23	97:25	68:8,13 77:11	42:15 55:13,19
30:16,20 31:1	18:23 19:21	suppose 211:5	80:1 86:12,13	57:3 93:12
31:4,8,22 32:8	24:9 27:24	supposed 23:4	109:18 112:7	97:2 110:22,25
33:24 35:17	31:2 39:3,7,8	88:10	123:5 157:6	111:25 114:21
37:3 38:11,23	39:11,12,15,19	Supreme 104:1	161:4 167:20	115:1,8 124:1
39:4 41:5	39:22,25 41:3	sure 13:3 16:14	167:23 171:9	130:5 143:15
42:11 46:25	41:7 57:11	47:5 48:18,20	180:10,16	151:17,21,25
49:1 78:22	59:17 60:9	48:24 49:14,20	181:8 191:21	152:17 160:6
107:19 111:7	64:11 68:18	51:14 74:22	208:5	181:8 192:23
111:11 122:14	69:20 75:13,19	94:9,17 101:17	taken 5:5 7:12	194:16 203:25
146:16 209:5	79:4,12,17	101:17 102:21	27:7,10 55:12	208:21 209:3
210:12,13	80:8 103:6	112:16 122:14	57:6 70:16	210:9
stored 30:11	113:5 116:1	124:4,9,13	87:14,15,23	telling 27:5
112:24	121:2,9,10,15	128:9 134:9	142:6 154:11	temp 63:8
stories 85:6	121:17 130:16	141:24 147:3	154:12 202:11	ten 93:10 97:1
straight 14:3	141:22 142:8	148:5 154:25	215:9	110:20
24:3	142:20,24	155:14 156:3	tales 140:14	ten- 8:18
Strategies 27:3	143:3,17,24	156:22 157:14	talk 7:17 73:12	ten-minute
72:3 74:20	146:3,10	178:22 190:8	97:15 109:10	124:21
142:5	151:11,14,18	surprise 143:23	121:1 152:5	tend 107:21
strategist 144:19	154:9 158:5,22	surprised 14:13	172:6,7 180:16	187:5 207:25
street 1:18 2:8	159:20 160:8	142:24	212:3	208:1
2:14 3:4,8 63:5	168:10,15,17	surprises 144:6	talked 55:7	tendency 29:20
stressed 122:2	168:21,24	surrounding	69:24 70:5,6	term 64:17
strictly 60:15	169:1 191:18	37:24	101:6 133:7	terms 14:6 43:4
strike 210:22	191:23 192:3	survey 25:14	151:11 164:10	74:24,25 103:1
stuck 54:17	198:19,22,24	126:22 157:21	209:22	105:20 119:19
student 169:21	199:3,4 211:15	158:16	talking 114:15	terse 108:19
studied 105:3	subpoenaed	survivor 196:16	116:6 123:16	test 140:6
study 96:22	9:20	swear 5:16	141:2,15 145:5	testified 6:13
149:5	subpoenas 198:1	switched 209:3	206:21	48:6 58:18
studying 103:12	198:3	sworn 6:11	taught 40:10	61:6,15 63:19
stuff 26:21 60:4	Subscribed	213:19 215:8	147:12	65:4,15 67:3
75:23 86:24	213:19		tax 128:8	68:25 70:14
87:1,2,2,3	substance 136:7	T	taxes 127:12,17	76:9 78:6,14
128:1 133:2	substantive	T 4:7 213:1,1	127:20	80:14 86:23
135:7 147:22	75:21	214:1,1 215:1	teams 133:17	87:8 89:9 91:8
154:12 158:19	substantively	215:1	telephone 94:18	92:4 105:17
159:2	97:15	T's 159:4	109:21 110:7	123:18 131:13
stumbled 62:22	suddenly 129:5	table 157:17	110:12,18	133:24 150:23
subject 117:23	sufficient 200:7	180:12	111:2 120:24	164:17 165:22

166:16 168:14	96:9 106:11	114:16 119:15	43:3 47:14	44:3 50:11
168:23 169:3	109:7 132:12	119:18 121:6	49:12 52:3	52:22 53:2,3,3
171:13 193:21	147:12 155:15	122:21 124:15	74:25 90:25	58:4 59:2,13
198:20 204:24	180:6,7	125:5,9,10,10	100:24 102:20	67:23 68:3
209:17 211:7	things 10:22	125:18,18	103:19 131:13	69:1 72:17,24
testify 198:25	11:2 22:12	126:15,15	131:16,19	74:22 82:24,25
testimony 8:5	23:5 25:20,25	127:6,7 128:4	140:9 168:2	83:5,7,10,13
37:13 47:23	26:7,14,17	128:12 129:1,2	189:3 200:22	83:17,21 85:19
65:11 66:5	29:21,22 30:6	130:25 133:11	thread 96:22	85:22 86:14,17
67:2 88:21	30:10 34:14	134:18 136:1	threads 94:21	86:21 92:23
94:18 128:14	47:9 50:17	136:22 138:14	three 48:4 49:14	95:10 97:19
145:8 155:5	55:8,24 56:8	139:25 140:19	49:24 50:1,2	98:8 100:21,22
156:23 157:11	60:24 67:16,16	141:23,23,25	53:6 74:3	101:6 102:23
198:24 215:7,9	72:2 85:4 88:1	142:7 143:4,20	82:22 92:13,13	103:12 109:6
215:13	95:7 99:4	144:15 149:23	92:18 94:14	109:11,14,20
text 107:10,11	100:19 101:3,4	150:2 151:19	129:21	123:9,13
107:14,21,25	103:17 112:2,3	151:23,24	thrilled 28:6	124:24 126:13
108:3,11,14,20	114:8 118:7	152:7,10,15,15	80:17	129:9,11
108:22 109:1,9	120:6,7 121:24	152:19 153:18	thrown 90:12	132:20 134:20
133:7 209:20	125:5 127:8,12	153:21 154:15	thumb 11:20	135:14 138:20
209:21 210:14	131:11 133:12	157:2,20	12:1 16:2,8,12	139:19 140:21
210:17,24	133:13 147:9	163:10 166:25	16:24 17:21	141:3,7,20
211:3	147:11 148:17	169:14 171:6	23:20 24:7	144:20 156:5
thank 17:13	148:25 149:5	174:8 176:20	45:22,25 46:2	157:2 158:2
27:16 41:9	150:7 155:20	179:21,25	46:3,11,13,13	161:7,11 164:1
44:1,2 49:6	155:23,24	182:13 184:4	46:15,20 47:13	164:5,7,13
66:22 94:15	160:19 169:22	186:17,24	54:20 67:20	165:5,8 171:4
108:1 123:7	171:23 195:21	187:15,24	70:24 74:12	171:15 174:22
161:5 167:10	210:14	189:19 190:18	76:11 77:19	179:23 180:21
167:24 168:2	think 8:21 26:2	190:21 193:20	80:2,4,15 87:9	181:2,8 183:15
174:25 183:12	26:6 27:13	196:21 199:3	87:16 89:1	184:20 188:21
188:25 190:23	30:24 32:23	200:8 207:21	112:22 113:12	189:8 190:4,23
196:9 200:10	34:25 35:6	208:13,16,23	113:20 114:4,5	191:3 193:7
200:13	49:14,23 52:18	208:24 210:8	117:11 134:23	195:10,14
thanks 8:11	53:5,20,24	211:1	135:16 146:9	198:8 199:6,11
94:25 168:5	59:20 60:10,12	thinking 84:5	146:13 147:18	203:15 205:18
180:17 200:14	62:22 63:25	103:1,2 126:5	147:20 155:9	206:21 208:19
theirs 71:2	65:10 66:8,8,9	third 14:3 15:18	164:12 165:10	212:6,10,15
Theodore	68:4,20 70:1	67:17 131:1,3	211:17	times 29:16
161:17	74:9,24 79:16	131:5 176:3	Thursday	52:13 71:14
theoretical	79:21,22 92:11	third-party	136:21 137:1	78:3 88:13
65:23	93:22,23 94:3	131:15,21	141:16	89:17 92:12
theoretically	94:14,16,16	Thomas 2:23	till 112:14	169:10 171:8
142:11	95:5,9,10,12	4:13 8:24	132:24	173:11 202:23
thereof 215:18	96:2,15,20	168:22	time 10:9 13:6	tired 123:6
they'd 59:7	100:6 101:22	thomas.farr@...	14:9 20:19,22	161:5
111:19 151:11	102:11 104:6,7	2:25	22:8 28:2,12	title 92:15
thing 23:22	105:23 109:3,3	thoroughly	33:15 34:8	titled 56:19
25:23 70:7	109:12 110:4	200:23	35:8 41:21	today 7:9,13,22
84:6 95:16	111:9,19	thought 23:6	43:10,21,25	8:5 44:2,11

76:9 86:23	66:11 67:14	74:11 76:8	47:12 61:19	49:3 119:22
87:8 95:15	115:15 120:13	77:7 78:11	82:24 84:24	untoward 155:2
110:17 136:11	transparent	79:11 82:20,22	94:17 102:21	updates 210:12
139:11 150:8	115:14	89:8 189:12	103:21 106:4	usable 104:16
168:18 181:19	treasure 30:2	Twice 73:15	121:11 126:7	USB 49:16
189:17 195:21	trial 34:24 103:6	two 13:10,11	128:14 140:1	use 26:10 29:1
206:22	198:3,24	46:10,12,14	147:24 149:14	49:2 51:5 66:5
today's 5:3	tried 71:25	49:14,24 50:1	151:3 155:4	78:23 102:19
141:5,9	148:20 204:9	50:2 57:25	156:22 159:25	105:18,20
told 50:15 87:7	204:12	58:4 70:19,20	177:21 178:10	106:1 191:13
94:7 112:21	trip 73:15,16,21	71:22 77:25,25	178:15,16	206:1,2,15,16
113:11 115:17	73:21,25 74:2	82:21 87:5	180:9 190:9	208:11 211:16
116:25 122:1	trips 24:22	94:14,16 96:20	196:5 201:24	useful 106:7,18
122:13 129:14	trouble 132:17	96:20 109:4,4	202:2 204:7	usually 55:4
145:6 152:16	132:18 160:13	109:5 130:24	understandable	118:1 120:21
152:23 159:18	Trudy 72:20	139:7 155:7,17	140:4	
160:10 163:5	120:2	155:20 167:25	understandably	V
Tom 3:8 6:1,7	true 178:14	187:16,21	152:13	vacation 125:4
9:24 48:2	215:12	199:7 207:19	understanding	vaccination
167:14,18,18	trust 85:4	207:20,21	26:16 36:24	150:6
190:1,5	160:15	208:16,16	50:21 60:25	vague 111:7
tom@fidlitlaw...	trusting 195:3	type 52:21 78:22	64:3 82:9	173:1
3:10	trusts 120:17	103:19 134:3	87:12 102:14	vaguely 51:25
tone 157:18	truth 6:12,13,13	153:24	103:4 104:4	valid 204:4
160:22	7:13	typed 169:9	113:19 117:9	value 34:16
top 9:21 15:7	truthful 8:4	typically 78:21	129:6,11,13,14	42:23,24
53:6 126:2	try 7:16 55:12		131:7,19 132:3	104:22
167:5 175:16	trying 97:7	U	132:10 146:1	variety 99:20
topic 95:20	98:12,14 126:3	U.S 104:1	156:19,19,20	Various 119:25
149:6	137:25 140:23	Uh-huh 27:19	171:22 201:17	vendor 45:10,14
topics 195:23	142:13 145:7	44:22 142:12	understood	131:15,21,23
202:5 211:12	147:24 159:24	151:5 184:15	12:18 27:4	132:9
total 82:24 92:13	160:23 178:22	188:4 197:3	61:6,10 70:14	verified 178:13
96:20	197:4 203:21	199:8	79:8 87:9	versus 5:6
totally 173:23	204:5,7 205:23	ultimately	90:10 106:24	vexatious
touch 36:1 92:5	turn 44:12 65:7	194:10	144:20 145:15	170:21
129:23	65:17 76:3,14	un- 7:23 138:3	146:5 159:6	victimology
touched 49:4	115:9 116:14	144:17	177:17 178:7	149:3
town 37:22	134:21 188:14	unable 144:22	178:20,21	video 5:4 212:15
105:13 125:3	turned 67:17	uncle 71:23 72:7	179:2,4 193:15	Videographer
track 107:22	68:16 74:16	120:9	undertake 79:10	3:12 5:2 43:20
172:11 190:25	75:4,13 78:24	unclear 120:4,12	unfolded 25:25	43:24 86:16,20
Trae 3:12	80:7 113:4,13	120:19	unfortunate	123:8,12 161:6
training 62:9	146:5 148:23	unconditionally	58:16	161:10 180:20
63:2,3	171:24 208:13	81:15	unique 60:25	181:1 195:9,13
transcribed	211:13	underlying	uniquely 60:20	212:5,9,14
215:10	turning 43:2	36:15	unnatural 138:5	Videographers
transcription	45:16 59:14	understand 7:12	unpleasant	3:16
213:6 215:12	60:6 64:14	7:23 8:2 11:5	105:13	VIDEOTAPED
transparency	67:19 69:4	40:17 41:3	unrelated 43:9	1:12

view 34:15 98:7 100:12	212:3	43:5 59:21	Wheeler 1:23 3:17 215:4,23	words 42:16 104:23 105:24
viewpoint 43:1	wanted 26:2,24	64:20 65:5,16	widow 119:18	108:6 111:22
violation 90:3	33:23 36:4	88:24 91:6	wife 81:17	131:8 132:2
violence 149:4	38:23 48:20	95:12 107:22	willing 108:7	work 11:8 12:19
196:16	50:16 71:11,18	114:21 115:1	109:10 198:4,9	13:4,13 26:18
Virginia 24:24	73:2,3 84:15	119:12 159:5,6	198:14 199:12	26:20,22 30:21
80:22	87:3 95:5	160:9 171:20	206:10,10	31:5 51:11
virus 154:22	99:17,20,25	173:3 205:19	wills 120:17	55:1,5,11,15
vision 98:3	100:5 112:4,21	205:20,20	wish 51:17	55:17,21 56:13
visit 22:2,4	112:23 113:11	206:14	100:21	57:21 61:20
160:17	116:16 124:3,9	we'll 8:8 12:1	wished 93:21	63:8 71:3 74:6
visiting 22:10	124:12,13	123:20,21	withdraw	74:21 75:1
29:15 52:23	134:9 135:15	168:1	198:13	81:9,9 83:14
130:20	141:1 142:2	we're 8:9 16:21	witness 5:16	83:23 84:18
voice 66:6 130:5	147:2 152:8	129:24,24	34:1 43:19	85:13 86:3
voicemail	165:21 166:8	137:13,25	44:4 47:21	87:22 90:15
125:13	196:13	167:11 168:4	62:4 66:2,20	91:4 99:9,22
voluntary 124:5	Washington 2:4	171:24 172:2	67:25 68:5	100:1,6,7,21
voter 105:8	2:18,19 15:9	180:10 197:25	69:9 70:1 75:9	106:19 113:23
voters 90:2	wasn't 10:16	203:21	80:10 86:14	113:24 122:9
106:25	12:25 13:2	we've 13:16	88:14,17	127:8,9,25
voting 43:2	16:14 22:13	17:11 23:11	106:13 123:4	128:1,2,12,17
vs 1:6 214:2	23:22 24:3	32:9 41:6	136:13,17	130:19 139:16
vulnerable	27:9 47:6	86:10 159:11	137:7,18,20,22	144:23 147:9
122:4	48:19,21,23	159:14 161:24	137:24 144:2,4	149:2,10,13
vultures 119:17	55:18 59:25	199:6	145:2 156:25	154:4,12
119:23	60:15 62:24	weather 136:2	161:3 170:23	155:11 157:9
	66:14 68:6	week 89:16	170:24 172:8	158:17,18
	78:19 93:9	103:23 109:12	172:12,14	160:20,22
	95:25 96:17	136:21	174:14,17	171:19 172:13
W	98:5,12 102:20	weekend 136:21	178:16 180:1,3	172:25 173:4,5
W 213:1	102:25 103:11	weeks 154:17	180:14,19	173:15
wait 132:24	103:16,20	well-being	183:11,13	work-related
Wake 1:2 5:11	113:3 115:5	183:18	184:9,10 188:8	51:15 56:2
187:6 188:25	120:20 122:22	well-known	190:21 192:6	57:12,14,18
189:9 215:2	124:17 130:22	173:10	193:20,25	87:1,13
walked 22:19	135:10 140:4,8	went 6:25 28:13	198:10 199:14	worked 62:13
25:16	140:25 141:2	28:15 44:14	199:22 200:2,5	63:4,6 98:18
wall 83:5	148:5 153:6,8	51:13 52:6,8	200:14 202:20	105:1 163:3
want 8:7 34:2	156:1,5 157:11	72:16 78:21	203:4 204:11	working 105:16
41:10 42:16	166:10 167:3	112:15 118:11	208:7 210:2,4	114:12,14
68:9 92:18	173:18 184:5	123:15 158:11	214:4 215:7,9	115:7 125:23
94:17 111:15	193:8,12	210:18	215:13	133:17 162:2
112:17 118:13	202:25 204:2	weren't 24:12	witness's 37:13	162:17 163:6
124:16,16	204:17	64:8 81:2	wonder 32:23	164:8 203:18
132:25 134:15	watch 144:14	122:14 129:23	118:12	works 92:8
143:6 156:22	way 12:10 13:12	140:24 204:23	wonderful 165:9	161:23
159:8 172:5	17:11,24 19:8	204:24	word 124:11	worried 159:1
175:21 180:8	29:17 34:25	West 2:14 3:8	126:25 202:21	worry 159:18
186:20 190:8	36:21 42:20	80:21		
196:6 197:18				

160:10	<hr/> 0 <hr/>	215:24	20th 215:20	601 2:4
worship 98:10	014001 1:2 5:12	<hr/> 2 <hr/>	212 213:5	649-9998 3:18
wouldn't 79:25	<hr/> 1 <hr/>	2 4:11 10:20	223 3:8	650 8:21
84:20 85:15	1 4:9 9:11,15	14:15,19 44:13	229-0845 3:9	6th 185:5 194:24
129:4 135:9	64:12	45:17,22 46:21	23 18:10	<hr/> 7 <hr/>
152:9 153:2	1:04 123:11,13	76:8,12 77:1	27601 2:9 3:4	7 4:19 76:14,16
211:2	1:50 161:7,9	77:20 78:12	27603 2:14 3:9	76:19,25
wow 57:22 84:22	1:57 161:9,11	141:11	27609 2:24 3:18	180:24 181:5
written 80:24	10 4:24 71:13	2:23 180:21,23	29th 176:8,25	181:20 193:1,2
120:18 162:14	192:7,8,13,16	2:36 180:23	177:3,6	194:15
177:23 178:1,2	192:19 193:15	2:37 181:2	<hr/> 3 <hr/>	716-6900 2:15
178:21	194:9	2:57 195:10,12	3 4:12 167:4,5,6	783-6400 2:9
wrong 16:15	10:24 43:21,23	2:58 195:12,14	168:8,9,10	787-9700 2:24
169:24	10:46 43:23,25	20001-3743 2:4	3:15 212:6,8	7th 192:24
wrote 50:8 80:25	1000 3:17	20036-5403 2:19	3:18 212:8,10,16	194:25
<hr/> X <hr/>	1050 2:19	2009 71:13	212:18	<hr/> 8 <hr/>
X 4:1,7 130:4,4	11 71:13 139:24	2011 78:4 79:6	300 3:4	8 4:20 184:6,8
130:4	11-hour 8:18	79:13 80:5	300,000 72:6	184:14,18,21
<hr/> Y <hr/>	11-year-old	2013 78:5 81:4	301 1:18 2:8	188:14,15
yeah 10:13	140:8	2014 41:23	30th 21:19 169:6	856-9494 3:5
16:25 17:2,4	11:39 86:17,19	171:16,20	169:7 207:14	861-1500 2:20
17:11 19:15	11:59 86:19,21	172:23,24	207:17 208:15	8th 187:25 188:3
34:5 49:24	1100 2:18,23	173:7	<hr/> 4 <hr/>	<hr/> 9 <hr/>
61:17 66:21	114 2:14	2017 79:7,14	4 4:13 15:25	9 4:9,22 77:7
67:5 75:9 86:3	11th 52:10,11	80:5 204:16	45:16,21 46:21	188:8,9,13
110:16 119:17	73:23	205:2,8	76:12 167:5,5	189:12,17,21
126:15 135:6	12:47 123:9,11	2018 20:6,21	167:8 168:8,20	9:38 1:15 5:3
144:2,4 166:9	128 3:4	21:4,19 22:6	181:14	900 3:8
166:14 167:16	13th 10:6 14:6	22:10 52:7	4208 2:23 3:17	919 2:9,15,24
174:17 175:9	165:1,6	58:7,9 73:23	44 4:3	3:5,9,18
180:2 187:24	14 4:11	107:25 108:1	45 140:22	942-5000 2:5
188:6 189:15	15 78:12	120:25 124:23	<hr/> 5 <hr/>	95 196:2
200:8,9 202:20	15th 168:12	165:6 169:7	5 4:14 174:18	
207:21 209:2	167 4:12,13	171:16,20	175:1,6,11,18	
210:8,11,15	16th 172:24	172:24 173:7	175:23 176:6	
211:11	173:7	176:8 177:7	176:17 177:6	
year 9:5 20:4	17 1:16 214:5	181:15 185:5	178:4	
41:22 208:23	174 4:14,16	188:5 194:24	50 17:16	
211:10,11	17th 5:3	207:14,17	52 159:10	
years 30:12	18 1:2 5:12	208:15	5th 181:15	
41:19,20 61:13	16:24,25 24:7	2019 1:16 5:4	<hr/> 6 <hr/>	
80:23 159:10	180 4:19	10:6 39:2	6 4:2,16 172:23	
Yep 184:22	184 4:20	165:1,6 168:12	174:23 175:1,6	
York 169:10	188 4:22	190:5 191:3	175:7,11 177:9	
171:8 173:11	18th 74:10	192:24 193:2	178:25 187:22	
young 139:19	1900 1:18 2:8	194:25 213:11	190:5 191:3	
<hr/> Z <hr/>	192 4:24	213:20 214:5	194:15	
	195 4:4	215:20		
	19981350007	202 2:5,20		