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<p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION) JAMES RODRIGUEZ; EDWARD) GONZALEZ; ORNALDO YBARRA;) PATRICIA GONZALES; THOMAS) BERG; REYNALDO GUERRA;) and SANDRA PUENTE,) CIVIL ACTION) Plaintiffs,) NO.: 4:11-CV-02907 VS.)) HARRIS COUNTY, TEXAS, and) ED EMMETT, in his) capacity as Harris County) Judge,) Defendants.)</p> <p style="text-align: center;">ORAL DEPOSITION OF GEORGE KORBEL September 11, 2012</p> <p>ORAL DEPOSITION OF GEORGE KORBEL, produced as a witness at the instance of the DEFENDANTS, and duly sworn, was taken in the above-styled and numbered cause on the 11th of September, 2012, from 11:19 a.m. to 3:04 p.m., before Shauna L. Beach, RDR, CRR, CSR in and for the State of Texas, reported by machine shorthand, at the offices of Andrews Kurth, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.</p>	<p style="text-align: center;">A P P E A R A N C E S</p> <p>FOR THE PLAINTIFFS: NEIL G. BARON Law Office of Neil G. Baron 914 FM 517 West Suite 242 Dickinson, Texas 77539</p> <p>FOR THE DEFENDANTS: J. WILEY GEORGE KELLY SANDILL Andrews Kurth, LLP 600 Travis Suite 4200 Houston, Texas 77002</p> <p>ALSO PRESENT:</p> <p>John R. Alford, Ph.D. Rice Associate Professor</p>																														
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<p>1 PROCEEDINGS 2 GEORGE KORBEL, 3 having been first duly sworn, testified as follows: 4 EXAMINATION 5 BY MR. GEORGE: 6 Q. Mr. Korbel, I'm Wiley George. I represent the 7 County. You understand that, don't you? 8 A. Yes. 9 Q. And you were raising your hand before the court 10 reporter even suggested that you do so so I take it that 11 you've been deposed a number of times, have you not? 12 A. Well, I've been in -- 44 years that I've been a 13 lawyer. I've been in a lot of courtrooms, yes. 14 Q. And you've been deposed a lot of times, have 15 you not? 16 A. I have, yes. 17 Q. You have been at this so much longer than I 18 have. If I ask a question today that doesn't make 19 sense, I use the wrong terminology, something like that, 20 will you stop and tell me that? 21 A. Sure. 22 Q. So if you don't understand my question I'd 23 appreciate it if you ask for a clarification. Will you 24 do that? 25 A. Yes.</p>	<p>1 Q. Obviously you know that the testimony you're 2 giving today might well be read in front of Judge 3 Gilmore who has this case. You understand that, don't 4 you? 5 A. Yes. 6 Q. Let's start with some terminology. I saw in 7 your report the phrase demonstration map. 8 A. Yes. 9 Q. I've also seen reference to something called a 10 Gingles map. 11 A. Yes. 12 Q. And Gingles, by the way, is spelled with a "G". 13 Are those two things the same? 14 A. Well, yes. 15 Q. So a Gingles map or a demonstration map is a 16 map that is drawn in order to reach a majority of a 17 certain voting age population; is that correct? 18 A. Pretty much I think, yeah. 19 Q. And were you hired in this case to draw a 20 demonstration map? 21 A. Yes. 22 Q. And did you draw two demonstration maps in this 23 case? 24 A. I've drawn lots of them. 25 Q. Do you have two demonstration maps attached to</p>
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<p>1 your report in this case? 2 A. Yes, I do. 3 Q. Do you know whether or not the other 4 demonstration maps that you drew in this case have been 5 provided to the County? 6 A. Umm, I believe they have. In getting ready for 7 this I found some additional maps that were done several 8 months ago and I believe that those were all provided to 9 you, but I will check just to make sure. 10 Q. Done by whom? 11 A. By me and -- but they're all variations on a 12 theme. They all look almost exactly the same as the 13 maps that you have. 14 Q. I don't believe I've seen those. So if you 15 will, take a look at those to see if -- if you have 16 drawn additional demonstration maps to -- and look for 17 those after this deposition. 18 A. Sure. 19 Q. But in the meantime, there are two 20 demonstration maps attached to your report and those are 21 the two demonstration maps you proposed to the judge; is 22 that correct? 23 A. Umm, well, they were until I -- I finally got a 24 copy of what your current plan is and I now have made 25 some -- took your current plan and made some changes</p>	<p>1 and -- and so we've got some -- some maps based on 2 those. 3 Q. And did you bring those maps with you today? 4 A. I think we provided them to you. I think they 5 were part of the -- 6 MR. BARON: Let's go off the record for a 7 second and see if we can get this cleared up. 8 MR. GEORGE: Let's stay on the record. 9 MR. BARON: You can stay on the record -- 10 MR. GEORGE: Maybe I can clear it up. 11 MR. BARON: -- but I thought a lot of this 12 went to Dropbox. 13 (Deposition Exhibit No. 1 marked.) 14 MR. GEORGE: Let me hand you -- 15 MR. BARON: I'm trying to log on to my 16 Dropbox account so I can make sure. 17 Q. (By Mr. George) Let me hand you a map that 18 I've marked as Deposition Exhibit 1 and ask you to take 19 a look at that map. 20 A. Yes. This is GALME118. 21 Q. Is that a map that you still are proposing in 22 this case as a demonstration map? 23 A. Well, it's -- it's obviously going to be up to 24 the lawyers, but this would be one map that -- that 25 could be used as a demonstration map.</p>

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<p>1 Q. And it was a map attached to your report, do 2 you recall? 3 A. Yes, that's right. Yes, that's right. 4 (Deposition Exhibit No. 2 marked.) 5 MR. GEORGE: And I just noticed that I put 6 the deposition sticker over a trial exhibit sticker that 7 you put on the map. So the record is clear, Deposition 8 -- the sticker for Deposition 1 actually went over a 9 sticker that was already on there. 10 Q. (By Mr. George) I'll mark Deposition Exhibit 2 11 and ask you to take a look at it and tell me whether or 12 not it is another demonstration map that you have drawn 13 for this case. 14 A. Umm, yes. The difference between the two of 15 these is the second one has normal -- no voting 16 precincts cut. 17 Q. Right. And we'll get into that in a minute. 18 Now, other than these two maps -- 19 A. Uh-huh. (Witness answers affirmatively.) 20 Q. -- have you drawn any other demonstration maps 21 for this case? 22 A. Yes. 23 Q. Do you recall what those numbers are? 24 A. Umm, I think -- virtually all of them were 25 produced to you. There was about 15 or 18 maps that</p>	<p>1 were produced. 2 Q. And are all 15 or 18 of those maps maps that 3 reach a majority Hispanic CVAP and SVAP? 4 A. Not all of them have been tested, but I'm -- 5 because of the voter -- you can tell from the voter 6 registration that they clearly would be -- most of them 7 clearly would be above 50 percent Spanish surname voting 8 age population. 9 Q. And you can test that in what way? 10 A. Well, you can have them -- the -- the software 11 that I -- the software that I have does not test for 12 citizen voting age population. And I -- really most 13 software tests for it, but the State of Texas uses some 14 software and just to keep some sort of a uniformity 15 we've all been using their software. 16 Q. And is that -- when you order a report from the 17 Texas -- Texas Legislative Council is that the kind of 18 report you're talking about? 19 A. A special report, yes. It's a special report. 20 Q. Using the software that you just described? 21 A. Yes. 22 Q. In your view is the CVAP information from TLC 23 good data? 24 A. No. 25 Q. Okay.</p>
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<p>1 A. It's -- 2 Q. Why not? 3 A. Because it vastly underestimates the citizen 4 voting age population. 5 Q. Why do you believe that? 6 A. Well, the census was taken in 2000 -- in April 7 of 2010. And the data for citizen voting age population 8 ran from -- was an average of -- a floating average of 9 what they estimated the citizen voting age population 10 from 2006 through 2009. So it's, roughly, the 2007 data 11 compared to the 2010 data. And the -- the 2007 through 12 2010 data is not for citizenship. And you can see about 13 a -- about a 4 percent increase in just those two years, 14 in just those -- yeah, in just that one year, I should 15 say, in citizen voting age population. 16 Q. The 15 to 18 maps that are not attached to your 17 report, but that you say you've drawn and would, 18 perhaps, constitute demonstration maps, did you draw 19 those after doing your report? 20 A. The only ones that I drew after doing the 21 report were the ones based on your current plan when I 22 finally got your current plan. 23 Q. And when you say our current plan, tell me what 24 you mean by that. 25 A. Well, whatever plan you-all sent over in CSV</p>	<p>1 format. 2 Q. Have you seen it referred to as revised A1? 3 A. I don't recall. There was no -- didn't -- 4 there wasn't anything in the -- in the -- what I got 5 saying that. 6 Q. So some subset of these 15 or 18 maps you drew 7 prior to completion of your report? 8 A. Yes. 9 Q. But you chose not to include those maps with 10 your report other than the two maps I've marked as 11 exhibits today, correct? 12 A. Yes. 13 Q. How many maps -- strike that. 14 In the -- maps that you drew after doing 15 your report are maps that were drawn where you used as 16 the starting place the County's current map; is that 17 correct? 18 A. That's correct. 19 Q. How many of those maps are there, do you 20 believe? 21 A. Well, there were -- there are several -- and 22 what I started to do when I -- when I found out that you 23 wanted all the maps that -- that we had worked on, I 24 started to separate those out then. Rather than 25 continuing on a map, working on a map, I would -- when I</p>

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<p>1 stopped I would just make a new map. So there probably</p> <p>2 are, maybe, three or four, might be -- might be more.</p> <p>3 But -- but there -- but really, there's just -- there's</p> <p>4 just iterations in a stream until you hit the final map.</p> <p>5 Q. And you don't remember the number of the final</p> <p>6 map?</p> <p>7 A. I think the last map that we have is GE 303.</p> <p>8 Q. So 303 you believe is the iteration of the maps</p> <p>9 you drew after doing your expert report that were based</p> <p>10 on the County's current map?</p> <p>11 A. Yes. I would have done them for the expert</p> <p>12 report but I didn't have them. I was requesting them,</p> <p>13 but I didn't have them.</p> <p>14 Q. You had requested it from the plaintiff's</p> <p>15 lawyer and he had not yet given you the County's map; is</p> <p>16 that correct?</p> <p>17 A. No. I think I requested them from your lawyer.</p> <p>18 I sent an E-mail to your lawyer asking for them.</p> <p>19 Q. Did you ask -- did you ask your -- the</p> <p>20 plaintiff's lawyer for those maps?</p> <p>21 A. No.</p> <p>22 Q. All right. Your expert report is dated July</p> <p>23 31st. How -- how much time before July 31st were you</p> <p>24 asked to get involved in this case?</p> <p>25 A. I was -- I testified for the -- for the</p>	<p>1 intervenors in the -- in the Galveston case. And Chad</p> <p>2 Dunn asked me at some point in time after the testimony</p> <p>3 was -- was I interested in helping him with this, acting</p> <p>4 as an expert on this.</p> <p>5 Q. Okay. And so about how long before July 31st</p> <p>6 was that?</p> <p>7 A. Umm, probably sometime in the first quarter of</p> <p>8 the year. I really don't -- I really haven't paid much</p> <p>9 attention to it.</p> <p>10 Q. Okay. The first quarter of 2012?</p> <p>11 A. Yes.</p> <p>12 Q. When is the first time you can recall actually</p> <p>13 doing work in connection with the preparation of</p> <p>14 demonstration maps for this case?</p> <p>15 A. Well, I was working for -- doing work for</p> <p>16 League of United Latin American Citizens and they asked</p> <p>17 me to draw a plan for Harris County. And I think that</p> <p>18 that plan was presented, although I don't know.</p> <p>19 Q. Presented to whom?</p> <p>20 A. Presented to the -- to the commissioner's</p> <p>21 court.</p> <p>22 Q. In connection with this 2012 redistricting?</p> <p>23 A. Yes. While your -- while your districting was</p> <p>24 going on, while there was testimony.</p> <p>25 Q. I'm not going to mark it. I'm going to show it</p>
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<p>1 to you to see if this is the map. And if it's not, we</p> <p>2 won't mark it. But if it is, we will mark it.</p> <p>3 A. Do you know what the name of this is?</p> <p>4 Q. I think they called it Demonstration Plan 3.</p> <p>5 A. Well, I think one of the maps that I gave to</p> <p>6 them looked something like this, but I would have to</p> <p>7 compare that with -- with my maps to make sure. But</p> <p>8 it -- but they would -- I mean, they all looked just</p> <p>9 about the same.</p> <p>10 Q. All these demonstration maps are generally</p> <p>11 about the same, are they not?</p> <p>12 A. Umm, well, yes. The -- these two maps that</p> <p>13 you've shown me are slightly different.</p> <p>14 Q. Well, you've said that they are different</p> <p>15 because one split precincts and one does not. How else</p> <p>16 are they different?</p> <p>17 A. They are different in the way that they -- in</p> <p>18 the way that the Black districts are drawn --</p> <p>19 Q. How is that?</p> <p>20 A. -- and Hispanics are drawn. Well, the Black</p> <p>21 district is drawn in the -- in the -- along the lines of</p> <p>22 the Texas Senate, I think. And the districts that you</p> <p>23 have drawn are drawn along the lines of the</p> <p>24 congressional -- congressional districts or vice versa.</p> <p>25 I can't recall.</p>	<p>1 Q. Any other differences between the two maps that</p> <p>2 you can think of? And the two maps being the maps I've</p> <p>3 marked as Exhibits 1 and 2.</p> <p>4 A. Differences between what? What are we</p> <p>5 comparing?</p> <p>6 Q. The two maps. These two maps in front of you.</p> <p>7 A. Well, there's a -- there's a difference in</p> <p>8 deviation. There's a difference in political result, a</p> <p>9 slight difference in political result, and -- and then</p> <p>10 one -- one cuts no precincts and one cuts some</p> <p>11 precincts. One has 50 percent registration and one</p> <p>12 doesn't.</p> <p>13 Q. Do they both have 50 percent CVAP?</p> <p>14 A. Oh, yes.</p> <p>15 Q. Okay. When you drew Exhibits 1 and 2 --</p> <p>16 A. Yes.</p> <p>17 Q. -- did you consider the deviation, the</p> <p>18 population deviation, between the precincts?</p> <p>19 A. Yes. I think we computed it out on what we</p> <p>20 provided to you.</p> <p>21 Q. And did you consider that because that's a</p> <p>22 traditional redistricting principle?</p> <p>23 A. Yes. Although -- yes, it's a traditional</p> <p>24 redistricting principle, but it depends on whether it's</p> <p>25 a 14th Amendment redistricting or it's a constitutional</p>

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<p>1 redistricting. 2 Q. Tell me the difference, as far as you know, in 3 those two concepts. 4 A. Constitutional redistricting is based on the 5 constitution, definition of Congress, and there the 6 courts have said that you have a very deviation -- 7 you're only required to have a very -- you're required 8 to have a very low deviation. And in those plans 9 traditionally we are exact on the numbers, one 10 deviation, one person down, those numbers are perfect. 11 Q. And that's not what we have here, correct? 12 A. No. We have 14th Amendment case. 13 Q. And what is -- as far as you're concerned -- 14 what do you believe to be the permissible deviation top 15 to bottom in a 14th Amendment case? 16 A. Well, I believe that the -- that that is 17 defined in White v. Regester and in the companion case 18 back in 1971 as below 10 percent. 19 Q. And so in drawing your demonstration maps, 20 including Exhibits 1 and 2 -- 21 A. Yes. 22 Q. -- you strove to come within that permitted 23 deviation, did you not? 24 A. No. I -- my intent was to draw the -- the 25 districts as even as possible and -- but when I got the</p>	<p>1 50 percent registration, since this is a Gingles 2 district, that's where I left it. 3 Q. When you say 50 percent registration, what do 4 you mean by that? 5 A. 50 percent Spanish surname registration. 6 There's a -- there's a process that's used to measure 7 the registration, which is -- which also substantially 8 under represents Hispanics. But, again, that's 9 something that -- that we rely on the census and on 10 the -- and on the state numbers. 11 Q. So did you check your demonstration maps both 12 for registration and for CVAP? 13 A. Yes. 14 Q. All right. And so what you're saying is you 15 started with the four districts as equal as possible but 16 you had to deviate from that so that you could reach 50 17 percent; is that correct? 18 A. I started with the County without any other 19 plans for the County. And I -- and I looked at the way 20 the best -- the way that I would do it if I were 21 starting from the beginning. And that's what I'm doing 22 is drawing a Gingles district. And this is the way I 23 would follow it. I would follow it -- I think it's 24 Senate procedure. And that's what -- that's what this 25 is.</p>
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<p>1 Q. So when you drew your Gingles maps, these 2 two -- these two in particular, Exhibits 1 and 2, you 3 did not start with the existing precinct lines. You 4 started over; is that correct? 5 A. That's correct. 6 Q. Now, if you were following traditional 7 redistricting principles, you would start with the 8 currently -- the last legal lines, correct? 9 A. No, not -- not for drawing a Gingles district. 10 Q. That's not my question. 11 I said if you were following traditional 12 principles, redistricting principles, you would start 13 with the existing legal lines, would you not? 14 MR. BARON: I'm going to object to form. 15 You can go ahead. 16 MR. GEORGE: You can answer. 17 MR. BARON: Yeah, you can answer, George. 18 A. Well, it just depends on whose traditional 19 redistricting concepts you're talking about. I mean, 20 I -- 21 Q. Let me ask you this, then. 22 Do you think that trying to deviate as 23 little as possible from currently existing legal lines 24 is a traditional redistricting principle? 25 A. No.</p>	<p>1 Q. All right. 2 A. No. All of the state redistricting is done 3 based on 9.9 top to bottom deviation. That's what the 4 Supreme Court said in White v. Regester or Wade v 5 Regester. I forget which one. 6 Q. All right. So I just want to make sure I 7 understand. When you're drawing -- and I'm not just 8 we're talking about a Gingles district -- but when 9 you're drawing a district, you are redistricting, in 10 other words, you do not believe that you have to start 11 with the currently -- currently existing legal lines; is 12 that correct? 13 MR. BARON: Object to form. 14 A. Umm, no. But I do have a series of maps where 15 I do do that same thing, start from the -- 16 Q. (By Mr. George) That's the three or four maps 17 that you did after you did your report, correct? 18 A. Yes. 19 Q. Correct? 20 A. As soon as I got your CSV file. And I did 21 those as -- I spent a lot of time doing those so that 22 question could -- if you wanted to talk about those at 23 this deposition I'd be -- I'd be able to do that. 24 Q. Since they weren't attached to your report and 25 they were not something that we were given notice that</p>

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<p>1 you were suggesting as demonstration maps, I'm not 2 prepared to talk about those in your deposition. 3 A. All right. 4 Q. When you were doing your Gingles maps, and in 5 particular Exhibits 1 and 2, did you look at all at how 6 much population would be moved from one precinct to 7 another? 8 A. In -- in these two? 9 Q. Yes, sir. 10 A. No. 11 Q. Why not? 12 A. Because all they are are demonstration 13 districts. They're -- they're able to show that we 14 can -- that a Gingles 1 district is possible. 15 Q. So you didn't believe when drawing these 16 demonstration maps that's a concept that you had to 17 adhere to? 18 A. These are demonstration districts, Gingles 1 19 districts. I don't think that -- that -- normally 20 jurisdiction don't use Gingles 1 districts to hold 21 elections under. Gingles 1 districts in most cases 22 would probably be unconstitutional as packing. 23 Q. How about these two? Are these two 24 unconstitutional? 25 A. I don't think so. Actually, the one cut is</p>	<p>1 absolutely no voting -- no voting precincts and it 2 follows a traditional way that redistricting is done in 3 Harris County. And I think -- actually, I think that 4 could operate as a remedy map. 5 Q. And which exhibit are you talking about? 6 A. No. 2, I think. No. 2. 7 Q. Exhibit 2 that's sitting in front of you? 8 A. Yes. 9 Q. We'll talk about that some more in a minute. 10 Is it your view that a Gingles plan, 11 otherwise known as a demonstration plan, can be 12 unconstitutional? 13 A. Yes. I mean, it could be over -- over 14 concentration of -- of minorities, packing. 15 Q. Does a Gingles 1 map, in your view, have to be 16 compact? 17 A. There are a number of different processes that 18 you look at and one of them is compactness, yes. 19 Q. And do you believe that a Gingles 1 map needs 20 to be compact? 21 A. I try to draw them as compact as I can. 22 Q. Why? 23 A. Because it -- it's one of the -- it's one of 24 the -- what -- what they say as the traditional 25 redistricting concepts which are -- which are really</p>
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<p>1 more honored in the breach than in reality. 2 Q. What do you mean by more honored in the breach 3 than in reality? 4 A. It's -- the legislature very seldom follows 5 traditional redistricting principles. They draw 6 districts that are awkward and -- and odd shaped and 7 don't -- and don't look at communities of interest and 8 that sort of thing. 9 Q. I've seen reference to ugly maps. Would that 10 be a map that would not be compact? Is that terminology 11 used to describe a map that's not compact? 12 A. I've never heard that terminology except in 13 Washington in trial at the D.C. court in Washington -- 14 the state witnesses testified to ugly. 15 Q. And what did you take that meaning to be from 16 that testimony, odd shaped? 17 A. They were saying that their maps were ugly. 18 Q. And -- and do you believe that -- that that's a 19 synonym for -- for the term you used; and that is, odd 20 shaped? 21 A. No. I didn't -- first of all, I didn't use the 22 term odd shaped. What it was -- what they were doing 23 was they were describing a process that they followed 24 called nudging. And that's also the first time I heard 25 of nudging. But they seemed to be -- they seemed to</p>	<p>1 know an awful about it. And nudging is adding numbers 2 that appear to have a high Spanish surname, for example, 3 registration or citizenship, but in fact don't. And 4 it's really just a way to cheat. And I think that's 5 what the court in Washington found. 6 Q. Returning to this concept of traditional 7 redistricting principles, we've already -- you've 8 already touched with this one. But it's fair to say 9 that a traditional redistricting principle is that a map 10 will try not to split precincts, correct? 11 A. Well, I always try to do that because I have 12 some experience in representing clients who do 13 redistricting and it's a lot easier for me to help them 14 draw their voting precincts if these jurisdiction -- if 15 the maps don't split voting precincts. And we have a 16 problem -- tremendous problems with the redistricting 17 now because the state maps split so many voting 18 precincts. 19 Q. Would you agree with me, sir, that an effort 20 not to split a voting precinct is a traditional 21 redistricting principle? 22 A. No. 23 Q. When you drew your maps, nevertheless, you 24 tried not to split voting precincts, correct? 25 A. No.</p>

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<p>1 Q. You drew at least one map where you did not 2 split precincts, correct? 3 A. Yes. 4 Q. And your other maps split how much precincts? 5 Do you remember? 6 A. I don't know. 7 Q. We'll return to that. 8 Tell me some legitimate reasons as a map 9 drawer for splitting a precinct. 10 A. Well, the state doesn't let -- what they call 11 nudging -- 12 Q. I said legitimate. 13 A. Yeah. Yeah. 14 Q. I want to know -- 15 A. Okay. 16 Q. -- in your view as a map drawer -- 17 A. Sure. 18 Q. -- some legitimate reasons to split a precinct. 19 A. It may be that you're looking at a community of 20 interest. It may be that already the voting precincts 21 are being split by the state plans and what you're 22 trying to do is follow along with the state plans. It 23 may be that that's what the clients want. But when you 24 say legitimate reasons all those, of course, are 25 balanced against 14th amendment balances.</p>	<p>1 Q. Sure. All right. You've named three, I think. 2 Three reasons -- three legitimate reasons to split a 3 precinct. 4 A. Well, that -- 5 Q. Now -- now, hold on. I'll let you -- I'll let 6 you add to the list, but I want to make sure I have 7 these three down. 8 The first is you're looking at a community 9 of interest. Tell me why you might split a precinct 10 because you're looking at a community interest -- 11 community of interest? 12 A. Well, oftentimes voting precincts are drawn 13 that split communities of interest and it's easier for 14 the minority community to participate in the political 15 process and elect the representatives of their choice if 16 the communities are kept together. 17 Q. Okay. So sometimes you might split a precinct 18 in order to keep the communities together? 19 A. Yes. And sometimes you might split a precinct, 20 for example, in the congressional to bring the deviation 21 down to zero. 22 Q. Okay. 23 A. Actually, you can come pretty close to zero 24 without cutting any voting precincts even on the 25 congressional level, but to get the absolute zero you</p>
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<p>1 have to do it. 2 Q. So I think you just added a fourth reason; and 3 that is, in order to get population deviation down, 4 correct? 5 A. Yes. 6 Q. The second reason was because you're trying to 7 follow whatever the existing plan is, correct? Isn't 8 that what you said? 9 A. Umm, it could be a reason, yes. 10 Q. Well, you said trying to follow the -- the 11 state plan. And I took that to mean -- 12 A. No. No. The state plan has come in and split 13 a lot of voting precincts. You split 17, I think, in 14 your plan. But those may be the result of trying to 15 follow the lines that the state drew -- 16 Q. Okay. 17 A. -- so that you don't -- so you can minimize the 18 cutting of voting precincts. You've got 1,000 voting 19 precincts or something in Harris County, many of which 20 got -- have no population in them. 21 Q. You also identified another reason, legitimate 22 reason, to split a voting precinct is because it's 23 something that your clients might want you to do, 24 correct? 25 A. Well, yes.</p>	<p>1 Q. Umm -- 2 A. Again, all of those things are balanced against 3 the 14th amendment. 4 Q. Sure. Can you think of any other legitimate 5 reasons to split a precinct? 6 A. Well, sometimes -- sometimes in -- in plans you 7 can see the intent to discriminate involved and it might 8 be trying to undue part of that intent. 9 Q. Can't splitting a voting precinct be evidence 10 of that kind of discriminatory intent as well? 11 A. Can splitting them? 12 Q. Yes. 13 A. Yes. But again, it's balanced against the 14th 14 amendment. 15 Q. What's a gerrymander? 16 A. Gerald Elbridge was famous for drawing a 17 district that looked like a -- looked like a -- a lion 18 or a dragon and that was a term that somebody was -- 19 used to describe the redistricting. 20 Q. It's a term used to describe, what, though? 21 A. It's a term used to describe redistricting 22 because sometimes -- it's like inkblots. You look at 23 them and you can make up all sorts of ideas as to what 24 they are. 25 Q. How can you tell -- how can you tell whether or</p>

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<p>1 not you believe a particular plan is a gerrymander? 2 A. Oh, you know, I don't even use that term. 3 Q. Okay. Do you use a term that's similar to 4 that? 5 A. No. 6 Q. In drawing Exhibits 1 and 2, and any other 7 demonstration maps that you've drawn for this case, did 8 you try to avoid splitting political subdivisions? 9 A. No. 10 Q. Why not? 11 A. Well, for example, you've got to split Houston 12 and you -- you have to sometimes split jurisdiction -- 13 jurisdictions. 14 Q. All right. Obviously you're going to split 15 Houston. 16 A. Yes. 17 Q. But you didn't pay attention to whether or not 18 you split other towns or neighborhoods; is that correct? 19 MR. BARON: Object to form. 20 A. Neighborhoods, yes. And towns to the extent 21 that there are neighborhoods after you draw the plan 22 come to a -- again, this is a Gingles plan -- draw the 23 plan and come to a plan that minimizes the County -- 24 the -- the precinct cuts. Then I always look back and 25 look at the cities to see if we could put the cities</p>	<p>1 together and still be a -- still be a Gingles plan. 2 Q. And did you do that here? 3 A. I -- I suspect I did. I don't -- I don't 4 distinctly recall that. 5 Q. Sitting here -- 6 A. I draw a lot of these plans. 7 Q. Sure. Sitting here today, you don't recall 8 whether or not you split any particular towns or 9 neighborhoods; is that correct? 10 A. Oh, I'm sure I split -- I'm sure I split towns 11 and to the extent that I understand the neighborhoods, I 12 tried to keep those together. 13 Q. Okay. You don't live in Houston, do you? 14 A. I don't. 15 Q. Bexar County? 16 A. Bexar County, yes. 17 Q. What work had you done in connection with 18 Harris County prior to this work in this case? 19 A. Yes. In 1971 I was involved in the litigation 20 White v. Regester and a number of follow-on cases and 21 some of those dealt with -- with Harris County. 22 Q. All right. 23 A. All right. I was involved in drawing the 24 districts and in -- 25 Q. I'm sorry. What districts?</p>
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<p>1 A. In Harris County. 2 Q. The four districts we're talking about here? 3 A. No. The -- the state -- the state senate and 4 the house districts, primarily the house districts. 5 Q. And when was that? 6 A. I think that they were -- this is a long time 7 ago -- it's 40 years ago -- they were modified in mid 8 decade, I think, finally. 9 Q. Did you participate in that modification? 10 A. Yes. 11 Q. All right. What else? What other 12 experience -- 13 A. I handled -- 14 Q. Let me finish my question, sir. 15 What other experience have you had in 16 Harris County prior to your work in this case? 17 A. I -- I represented the Hispanic plaintiffs in 18 the litigation against the City of Houston at large, 19 litigation against the City of Houston -- 20 Q. Okay. 21 A. -- which went on over about a 20-year period. 22 Q. Okay. What else? 23 A. And I was involved in demonstration districts. 24 We didn't call them Gingles districts in those days, but 25 we called them demonstration districts. I drew a number</p>	<p>1 of those for the City of Houston as evidence. I was 2 involved in the -- most recently in the redistricting of 3 the Houston Independent School District. And ten years 4 ago I drew the plans for the Houston Independent School 5 District and the Houston Community College District. 6 I've represented a number of political people over here 7 and drawn plans for them to -- to present in testimony. 8 And I've -- and I've -- I think I've participated in 9 several of the Section 5 issues involving the City of 10 Houston, both as a lawyer and as a participant -- just a 11 citizen participant. 12 Q. Have you had any particular experience drawing 13 districts for Harris County Commissioner? 14 A. Yes. I've done -- I've done demonstration -- I 15 did demonstration plans after the 2000 census and -- and 16 after this census. 17 Q. When -- strike that. 18 How far -- how far in front of your July 19 31st report did you start drawing demonstration maps for 20 this case? 21 A. For this case? 22 Q. Yes, sir. 23 A. After -- after Chad asked me if I was 24 interested in participating. 25 Q. And you believe that was sometime in the first</p>

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<p>1 quarter of this year? 2 A. I believe that's right, yes. 3 Q. And at that point had you already drawn 4 demonstration maps for Harris County precincts? 5 A. I had, yes. 6 Q. Do you know whether any of those maps were 7 provided to the DOJ in conjunction with Section 5 8 preclearance? 9 A. I have no idea. I wasn't involved in that at 10 all. Other lawyers were representing the plaintiffs at 11 that point or the clients. 12 Q. You understand that the County's plan was 13 precleared? 14 A. Yes. 15 Q. Did that have any impact on you when you drew 16 your maps? 17 A. Well, I drew the maps before that. I drew the 18 maps to demonstrate that it was possible to draw a 19 Gingles district. So that -- so that the County later 20 on couldn't say, Oh, we -- it never dawned on us, so... 21 (Pause.) 22 Q. You drew some of the maps for this case after 23 the County's plan was precleared, correct? 24 A. Yes. 25 Q. Did the fact that the County's plan -- the fact</p>	<p>1 that it got precleared, did that impact your map drawing 2 in any way? 3 A. It certainly didn't impact the map drawing as 4 far as the Gingles plan, because -- it's all -- a 5 Gingles plan is just a demonstration plan. I did -- I 6 did -- when I finally got a CSV of your -- of your plan, 7 I did go back in and -- and see -- see how you -- what 8 changes you had made and tried to see if I could undo 9 some of the changes and use some of the changes and see 10 if I could come to a Gingles map that way, also. 11 Q. In drawing Exhibits 1 and 2 and any other 12 demonstration maps that you did for this case, did you 13 make an effort not to pair incumbents? 14 A. I didn't look at incumbency at all. 15 Q. Have you looked at it before today? 16 A. No. 17 Q. So you don't know sitting here today whether or 18 not your maps pair incumbents? 19 A. I don't; although, that's not a big deal 20 because it's really easy to go back in and make some 21 minor changes to avoid pairing incumbents. If you 22 wanted to use one of these plans I could guarantee that 23 I could fix it within a few minutes, so... (Pause.) 24 Q. "Fix it" being you could make it so that it 25 doesn't pair incumbents?</p>
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<p>1 A. Yes. 2 Q. You certainly believe that ought to be 3 something done before a plan is adopted, don't you? 4 A. No, not necessarily. I mean, lots of plans are 5 drawn that -- that pair incumbents. 6 Q. So you're telling me today that you have no 7 idea whether or not there is an incumbent race in 8 Precinct 2 under your plan -- 9 MR. BARON: Object to form. 10 Q. (By Mr. George) -- under your maps? 11 A. Incumbent race? What? 12 Q. An incumbent for Precinct 2. 13 MR. BARON: Object to form. 14 A. I don't know. 15 Q. (By Mr. George) Okay. When you drew Exhibits 16 1 and 2, did you try to follow geographic boundaries? 17 A. Of -- of the County you mean or... (Pause.) 18 Q. Yes, sir. 19 A. Yes. I tried to -- I mean, I stayed within the 20 County, if that's what you're asking. I don't mean to 21 be smart, but -- 22 Q. I mean. No. No. No. I mean, landmarks, 23 like, highways, bayous, rivers, waterways. 24 A. These are demonstration districts. 25 Q. So you didn't feel like you had to in drawing</p>	<p>1 these demonstration maps? 2 A. No. They're just demonstration maps to show 3 that it's possible to create a district that meets the 4 general definition. Although, if you look at it it 5 does -- it does -- these do follow communities. 6 Q. What do you mean by that? 7 A. Hispanic community and the -- on south -- on 8 the east part of -- of the County and -- and on the 9 northwest part of the County and the Black community on 10 the southwest and on the northeast. 11 Q. We'll talk about that a little bit more in a 12 minute. 13 In drawing Exhibits 1 and 2 and any other 14 demonstration maps you did for this case, I take it you 15 didn't take into consideration any of the locations of 16 existing county facilities, did you? 17 A. No. 18 Q. And when you did these maps you didn't consider 19 whether or not, for example, a particular park that may 20 be in Precinct 1 winds up under your map in Precinct 2? 21 A. In these demonstration -- demonstration maps, 22 no. 23 Q. Yes, sir. Because you didn't think that's 24 something you needed to do for purposes of a Gingles 25 map; is that correct?</p>

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<p>1 A. No.</p> <p>2 Q. Is that correct?</p> <p>3 A. Yes, that's correct.</p> <p>4 Q. Have you ever seen a map that shows where</p> <p>5 county facilities like road camps and parks and</p> <p>6 libraries -- have you ever seen a map that shows that?</p> <p>7 A. No. No.</p> <p>8 Q. Did you draw these maps on RedAppl?</p> <p>9 A. Well --</p> <p>10 Q. Let me be more specific. Let me ask a better</p> <p>11 question than that.</p> <p>12 A. Yes.</p> <p>13 Q. Did you draw Exhibits 1 and 2 on RedAppl?</p> <p>14 A. Yes. Well, they eventually got on to RedAppl.</p> <p>15 Q. You started -- you started someplace else and</p> <p>16 then ended up on RedAppl?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Where -- where did you -- where did you</p> <p>19 start drawing your maps?</p> <p>20 A. By hand.</p> <p>21 Q. And then when did you transfer what you'd done</p> <p>22 by hand onto RedAppl?</p> <p>23 A. Whenever the dates of the maps are.</p> <p>24 Q. They're -- I noticed that they're the day</p> <p>25 before your report, July 30th.</p>	<p>1 A. Yes.</p> <p>2 Q. So on July 30th, you would have --</p> <p>3 A. No. No.</p> <p>4 Q. I'm sorry. Let me finish.</p> <p>5 A. The date -- I'm sorry.</p> <p>6 Q. On July 30th, you would have gone to a computer</p> <p>7 and for the first time put your maps onto RedAppl; is</p> <p>8 that correct?</p> <p>9 A. No. No. The date on the -- on this map, on</p> <p>10 these maps, is the date that I printed them out.</p> <p>11 Q. Look at Exhibit 1 with me.</p> <p>12 MR. BARON: Is that 118?</p> <p>13 MR. GEORGE: Yes, sir.</p> <p>14 Q. (By Mr. George) All right. There are two</p> <p>15 dates it looks like to me. There's a date over on the</p> <p>16 right side that says 7/11/2012 at 10:16 a.m. Do you see</p> <p>17 that?</p> <p>18 A. Yes.</p> <p>19 Q. And then to the left of that there's a date</p> <p>20 that says July 31, 2012 at 12:54 -- I think it says or</p> <p>21 something like that.</p> <p>22 A. Yes.</p> <p>23 Q. Are those print dates?</p> <p>24 A. Those are -- well, the one is a print date and</p> <p>25 the one is the last time I had worked on the plan.</p>
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<p>1 Q. Okay. Which one is the print date?</p> <p>2 A. Umm, the -- I suppose the most -- the one</p> <p>3 that's the most current.</p> <p>4 Q. Yeah, the July 31st date?</p> <p>5 A. Probably is.</p> <p>6 Q. Okay. So my question is -- well, where were</p> <p>7 you when you were doing these maps? Were you in --</p> <p>8 where were you?</p> <p>9 A. I was in San Antonio.</p> <p>10 Q. Do you have access to RedAppl yourself?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So you were on your own computer?</p> <p>13 A. Umm, I either was on a computer that I had</p> <p>14 borrowed from a -- or had been given to me by a</p> <p>15 legislator or I was on my own computer. I don't know.</p> <p>16 Q. Okay.</p> <p>17 A. It would be -- they're both the same.</p> <p>18 Q. Okay.</p> <p>19 A. Same -- or I may have been at somebody's office</p> <p>20 in San Antonio. I -- I just don't recall. I would be</p> <p>21 in one of those places.</p> <p>22 Q. Okay. What legislator would have done -- what</p> <p>23 legislator would have loaned you the computer?</p> <p>24 A. Senator Gallegos, who was vice-chairman of the</p> <p>25 redistricting committee.</p>	<p>1 Q. If you were at someone's office, who office</p> <p>2 would you have been at?</p> <p>3 A. It could have been at his office. I could have</p> <p>4 been at probably anybody in San Antonio's office, any of</p> <p>5 those offices. I might have -- I probably did it on the</p> <p>6 state computer. That's probably where it was done. But</p> <p>7 the numbers would -- the local means that it's -- it's</p> <p>8 not on the -- on the state account. It means that it's</p> <p>9 only on my computer.</p> <p>10 Q. Okay. And so the -- so the GALME118, does that</p> <p>11 mean anything to you? Does that suggest it might be</p> <p>12 Gallegos' computer?</p> <p>13 A. Yes. Well, it -- it probably -- as I say, it</p> <p>14 probably is, but that -- that is not the reason. I also</p> <p>15 have an account and it could also -- my account is XHC1</p> <p>16 something or other. It could be that, too.</p> <p>17 Q. At what point in the evolution of -- of these</p> <p>18 maps do you put them on RedAppl?</p> <p>19 A. Well, umm, sometimes right -- you start with</p> <p>20 RedAppl.</p> <p>21 Q. Okay. Let's do it for -- for these two maps.</p> <p>22 Did you -- was the process the same for you in drawing</p> <p>23 these two maps; that is, Exhibits 1 and 2?</p> <p>24 A. Well, Exhibit 2 follows after Exhibit 1.</p> <p>25 Q. So Exhibit 1 was drawn first and then Exhibit</p>

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<p>1 2? 2 A. Umm, probably, yeah. I mean, I'm sure that -- 3 I'm sure -- they may have been -- I say probably because 4 they may have been drawn up at the same time. 5 Q. I'm asking you. Which was it? 6 A. I don't recall. I suspect it was 1 and then 2, 7 but I may have gone back and changed 1. I don't know. 8 Q. Well, why do you expect 1 would have been 9 before 2? 10 A. 1 doesn't cut precincts and 2 does. 11 Q. When you were drawing 2 you were trying not to 12 cut precincts, correct? 13 A. Well -- well, as I say, when you -- when you've 14 been involved in the redistricting and having to draw 15 the voting precincts, you want to minimize the -- the 16 cutting of the voting precincts and I went back and did 17 that. 18 Q. So back to my question about the process. I'm 19 just trying to understand how you drew these maps in 20 terms of how much of it was by hand and how much of it 21 was on RedAppl. 22 A. I can't tell you. 23 Q. Because you don't remember? 24 A. I -- you know, I'm doing an awful of these maps 25 at the same time and usually I will -- on a piece of</p>	<p>1 paper will sketch out what -- I -- I had a lot of 2 experience with an awful of counties in Texas and a lot 3 of cities in Texas. So I've got some idea as to how the 4 solutions to the redistricting process goes. And I will 5 sketch out what my recollection is and then I'll go in 6 and -- and create the plan. 7 Q. When you actually get on RedAppl, what do you 8 do, if anything, on RedAppl that you haven't already 9 done by hand? 10 A. Oh, well, everything. The hand is just the -- 11 to get me to -- to remind me what -- what I'm going to 12 do. 13 Q. All right. So the hand is like a -- you're 14 roughing it out, but it's on RedAppl where you can 15 actually do the real work because of the information 16 that software provides? 17 A. Yes. Yes. Yes. Yes. 18 Q. Because when you're on RedAppl you can see 19 information on a unit-by-unit basis, correct? 20 A. Not citizenship, but -- but most everything 21 else. 22 Q. And when I say unit that can be, what, block, 23 block group; is that right? 24 A. Well, some of the data is not available -- some 25 of the data is -- is estimates below -- below -- below</p>
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<p>1 what is referred to as a VTD, everything is -- almost 2 everything except population is an estimate. 3 Q. Is a VTD the same thing as a precinct? 4 A. Umm, almost the same as a precinct. 5 Q. What -- what are the differences? 6 A. Well, in most cases they're exactly the same. 7 Q. All right. 8 A. Sometimes a precinct can't be defined by 9 geography, by census geography. A good example of that 10 is out in west Texas some of the precincts are fence 11 lines that -- that haven't been there since the 1880s, 12 but the line has always been used so that's used. The 13 census doesn't -- can't decide where that is and so -- 14 so those -- those VTDs are definitely not precincts. 15 And I think you may have some VTDs that are not 16 precincts also. 17 Q. You being the county, you mean? 18 A. Yes. Excuse me. Your client is -- may have -- 19 may have some that aren't -- but I didn't -- I only ran 20 into one, which appears it may not be the same. 21 Q. When you were drawing these maps on RedAppl, 22 were you looking at the information on a block-by-block 23 basis? 24 A. Umm, sometimes, yes. 25 Q. And the information you looked at on a</p>	<p>1 block-by-block basis can include -- or did include 2 Hispanic population, right? 3 A. Yes. 4 Q. Okay. Now, you can't look at citizenship 5 information that way, but you can look at the estimate 6 on a block-by-block basis for Hispanic population, 7 correct? 8 A. It's not an estimate. It's a solid number. 9 Q. Okay. 10 A. Well, solid -- solid as a census can be. 11 Q. And you're looking at those solid numbers on a 12 block-by-block basis in order to draw a map that reaches 13 a certain Hispanic population. Correct? 14 A. That's what the Gingles districts are intended 15 to do. It's a demonstration district. 16 Q. And then to -- to check what you've drawn in 17 terms of citizenship, you request a report from the TLC? 18 A. Yes. Although, they didn't have -- when I 19 started doing this they didn't have those reports 20 available. 21 Q. But they do now and you've gotten them? 22 A. Yes. 23 Q. All right. 24 A. You have them attached. 25 Q. Sitting here today, can you tell me whether</p>

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<p>1 Exhibit 1 -- strike that. 2 Sitting here today, can you identify any 3 neighborhoods that are cut on Exhibit 1? 4 A. Umm, Exhibit 1 and Exhibit 2, these are just 5 graphics of the districts. They don't -- it doesn't 6 have the -- 7 (Cell phone ringing.) 8 THE WITNESS: Do you mind if I -- I've 9 got -- I've got a problem. Can I just look and see 10 who's calling me? 11 MR. GEORGE: Sure. 12 MR. BARON: Let's go off the record. It's 13 been about an hour. Let's take a break. 14 (Short recess from 12:12 to 12:29 p.m.) 15 EXAMINATION (Continuing) 16 BY MR. GEORGE: 17 Q. Let's go back on the record. I'm still a 18 little confused about the demonstration maps, if any, 19 that you drew before you drew Exhibits 1 and 2. That's 20 where I want to go for purposes of this -- 21 A. Yes. 22 Q. -- this redistricting. 23 Did you or did you not draw a demonstration 24 plan in connection with the preclearance process? 25 A. No.</p>	<p>1 Q. All right. So you did not draw one, then? 2 A. No. 3 Q. Did you draw one that you believe was used in 4 the public hearings? 5 A. I -- yes, I did. Yes, I drew such a plan. As 6 to how it was used, I don't know. 7 Q. Did you testify earlier that you gave such a 8 plan to someone at the County? 9 A. No. 10 Q. All right. The plan that you drew before that 11 you didn't know how it was used, to whom did you give 12 that map? 13 A. I -- I was doing work for the Legal Latin 14 American Citizens, the statewide Legal Latin American 15 Citizens and they asked me to draw plans or potential 16 Gingles plans primarily for a number of different 17 counties and jurisdictions. And I did that and this was 18 one of the ones I did. And I gave it to somebody who 19 was a member of LULAC over here. And it was my -- it 20 was my understanding that they were going to present it. 21 I don't know if they did. 22 Q. Who was the member of LULAC over here? 23 A. I don't recall. 24 Q. About when would this have been? 25 A. It was during the process when we were holding</p>
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<p>1 hearings on the redistricting process. 2 Q. When you were hired in this case, did you use 3 that particular map in any way or did you just start 4 over with these two maps that we've marked as exhibits 5 today? 6 A. Umm, I'm not even sure what map I gave -- I 7 mean, I'm not sure what map I gave to them. Probably it 8 was one of the ones that I produced to you or that were 9 produced to you on Dropbox. 10 Q. But you didn't use that map in drawing Exhibits 11 1 and 2, correct? 12 A. It probably would have looked a lot like 1 and 13 2. It would have looked a lot like that. 14 Q. Why didn't you just use that map? Why did you 15 feel like you -- strike that. 16 Why did you draw Exhibits 1 and 2 if you 17 had already drawn a Gingles demonstration plan? 18 A. Well, it probably -- I mean, that probably 19 formed the basis of this. 20 Q. Why didn't you attach that plan, the first 21 plan, to your report? 22 A. Well, I attached a Gingles -- a Gingles plan to 23 the report. I -- I don't know that you would want -- 24 you would want me to attach all the plans that I did. 25 Q. The two plans that you attached to your report</p>	<p>1 in order to testify about in this case are Exhibits 1 2 and 2, correct? 3 A. Yes. Although, we have produced probably three 4 dozen additional plans. 5 Q. Well, do you know the details of production? 6 In other words, do you know when those plans were 7 produced to me? 8 A. I -- I don't know when they were produced to 9 you. 10 Q. That's something that your -- that -- that the 11 lawyers would know about; not you? 12 A. I put them in Dropbox. 13 Q. When? 14 A. Probably over the last week or so. 15 Q. All right. 16 A. You said you wanted them earlier. You didn't 17 want them at the time of the deposition. 18 Q. The two maps that are in front of you, Exhibits 19 1 and 2, how soon -- one of the dates on those two maps 20 is July 30th. 21 A. Yes. 22 Q. The other date is July 31st, the day of your 23 report. 24 A. Uh-huh. (Witness answers affirmatively.) 25 Q. Okay? How soon before July 30th did you first</p>

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<p>1 work on these maps in RedAppl? Or, could July 30th have 2 been the first day in RedAppl? 3 A. No. It would have been early -- I would have 4 worked on these probably over a -- over a series of 5 days. 6 Q. How many days? 7 A. I have no idea. 8 Q. Sitting here today -- can you tell me if it's 9 more than five days? 10 A. You know, I draw hundreds these maps and I'm -- 11 and I'm -- I think the way RedAppl is set up is that it 12 gives the date that -- that you last worked on it and 13 then the date you -- you last worked on it before that. 14 Q. All right. Sitting here today you just can't 15 remember because you were drawing so many maps at the 16 time? 17 A. Well, I do a lot of map drawing, yes. 18 Q. All right. When you were drawing your maps on 19 RedAppl, did anybody help you? 20 A. On these? No. 21 Q. Yes, sir. On Exhibits 1 and 2. 22 A. On these, I'm sure, no. 23 Q. All right. So to be clear, you were the sole 24 drawer of Exhibits 1 and 2, correct? 25 A. Yes.</p>	<p>1 Q. Did anyone help you on any other demonstration 2 maps that you have drawn for the Harris County precinct 3 redistricting? 4 A. No. 5 Q. Do you keep time sheets? 6 A. When I -- for -- as a lawyer I keep time 7 sheets. When I'm doing this I just -- I keep track of 8 generally the number of hours because these hours are 9 not like a lawyer's hours. These hours are long. This 10 takes a long time, so...(Pause.) 11 Q. All right. Well, how do you keep track of 12 hours you spend drawing maps? 13 A. Well, I keep track of the days -- I keep track 14 of days I work on these and I just presume -- I mean, 15 the way I bill this -- because -- because of the way 16 that time works, I bill it \$350 an hour or \$1,200 a 17 day -- not to exceed \$1,200 a day, so I keep track of 18 the days. 19 Q. How do you keep track of the days? 20 A. Umm, by writing them down. 21 Q. Okay. Handwritten or on a computer? 22 A. Handwritten. 23 Q. So somewhere there ought to be a handwritten 24 note to yourself that shows on what days you worked on 25 Exhibits 1 and 2, correct?</p>
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<p>1 A. No, I just keep track of the days that -- just 2 the days that I worked; not on what the -- what the -- 3 what I was working on. 4 Q. You keep track of the days on which you work 5 for a particular client on a particular matter, correct? 6 A. Yes. 7 Q. So somewhere in writing you ought to have 8 written down all the days on which you worked for the 9 plaintiffs in this case. 10 A. Yes. 11 Q. And do you write down anything more than the 12 particular day? In other words, do you write down how 13 much hours you spent that day? 14 A. No. On virtually every day before -- before 15 these maps were done, I spent time on this case. 16 (Record read back as requested.) 17 Q. (By Mr. George) For how many days? 18 A. I mean, I don't -- I don't have that with me. 19 Q. All right. Well, I -- 20 MR. GEORGE: Counsel, I'm going to request 21 production of -- I mean, we -- we've requested 22 production of invoices. 23 MR. BARON: Right. I've read that. I've 24 read the -- I've read the subpoena and I -- and I will 25 get him to put together some documentation on the dates</p>	<p>1 and hours and -- that he worked on this case and provide 2 it to you. 3 MR. GEORGE: Thank you. 4 Q. (By Mr. George) Do you know sitting here 5 today, how much hours you've spent so far that you will 6 charge your clients for this matter? 7 A. Before today I looked at that and it looks like 8 it's somewhere around 85 hours. It wouldn't -- it 9 wouldn't be all the time I spent on it, but that's -- 10 Q. That's what you're going to charge? And you're 11 going to charge 85 hours times \$350 an hour? 12 A. Not to exceed \$1,200 a day. Not to exceed 13 \$1,200 a day. 14 Q. All right. And you've not sent an invoice yet? 15 A. No. 16 Q. Do you plan to do that between now and trial? 17 A. If -- I've got an awful lot to say grace over. 18 If I've got time, and I probably will, but I don't know. 19 Q. So the reason you haven't sent an invoice is 20 because you're too busy? 21 A. There's an awful lot of invoices I haven't 22 sent, yes. 23 MR. BARON: It's the legislature's fault. 24 THE WITNESS: I'm sorry? 25 MR. BARON: Nothing, George. It was an</p>

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<p>1 inappropriate sidebar comment. 2 Q. (By Mr. George) Now, have you worked as a 3 lawyer for the plaintiffs in this case in connection 4 with this case? 5 A. No. No. No, not -- not in connection with 6 this case. 7 Q. But you are a licensed lawyer in Texas? 8 A. I'm a licensed lawyer in the Federal courts. 9 Q. Are you -- are you in good standing with the 10 State Bar of Texas? 11 A. No, I'm not a member of the State Bar of Texas. 12 Q. Are you a member of any state bar? 13 A. State Bar of Minnesota. 14 Q. In good standing? 15 A. Well, I'm -- I don't have -- I haven't filed 16 all of my continuing legal education. We're in the 17 process of doing that. 18 Q. So you're currently not in good standing in the 19 state of Minnesota? 20 A. No, I'm in good standing in -- I'm in good 21 standing in the state of Minnesota. But I haven't -- I 22 haven't filed all of my CLE credits. But I'm in good 23 standing with the state of Minnesota, at least that's 24 what they tell me. 25 Q. Are you admitted in the Southern District of</p>	<p>1 Texas? 2 A. I don't recall. I know that I'm -- I'm 3 Northern District and the Western District. 4 Q. Of Texas? 5 A. Yes. And the District of Minnesota and the 5th 6 Circuit and the 11th Circuit and the U.S. Supreme Court. 7 Q. When you were drawing your maps, and in 8 particular, Exhibits 1 and 2 on RedAppl, did you use the 9 feature that overlaid political subdivision lines? 10 A. I don't recall. Sometimes I do and sometimes I 11 don't. 12 Q. You just don't remember in this case? 13 A. I don't remember, no. 14 Q. When you were in RedAppl did you use 15 election -- did you use the feature that showed you 16 election results for purposes of drawing Exhibits 1 and 17 2? 18 A. For the purposes of drawing this? No. No, not 19 for the purpose of drawing this. I did look at the 20 election returns after that. 21 Q. For cohesion? For what reasons? 22 A. I just always do. 23 Q. Why? 24 A. That's a habit. I don't know. The recreation 25 of elections is sometimes used as evidence.</p>
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<p>1 Q. For... (Pause.) 2 A. As evidence of the fact that the -- that the 3 district is effective. 4 Q. What do you mean the district is effective? 5 A. That it would -- that it will produce -- it has 6 the possibility of producing a -- a minority client -- a 7 minority elected official standard being participating 8 in the political process and elect representatives of 9 their choice and the possibility of the representatives 10 of their choice being elected. 11 Q. Now, I didn't see in your report where you did 12 any reconstitution election work for purposes of this 13 case. Did you? 14 A. Yes. 15 Q. Is it in your report? 16 A. Some of it was produced, but normally I 17 don't -- normally, I don't keep that. I just go back 18 and look at it. 19 Q. Right. We'll -- we'll look at that when we get 20 to your report in a minute. 21 A. It's all available in your copy of RedAppl. 22 Q. What is an opportunity district? 23 A. It's a district where a particular group, 24 protected group, have the opportunity to elect the 25 representatives of their choice.</p>	<p>1 Q. And do you believe that Precinct 1 is an 2 opportunity district for African-Americans? 3 A. In this? 4 Q. Yes. 5 A. Yes. 6 Q. And do you agree that it is important not to 7 retrogress Precinct 1 with any of these maps? 8 A. Depends how you describe retrogression. Yes, 9 you would not want to create a district that an 10 African-American could not be reelected in. 11 Q. And in connection with drawing your maps, did 12 you pay careful attention to that issue? 13 A. These are -- these are -- these are Gingles 14 maps demonstration that it's possible to draw a district 15 where Hispanics are more than 50 percent of the citizen 16 voting age population. 17 Q. And when you say "these" you mean Exhibits 1 18 and 2, correct? 19 A. Yes. 20 Q. And in any of the other demonstration maps that 21 you drew for this case -- right? -- they were Gingles 22 maps? 23 A. Well, I'm not drawing Gingles maps now. 24 Q. Is it your testimony that for purposes of 25 drawing a Gingles map one can ignore the impact on</p>

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<p>1 Precinct 1? 2 A. No. 3 Q. When you were drawing these Gingles maps, and 4 in particular Exhibits 1 and 2, did you pay careful 5 attention to the impact on Precinct 1? 6 A. Look, I've been a lawyer for 45 years. I've 7 represented Hispanics and African-Americans. I would -- 8 I would never draw a map that would not reelect one of 9 the minority elected officials. But that's not the 10 purpose of these maps. The purpose of these maps is to 11 demonstrate that it's possible for Hispanics to 12 participate in the political process and elect 13 representatives of their choice. 14 Q. Did you pay careful attention to make sure that 15 you didn't retrogress Precinct 1 when you drew Exhibits 16 1 and 2? 17 MR. BARON: Object to form. 18 Go ahead and answer the question. 19 A. I paid careful attention to the -- to the 20 possibility that a Black might not be reelected. I'm 21 satisfied that a Black would be reelected in that 22 district. 23 Q. (By Mr. George) And how did you satisfy 24 yourself of that? 25 A. After it was done I looked at the numbers. I</p>	<p>1 looked at the recreation of the numbers -- recreation of 2 the districts. 3 Q. You look at -- you looked at reconstituted 4 elections for the precincts? 5 A. Yes, using RedAppl. You know that feature. 6 Q. Yes. 7 A. Yes. 8 Q. Did you do that for both general elections and 9 primary elections? 10 A. No, not primary elections. 11 Q. Just general elections? 12 A. Just general elections. Well, this is a 13 general election case. 14 Q. Why do you say that? 15 A. Because that's when -- that's when the election 16 takes place in -- it's a November election case. 17 Q. So for purposes of this case you don't believe 18 it would be important to look at the election results 19 for primaries? 20 A. Oh, yes, you need to look at them but you 21 wouldn't -- those are not so important. 22 Q. How are they important, if at all, for purposes 23 of this case? 24 A. How important are what? 25 Q. Primary election results.</p>
<p>Page 59</p> <p>1 A. Oh. Well, I'm -- you would look at primary 2 election results to see if it's possible that a Black or 3 Hispanic could win the primary. But if a Black -- but 4 if I'm satisfied that a Black or Hispanic could win the 5 general election, they almost certainly would win the 6 primary because Blacks and Hispanics are subsets of -- 7 Blacks and Hispanics are subsets of the Democrat party, 8 most Blacks or Hispanics are, 90 some percent of Blacks. 9 Q. Did you look at or try to predict what might 10 happen in a primary election under your precincts if a 11 Black and Hispanic ran against each other in the 12 Democrat primary? Is that something that you looked at 13 for this case? 14 A. I can't recreate -- I can't recreate that, no. 15 But if a Black and a Hispanic ran against each other, 16 I -- you know, whoever -- whoever the choice is of the 17 voters, whether it's Black, White or Hispanic, that's 18 the representative of their choice. So the race 19 doesn't -- at that point race doesn't make a difference. 20 Q. Behind -- the second page behind Exhibit 1 or 21 the second page of Exhibit 1, if you will look at that, 22 quickly -- 23 A. Yes. 24 Q. -- or for as long as you need to. 25 A. Yes.</p>	<p>Page 60</p> <p>1 Q. That is a measure of population deviation, is 2 it not? 3 A. Well, it's a measure of population, deviation 4 and registration and all that sort of thing, yes. 5 Q. And so this particular map, 113, what is -- and 6 maybe you have to look at the next page as well. But 7 what is the deviation for -- for this map? 8 A. Average deviation is 2.7 percent. From top to 9 bottom deviation is 7.6 percent. That's what it says. 10 I presume that's right. 11 Q. And which is the least populated of these 12 precincts? 13 A. Precinct 2. 14 Q. Did you provide to us all the reports that you 15 received from the TLC about these maps? 16 A. The only report I received from the TLC about 17 these maps is the citizenship, which is the third page. 18 Q. You didn't request any other reports from the 19 TLC in connection with Exhibits 1 and 2? 20 A. No, not from the TLC. 21 Q. Well, from anybody? 22 A. Not from the TLC. Well, I mean, it's on my 23 computer. 24 Q. Sure. You could run reports yourself. 25 A. Yes.</p>

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<p>1 Q. But the only report you had to request from the 2 TLC was the citizenship report? 3 A. Yes, the citizenship report. 4 Q. Did you get any citizenship reports from the 5 TLC that showed that the map that you had drawn was 6 under 50 percent CVAP? 7 A. For this map? 8 Q. Yes, sir. Well, no, for -- in connection with 9 your map drawing efforts in this case -- 10 A. Yes. 11 Q. -- did you draw any and then request a report 12 from TLC, only to find out that the map you'd drawn was 13 below 50 percent? 14 A. I -- I didn't request such reports, I don't 15 think, no. 16 Q. Okay. I'm -- I'm -- I'm not understanding 17 something. 18 A. Okay. 19 Q. If you want to find out how much a particular 20 map -- how much the citizenship -- CVAP is for a 21 particular map -- 22 A. Yes. 23 Q. -- you can get that from the TLC, correct? 24 A. Yes. 25 Q. And you have attached here --</p>	<p>1 A. Well, they are estimates -- they are estimates 2 of the numbers. 3 Q. And so you have attached here for these maps 4 the CVAP estimates, correct? 5 A. Yes. 6 Q. My question is: Did you ever request from TLC 7 CVAP information for another map that you had drawn and 8 the number came in below 50 percent? 9 A. No, not that I recall. If it isn't in the 10 Dropbox, I didn't do it. 11 Q. Okay. Because you gave us every report you got 12 from the TLC? 13 A. I believe I did, yes. 14 Q. All right. 15 A. Every report I still had, yes. 16 Q. Let's look at Exhibit 2, please, sir. I'm 17 going to ask you the same couple of questions I asked 18 for Exhibit 1; and that is, sitting here today and 19 looking at this map, Exhibit 2, can you tell me whether 20 or not any political subdivisions like towns are cut? 21 A. I'm sure there are. Houston has to be cut, for 22 example. 23 Q. Besides Houston can you name any other town? 24 A. No. 25 Q. And you can't tell me what this map does to</p>
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<p>1 incumbent commissioners, correct? 2 A. This map is intended to be a Gingles map. 3 Q. So it doesn't matter what it does to incumbent 4 commissioners -- correct? -- in your view? 5 MR. BARON: Object; form. 6 A. If an election is not going to be held under 7 it, then -- 8 Q. (By Mr. George) All right. You wouldn't 9 suggest an election be held under it, correct? 10 A. Actually, I think that an election could be 11 held under the No. 2. And if it was going to be that 12 way I would want to check where the residences are. 13 Q. What is the deviation of this map, Exhibit 2? 14 A. Let's see where it is. 9.7 percent. 15 Q. And you can tell that by looking at the second 16 page of this exhibit, correct? 17 A. That's correct. 18 Q. Because the total deviation is shown -- it's 19 actually called top to bottom deviation, correct? 20 A. Yes. 21 Q. And you've testified earlier that the map must 22 come in under 10 percent, correct? 23 A. No, I didn't testify to that. 24 Q. Do you try to draw maps so that they come under 25 10 percent?</p>	<p>1 A. Sometimes not. 2 Q. Okay. Is it your view that this map could 3 be -- could have a deviation above 10 percent and still 4 be a demonstration map for the court to follow or to 5 consider? 6 A. I wouldn't do it that way. 7 Q. Okay. So you wouldn't do it that way because 8 you want to draw a map that's under 10 percent, correct? 9 A. I want to meet the standards that the court has 10 set down for a Gingles 1 district. 11 Q. And what is that standard for a Gingles 1 12 district? 13 A. That it demonstrates that minorities are more 14 than 50 percent of something, population or voting age 15 population or registration or citizen voting age 16 population. 17 Q. All right. I just want to make sure I'm clear 18 here. 19 Is it your view that a Gingles 1 map only 20 has to show that; that is, that minorities are greater 21 than 50 percent of something. And that Gingles map 22 doesn't have to do anything else like meet the deviation 23 tests set forth by the courts? 24 A. Well, I would never -- 25 MR. BARON: Object to form.</p>

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<p>1 A. I would never draw one that didn't meet the -- 2 that wasn't below 10 percent. I would never do that. 3 Q. (By Mr. George) Why? 4 A. Because there is no sense getting into an 5 argument over it. 6 Q. So that's an additional standard for you a map 7 drawer to follow, you personally, when you're drawing a 8 map for a Gingles 1? 9 A. What? I'm sorry. 10 Q. The deviation standard. 11 A. Yes. 12 Q. All right. And you made it for this map 13 because it's 9.7 percent, just under 10 percent, 14 correct? 15 A. Yes. That's what it ended up as, yes. 16 Q. And what is the least populated of these four 17 precincts? Which is the least populated? 18 A. I believe No. 1 is. Yeah, No. 1 is least 19 populated. No. 1. 20 Q. What's -- what's the population of Precinct 1? 21 A. 1,290,534. 22 Q. What's the population of Precinct 2? 23 A. 954,518. 24 Q. Okay. So it has the fewest number of people, 25 Precinct 2 does?</p>	<p>1 A. That's correct. 2 Q. So it would be the least populated? 3 A. Oh, I'm sorry. I thought you meant the least 4 populated other than that. 5 Q. No. 6 A. Okay. Yes, No. 2 would be the least populated. 7 Q. And on the last page of this exhibit you felt 8 it was important to include a report showing that this 9 plan had no split precincts, correct? 10 A. Yes. 11 Q. Sitting here today, do you know how many 12 precincts your map 118 splits? 13 A. No, I don't. 14 Q. Would it surprise you to learn that it split 15 more than 100? 16 A. It may have. 17 Q. It may surprise you; or, it may split? 18 A. No, it may -- it may have split that many, yes. 19 MR. GEORGE: I'm going to turn to the 20 report. We've covered a lot of it, but that's where I'm 21 going next. Is this a good time for a break; or, do you 22 want to keep going for a while? 23 MR. BARON: Let's have lunch. Why don't we 24 take it. 25 (Short recess from 12:59 to 1:39 p.m.)</p>
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<p>1 (Deposition Exhibit No. 3 marked.) 2 EXAMINATION (Continuing) 3 BY MR. GEORGE: 4 Q. Mr. Korbel, would you take a look at what I've 5 marked as Exhibit 3 and make sure that it is your report 6 in this case. 7 A. Yes. I believe it to be, yes. 8 Q. And then followed by an affidavit that you 9 signed, a supplemental report, just a one pager with 10 some information about your qualifications, and then 11 some charts that you prepared. 12 A. Yes. 13 Q. Okay. I see that you have -- when I read your 14 report I can see that you have lots of experience 15 representing various jurisdictions in drawing maps and 16 testifying in cases. Is there any difference between 17 drawing a map for the Harris County precincts than 18 drawing a map for a noncounty jurisdiction? 19 A. You mean in Harris County? 20 Q. Yeah, I mean, in drawing a county commissioner 21 precinct -- let's set aside Harris County -- a county 22 commissioner precinct, is there anything unique for the 23 map drawer or is it just like drawing maps for the other 24 jurisdictions? 25 A. I'm sorry. I'm not -- I'm not getting what you</p>	<p>1 mean. 2 Q. I'm asking poor questions. 3 Is your approach to drawing a map for 4 county commissioner precincts any different than your 5 approach for drawing maps for other types of 6 jurisdictions? 7 A. Well, I suppose it would depend on whether or 8 not I was drawing the map for the County or I'm drawing 9 the map for the plaintiffs in the lawsuit. 10 Q. But that would be the same for any 11 jurisdiction, right? Whether you were drawing it for 12 the jurisdiction or for your -- you were drawing it for 13 the plaintiffs in a lawsuit. 14 A. Yes. 15 Q. All right. So I guess what I'm saying is there 16 are no unique considerations that you have when you draw 17 a county map as opposed to drawing for a city or 18 legislative district, correct? 19 A. Every jurisdiction has unique issues. The 20 question is whether or not those issues trump 14th 21 Amendment. 22 Q. Are there unique issues for a county verses a 23 state or versus a city? And I don't mean -- 24 A. Yes. 25 Q. -- the particular county. I just mean in</p>

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<p>1 general those types of jurisdictions. 2 A. Counties -- rural counties are interested in 3 road mileage -- 4 Q. Okay. 5 A. -- and parks and they're interested in those 6 sorts of things. So when I draw a plan for them I sit 7 down with them and we find out how they want to do it 8 and -- and then to the extent -- to the extent possible 9 I like to -- I like to do what they want to do, 10 obviously. But sometimes I will have to say to them, 11 no, I think we've got problems with that. 12 Q. I gotcha. You said rural counties, but that 13 would -- Harris County has those same -- some of those 14 same consideration, does it not? 15 A. Probably. I mean, I've never -- I mean, other 16 than knowing the -- the commissioner or judge, I mean, 17 I've never -- I've never lived in -- I've never lived 18 more than six and a half weeks at a time in -- in Harris 19 County, so... (Pause.) 20 Q. Which commissioner do you know? 21 A. Sylvia Garcia and I also know the -- the county 22 judge. 23 Q. Okay. Who is? 24 A. I'm an old man. I'm having trouble with names. 25 Used to be in the legislature.</p>	<p>1 Q. How do you know Sylvia Garcia? 2 A. I've been -- I've been representing or advising 3 people over here for a long time and she sometimes is at 4 meetings where I'm asked to speak or to work on plans or 5 something. I -- I never knew her closely. I've been 6 told she became a county commissioner. Before then I 7 never really worked her. 8 Q. I was going to ask you that question next; and 9 that is, have you ever done any sort of work, either law 10 work or consulting work, with Sylvia Garcia? 11 A. No. We did make a pitch for doing the 12 redistricting of the County, Rolando Rios and I. 13 Q. And when was that? 14 A. Well, we didn't get the job. 15 Q. And when was that? 16 A. Umm, well, it was when the redistricting was -- 17 when they were looking for people to do the 18 redistricting for them. 19 Q. And you're talking about after the -- this -- 20 this time around, after this census? 21 A. Sure. 22 Q. Yeah. Did you make a pitch to do it after 23 2000, as well? 24 A. You know, I don't recall. I -- we've made a 25 lot of pitches.</p>
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<p>1 Q. All right. Let's turn to Page 5 of Exhibit 3. 2 You talk about two demonstration plans that you have 3 prepared for this case. And the two plans that you 4 identify on this page, those would be Exhibits 1 and 2 5 that we've talked about today, correct? 6 A. Probably, yes. 7 Q. Well, I'll need you to check and make sure. 8 A. Well, tell me what sentence you're referring 9 to. 10 Q. Right after No. 1. "I have prepared two 11 demonstration plans that meet this first Gingles 12 standard. Copies of these two plans are attached to 13 this preliminary report." Would you just make sure that 14 Exhibits 1 and 2 are the two plans that you have drawn? 15 A. No, I've drawn both these plans, yes. 16 Q. And those are the two plans that you refer to 17 in your report? 18 A. 257 and 118, yes. 19 Q. At the -- the last sentence of that paragraph 20 says that you have reviewed other plans where Hispanics 21 make up a majority CVAP. Do you see that? 22 A. Yes. 23 Q. Can you tell me how many such plans you've 24 looked at? 25 A. Well, I know the -- there were some plans that</p>	<p>1 the -- that the plaintiffs in this lawsuit had when they 2 had the -- when they had the preliminary injunction 3 hearing, I guess. I presume that's what it was. I 4 wasn't there. I was -- they called me up on the phone 5 and had faxed some stuff over to me. 6 Q. Okay. Do you know who drew any of the -- of 7 the plans to which you refer in that sentence? 8 A. No, I don't. I probably have notes on the 9 conversation at some point. 10 Q. Notes on your conversation with whom? 11 A. Well, I had some phone conversations with -- 12 with -- concerning this map. 13 Q. When you say "this map" you mean -- 14 A. Their maps -- their maps. 15 Q. The maps that were used in the preliminary 16 injunction hearing? 17 A. Yes, uh-huh. 18 Q. Do you remember commenting on those maps? 19 A. What does that mean? 20 Q. Do you remember having -- being asked any 21 particular questions about those maps? 22 A. Yes. 23 Q. What questions were those? 24 A. Would they make the -- would they make more 25 than 50 percent CVAP.</p>

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<p>1 Q. And do you remember what your answer -- answer 2 was? 3 A. Well, I had them tested and the answer was yes. 4 Q. Okay. So the purpose of the call to you was to 5 test those maps for CVAP? 6 A. They were -- I guess that's -- yes. Yes. 7 Q. Next paragraph. The first sentence says, "Each 8 of these plans also meets the Constitutional Equal 9 Protection standards (one-person, one-vote) by having an 10 overall population deviation among the districts that is 11 less than 10%." Did I read that correctly? 12 A. That's it, yes. 13 Q. And that's the population deviation numbers 14 that we were looking at earlier. For one of those maps 15 it came in at 9.7 percent, correct? 16 A. Well, it came in at 2.7 and 9.7. 17 Q. 9.7 was the top to bottom. 18 A. Yes. The 2.7 was the average deviation, as I 19 recall. 20 Q. The next sentence says, "Each of the Districts 21 are compact and contiguous". 22 A. Uh-huh. (Witness answers affirmatively.) 23 Q. What do you mean by compact? 24 A. Well, they're not excessively -- for example, a 25 district is not compact if it runs from the north side</p>	<p>1 of San Antonio to the south side of El Paso. That is 2 not a compact district. A district would not be compact 3 if it ran from one end of Harris County to the other end 4 of Harris County. A district would -- in any event -- 5 compactness is -- it's in the -- it's in the eye of the 6 beholder, I guess. There are compact -- there are 7 compactness studies that are done. 8 Q. Could you help me out with anything more 9 precisely that I could use for myself as a definition of 10 what you believe compact means? 11 A. I could -- there are -- there is a study that 12 the legislative council does on compactness. They use 13 three -- three definitions of it. 14 Q. Can you recall what those three definitions are 15 today? 16 A. Well, they're all really the same. One of them 17 is if you -- if you put a rubber band around -- around a 18 district it's on -- and that would be -- that would be a 19 1. If it was -- if it perfectly ran around the outside 20 and then whatever minor -- or whatever changes there are 21 in the district then that -- then that would be lower, 22 the numbers would be lowered. And one of them deals 23 with population and one of them deals with the -- 24 with -- with whether or not it's -- whether or not it's 25 squared and it's round. I think there are -- if I'm not</p>
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<p>1 mistaken -- I'm reading an article -- there are now 60 2 some methods of computing compactness that academics 3 have come up with. 4 Q. And you have not requested or conducted any 5 compactness studies, like you just described, for 6 Exhibits 1 and 2, correct? 7 A. I have. 8 Q. Oh, you have? 9 A. Yes. 10 Q. And did you provide those to us in the Dropbox? 11 A. Yes. 12 Q. Okay. And were those from the Texas 13 Legislative Council? 14 A. Yes. 15 Q. And are they for 1 and 2, Exhibits 1 and 2? 16 A. Oh, for these? No. No. I don't -- I 17 didn't -- I didn't do compactness analysis -- I could, 18 but I didn't do them on this. 19 Q. But you did compactness analyses on other maps? 20 A. Yes. 21 Q. And those are the maps that you drew after you 22 did your report? 23 A. No, they're on your maps and then on one of my 24 maps. 25 Q. And what did those reports tell you about the</p>	<p>1 County's map? 2 A. The County's maps are not very compact and -- 3 you know, not very compact. 4 Q. According to the TLC reports that you put in 5 the Dropbox; is that right? 6 A. Yes. 7 Q. And what did the TLC tell you about the one map 8 that -- well, strike that. 9 A. It wasn't -- 10 Q. Hold on. 11 How many of your maps did you request a 12 study for compactness from the TLC? 13 A. I didn't request any studies for -- 14 Q. Okay. 15 A. -- compactness from the Texas Legislative 16 Council. That's in the computer system that I've got 17 from -- 18 Q. Right. And how many reports did you run from 19 the computer system that you have on your own maps? 20 A. Umm, probably on most of them. 21 Q. And did you put all of those reports in the 22 Dropbox? 23 A. I never made reports on them. I just looked at 24 it. 25 Q. Did you put any of those reports for your maps</p>

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<p>1 in the Dropbox? 2 A. No. They're all -- I mean, you can compute all 3 of those yourself. But I didn't -- I never made copies 4 of them. I just looked to see what it would do. 5 Q. Okay. I must have misunderstood you earlier. 6 I said -- I thought you said you did put some of those 7 reports for the County maps in the Dropbox. 8 A. I did, yes. 9 Q. Okay. So you put the reports in the Dropbox 10 for the County maps, but not for any of your maps. 11 A. Yes. For my maps, too. But not for all the 12 maps. Some of them -- some of them I look at and decide 13 I don't -- I'm not interested in that and just set the 14 map aside or erase it. 15 Q. So if I go to the Dropbox will I find some of 16 these reports for some of your maps? 17 A. Yes. 18 Q. Okay. How many? 19 A. At least one. At least one. 20 Q. All right. And what did that report tell you 21 about that one map? 22 A. That it was better than your maps. 23 Q. Okay. 24 A. Lower deviation and better than your maps. 25 Q. For which precinct; or, for all of the</p>	<p>1 precincts? 2 A. All the precincts. 3 Q. Okay. 4 A. It had lower deviation and it had cut 17 fewer 5 voting precincts than -- than your map does. 6 Q. And is this a demonstration map that you did 7 after you wrote your report? 8 A. Yes. That's one I did after I finally got 9 your -- your CSV file. 10 Q. And it's one of the demonstration maps that you 11 did based on starting with the County's map? 12 A. Yes. I wanted to see how good the County's map 13 was. I wanted to see what the -- how the County 14 actually drew that map. 15 Q. Okay. And what did you learn when you studied 16 that? 17 A. Yeah. I learned that -- that they took the -- 18 what the county did was they took the existing plan and 19 then removed area from the Hispanic district and then 20 added some Hispanics to the -- to the Hispanic district 21 and then added all of the -- all of the suburban growth 22 area in the northeast side of -- of -- the County. And 23 so my question was: Was that necessary? 24 Q. Okay. Let's look at one of the maps so I can 25 make sure that I understand what you're saying.</p>
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<p>1 Look at your Exhibit 1. 2 A. Okay. 3 Q. Actually, I've got a better plan. Let's look 4 at Revised A-1. Let's look at the County's map. 5 A. Let's look at what? 6 MR. BARON: The County's map. 7 MS. SANDHILL: The County's map. 8 (Deposition Exhibit No. 4 marked.) 9 Q. (By Mr. George) All right. I'm going to mark 10 Revised A-1, which is the County's map, as Exhibit 4 and 11 hand it to you. 12 A. Yes. 13 Q. All right. I believe what you said is you 14 looked at this map and you said that the County first 15 removed Hispanics -- 16 A. Yes. 17 Q. -- from Exhibit 2. 18 A. Yes. 19 Q. Where on the map did you find that they removed 20 the Hispanics? 21 A. Well, do you want me to say "here"; or, do you 22 want me to mark something? 23 Q. Let's mark it. 24 A. All right. 25 Q. That's a good idea. But as you do so, let's</p>	<p>1 describe it as well. So you're going to mark that -- is 2 that a purple -- 3 A. Purple. It's purple. 4 Q. All right. 5 A. This area here was removed. 6 Q. Okay. So that is an area that is -- that's the 7 border of 1 and 2. 8 A. Yes. 9 Q. And you have put a purple around it. 10 A. Yes. 11 Q. And let's put -- let's put a -- a -- just a 12 star, an asterisk in the middle of that. 13 A. Okay. 14 Q. Okay. So you found that the County removed 15 that area, which you believe to be Hispanic residents, 16 from 2; is that right? 17 A. Yes. 18 Q. And do you have a quarrel with that? 19 A. No. I mean, they -- that's what the County -- 20 I just looked at what the County did and what the effect 21 was. 22 Q. Okay. 23 A. All right. 24 Q. So it's not your -- you're not here today to 25 say why the County was doing it; you're here to say what</p>

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<p>1 the County did. 2 A. Yes. 3 Q. All right. 4 A. And -- and to see what choices were made and 5 the significance of those choices. 6 Q. Okay. Where did -- let's now circle on there 7 where you found the County to add Hispanics. 8 A. Well, first of all, there's a -- there's -- 9 there's another piece down in here that was taken out. 10 Q. Okay. 11 MR. BARON: When you say "here" George, 12 you're going to need -- 13 A. I marked it on -- I marked it on the map also 14 with the purple. 15 Q. (By Mr. George) Yes, you did. And so that's a 16 little circle that you've done. Again, it would be at 17 the border of 1 and 2. So these would be people that 18 were removed from 2 and given to 1; is that correct? 19 A. That's correct. 20 Q. Would you put an asterisk there as well. 21 A. All right. Sure. 22 Q. Okay. Any other Hispanics removed from the map 23 that you want to point out to me now? 24 A. Well, again, I've only had this for a short 25 period of time so I haven't fully analyzed it, but I</p>	<p>1 believe those are the only ones. 2 Q. You know, you say you've only had it for a 3 short period of time. How long has this plan been out 4 there, do you know? 5 A. I've only had the CSV file for about 10 days. 6 Q. Well, and when did you first ask someone for 7 the CVS -- CSV file? 8 A. About three weeks ago. I sent a -- I sent a 9 lawyer -- I mean, I sent a letter to your lawyer. 10 Q. And -- and you never asked anybody else for it? 11 A. No. 12 Q. All right. Any other places you want to show 13 me where you want to point out that Hispanics were 14 removed from Precinct 2? 15 A. No, these are the only two that I've noticed so 16 far. 17 Q. Okay. I can only find out what you know today, 18 all right? 19 A. Yes. 20 Q. All right. Now, let's go to -- the next point 21 you made was Hispanics were added to Precinct 2. 22 A. Yes. 23 Q. Let's take another color pen and see if that 24 green shows up. 25 A. Yeah, probably will.</p>
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<p>1 Q. Show me where that is. 2 A. Up here. 3 Q. All right. Let's put two asterisks in the area 4 that you just marked. And what you're saying is that 5 the County added Hispanics in that area to Precinct 2? 6 A. Yes. 7 Q. Any other areas where you want to point out 8 that Hispanics were added to Precinct 2? 9 A. Well, I don't have my notes with me, but I 10 believe that there were a couple of other places 11 along -- along here and here, but I -- but I'd have to 12 check that. 13 MR. BARON: Just for the record, George, I 14 know you've marked it, but why don't you just try to 15 describe -- I mean, these are Precincts 1, 2, 3 or 4. 16 Just say it's along the borders of -- 17 A. Along the borders of Precinct 1 and 2. 18 Q. (By Mr. George) And you've marked those 19 borders with green where you think that's happened, 20 correct? 21 A. Well, I mean, I'm -- that's my -- I do an awful 22 lot of these maps. That's my recollection, yes. The 23 other three I know for sure. 24 Q. All right. 25 A. But I recall there were a couple of precincts</p>	<p>1 that were moved in this area -- in these two areas -- 2 Q. All right. 3 A. -- between 1 and 2. 4 Q. All right. Then -- then you said that the 5 County added suburban growth areas to Precinct 2. 6 A. Yes. Yes. 7 Q. Where? 8 A. Do you want me to mark that? 9 Q. Yeah, let's use the orange to mark that. 10 A. Okay. 11 Q. All right. We want to describe the area that 12 you just marked. 13 A. It's the northeast quarter of Harris County. 14 MR. BARON: I'm going to -- can we go off 15 the record for one second? 16 (Discussion off the record.) 17 Q. (By Mr. George) So what we've done, 18 Mr. Korbel; or, what you've done is you have on Exhibit 19 4 marked as A the purple areas that you showed us where 20 Hispanics were moved out of Precinct 2. You have marked 21 with B areas that you had marked with green where you 22 think Hispanics were added to Precinct 2. And finally, 23 you have marked with C the orange portion where you 24 identified suburban growth area as had been added to 2. 25 Is that correct?</p>

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<p>1 A. That's correct.</p> <p>2 Q. Now, you testified that you then reached a</p> <p>3 conclusion about the significance of the choices that</p> <p>4 the County made; is that a fair statement?</p> <p>5 A. Yes, that's a fair statement.</p> <p>6 Q. Tell me what those conclusions are.</p> <p>7 A. Well, my preliminary conclusions are that they</p> <p>8 took an underpopulated district, took population away</p> <p>9 from it, and then added population to it.</p> <p>10 Q. And what is the significance of that?</p> <p>11 A. The significance is they created a district</p> <p>12 with a high non-Hispanic growth area and removed</p> <p>13 Hispanics from the existing district. And it was -- and</p> <p>14 it would be unnecessary to have added that Anglo or</p> <p>15 non-Hispanic growth area.</p> <p>16 Q. And what's the non-Hispanic growth area that</p> <p>17 you're talking about?</p> <p>18 A. The area in the northeast portion of the</p> <p>19 County.</p> <p>20 Q. The area that we have --</p> <p>21 A. The orange.</p> <p>22 Q. That you put orange in?</p> <p>23 A. Yes.</p> <p>24 Q. C'?</p> <p>25 A. Yes.</p>	<p>1 Q. Sitting here today, you can't think of any</p> <p>2 reasons why that area C would be added to precinct 2; is</p> <p>3 that right?</p> <p>4 A. I haven't asked why it was done. If you know</p> <p>5 why it's done, I'll be interested to know.</p> <p>6 Q. No. I'm asking you if -- if you -- if you can</p> <p>7 think of any reasons why that would be done.</p> <p>8 A. No. You know, I can't understand why you would</p> <p>9 add an area of very high turnout White voters to what --</p> <p>10 to what was possibly a minority district. I can't</p> <p>11 understand why that was done. That's why I was asking</p> <p>12 you.</p> <p>13 Q. Now, under the existing lines you'll agree that</p> <p>14 Precinct 2 was not an opportunity district, correct?</p> <p>15 A. Well, Precinct 2 was an opportunity district</p> <p>16 because it did elect an Hispanic.</p> <p>17 Q. Sylvia Garcia?</p> <p>18 A. Yes.</p> <p>19 Q. Other than saying that Sylvia Garcia was</p> <p>20 elected in 2, do you have any other reason to say that 2</p> <p>21 under the old lines was an opportunity district?</p> <p>22 A. It worked -- it's an opportunity district. It</p> <p>23 worked -- it worked twice.</p> <p>24 Q. Worked twice meaning Sylvia Garcia was elected</p> <p>25 twice?</p>
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<p>1 A. I believe that's the case. I may be wrong</p> <p>2 about that, but I believe that was the case.</p> <p>3 Q. Was she elected in 2010?</p> <p>4 A. No, she wasn't elected in 2010.</p> <p>5 Q. It didn't work then, right?</p> <p>6 A. Nothing worked then.</p> <p>7 Q. What do you mean by that?</p> <p>8 A. Well, it was a -- it was -- it was the 100-year</p> <p>9 flood. Minorities and Hispanics and African-Americans</p> <p>10 lost all over the state as -- the candidates of</p> <p>11 Hispanics and African-Americans lost all over the state.</p> <p>12 Q. When you look at Exhibit 4 to see what the</p> <p>13 County did when it drew Precinct 2 --</p> <p>14 A. Yes.</p> <p>15 Q. -- other than the observations that you've</p> <p>16 made --</p> <p>17 A. Uh-huh. (Witness answers affirmatively.)</p> <p>18 Q. -- already today, do you have any other</p> <p>19 observations to share which you believe were</p> <p>20 significant?</p> <p>21 A. Not that I can recall right now. And as I say,</p> <p>22 I'm not finished analyzing it. All I've done is look at</p> <p>23 what you've done.</p> <p>24 Q. I can only find out what you know today.</p> <p>25 A. Absolutely.</p>	<p>1 Q. Now, what about choices that the County made</p> <p>2 with respect to Precinct 1 when it drew Exhibit 4? Do</p> <p>3 you have any observations to share with me there?</p> <p>4 A. You moved Hispanic population into Precinct 1</p> <p>5 from -- from Precinct 2.</p> <p>6 Q. And -- and those would be the areas that you</p> <p>7 marked as A in purple, correct?</p> <p>8 A. Yes.</p> <p>9 Q. All right. Okay. So other than that</p> <p>10 observation, which I guess is the flip side of the one</p> <p>11 you've already made, do you have any other observations</p> <p>12 about what the County did with respect to Precinct 1?</p> <p>13 A. I'm sorry. What do you mean by flip side?</p> <p>14 Q. I just mean -- you talked about how they were</p> <p>15 moved out of 2.</p> <p>16 A. Yes.</p> <p>17 Q. And now you're talking about how they were</p> <p>18 moved into 1.</p> <p>19 A. Yes.</p> <p>20 Q. I'm not trying to be smart with you there,</p> <p>21 Mr. Korbel. You understand what I meant now?</p> <p>22 A. Yes.</p> <p>23 Q. All right. Other than that move or those</p> <p>24 moves, any other observations about what th County did</p> <p>25 with respect to Precinct 1, that you noticed when you</p>

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<p>1 looked at Exhibit 4? 2 A. Well, there are Hispanic populations that 3 are -- that are not in Precinct 2 and also not in 4 Precinct 1. I mean, there's -- and there are some other 5 Hispanic populations that are in 1 and were in 1 before 6 that probably would make more sense in 2. 7 Q. And where are those? 8 A. We need another color. 9 Q. Yeah, I'm going to wait. Why don't you just 10 describe for me where those are on the map. 11 A. In the lower -- the southeastern area. 12 Q. Southeastern area of the entire map? 13 A. Of the map here. 14 Q. Okay. So you're pointing now down toward areas 15 in Precinct 1 and 2 that are in the southeastern 16 portion? 17 MS. SANDILL: I-45. 18 Q. (By Mr. George) Yeah, that's I-45. Are 19 talking about down I-45? 20 A. This area right here. 21 Q. Now, we have another green mark that you've 22 made. So the significant -- which we will circle with 23 the blue pen. Okay. Now, and let's mark it D. All 24 right. What the -- 25 A. Let me put a circle around it.</p>	<p>1 Q. What's the significance of D? What are you 2 telling me about D? 3 A. You asked me what my observations are. That's 4 one of my observations. 5 Q. I asked you about observations on Precinct 1 6 and what the County did with Precinct 1. How does that 7 respond to my question? 8 A. Well, Precinct 1 was drawn with an area that is 9 heavily Hispanic that adjoins Precinct 2, but is not in 10 Precinct 2. 11 Q. In your view, that area D should be in Precinct 12 2? 13 A. No. It's not my -- it's not my opinion that it 14 should be in Precinct 2. 15 Q. Where should it be? 16 A. It should be wherever they put it as long as it 17 doesn't violate the 14th Amendment or isn't -- isn't 18 being used to -- to lessen minority and Hispanic impact 19 of the political process and the ability of them to 20 elect the representatives of their choice. 21 Q. Where is it in your two maps? Area D, where 22 did you put it? 23 A. In the Hispanic and in the -- in the No. 2. 24 Q. Okay. 25 A. No. 2. See? It's in -- it's in No. 2.</p>
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<p>1 MR. BARON: And just for clarity -- just -- 2 on his maps. And he's saying that -- he said it's in 3 No. 2 and he was pointing to his map. But I think he's 4 testifying that he believes it's included in Precinct 2. 5 MR. GEORGE: That was my question. 6 MR. BARON: Yeah, right. 7 Q. (By Mr. George) I want to make sure that I 8 understand sitting here today, recognizing that you can 9 only tell me what you know today, if you've shared with 10 me your views on the choices that the County made when 11 they drew Exhibit 4. 12 A. You want other observations that I have? 13 Q. Yes. 14 A. Okay. There is a -- 15 Q. Let's wait before you draw. Just tell me what 16 it is, if you can, and then we'll decide how best to 17 draw it. 18 A. There is a -- my recollection -- and I don't 19 have my notes with me -- but I -- but my recollection is 20 that there is a Hispanic community up in this area 21 (indicating) which is the central part -- it's the north 22 central part of the County -- that was not added to No. 23 1, but this Hispanic area from No. 2 was added to No. 1. 24 Q. Okay. Let's see if we can do this. We're 25 going to have area E now. Let's go back to purple. All</p>	<p>1 right. 2 A. It's right in this area. There is a Hispanic 3 population. 4 Q. All right. You've just circled an area. Why 5 don't you write an E right in the middle of the circle. 6 See if you can make that circle a little darker there 7 with the purple. 8 MR. BARON: Frankly, I don't think that we 9 need these colors now that we have the letters, but 10 that's okay. 11 Q. (By Mr. George) So why don't we draw an E over 12 here. 13 A. (Witness complies.) 14 Q. Tell me your views on the area that you've 15 circled, which I guess is in Precinct 3 -- 16 A. Yes. 17 Q. -- or Precinct 4? It's in Precinct 4, I 18 believe. 19 MS. SANDILL: It's 4. 20 Q. (By Mr. George) Precinct 4. What is your 21 testimony about that area? 22 A. It's a Hispanic area. 23 Q. Okay. 24 A. There are Hispanics -- there are Hispanic VTDs 25 in that area.</p>

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<p>1 Q. Hispanics that when you drew your map you 2 included in Precinct 2? 3 A. No. 4 Q. You did not? 5 A. No. 6 Q. And what is the significance of -- 7 A. Well, excuse me. 8 Q. -- that choice? 9 A. What map are you talking about now? Are you 10 talking about the Gingles maps? Or, are you talking 11 about the maps that are -- that are designed to be -- to 12 look like your map? 13 Q. I'm talking about your Exhibits 1 and 2, the 14 Gingles maps. 15 A. No, they would be in -- they would be in -- 16 that would be in Precinct 2. 17 Q. All right. So when you drew your Gingles map 18 you reached around to take that E part that you just 19 described; is that correct? 20 A. Yes. It's the same process that we use in -- 21 in the senate or congress, I forget which, but one of 22 those. 23 Q. Okay. But what you're saying is when you've 24 drawn the maps that I've not yet seen that are based on 25 the County's map, that area is not in Precinct 2?</p>	<p>1 MR. BARON: Object to form. 2 A. Now, which area are you talking about? 3 Q. (By Mr. George) The area E that you just 4 described. 5 A. No. It's my recollection that that would be in 6 Precinct 1. 7 Q. Okay. 8 A. In other words -- in other words, I would -- 9 instead of removing Hispanics that already are in 10 Precinct No. 2, I would have thought that they would 11 have moved Hispanics that are not in -- they wanted to 12 move Hispanics that they would move Hispanics from 13 from numbers -- No. 3 to a No. 1. 14 Q. No. 4, you mean? 15 A. Is it No. 4? 16 MR. BARON: Yellow is 4. 17 A. From 4 to 1. 18 Q. (By Mr. George) All right. So is it your -- 19 strike that. 20 Any other observations about the County's 21 map that you have to share with me today that shows the 22 significance of the County's choices in your view? 23 A. No. I think that's -- I think -- I think at 24 least at that point that's what -- that's what I 25 would -- that's my observation so far. But again, I</p>
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<p>1 don't have my -- my notes in front of me and there may 2 be something else that I saw. But that's my 3 recollection. And I believe these maps have been 4 provided to you. 5 Q. I may have asked this earlier, but your two 6 maps -- two Gingles maps -- 7 A. Yes. 8 Q. -- Exhibits 1 and 2 -- 9 A. Yes. 10 Q. -- is it your view that those two maps are 11 compact? 12 A. In terms of what? 13 Q. In terms of whatever you mean by compact. 14 A. Compact -- they are almost as compact as your 15 map. 16 Q. But not quite? 17 A. But not quite. Your maps are not quite as 18 compact as the one that I -- that I drew based on -- on 19 your map, but not quite. 20 Q. The one that you think is 303? 21 A. 303. 22 Q. In your report you say each of the districts 23 are compact and contiguous. What do you mean by 24 contiguous? 25 A. That they -- that they're not cut off one from</p>	<p>1 the other. 2 Q. When you say in the next sentence -- go back to 3 your report, if you would, please, sir. 4 A. Yep. 5 Q. "Once again these plans are for demonstration 6 purposes only." What do you mean by that? 7 A. It means what -- I don't mean to be smart, but 8 it means what it says. They're for demonstration 9 purposes. It's a -- these are Gingles districts. 10 Q. Meaning they weren't intended to be used for 11 the actual elections? 12 A. They were intended to demonstrate compliance 13 with Gingles 1. They could be used for the election. I 14 think I say in No. 2 -- actually, it could work but -- 15 but I... (Pause.) 16 Q. What, in your view, does a map have to do to 17 meet Gingles 1? 18 A. It has to have -- 19 MR. BARON: Object to form. 20 A. -- population of more than 50 percent of the -- 21 of something -- of voting age population sometimes and 22 sometimes the -- sometimes the registration population 23 and sometimes the citizen voting age population. 24 Q. (By Mr. George) For purposes of this case -- 25 A. Yes.</p>

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<p>1 Q. -- and the demonstration maps that you 2 prepared -- 3 A. Yes. 4 Q. -- what did those maps have to reach? 5 A. Now, are you talking about No. 1 and No. 2? 6 Q. Yes, sir. 7 A. Okay. When I drew No. 1 and No. 2, I was 8 trying to see if it was possible to draw one that would 9 make 50 percent of the registered voter population. 10 Q. For Hispanics? 11 A. Yes. 12 Q. And so when you were drawing those maps you 13 made decisions about, let's say, population deviation, 14 for example, based upon the goal of reaching the Gingles 15 criteria, 50 percent Hispanic or more? 16 A. I'm sorry. I missed that. 17 MR. GEORGE: Would you reread the question? 18 (Record read back as requested.) 19 Q. (By Mr. George) And by "these maps" I mean 20 Exhibits 1 and 2. 21 A. Of course I made decisions, but not necessarily 22 with the -- with the goal you're talking about. I made 23 decisions of making sure they were -- they were 24 contiguous, I should say, making sure that -- you know, 25 primarily continuity. And -- and the -- and that they</p>	<p>1 would fit within the traditionally considered 10 percent 2 top to bottom deviation. 3 Q. All right. Other than making sure that they 4 were contiguous -- 5 A. Uh-huh. (Witness answers affirmatively.) 6 Q. -- and fit within the 10 percent top to bottom 7 deviation, did you make -- did you do anything else with 8 respect to those maps other than make sure that they 9 were over 50 percent Hispanic CVAP? 10 A. That is the purpose of the Gingles maps is to 11 make a demonstration that it's possible to draw one. 12 Q. The purpose of the Gingles map in this instance 13 was to draw a map that was over 50 percent Hispanic 14 CVAP, correct? 15 MR. BARON: Object; form. 16 A. Yes. Well, over 50 percent something. It 17 was -- first of all, it's over 50 percent citizen 18 population -- excuse me -- it's over 50 percent 19 population, over 50 percent voting age population, over 20 50 percent citizen voting age population, and over 50 21 percent registration -- 22 Q. And -- 23 A. -- at or over. 24 Q. And that's all for Hispanics for purposes of 25 this case.</p>
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<p>1 A. It's all Hispanics? You mean to say is this 2 Gingles map for the purpose of this case? Yes. 3 Q. Yes. When you say that the demonstration maps 4 well may be changed for the use in elections you say 5 because of local contingencies or procedural issues of 6 concern. 7 A. Yes. 8 Q. What do you mean by that? 9 A. Like you were talking about a county barn or 10 a -- in rural areas it's -- it's somebody's family or -- 11 here in Harris County sometimes it's -- it's somebody's 12 family or somebody's house. When you sit down with 13 elected officials they have all sorts of reasons for 14 wanting changes. And it may be -- sometimes it's -- in 15 rural areas, particularly, we can't put that in there 16 because the Lutheran church has been used as a polling 17 place for 100 years and this would just confuse people. 18 All sorts of -- road mileage, all sorts of things like 19 that. 20 Q. Can you sitting here today identify any 21 particular local contingencies or procedural issues of 22 concern for Harris County specifically? 23 A. That these maps were intended to address? 24 Q. Yes. 25 A. No. These maps were intended to be Gingles</p>	<p>1 maps. 2 Q. All right. Let's turn to the next page, Page 3 6, where you get into a section on politically cohesive 4 minority communities. 5 A. Yes. 6 Q. You say that you have studied election returns 7 from Harris County and found high levels of cohesion 8 between the Hispanic population concentration and 9 support for Hispanic candidates. Do you see that? 10 A. Yes. 11 Q. What election returns did you study? 12 A. Over the years a lot of them and then I was 13 listening to Dick testifying in the -- in the 14 congressional cases and I've -- and I think that it's 15 clear that there's racially polarized voting in Houston 16 and that there is a great cohesion among Hispanics. 17 Q. And I sort of thought it was based on your 18 historical knowledge. But you didn't do some particular 19 study for purposes of this case, correct? 20 A. Yes. 21 Q. You did? 22 A. Yes. 23 Q. And -- and did you attach it to your report? 24 A. It's in the Dropbox. 25 Q. Okay. And do you remember -- strike that.</p>

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<p>1 Does that report -- does that study 2 disclose specific percentages, numbers? 3 A. Yes. 4 Q. All right. Did you also study -- make such a 5 study for the African-American community for purposes of 6 this case? 7 A. No. 8 Q. All right. 9 A. The same data is not available for the 10 African-American community. Well, I shouldn't -- I take 11 that back. I -- it's partially available and to that 12 extent, yes, the study does indicate that. 13 Q. And I will see that whenever I look in the 14 Dropbox for the report? 15 A. Yes. 16 Q. All right. 17 A. I can't tell you what the number is now, but if 18 you want me to I can provide it to you. 19 Q. I would. Let's just leave a blank in the 20 deposition; or, you can provide it to your counsel to 21 give to me. 22 A. Sure. 23 Q. But if you will make sure I get that 24 information, please. 25 MR. BARON: Say that again. What</p>	<p>1 information? 2 MR. GEORGE: It's the study that he 3 conducted for purposes of this case showing cohesion. 4 A. I think it would be the third last in the -- in 5 the list, the -- the dump that we gave you. 6 MR. BARON: I've finally figured out how to 7 access Dropbox. I'm going to look for it in a second. 8 I'm just making a note that, along with the -- with the 9 notes regarding his billing hours, that you want the 10 cohesion study. 11 Q. (By Mr. George) Did you also do a particular 12 study about racial polarization or is that shown in the 13 same study for purposes of this case? 14 A. Well, it does show racial polarization I mean 15 if that's what you're asking. But when I found out that 16 there had been other people hired to do the racial 17 polarization that are much more capable than I am on the 18 regression analysis, why, there was no sense of me doing 19 any further regression analysis. Besides that, Dick had 20 testified -- covered that pretty well. When I say 21 "Dick" I mean Dr. Murray, of course. 22 Q. And so it's clear, you didn't perform any 23 regression analyses for this case? 24 A. No. But I used a process that -- that 25 Dr. Murray has used to determine polarization.</p>
Page 103	Page 104
<p>1 Q. And what process was that? 2 A. Subtracting the percentage of the population -- 3 of the votes for a minority candidate -- from a minority 4 candidate from -- in -- in the heavily minority 5 precincts from the votes for the minority candidate in 6 heavily Anglo precincts. 7 Q. Moving to the portion of your report that deals 8 with the senate factors. 9 A. Yes. 10 Q. If you will turn to Page 10. 11 A. Yes. 12 Q. You say that the commissioner precincts are 13 large districts, which of course is true since they're 14 supposed to be a million or so each. Do you know why 15 that is? Why they're so large? 16 A. Because the Texas constitution provides for 17 only four precincts. 18 Q. Not a decision made by the County. The County 19 is -- is -- you know, has to follow the Texas 20 constitution on that issue. 21 A. That's what the Texas constitution requires. 22 Q. I just want to make sure that you're -- this is 23 not a criticism of the County for having too large of a 24 precinct. 25 A. Well, it is. I mean, it's -- a precinct that</p>	<p>1 large is -- is just really -- I mean, it's larger than 2 several states -- each one of the voting commissioner's 3 precincts is larger than -- 4 Q. It's that large because of the Texas 5 constitution requires it to be that large. 6 A. The Texas constitution requires it. 7 Q. All right. The charts that you have done -- 8 A. Yes. And there are more of them in the 9 Dropbox, too, so -- 10 Q. Let's go to Research No. 9. On the left corner 11 you see where it has Research No. 9? 12 A. 7 -- hold on -- 8, 9. Okay. I've got it. 13 Yes. 14 Q. All right. What does this chart show? 15 A. It shows Hispanic Concentration By Voter 16 Tabulation District. 17 Q. Is this RedAppl shading? Is this from RedAppl? 18 A. Probably. 19 Q. And so if I look at it, I guess the -- the 20 orange shows the highest concentration of Hispanics. 21 A. The dark orange, yes. 22 Q. The dark orange and then the light orange is 23 next and then the greenish of the green is next. 24 A. Yeah, green is 50 to 60 and the lighter orange 25 is 60 to 70 and then the darker orange is 70 to 100.</p>

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<p>1 Q. Would you agree with me that the Hispanic 2 population in Harris County is diffuse? 3 A. No, I don't. The Hispanic -- Hispanic 4 population in -- in Harris County -- it's diffuse if you 5 consider the fact that they live -- a lot of them live 6 in African-American areas or in the -- on the edges of 7 African-American areas. Otherwise, the Hispanic 8 population and the African-American population are 9 actually fairly concentrated in Harris County. 10 Q. You think that the diffuse nature of the 11 Hispanic population mirrors the diffuse nature of the 12 African-American population? 13 MR. BARON: Object to form. 14 A. They are both identifiable. 15 Q. (By Mr. George) Where on this map would you 16 identify the fastest growing Hispanic areas? 17 A. Hispanic areas are growing fast all over this 18 county. 19 Q. Can you point to any area on this map where you 20 believe the Hispanic area is growing faster than others? 21 A. Umm, well, in the -- in the Pasadena area 22 you've got very fast growing Hispanic areas. North of 23 I-10 in the -- 24 Q. Okay. 25 A. -- I can't remember what that school district</p>	<p>1 is over there north of I-10. And -- and it's growing 2 fast, of course, on the north side, Aldine area and all 3 those areas. But those are the -- those are the 4 fastest -- fastest growing areas. The area obviously in 5 the ship -- the ship channel area on the south side 6 are -- there's not much growth that can take place there 7 because it's pretty well built out. 8 Q. Okay. Well, put a plus on the map -- on this 9 exhibit -- this Research 9 page of Exhibit 3, would you 10 just put a plus where you believe the fastest growing 11 Hispanic areas are. 12 A. Sure. 13 Q. So you have marked one, two, three -- four 14 areas, correct? 15 A. Uh-huh. (Witness answers affirmatively.) 16 Q. Is that right? And now you've done a fifth. 17 A. Uh-huh. (Witness answers affirmatively.) 18 Q. One, two, three, four, five -- and now you've 19 done a sixth? 20 A. Yes. 21 Q. And you've put asterisks there on the fastest 22 growing areas. And it's fair to say those asterisks are 23 all over the County. 24 MR. BARON: Object to form. 25 A. But they're all adjoining the -- the</p>
Page 107	Page 108
<p>1 concentration of Hispanics. 2 Q. (By Mr. George) Now, where are areas -- would 3 you put circles on areas where you think Hispanic growth 4 is not growing very fast, if at all. 5 A. (Witness complies.) 6 Q. Okay. The northeast part of the County? 7 A. Uh-huh, this must be 10, right? This area -- 8 this area here, in this area. Yeah. In these areas 9 here. 10 Q. All right. So you have marked with zeros or 11 circles the areas where you don't think Hispanic growth 12 is growing very much, if at all, in the County? 13 A. Yes. 14 Q. All right. 15 A. Or it's -- Hispanic -- Hispanic -- the Anglo 16 population in Harris County is declining. The Black 17 population is essentially staying the same. The only 18 growth in Harris County is Hispanic. Or, virtually the 19 only growth in Harris County is Hispanic. 20 Q. You've not put a plus or minus on this section 21 down in the -- kind of the -- oh, let's call it the 22 southwest central area. 23 A. Uh-huh, yes. 24 Q. Do you know what that area is called? 25 A. I -- it's -- I don't recall, no.</p>	<p>1 Q. I'm going to put -- would you put a square in 2 that area? 3 A. You're right. That's one I neglected to do. 4 Q. Put a square there. 5 A. A square? Okay. 6 Q. What's going on in that area that you've 7 squared? 8 A. There's Hispanic growth. 9 Q. All right. Can you compare how fast the 10 Hispanic growth there is to the other places where 11 you've marked it with an X? 12 A. No, I can't. 13 Q. All right. Turn to the page before -- 14 A. I mean, comparing growth is -- is difficult to 15 do. 16 Q. I understand. Go to the page before this -- 17 A. Yes. 18 Q. -- please, sir. And is this the same sort of 19 chart but this one shows Black population? 20 A. Yes. 21 Q. All right. And can you draw pluses for me on 22 the places where you think the African-American 23 population is growing the fastest? 24 A. African-American population is essentially not 25 growing.</p>

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<p>1 Q. Here, use my pen. 2 A. All right. 3 Q. Are there any places? Maybe not. 4 A. In this area I'll put a square. 5 Q. Okay. 6 A. On the edge of the Black community there. 7 Q. Would you put a plus in the middle of that? 8 A. (Witness complies.) 9 Q. All right. Any other areas where you think 10 African-American population is -- is growing at a -- at 11 a fairly rapid rate? 12 A. I don't think there's any place in the state -- 13 in the County where it's growing at what I would 14 consider a rapid rate. 15 Q. Right. Are there any places in particular 16 where the African-American population is retracting, 17 trending towards retraction? 18 A. On the edges -- on the edges with the Hispanic 19 community. 20 Q. Would you just put a -- 21 A. Well, it's the whole -- 22 Q. So the whole -- 23 A. -- the whole area for -- for where -- where the 24 Black population adjoins the Hispanic population 25 Hispanic population is growing.</p>	<p>1 Q. Okay. Right in the -- sort of the center of 2 the map there? 3 A. Yes. 4 Q. All right. 5 A. Minority communities in Harris County are two 6 hourglasses. And the Hispanic community is growing 7 around the Black hourglass. Are we going to mark these? 8 Q. They're marked. That's part of the exhibit. 9 A. You want to put -- you want to put the whole 10 thing in? 11 Q. Yes. 12 A. I got you. Sure. 13 Q. You used a term earlier "community of 14 interest". 15 A. Yes. 16 Q. What do you mean by that term? 17 A. Well, I normally look at it in terms of 18 economics and in terms of race, in terms of sometimes 19 ethnic areas, different ethnic groups within an ethnic 20 group or Whites, for example. 21 Q. For purposes of this case and map drawing is it 22 fair to say that the community of interest focused on 23 here is the Hispanic community? 24 A. And you're talking about the Gingles plans? 25 Q. Yes.</p>
Page 111	Page 112
<p>1 A. The Gingles plans were designed to show that it 2 would be possible -- you could draw a plan -- a map 3 which I believe would comply with the 14th Amendment 4 which would create a district that is more than 50 5 percent of something. 6 Q. And would you -- and would you call that 50 7 percent of something a community of interest for 8 purposes of the Gingles map? 9 A. I think it -- I think it probably -- I think it 10 probably follows the outline of -- of the poorest parts 11 of the city, outline of the parts of the city where the 12 Spanish language is more likely spoken, and a number of 13 other things like that, lowest educational levels. 14 Q. Have you ever testified on behalf of a 15 governmental entity in a redistricting case? 16 A. In a -- in a lawsuit? 17 Q. Yes, sir. 18 A. Back in the -- back in the '80s I -- on behalf 19 of the government I testified at hearings and my 20 testimony was offered into evidence. 21 Q. What government -- and that was on behalf of -- 22 A. The state. The state. 23 Q. The state of Texas? 24 A. Yes. 25 Q. The lawsuits that you list that you've been</p>	<p>1 involved in in the last -- 2 A. Four years. 3 Q. -- four years, in any of those lawsuits did you 4 testify on behalf of the governmental entity? 5 A. No. 6 Q. You described a concept in -- in connection 7 with the state case called nudging. 8 A. Nudging, yes. 9 Q. Tell me, again, what that was. 10 A. Well, what -- what they were doing was they 11 were taking the more rural counties in west Texas -- 12 okay? -- to start out with -- more rural counties in 13 west Texas, where the apparent registration and citizen 14 population of those counties are -- are high in 15 Hispanics, but in fact they're not because as soon as 16 somebody graduates from high school, there are no jobs 17 and so they leave. And the way you remain registered in 18 Texas is if your voter registration certificate is 19 delivered and not returned by the mail. Since the voter 20 restrictions are always delivered to the -- the 21 parent -- place where the parents live -- if you go into 22 any Hispanic home there in west Texas you will see voter 23 registration certificates on top of the refrigerator. 24 So they use that to move white areas in that look like 25 minority areas, then what they did was --</p>

Page 113	Page 114
<p>1 Q. And by "they" --</p> <p>2 A. The state.</p> <p>3 Q. Okay. Because this is not testimony about the</p> <p>4 County. This is about the state; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. I just -- when you were -- when you were</p> <p>7 testifying --</p> <p>8 MR. BARON: For purposes of the record I</p> <p>9 think he was saying he had heard about this when he was</p> <p>10 observing --</p> <p>11 THE WITNESS: The trial. I -- I never</p> <p>12 heard --</p> <p>13 MR. GEORGE: All right.</p> <p>14 THE WITNESS: -- I never heard of them</p> <p>15 using -- I mean, I realized what they were doing, but I</p> <p>16 never understood that they actually have a term for it.</p> <p>17 Q. (By Mr. George) All right. Okay. So this</p> <p>18 was -- the nudging testimony had to do with the state</p> <p>19 not anything having to do with this case?</p> <p>20 A. No. The judges all looked down and said, What?</p> <p>21 Q. Okay. When you said, No, you agreed with me.</p> <p>22 In other words, this concept of nudging is</p> <p>23 something in the state case not something in connection</p> <p>24 with the Harris County case?</p> <p>25 A. Well, it comes pretty close. I mean, it would</p>	<p>1 come pretty close.</p> <p>2 Q. Okay. What do you mean by that?</p> <p>3 A. Well, when they removed that -- removing the</p> <p>4 Hispanic area and replacing it with Anglo population,</p> <p>5 that's exactly what's going on.</p> <p>6 Q. How -- how do you know that?</p> <p>7 A. Well, I'm making an assumption. The maps. We</p> <p>8 marked the maps.</p> <p>9 Q. Okay.</p> <p>10 A. I mean, do I know that they know what the term</p> <p>11 is called; or, do I know that that -- that they intended</p> <p>12 to do that? No. I can only see what they did.</p> <p>13 Q. Okay. All right. I hear you.</p> <p>14 MR. GEORGE: Tell you what? Let me take</p> <p>15 five --</p> <p>16 MR. BARON: Take five and see if you've got</p> <p>17 anything else? It sounded like you were trying to wrap</p> <p>18 up. I don't mind hanging for a few more minutes while</p> <p>19 you make sure.</p> <p>20 (Short recess from 2:52 to 3:03 p.m.)</p> <p>21 EXAMINATION (Continuing)</p> <p>22 BY MR. GEORGE:</p> <p>23 Q. Mr. Korbelt, let me ask you about one more</p> <p>24 thing. This is something I did see in the Dropbox -- or</p> <p>25 somebody saw for me -- but I didn't know if it had any</p>
Page 115	Page 116
<p>1 relevance to your opinions in this case. So let me hand</p> <p>2 it to you. It is a document that is entitled: Harris</p> <p>3 County Texas Fiscal Year 2011-12 Budget, Organization</p> <p>4 Budgets, Volume III. Did you use this in connection</p> <p>5 with your opinions in any way?</p> <p>6 A. You asked for everything I had -- I had in my</p> <p>7 file and this is one of the things that is in the file.</p> <p>8 I think we got this from you; or, I got this from you.</p> <p>9 Q. And all I want to know is are any of your</p> <p>10 opinions based on this information; that is, this budget</p> <p>11 information I've handed you?</p> <p>12 A. I haven't analyzed this, no.</p> <p>13 Q. Okay.</p> <p>14 A. When I say "this" it's a document entitled:</p> <p>15 Harris County Texas Fiscal Year 2011-12 Budget,</p> <p>16 Organization Budgets, Volume III.</p> <p>17 Q. Well, since you haven't analyzed it I won't</p> <p>18 mark it as an exhibit.</p> <p>19 MR. BARON: We'll stipulate that it has not</p> <p>20 been analyzed by Mr. Korbelt.</p> <p>21 MR. GEORGE: All right. Thank you, sir, I</p> <p>22 have nothing else today.</p> <p>23 THE WITNESS: Okay. Great.</p> <p>24 MR. BARON: We'll reserve ours until trial</p> <p>25 as I'm sure you expected.</p>	<p>1 (Deposition concluded at 3:04 p.m.)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 CHANGES AND SIGNATURE
 2 WITNESS NAME: GEORGE KORBEL DATE: September 11, 2012
 3 PAGE LINE CHANGE REASON
 4 _____
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____

13 I, GEORGE KORBEL, have read the foregoing
 deposition and hereby affix my signature that same is
 true and correct, except as noted above.

14 _____
 15 GEORGE KORBEL

16 THE STATE OF _____)
 17 COUNTY OF _____)
 18 BEFORE ME, _____, on this
 day personally appeared GEORGE KORBEL, known to me (or
 19 proved to me under oath or through
 _____) (description of identity
 card or other document) to be the person whose name is
 subscribed to the foregoing instrument and acknowledged
 to me that they executed the same for the purposes and
 consideration therein expressed.

21 Given under my hand and seal of office this
 22 _____ day of _____.

23 _____
 24 NOTARY PUBLIC IN AND FOR
 THE STATE OF _____
 25 COMMISSION EXPIRES: _____

Page 118

1
 2 IN THE UNITED STATES DISTRICT COURT
 3 FOR THE SOUTHERN DISTRICT OF TEXAS
 HOUSTON DIVISION

4)
 5 JAMES RODRIGUEZ; EDWARD)
 GONZALEZ; ORNALDO YBARRA;)
 6 PATRICIA GONZALES; THOMAS)
 BERG; REYNALDO GUERRA;)
 and SANDRA PUENTE,) CIVIL ACTION

7)
 8 Plaintiffs,) NO.: 4:11-CV-02907
 VS.)
 9)
 HARRIS COUNTY, TEXAS, and)
 10 ED EMMETT, in his)
 capacity as Harris County)
 Judge,)
 Defendants.)

11
 12
 13 REPORTER'S CERTIFICATION
 14 ORAL DEPOSITION OF GEORGE KORBEL
 15 September 11, 2012

16
 17 I, SHAUNA L. BEACH, RDR, CRR, Certified Shorthand
 18 Reporter in and for the State of Texas, hereby certify
 19 that to the following:
 20 That the witness, GEORGE KORBEL, was duly sworn by
 21 the officer and that the transcript of the oral
 22 deposition is a true record of the testimony given by
 23 the witness;
 24 There was a request for examination and signature
 25 of the witness to the deposition transcript. The

Page 119

1 original transcript was sent to the witness for review
 2 on _____.

3 I further certify that I am neither counsel for,
 4 relate to, nor employed by any of the parties or
 5 attorneys in the action in which this proceeding was
 6 taken, and further that I am not financially or
 7 otherwise interested in the outcome of the action.

8 Certified to by me this 20th day of September,
 9 2012.

10

11 _____
 12 SHAUNA L. BEACH, RDR, CRR
 Certified Shorthand Reporter
 in and for the State of Texas
 Certification No. 8408
 13 Expiration date: 12/31/2013
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 14 Firm No. 484
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