

## EXHIBIT C

## Dale Ho

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**From:** Farr, Thomas A. <thomas.farr@ogletreedeakins.com>  
**Sent:** Monday, June 09, 2014 2:44 PM  
**To:** Dale Ho  
**Cc:** Cooper, David (CRT); Allison Riggs; Strach, Phillip J.; Rowe, Stephanie L.; Meza, Catherine (CRT); Anita Earls; astein@tinfulton.com; cbrook@acluofnc.org; ddonovan@kirkland.com; dlieberman@advancementproject.org; ijoyner@ncceu.edu; Julie Ebenstein; kimberly.knudson@kirkland.com; Laughlin McDonald; phair@advancementproject.org; tyannucci@kirkland.com; winn.allen@kirkland.com; djudge@advancementproject.org; jodi.wu@kirkland.com; uzoma.nkwonta@kirkland.com; Russ, John (CRT); Fisher, Spencer (CRT); Ryan, Elizabeth (CRT); Beck, Gill (USANCW); Pocklington, Amy M.; Butch@butchbowers.com; Stephens, Bob; apeters@ncdoj.gov; Lange, Michelle A.  
**Subject:** RE: Trende Deposition

Dale

Thank you for your note.

We offered Mr. Trende's written corrections at the beginning of his deposition and plaintiffs declined to take it.

Most if not all of the errors found independently by Mr. Trende before his deposition were discussed during his deposition by plaintiffs' counsel.

The exhibit regarding Virginia turnout statistics is from publically available sources which can be confirmed by plaintiffs' experts.

Seven hours of direct examination after plaintiffs were offered the corrections page, none of the plaintiffs lawyers asked for additional time following my very brief examination of Mr. Trende to cross examine him on either exhibit.

The parties are under other deadlines for other depositions and briefing.

Under these circumstances we decline to make Mr. Trende available for a second deposition at this time.

Tom

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**From:** Dale Ho [mailto:dale.ho@aclu.org]  
**Sent:** Monday, June 09, 2014 2:06 PM  
**To:** Farr, Thomas A.  
**Cc:** Cooper, David (CRT); Allison Riggs; Strach, Phillip J.; Rowe, Stephanie L.; Meza, Catherine (CRT); Anita Earls; astein@tinfulton.com; cbrook@acluofnc.org; ddonovan@kirkland.com; dlieberman@advancementproject.org; ijoyner@ncceu.edu; Julie Ebenstein; kimberly.knudson@kirkland.com; Laughlin McDonald; phair@advancementproject.org; tyannucci@kirkland.com; winn.allen@kirkland.com; djudge@advancementproject.org; jodi.wu@kirkland.com; uzoma.nkwonta@kirkland.com; Russ, John (CRT); Fisher, Spencer (CRT); Ryan, Elizabeth (CRT); Beck, Gill (USANCW);

Pocklington, Amy M.; Butch@butchbowers.com; Stephens, Bob; apeters@ncdoj.gov; Lange, Michelle A.

**Subject:** Trende Deposition

Tom,

At Friday's deposition, without any prior notice, you introduced two new documents authored by Mr. Trende, a "Supplement to Declaration of Sean P. Trende" and a "Figure 16" to Mr. Trende's Declaration. You provided no explanation for why these documents were not provided earlier to plaintiffs, other than that Mr. Trende wished to correct a number of errors in his report identified in Dr. Gronke's sur-rebuttal report.

You have been in possession of Dr. Gronke's sur-rebuttal report since May 2, over one month ago. Moreover, Figure 16 is wholly unrelated to the aforementioned errors by Mr. Trende. We object to the introduction of these two documents as improper under the Court's scheduling order requiring Defendants to disclose all expert reports by April 25, 2014. The order set forth no exceptions to that deadline, or provisions regarding supplemental materials – certainly not more than one month after Plaintiffs' sur-rebuttal reports.

To the extent that you seek to rely on these supplemental materials, we request that Mr. Trende be made available for deposition concerning these documents. Your offer to permit plaintiffs to question Mr. Trende regarding these documents during the deposition, without permitting plaintiffs an adequate opportunity to examine them first, was clearly insufficient.

We therefore request that Mr. Trende be made available during the week of June 23 for a deposition regarding these documents. Given that the costs associated with a second deposition are attributable entirely to Defendants' dilatory conduct, we request that the deposition take place in Washington, D.C., where a majority of counsel will be located during that week.

Please provide your response to this email by the end of the day tomorrow, June 10.

Regards,

**Dale Ho**

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