

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
No. 21 CVS 015426

NORTH CAROLINA LEAGUE OF CONSERVATION
VOTERS, INC., *et al.*,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, IN HIS OFFICIAL
CAPACITY AS SENIOR CHAIR OF THE HOUSE
STANDING COMMITTEE ON REDISTRICTING, *et al.*,

Defendants.

***HARPER AND COMMON
CAUSE PLAINTIFFS’
RESPONSE TO
LEGISLATIVE
DEFENDANTS’ PROPOSED
SPECIAL MASTER
(JOHN MORGAN)***

Pursuant to this Court’s February 9, 2022 Order for Responses to Special Master Candidates, *Harper and Common Cause* Plaintiffs jointly submit this response to Legislative Defendants’ nomination of John Morgan to serve as Special Master. Special masters must be neutral arbiters, but no reasonable observer could believe that Mr. Morgan—the self-described “Republican demographer” retained by North Carolina Republican leaders to gerrymander the state Senate map in 2011—could be neutral. Dep. of John Morgan at 21:9-12, 29:25-37:11, *Dickson v. Rucho*, No. 201PA12-3 (June 20, 2012) (excerpts attached as Exhibit A). Mr. Morgan’s long history of unlawful gerrymandering in North Carolina and elsewhere, not to mention his complete lack of experience serving as a special master, disqualifies him.

A special master is a “judicial officer[] and a *neutral* arbiter [who] ha[s] no stake in the outcome” of the matter in which they serve. *In re Search Warrant Issued June 13, 2019*, 942 F.3d 159, 181 (4th Cir. 2019) (emphasis in original). Special masters are extensions of the court

they serve, appointed to assist the court in lending some technical or other specialized expertise. For this reason, special masters are generally held to the same ethical standards as judges. *See* Fed. R. Civ. P. 53(a)(2) (“A master must not have a relationship to the parties, attorneys, action, or court that would require disqualification of a judge.”). Like judges, a special master is disqualified from participating in a matter if an “informed observer” would “reasonably ... question [their] impartiality.” *In re Brooks*, 383 F.3d 1036, 1046 (D.C. Cir. 2004).

Mr. Morgan is far too bound up with Legislative Defendants specifically and pro-Republican gerrymandering generally to even plausibly be considered “neutral.” Since 2007, Mr. Morgan has been President of Applied Research Coordinates, advertised in a recent bid as “the top Republican map drawing firm.”¹ True to that billing, Mr. Morgan has a wealth of experience with pro-Republican partisan gerrymandering, including in North Carolina. He first worked on North Carolina maps during the 2001 cycle, on behalf of the North Carolina Republican Party. *See* Exhibit A at 22:4-11. Then, during the 2011 cycle, Legislative Defendants’ counsel in this case, Mr. Farr, retained Mr. Morgan on behalf of Senator Rucho. *Id.* at 29:25-37:11. Mr. Morgan proceeded to draw a state Senate map that Republican leaders—including several of the Legislative Defendants in this case—later admitted was “designed to ensure [a] Republican majorit[y].” Defs.’-Appellees’ Br. on Remand, *Dickson v. Rucho*, 2015 WL 4456364, at *55 (N.C. July 13, 2015). Many of the 2011 Senate (and House) districts were later struck down as unconstitutional racial gerrymanders. *Covington v. North Carolina*, 316 F.R.D. 176, 176-78 (M.D.N.C. 2016), *aff’d*, 137 S. Ct. 2211 (2017). Other 2011-drawn Senate (and House) districts were then struck down as unconstitutional partisan gerrymanders. *Common Cause v. Lewis*, 2019 WL 4569584, at *43-55 (N.C. Super. Ct. Sept. 3, 2019). Mr. Morgan focused on particular areas of the State for which the districts in this case have been found to

¹ https://www.michigan.gov/documents/sos/MICRC_Election_Data_Services_717054_7.pdf.

exhibit intentional partisan bias, including in Mecklenburg, Wake, Forsyth, and Guilford counties, and in the Durham, Fayetteville, and Goldsboro areas. Ex. A at 31:9-17.²

Mr. Morgan's extensive experience with partisan gerrymandering is not limited to North Carolina. Over the past 40 years, Mr. Morgan has drawn maps for Republican legislators across the country, at least several of which have been found to be unlawful gerrymanders. *See* Exhibit A at 17:12-16, 17:25-18:5, 19:21-20:4 (describing experience working for Republican leadership in New Jersey, Indiana, and South Carolina); Morgan CV (Ex. A to Legislative Defendants' February 9 submission). He also has worked as a litigation expert for Republicans, including at the direction of Legislative Defendants' counsel in this case. *See, e.g., Page v. Virginia State Bd. of Elections*, 2015 WL 3604029, at *9 (E.D. Va. June 5, 2015). Legislative Defendants' counsel also have defended Mr. Morgan's maps against partisan and racial gerrymandering challenges. *See Ohio A. Philip Randolph Inst. v. Householder*, 373 F. Supp. 3d 978, 996-97 (S.D. Ohio), *vacated and remanded*, 140 S. Ct. 102 (2019); *Bethune-Hill v. Virginia State Bd. of Elections*, 326 F. Supp. 3d 128, 136, 151 (E.D. Va. 2018). And courts have found several of these maps to be unlawful gerrymanders. *See Bethune-Hill*, 326 F. Supp. 3d at 181 (invalidating 2011 Virginia House of Delegates map substantially drawn by Mr. Morgan as unlawful racial gerrymander); *Householder*, 373 F. Supp. 3d at 1168 (finding that 2011 Ohio congressional map drawn with input from Mr. Morgan was gerrymandered for extreme Republican advantage). Although not noted on his CV submitted by Legislative Defendants, Mr. Morgan recently worked as a consultant to the lead Republican mapdrawer who constructed Ohio's 2021 maps that were struck down as unlawful partisan gerrymanders. *League of Women Voters of Ohio v. Ohio*

² Mr. Morgan has done additional work for Legislative Defendants' counsel. He was retained by Mr. Farr for map-drawing in Sampson County in 2011 (Ex. A at 26:10-20), and for the Craven County Board of Commissioners (*id.* at 28:3-9). Mr. Morgan also worked last cycle with Nathan Babcock, who now works for Defendant Senator Hise, on drawing Senate districts. *See Hise Dep.*, PX-146, at 35:1-38:16, 233:4-234:10 (Dec. 29, 2021).

Redistricting Comm’n, 2022 WL 110261, at *28 (Ohio Jan. 12, 2022); *see id.* at *36 (Brunner, J., concurring).

Were any additional basis to reject his nomination needed, courts who have heard Mr. Morgan testify have found him to be “wholly lacking in credibility,” *Bethune-Hill*, 326 F. Supp. 3d at 173-74, and have rejected his analyses as “based upon several pieces of mistaken data, a critical error,” *Page*, 2015 WL 3604029, at *9. And it appears that Mr. Morgan, who holds no advanced degree, has never served as a special master to any court, ever. *See Morgan CV* at 2. This case should not be his first.

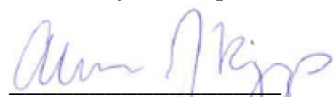
Respectfully submitted, this the 10th day of February, 2022.

By: /s/ Narendra K. Ghosh

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing *by email*, addressed to counsel for all other parties.

This the 10th day of February, 2022.

/s/ Narendra K. Ghosh
Narendra K. Ghosh, NC Bar No. 37649

EXHIBIT A

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF WAKE 11 CVS 16896
11 CVS 16940

MARGARET DICKSON, et al.,)

)

Plaintiffs,)

vs.)

ROBERT RUCHO, in his)

official capacity only as)

the Chairman of the North)

Carolina Senate)

Redistricting Committee,)

et al.,)

)

Defendants.)

)

NORTH CAROLINA STATE)

CONFERENCE OF BRANCHES OF)

THE NAACP, et al.,)

)

Plaintiffs,)

vs.)

STATE OF NORTH CAROLINA,)

et al.,)

)

Defendants.)

)

DEPOSITION OF JOHN MORGAN

9:31 A.M.

WEDNESDAY, JUNE 20, 2012

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INDEX OF EXAMINATION

	Page
By Mr. Speas.....	8
	127
By Ms. Earls.....	103
By Mr. Peters.....	125

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1 MR. FARR: Objection.

2 THE WITNESS: As far as the legislature
3 goes, they may have adopted guidelines, but like I
4 said, I was working for the legislative leaders.

5 BY MR. SPEAS:

6 Q. Did the legislative leaders adopt guidelines?

7 A. I'm not certain. I think so.

8 Q. What guidelines did you follow in drafting plans
9 for -- in Indiana?

10 A. Well, most of the work I did would not have been
11 done during the legislative process so I would have
12 been drawing plans ahead of the legislative process
13 which may or may not have included guidelines.

14 Q. Let's talk about New Jersey for a minute. Did the
15 New Jersey Legislative or Congressional Commission
16 adopt criteria to guide the redistricting process?

17 A. These were two separate commissions so I would say
18 that I would have to consider them separately.

19 Q. Let's consider them separately. Did the New Jersey
20 Legislative Redistricting Commission adopt written
21 criteria to guide the redistricting process?

22 A. I think so.

23 Q. What about the New Jersey Congressional
24 Redistricting Commission?

25 A. I think that in that case, because it was a

1 Congressional plan, one of the primary concerns was
2 to have zero deviation, and I recall that. Since
3 this was a commission, I thought it would be good
4 to explain that in this circumstance the parties
5 have equal representation in both the Legislative
6 Commission and the Congressional Commission, though
7 separate, and there's a tie breaker, essentially,
8 in each of those cases, so in some cases I seem to
9 recall that the tie breaker may have handed down
10 some criteria. I'm not familiar with the process
11 that determined what were handed down.

12 Q. And were you working for the Republican leadership
13 in New Jersey?

14 A. Yes.

15 Q. Were you working for the Republican leadership in
16 Indiana?

17 A. Yes. They're majority in both chambers, yes.

18 Q. Let's talk about Virginia a minute. As I
19 understand your testimony, you worked with the
20 legislative leadership in drafting the plan for the
21 House of Delegates; is that correct?

22 A. Yes. I worked with Delegate Chris Jones who was
23 the legislative leader that I had dealt with most
24 directly.

25 Q. And was Representative Jones leader of the

1 Republican delegation?

2 A. The way it works in Virginia is he -- I do not
3 believe he was leader of the Republican delegation.
4 He was committee chairman for the committee that
5 had jurisdiction of the redistricting matter.

6 Q. And did the House of Delegates in Virginia adopt
7 redistricting criteria?

8 A. I don't know.

9 Q. What function did you serve in Virginia? Did you
10 draft plans? Did you advise leaders? Did you
11 recommend criteria? Help me understand what you
12 did.

13 A. I drafted plans for Delegate Jones.

14 Q. Were those plans adopted?

15 A. Well, I would say that it was a collaborative
16 process, and ultimately he negotiated plans with
17 other members of both parties.

18 Q. Did those plans include majority-minority
19 districts?

20 A. Yes, they did.

21 Q. And Voting Rights districts?

22 A. Yes.

23 Q. Did you draw those districts?

24 A. I may have drawn some of them, yes.

25 Q. What criteria did you apply in drawing those

1 districts?

2 A. I drew the districts Delegate Jones asked me to
3 draw.

4 Q. Were some of the districts less than 50 percent
5 black voting age population?

6 A. Not that I'm aware of.

7 Q. Connecticut, you worked for the redistricting
8 commission in Connecticut. Did I recall that
9 correctly?

10 A. Yes.

11 Q. And who retained you to work in Connecticut?

12 A. An attorney working for the redistricting
13 commission. I think I was retained by the
14 commission itself.

15 Q. And what role did you serve for that commission?

16 A. I drafted the plans and portions of plans for them
17 to consider.

18 Q. And were you given criteria to apply in drafting
19 those plans?

20 A. Not specifically.

21 Q. South Carolina, I think you said you were engaged
22 in South Carolina with both the South Carolina
23 House and the Congressional work.

24 A. And the State Senate.

25 Q. And the Senate. Who retained you in

1 South Carolina?

2 A. Attorneys for the Speaker of the House, the Senate
3 Republican leadership in the Senate. Those were
4 the groups that I worked for.

5 Q. And did you work with them in preparing draft
6 plans?

7 A. In some cases, yes.

8 Q. Were you given criteria to apply in drawing those
9 plans?

10 A. Possibly.

11 Q. Was one of the criterion you were given in drawing
12 the Congressional plan communities of interest?

13 A. I don't recall. I drafted Congressional plans that
14 were hypothetical in nature. I'm not sure what
15 they actually did with them.

16 Q. Do you recall a debate in South Carolina about
17 whether there should be a Congressional district in
18 the low country area?

19 A. Yes, I do.

20 Q. And you were involved in that debate?

21 A. I was involved in that debate.

22 Q. And you proposed a Congressional district in the
23 low country area?

24 A. Yes, I did.

25 Q. And that was justified on the basis of community of

1 interest in that area; is that correct?

2 A. I don't know.

3 Q. You don't know?

4 A. I don't know.

5 Q. Do you recall what criteria you applied in drawing
6 that district?

7 A. No because I drew districts and there was some
8 discussion that involved me personally.

9 Q. I read online someplace a description of you and
10 you were described as a Republican demographer. Is
11 that an accurate description?

12 A. Yes.

13 Q. Now, looking back at Exhibit 372, it says that from
14 2004 to 2007 you served as executive director of
15 GOPAC where you worked closely with J.C. Watts to
16 expand the base of the Republican Party and advise
17 current and future legislative leaders.

18 What is GOPAC?

19 A. GOPAC as it exists today is a 527 political
20 organization.

21 Q. And you were executive director of GOPAC from '04
22 to '07?

23 A. Yes.

24 Q. Exhibit 372 does not report your employment
25 specifically between '07 and the present. Is your

1 employment between '07 and the present as president
2 of Applied Research Coordinates?

3 A. Yes.

4 Q. I'll get back to this later, but would it be
5 accurate that your first involvement in
6 redistricting in North Carolina was in the
7 2001-2002 redistricting cycle?

8 A. Yes.

9 Q. And during that cycle, who retained you?

10 A. I believe it was the North Carolina Republican
11 Party.

12 Q. We'll explore that a little bit later.

13 Now, you provided assistance in the
14 North Carolina redistricting process this cycle; is
15 that correct?

16 A. Yes.

17 Q. Who retained you to provide assistance?

18 A. Well, I was asked by Mr. Farr to assist in working
19 on the North Carolina redistricting in this cycle.

20 Q. And were you retained under a written contract?

21 A. I think we discussed the terms over the phone. We
22 may have had an e-mail with an invoice that
23 reflected my time.

24 Q. And do you recall the amount you have been
25 compensated for your work in North Carolina?

1 A. I would say somewhere between 10 and \$15,000.

2 Q. And what's your hourly -- what was your hourly rate
3 for your services in North Carolina?

4 A. At that time I didn't have an hourly rate
5 established.

6 Q. Then how was your compensation set? Was it a
7 lump-sum payment?

8 A. Yes.

9 Q. And who actually paid you for your services?

10 A. I don't recall the exact name of the organization.
11 I think it was Fair and Legal Districts for
12 North Carolina, something like that.

13 Q. Do you recall when you first provided services to
14 Mr. Farr for this round of redistricting?

15 MR. FARR: Objection to the form of the
16 question.

17 THE WITNESS: I'm not sure I understand
18 the question.

19 BY MR. SPEAS:

20 Q. Did you begin work on the North Carolina project in
21 March of 2011, in April of 2011?

22 A. No.

23 Q. When did you start?

24 A. It was after that.

25 Q. I'm going to ask the court reporter to mark a

1 document as Exhibit 373.

2 (WHEREUPON, Exhibit 373 was marked for
3 identification.)

4 BY MR. SPEAS:

5 Q. Mr. Morgan, is Exhibit 373 an e-mail exchange
6 between you and Mr. Farr dated May 30, 2011?

7 A. Yes.

8 Q. Would you take a minute to review this e-mail, and
9 I would like to ask you if this e-mail would
10 refresh your memory about when you began providing
11 services in North Carolina in 2011.

12 A. I see the document.

13 Q. And does this refresh your memory about when you
14 began providing services?

15 A. I said that I provided services in May.

16 Q. And I examined carefully the documents that you had
17 provided to us and was unable to identify the
18 invoices that you had sent to Mr. Farr in this
19 invoice.

20 Do you recall sending him invoices for your
21 services?

22 A. Yes.

23 Q. Do you have those invoices?

24 A. I don't have them with me.

25 MR. SPEAS: Mr. Farr, I think those would

1 have been encompassed within the scope of our
2 request for documents, so if we could get those,
3 that would be very helpful.

4 MR. FARR: We'll take that under
5 consideration.

6 MR. SPEAS: Is it your position that those
7 invoices are somehow privileged?

8 MR. FARR: May be and may be irrelevant.
9 I guess I can start asking Chris Ketchie for
10 information about who paid him and that sort of
11 thing, so we'll consider it.

12 MR. SPEAS: Okay.

13 BY MR. SPEAS:

14 Q. In these invoices, Mr. Morgan, did you detail the
15 work you did or did you simply submit a lump-sum
16 request for payment?

17 A. It would have been a lump-sum request for payment.

18 Q. Just so I can get some handle on this, your memory
19 is that you began working for Mr. Farr in May of
20 2011?

21 A. Yes.

22 MR. FARR: Objection to the form.

23 MR. SPEAS: Let me show you an another
24 document marked 374.

25 ///

1 (WHEREUPON, Exhibit 374 was marked for
2 identification.)

3 BY MR. SPEAS:

4 Q. Mr. Morgan, is Exhibit 374 an e-mail exchange
5 between you and Tom Farr in August 2011?

6 A. It appears to be, yes.

7 Q. And you had not been paid for your services in
8 August; is that correct?

9 A. That's correct.

10 Q. Were you retained to draw a redistricting plan for
11 Sampson County, North Carolina, in 2011?

12 A. I was retained by Mr. Farr to work on Sampson
13 County redistricting.

14 Q. What did you do for Mr. Farr for Sampson County?
15 Did you draw a plan?

16 A. Could you rephrase the question, please. You asked
17 two questions.

18 Q. I'm sorry. Did you draw a redistricting plan for
19 the Sampson County Board of Commissioners in 2011?

20 A. Yes.

21 Q. And did the Sampson County Board of Commissioners
22 give you criteria to apply in drawing that plan?

23 A. I wouldn't call them criteria, no.

24 Q. What instructions, advice, suggestions did they
25 give you in performing your assignment to draw them

1 a redistricting plan?

2 A. I received instructions from commissioners and from
3 attorneys representing the commissioners.

4 Q. What were those instructions?

5 MR. FARR: I'm going to object to the
6 extent that you got legal instructions from either
7 me or --

8 MR. SPEAS: I'm not asking about legal
9 instructions from Mr. Farr. Let me ask what
10 instructions you received.

11 MR. FARR: Or in that chain, who is an
12 attorney for the Sampson County Board of
13 Commissioners, but you can certainly tell Mr. Speas
14 about any instructions you got from the
15 commissioners.

16 THE WITNESS: Regarding instructions from
17 commissioners, they were -- the commissioners
18 themselves were primarily concerned about the
19 treatment of their own district in the
20 redistricting plan, and I recall discussing
21 individual districts with them one by one.

22 BY MR. SPEAS:

23 Q. Did you receive any written instructions from the
24 Sampson County commissioners or any individual
25 Sampson County commissioners with regard to how to

1 draw the plans?

2 A. I did not receive written instruction from them.

3 Q. Did you also assist the Craven County Board of
4 Commissioners in drawing a redistricting plan in
5 2011?

6 A. I am working on redistricting with Craven County.
7 It's ongoing.

8 Q. And is that for the Board of County Commissioners?

9 A. It is.

10 Q. And have you received -- have you been retained by
11 the Sampson -- I mean the Craven County
12 commissioners to draw a plan?

13 A. Yes.

14 Q. Directly by the Craven County commissioners?

15 A. I'm working with another attorney in that case so
16 I've been retained by the attorney.

17 Q. Mr. Hurley?

18 A. That's correct.

19 Q. And have the Craven County commissioners provided
20 you any written criteria with regard to the drawing
21 of their plans?

22 MR. FARR: Mr. Morgan, same thing, if the
23 commissioners had communicated with you, that's
24 fine, but I believe that if you have received
25 instructions from Mr. Hurley that that would not be

1 appropriate for you in answering that question.

2 THE WITNESS: I have not received written
3 instructions from the commissioners. I have met
4 with them and discussed their districts.

5 MR. SPEAS: And let's mark this as
6 Exhibit 375.

7 (WHEREUPON, Exhibit 375 was marked for
8 identification.)

9 BY MR. SPEAS:

10 Q. Mr. Morgan, 375 is another e-mail exchange between
11 you and Mr. Farr dated September 23, 2011.

12 Can you identify that document?

13 A. Yes.

14 Q. And in the first line, does Mr. Farr inform you
15 that Senator Rucho has raised some money in the
16 501(c)(3) and you should be getting your payment
17 soon?

18 A. Yes.

19 Q. And were you finally paid?

20 A. Yes.

21 Q. And do you recall the amount you were paid?

22 A. No.

23 Q. You began providing services -- let's just clear
24 this up.

25 Who retained you? For whom were you

1 working in North Carolina in 2011?

2 A. Well, as I said, Mr. Farr asked me to get involved,
3 so I was working at his direction for Senator
4 Rucho.

5 Q. So you were working at Mr. Farr's direction for
6 Senator Rucho?

7 A. I was working at Senator Rucho's direction.
8 Mr. Farr put us together.

9 Q. Now, when did you first meet Senator Rucho?

10 A. Probably in May of 2011.

11 Q. And do you recall where you met him?

12 A. I believe at the North Carolina Republican Party
13 headquarters.

14 Q. And who else was present on that occasion?

15 A. I'm not sure. There were several people there. I
16 wasn't introduced to everybody.

17 Q. And what was the subject of that initial
18 conversation with Senator Rucho?

19 A. That I would be helping him to draw plans.

20 Q. And did he give you instructions as to what he
21 wanted to accomplish with the plans?

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

23 Q. I think that's a very plain question, Mr. Morgan.

24 Did he tell you what he wanted you to do
25 when you were drawing plans for him?

1 A. That's a different question.

2 Q. Can you answer it?

3 A. The second question or the first?

4 Q. The second.

5 A. Yes. He gave me instructions.

6 Q. And what were those instructions?

7 A. He would ask me to draw plans in a particular area

8 or to work on particular areas of a plan.

9 Q. And do you recall the particular areas he asked you

10 to work on?

11 A. I would say not much in the west and not much in

12 the east. It was primarily Mecklenburg, Wake, in

13 the Fayetteville area, the Durham area, Goldsboro,

14 some of that area.

15 Q. Forsyth county?

16 A. Yes, I did some work in Forsyth county. And

17 probably some in Guilford.

18 Q. Did you meet with any other member of the

19 North Carolina Senate other than Senator Rucho?

20 A. I met Senator Berger.

21 Q. When did you meet Senator Berger?

22 A. I don't know. I don't think it was in May. It may

23 have been in June or July.

24 Q. And describe that meeting for me, please.

25 A. Senator Berger was introduced to me as a senator.

1 I recall he's from Rockingham county. He was
2 interested in his district which had Rockingham and
3 parts of Guilford. I think he's one of the leaders
4 in the Senate.

5 Q. Do you recall him giving you any instructions or
6 directions with regard to drawing the Senate map
7 generally other than with regard to his own
8 district?

9 A. Senator Berger, no.

10 Q. Other than Senator Berger and Senator Rucho, do you
11 recall meeting at any time with any member of the
12 North Carolina Senate?

13 A. I don't remember a specific senator. It may be
14 that there was another senator that was there, but
15 I remember Senator Berger and Senator Rucho.

16 Q. At any point did you meet with Representative David
17 Lewis?

18 A. Yes. I knew him from 2001.

19 Q. And how did you know Representative Lewis from
20 2001?

21 A. I think he was elected in the 2002 election, so if
22 I said 2001, perhaps I should have said 2002.

23 I was involved in the redistricting
24 process, and I also was involved in the electoral
25 process of the 2002 election, and as such I met

1 with most of the candidates who ran for the
2 North Carolina State House that were Republicans.

3 Q. Did you meet with Representative Lewis at any time
4 in 2011 to discuss House redistricting?

5 A. No. I had known him. I think he's also an RNC,
6 Republican National Committee, official so I had
7 seen him at other redistricting meetings.

8 Q. I would take it from that answer that in 2011 you
9 did not provide any specific services to any -- any
10 specific services with regard to the North Carolina
11 House redistricting plans; is that correct?

12 A. No, no specific services.

13 Q. Did you address Congressional redistricting issues
14 with Senator Rucho?

15 A. I think a little bit, but primarily I worked on the
16 State Senate.

17 Q. Now, did you work with Thomas Hofeller in 2011 with
18 regard to the Senate redistricting plans?

19 A. He was present at the North Carolina GOP
20 headquarters. I don't know that I worked with him
21 directly. I don't even know if he was working on
22 the Senate.

23 Q. And did you have any understanding as to the role
24 Mr. Hofeller played with regard to North Carolina
25 redistricting?

1 A. I was under the impression that he was drawing
2 district plans for the North Carolina Senate,
3 House, Congressional, and I don't know if he was
4 doing all of those three or some of those three.
5 And I think I was brought in partly to be another
6 set of hands to work on plans like the State
7 Senate.

8 Q. Did you work with Mr. Hofeller in 2002 or 2003 on
9 the North Carolina redistricting?

10 A. I spent a lot of time in North Carolina in 2001,
11 2002, 2003. Somewhere during that time I'm sure I
12 saw Dr. Hofeller in North Carolina.

13 Q. Did you work with Dale Oldham in North Carolina in
14 2011?

15 A. He was at the North Carolina GOP headquarters
16 during some of the time that I was there.

17 Q. And did you have any understanding with regard to
18 Mr. Oldham's redistricting responsibilities?

19 A. I'm not certain what his actual responsibilities
20 were.

21 Q. Did you work with Joel Raupe in 2011 in
22 North Carolina redistricting?

23 A. I didn't work with him on a day-to-day basis. He
24 was present there. He had an office. He provided
25 me some information if I asked it.

1 Q. Did you work with Nathan Babcock in drawing the
2 North Carolina districts in 2011?

3 A. Yes, he was there, and I believe he was working
4 with Senator Rucho on the project for State Senate
5 redistricting.

6 Q. Was Mr. Babcock drawing districts?

7 A. He wasn't drawing them on redistricting software,
8 that I know of, but I believe he was drawing
9 districts on other software, internet-based
10 software.

11 Q. Okay. And who is Mr. Babcock?

12 A. I think he was the political director for the
13 North Carolina Republican Party or he worked with
14 Senator Rucho as the Senate political director.
15 I'm not quite clear on his position.

16 Q. I don't think I asked you this, but if I'm
17 repetitive, I apologize. Did you work with
18 Mr. Oldham in 2001, 2002 or 2003 on North Carolina
19 redistricting?

20 A. I think so. He certainly was in North Carolina for
21 some of the time I was in North Carolina which, as
22 I mentioned, was an extended period. The cases
23 went on and on in that 2001 experience.

24 Q. Did you work with Joel Raupe in 2001, 2002 or 2003
25 in North Carolina on redistricting?

1 A. Yes, I met him in that time period, and he was
2 working with the Republican Party during that time
3 period.

4 Q. Other than Representative Lewis, did you meet with
5 any member of the House of Representatives in 2011?

6 A. I don't -- there were some members that I knew
7 previously and I guess I expected to see some of
8 them but I didn't.

9 So I saw Representative Lewis. I think
10 they introduced me to someone named Representative
11 Dollar, but, really, Representative Lewis was the
12 one that I guess I knew best by this point.

13 (WHEREUPON, Exhibit 376 was marked for
14 identification.)

15 BY MR. SPEAS:

16 Q. Let me mark another document. Mr. Morgan, is
17 Exhibit 376 an e-mail you received from Nathan
18 Babcock on June 8, 2011?

19 A. Yes, it looks like it.

20 Q. Would you tell me the subject of that e-mail?

21 A. Wireless network.

22 Q. And you indicated a minute ago that Mr. Babcock was
23 not drawing districts with the software but through
24 another means. Is this the means by which
25 Mr. Babcock was drawing districts?

1 A. No. I'm sorry, this looks like it's a pass code
2 for a wireless network.

3 Q. Do you recall when you last provided services to
4 the North Carolina Republican Party with regard to
5 redistricting in 2011?

6 MR. FARR: Objection to form.

7 You can answer the question.

8 THE WITNESS: Probably in July 2011.

9 BY MR. SPEAS:

10 Q. So the period of your work in 2011 was May to July?

11 A. That seems correct.

12 Q. Mr. Morgan, I'd like to talk with you specifically
13 about your work on the Senate plan, and I'd like to
14 do that by asking you to look at an e-mail chain
15 that we'll mark as Exhibit 377.

16 (WHEREUPON, Exhibit 377 was marked for
17 identification.)

18 BY MR. SPEAS:

19 Q. Mr. Morgan, in front of you is Exhibit 377 which is
20 an e-mail chain between you and Nathan Babcock on
21 May 27, 2011. Do you recognize these e-mails?

22 A. Yes.

23 Q. And I'd like to begin our discussion here by
24 talking first about Mr. Babcock's e-mail to you on
25 May 27th at 2:17 p.m.

1 Would you take just a minute to read that
2 e-mail message from Mr. Babcock.

3 A. Okay.

4 Q. Does Mr. Babcock's e-mail at 2:17 on May 27th
5 describe the issues that you were brought in to
6 address by Mr. Farr?

7 MR. FARR: Objection to form.

8 THE WITNESS: I think I said that I was
9 working for Senator Rucho.

10 BY MR. SPEAS:

11 Q. Does this e-mail from Mr. Babcock describe the
12 issues that you were brought in by Mr. Rucho to
13 address, Senator Rucho to address?

14 A. I'm not quite sure I understand what you mean by
15 "issue," but I would say that I was brought in to
16 draw plans and potential plans.

17 Q. Did you actually draw plans for Senator Rucho, sit
18 down at the computer yourself and draw plans?

19 A. Yes.

20 Q. And did you give those plans a name?

21 A. Sometimes.

22 Q. And do you recall the names of those plans?

23 A. I think that sometimes we would give plans a name
24 if they had -- how would I describe this -- a
25 series of plans, yes.

1 STATE OF NORTH CAROLINA)
) C E R T I F I C A T E
2 COUNTY OF WAKE)

3
4 I, DENISE L. MYERS, Court Reporter and
5 Notary Public, the officer before whom the foregoing
6 proceeding was conducted, do hereby certify that the
7 witness(es) whose testimony appears in the foregoing
8 proceeding were duly sworn by me; that the testimony
9 of said witness(es) were taken by me to the best of
10 my ability and thereafter transcribed under my
11 supervision; and that the foregoing pages, inclusive,
12 constitute a true and accurate transcription of the
13 testimony of the witness(es).

14 I do further certify that I am neither
15 counsel for, related to, nor employed by any of the
16 parties to this action, and further, that I am not a
17 relative or employee of any attorney or counsel
18 employed by the parties thereof, nor financially or
19 otherwise interested in the outcome of said action.
20 This the 2nd day of July 2012.

21
22
23 Denise L. Myers

24 My commission expires 9/14/2013
25