

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

- - -

UNITED STATES OF AMERICA, : **CASE NO. 1:20-CR-0077**
 :
Plaintiff, : **JURY TRIAL, DAY 6**
vs. :
 : **3rd of February, 2023**
LARRY HOUSEHOLDER, et al. :
 :
Defendant. :

- - -

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE TIMOTHY S. BLACK, JUDGE

- - -

APPEARANCES:

For the Plaintiff:

Emily N. Glatfelter, Esq.
Matthew Charles Singer, Esq.
Megan Gaffney Painter, Esq.
Assistant United States Attorneys
221 East Fourth Street, Suite 400
Cincinnati, Ohio 45202

For the Defendant, Larry Householder:

Nicholas R. Oleski, Esq.
Robert T. Glickman, Esq.
McCarthy, Lebit, Crystal & Liffman Co.
1111 Superior Avenue East, Suite 2700
Cleveland, Ohio 44114
and
Mark B. Marein, Esq.
Steven L. Bradley, Esq.
Marien and Bradley
526 Superior Avenue, Suite 222
Cleveland, Ohio 44114

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

For the Defendant, Matthew Borges:

Karl Herbert Schneider, Esq.
Todd Aaron Long, Esq.
McNees Wallace & Nurick, LLC
21 East State Street, Suite 1700
Columbus, Ohio 43215

Also present:

Larry Householder
Matthew Borges
Blane Wetzell, FBI Special Agent
Kelly Terry, paralegal
PJ Jensen, trial tech

Law Clerk:

Cristina V. Frankian, Esq.

Courtroom Deputy:

Rebecca Santoro

Stenographer:

Lisa Conley Yungblut, RDR, RMR, CRR, CRC
United States District Court
100 East Fifth Street
Cincinnati, Ohio 45202

PROCEEDINGS

(Proceedings held in open court at 9:28 a.m.)

THE DEPUTY: All rise. This United States District Court for the Southern District of Ohio is now in session, The Honorable Timothy S. Black, District Judge, presiding.

THE COURT: Thank you. Please be seated. Good morning. Back on the open record in the open courtroom. Jury awaits us. Are we ready for the jury from the government's perspective?

MS. GLATFELTER: Yes, Your Honor. Thank you.

THE COURT: And Mr. Householder's?

MR. GLICKMAN: Yes, Judge.

THE COURT: And Mr. Borges?

MR. SCHNEIDER: Yes.

THE COURT: All right. Let's call for the jury.

THE DEPUTY: All rise for the jury.

(Jury entered the courtroom at 9:29 a.m.)

THE COURT: Jurors can be seated as they join us. All right. You may all be seated. Good morning to the Members of the Jury. Thank you for being timely. Let the record reflect it's 9:30 on the button. Happy Friday. The Court and the community and the parties appreciate the work you're doing. We are going to continue to hear testimony from the witness who has been on the stand. The government would call for him and we will proceed.

1 **Q** And can you remind us who Dave Griffing and Jason Mauk
2 are?

3 **A** Yes. Dave Griffing is government affairs executive at
4 FirstEnergy Solutions. And I believe he's Mr. Cespedes'
5 direct supervisor in that regard. And then Jason Mauk is
6 someone that was hired by a FirstEnergy Solutions to lobby
7 specifically the Ohio Senate. He was brought in for his
8 expertise in that realm.

9 MS. GLATFELTER: And, Ms. Terry, if we may see the
10 message. Thank you.

11 **Q** Okay. Agent Wetzels, as we were proceeding yesterday,
12 I'll read the green boxes and you can read the blue boxes,
13 okay?

14 **A** Yes, ma'am.

15 **Q** Juan Cespedes: Speaker and Kiani spoke this morning.
16 The conversation went well. Speaker was very reassuring and
17 said 8/1 is it the worst case scenario. We will have a
18 better sense of true date by Friday.

19 **A** Dave Griffing. Picking him up now. Dave Griffing:
20 Will have him in my car so watch your texts.

21 **Q** Now, we've been talking about phone records throughout
22 your testimony, and did you obtain phone records that showed
23 phone messages or phone contacts between Kiani -- I'm sorry,
24 John Kiani and Larry Householder?

25 **A** Yes, ma'am, I did.

1 MS. GLATFELTER: So, first, Your Honor, if we could
2 publish what's been admitted as 700 A?

3 THE COURT: Yes.

4 **Q** Agent Wetzel, we've talked about this chart before us.
5 Can you explain what it is or briefly remind us what this
6 is?

7 **A** Yes. This is a chart, it contains phone numbers along
8 with a user and then the source of that data. So the
9 left-most column is the phone number in question. Middle
10 column is who's using that phone number. And then the
11 right-most column is essentially the source of that data
12 from the exhibits.

13 **Q** And because we're starting fresh today and to make
14 sure that we're all -- we all remember the numbers, can you
15 circle Larry Householder's number so we see that on the
16 chart?

17 **A** (Witness writing.)

18 **Q** Thank you, Agent Wetzel.

19 And do you see a number for John Kiani listed on this
20 chart?

21 **A** Yes, ma'am.

22 **Q** Can you circle that for us?

23 **A** (Witness writing.)

24 **Q** Based on your investigation, what sources did you use
25 to associate John Kiani's number, that number with John

1 Kiani as the user? Excuse me.

2 **A** That number along with that user appear in the phone
3 contacts of both Mr. Householder and Mr. Borges.

4 **Q** And is that what is indicated in the third column of
5 this chart?

6 **A** Yes, ma'am, it is.

7 MS. GLATFELTER: Your Honor, if we may please
8 publish what has been admitted as 716 B?

9 THE COURT: Yes.

10 **Q** Agent Wetzel, briefly, what is agent -- I'm sorry,
11 what is Exhibit 716 B?

12 **A** So these are the phone records as we received them
13 from AT&T and we've talked about a few of these. There are
14 different columns that indicate different sort of data about
15 the phone contact.

16 MS. GLATFELTER: Your Honor, permission to publish
17 the exhibit we were looking on the left side of the screen
18 with this exhibit on the right side, please?

19 THE COURT: Yes.

20 MS. GLATFELTER: Thank you. And, Ms. Terry, the
21 exhibit on the right side, if we could go to page 12. Thank
22 you.

23 **Q** Agent Wetzel, during your investigation, did you work
24 on correlating certain messages with phone records to
25 determine if there was indeed contact on a certain day?

1 **A** Yes, I did.

2 **Q** And were you able to find phone contact on this
3 particular day?

4 **A** Yes, I was.

5 **Q** Okay. And can you circle that phone contact on the
6 right, please, on the right side exhibit, which is 716 B?

7 **A** (Witness writing.)

8 **Q** Okay. And just to remind us about the time stamp on
9 different records, the time stamp on records on the right on
10 the device extraction reports are in what -- how are they
11 denoted, I guess?

12 **A** So on the left, you'll see next to the time stamp in
13 the bottom right where you see and a date and a time, those
14 are listed as UTC minus 4, which is Eastern Standard Time or
15 the time in Ohio. AT&T's records are provided and you can
16 see in the second column on conn date time, which is the
17 connection date and time, under there it lists UTC, which
18 means that's the Universal Time Code, there's a conversion
19 in time required of four hours in order to get to the
20 correct time for Ohio.

21 **Q** So if we were to put these exhibits in the same time
22 zone, what would the time records be for -- or what would
23 the time stamp be on the AT&T records for the phone contact?

24 **A** So you would subtract four hours from the AT&T time to
25 arrive at the correct time.

1 Q Okay. So in this particular case, it would be what?

2 A It would be 7:00 and then the number of minutes.

3 Q Okay. So --

4 A 7:21 and 7:31, respectively.

5 Q So on the left hand and just walking the jury through
6 how you were able to assess these records, so on the message
7 on the left when Mr. Cespedes writes "Speaker and Kiani
8 spoke this morning," were you able to correlate that with a
9 phone record?

10 A Yes, that's correct. So this message on the left
11 occurs at about 8:30 and as we were discussing the phone
12 contact is noted in the AT&T record happens about an hour
13 before that.

14 Q Okay.

15 MS. GLATFELTER: Your Honor, may we please publish
16 432 which has been admitted?

17 THE COURT: Yes.

18 Q Okay. Agent Wetzel, can you describe what 432 H is?

19 A Yes. This is another text conversation. This
20 conversation is between John Kiani at that 1932 number we
21 were just looking at and Juan Cespedes and it's recovered
22 from Mr. Cespedes' iPhone.

23 MS. GLATFELTER: Ms. Terry, if we can see the
24 message.

25 Q Okay. If we can proceed by reading them as we have

1 before.

2 **A** John Kiani: Anything new, please? TY.

3 **Q** Juan Cespedes: Nothing new, we will talk to the whip
4 this evening after you land. He is still working the phones
5 and doesn't feel comfortable speculating on date yet.

6 **A** John Kiani: I'm going to guess Monday, 7/29.

7 **Q** Juan Cespedes: I'm pushing hard for sooner.

8 **A** John Kiani: What's your best guess?

9 **Q** Juan Cespedes: I don't have one, I need to manage
10 expectations on this. I am being very aggressive, you gave
11 me a good idea on the last call.

12 **A** John Kiani: What was the idea?

13 **Q** Juan Cespedes: I can't tell you yet. Juan Cespedes:
14 Speaker made me swear on it.

15 **A** John Kiani: LOL. John Kiani: Please tell me.
16 That's torture.

17 MS. GLATFELTER: Now, if we can publish, Your
18 Honor, 432 I, which has been admitted?

19 THE COURT: Yes.

20 **Q** Agent Wetzel, do you recognize 432 I?

21 **A** Yes. This is another text message conversation
22 between John Kiani at the number we've been discussing and
23 Juan Cespedes, and this was also recovered from Juan's
24 iPhone.

25 **Q** Okay. And in terms of dates of significance during

1 your investigation, what is the date of this message?

2 **A** This is July 25th, 2019, which is the day that House
3 Bill 6 passes that we discussed yesterday.

4 **Q** Okay. Mr. Cespedes, we have a 9 Apple call with the
5 Speaker. Cool? EST?

6 **A** John Kiani: Yes, great.

7 **Q** Juan Cespedes: Remember, we are going to try to dial
8 the Speaker in 13 minutes or 13 min.

9 **A** John Kiani: Letter Y. And then John Kiani: I will
10 call you from landline.

11 **Q** Okay. And these last messages occurred on what date?

12 **A** 7/24.

13 **Q** Okay. So if we go back to the beginning, I just want
14 to make sure we have this in context. If we go back to the
15 beginning of the message, you said that was the date HB 6
16 passed or the final vote?

17 **A** The 23rd, the first two messages.

18 **Q** Right. And what time of day?

19 **A** This is at 8:24 p.m.

20 **Q** Okay. So was this before or after the House Bill 6
21 vote?

22 **A** This would have been -- well, so that -- the first
23 couple of messages were after, and then obviously the later
24 messages which are the following day were also after.

25 **Q** Okay. And did you try to correlate this -- these

1 particular messages with phone records as well?

2 **A** Yes, ma'am.

3 MS. GLATFELTER: And, Your Honor, while keeping
4 this message up on the screen on the left, if we could go
5 ahead and publish 700 A, which has been admitted?

6 THE COURT: Yes.

7 **Q** Agent Wetzel, is 700 A the chart we were looking at a
8 few minutes ago for phone numbers?

9 **A** Yes, it was.

10 **Q** Do you see a phone number on this chart for
11 Mr. Cespedes?

12 **A** Yes, I do. It's the third one down. It ends in 5826.

13 **Q** Okay. And can you circle that for us, please?

14 **A** (Witness writing.)

15 **Q** And how were you able to associate Mr. Cespedes' phone
16 number with him?

17 **A** There's a phone contact for him in Mr. Householder's
18 phone, and then also the extraction of Mr. Cespedes' phone
19 that we took from him indicated that was also the number on
20 the phone.

21 MS. GLATFELTER: And Your Honor, while keeping 432
22 I up on the left side of the screen, can we publish 416 B
23 which has been admitted?

24 THE COURT: Yes.

25 MS. GLATFELTER: Ms. Terry, if we go to page 16 of

1 this exhibit.

2 **Q** Okay. Agent Wetzel -- I'm sorry.

3 MS. GLATFELTER: Ms. Terry, could we go to the
4 second page of 432 I. That one is correct but on the
5 left-hand side of the screen. Thank you.

6 **Q** Okay. Agent Wetzel, were you able to correlate any of
7 the phone contacts from Mr. Householder's records with the
8 messages on the left?

9 **A** Yes.

10 **Q** Okay. And can you draw a circle around those messages
11 or those phone contacts that you were able to correlate?

12 **A** Let me see. It will just take me one second. Forgive
13 me.

14 **Q** We might need to blow or --

15 **A** Sorry, I'm having trouble reading it. I apologize.

16 **Q** If we could expand the bottom of the records there.
17 Thank you, Ms. Terry.

18 THE WITNESS: (Witness writing.)

19 **Q** Okay. And how does -- how does the circle that you
20 drew correlate with the messages that we were reading on the
21 left-hand side of the screen, Government Exhibit 732 I?

22 **A** Yeah. So again, there's that time conversion we were
23 talking about, and so the call was meant to be at 9 and
24 since we're transitioning into UTC, there's a four-hour
25 change. So what we're looking for is 1, which is 13 in UTC

1 time, and so there we see at 13:02, there is a phone contact
2 with Mr. Householder's phone, that 2500 number that we've
3 been discussing.

4 **Q** Okay. In terms of the significance of that date for
5 your investigation, so what happened the day before this
6 call?

7 **A** House Bill 6 passed.

8 **Q** Okay. And then this particular call that you circled
9 occurred when?

10 **A** The day following.

11 **Q** In the morning?

12 **A** Yes, that's correct.

13 **Q** Okay. Thank you, Agent Wetzel.

14 MS. GLATFELTER: Your Honor, may we publish 432 J,
15 which has been admitted?

16 THE COURT: Yes.

17 **Q** Okay. Agent Wetzel, do you recognize Government's
18 Exhibit 432 J?

19 **A** Yes, I do. This is another text message conversation.
20 It is between Jeff Longstreth and Juan Cespedes, and it was
21 extracted from Mr. Cespedes' iPhone.

22 **Q** Okay. And, Agent Wetzel, what are the dates of these
23 messages?

24 **A** This is March 16th, 2019.

25 **Q** So we're jumping back in time a little bit from the

1 previous message?

2 **A** Yes, ma'am, several months.

3 **Q** Okay. And can you date this in terms of the
4 introduction of House Bill 6?

5 **A** This is before the introduction.

6 **Q** All right. The message, the first message on the top
7 of the screen, who is that from?

8 **A** Jeff Longstreth.

9 **Q** And the message below that?

10 **A** Jeff Longstreth as well.

11 **Q** And if we can go ahead and start there.

12 **A** Jeff Longstreth: Siderewicz funded the primary
13 campaign against LH. This is a major battle.

14 MS. GLATFELTER: And if we can go to the next page,
15 Ms. Terry.

16 **Q** Juan Cespedes: Yes, I'm aware. Thank you for sharing
17 this.

18 **A** Jeff Longstreth: He's probably coming at LH again.

19 **Q** Juan Cespedes: There's no doubt. If you notice any
20 other political touches on our issue, please keep us
21 updated. Bill is no friend of ours.

22 Juan Cespedes: Just a reminder, ABT today's MTG. John
23 Kiani is the new board member and John Judge is the new CEO
24 of FES. If Speaker could direct some good remarks, ABT my
25 working relationship with him and the OFC towards Kiani, it

1 would help me and prevent any further drama.

2 Juan Cespedes: John Kiani is the most important person
3 in the room. He is the power broker/board member who raised
4 the capital for the deal.

5 MS. GLATFELTER: If we could go to the next page,
6 Ms. Terry.

7 **Q** Juan Cespedes, I also have that potential candidate
8 calling Megan to schedule an MTG with you. His name is Jeff
9 LaRe. Thanks.

10 **A** After that, there's a blank message. And then Jeff
11 Longstreth: Did he say something nice?

12 **Q** Juan Cespedes: Yeah, man, he let them know I am doing
13 a good job. It is much appreciated. Means more than you
14 know.

15 **A** Jeff Longstreth: Good. We had lunch yesterday and I
16 gave him the heads-up. I then sent him the following text
17 this morning. Quote, just a reminder about today's MTG,
18 John Kiani is the new board member and John Judge is new CEO
19 of FES. If he could direct some good remarks about Juan
20 towards Kiani, it would help him prevent any further drama,
21 close quote.

22 **Q** Juan Cespedes: That is really awesome. UR org is
23 running very fluid right now. Wish everyone else had their
24 stuff together like you guys.

25 **A** Jeff Longstreth: That's great to hear. Thanks.

1 **Q** All right. Agent Wetzel, if we could pivot at this
2 point, we've been talking about Mr. Householder. Did you
3 recover any evidence regarding Matt Borges' role during the
4 time House Bill 6 was pending before the legislature?

5 **A** Yes, ma'am, I did.

6 MS. GLATFELTER: Your Honor, permission to publish
7 what has been admitted as Government's Exhibit 441 A?

8 THE COURT: Yes.

9 MS. GLATFELTER: Thank you, Your Honor.

10 **Q** All right. Agent Wetzel, do you recognize
11 Government's 441 A?

12 **A** Yes. This is a text message conversation between
13 Matthew Borges and Juan Cespedes. It was also recovered
14 from Mr. Cespedes' iPhone.

15 MS. GLATFELTER: And, Ms. Terry, if we can see the
16 message. Thank you.

17 **Q** Agent Wetzel, what are the date of these messages?

18 **A** This is -- the first message is January 15th, 2019.

19 **Q** Okay. And what happened in January of 2019?

20 **A** Mr. Householder became Speaker of the Ohio House.

21 **Q** And when did that occur in relation to this message?

22 **A** Approximately a week before. I believe yesterday that
23 we talked about that happening on the 7th, so this was about
24 eight days later.

25 **Q** All right. Let's go ahead and read this message like

1 we have the others. Juan Cespedes: Can we get together
2 next week at UR convenience? Just want to catch up on some
3 political stuff and provide FES update.

4 **A** Matthew Borges, yes, for sure, here all week.

5 **Q** Juan Cespedes: Be great if we could aim for Thursday.
6 I can pop up by UR office or we can grab coffee? Fine
7 either way.

8 **A** Yep, both work. What time is good for you? And
9 another message from Matthew Borges: Alex works on this
10 project W me, so if you're comfortable with it, I'll ask him
11 to join so office would probably be best for us. Thanks.

12 **Q** Juan Cespedes: I would suggest we meet in your office
13 for 15 minutes to talk politics and then we can bring him in
14 for the FES portion. I am free outside of a 10:00 a.m. We
15 could do 9 or anytime after 10:15.

16 **A** Matthew Borges: Let's do after 10:15! LOL. You're
17 talking about next Thursday 1/24, right? 10:30?

18 **Q** Juan Cespedes: Yeah, the 24th. I fucked up, I mean I
19 am not free from 10 to 11. Juan Cespedes: Otherwise, good.

20 **A** Matthew Borges: I'll mark it down for 11.

21 **Q** Thanks. I'll be there.

22 Agent Wetzel, did you find other messages regarding
23 Mr. Borges and his role with Juan Cespedes and House Bill 6?

24 **A** Yes, I did.

25 MS. GLATFELTER: Permission to publish 436 A, which

1 has been admitted?

2 THE COURT: Yes.

3 Q Agent Wetzel, do you recognize 436 A?

4 A Yes. This is a text message conversation between
5 Matthew Borges and Scooter. This message was extracted from
6 Mr. Borges' iPhone.

7 Q Okay. And based on your review of the investigation
8 and contacts, were you able to determine who Scooter is?

9 A Yes. Scooter is Alex Thomas. When we do a cell phone
10 extraction, the names that you're seeing at the top are what
11 the phone understands them to be based on the contacts, and
12 so if you enter a contact and name it says "Scooter" versus
13 the individual's name, that's how it would appear. There's
14 no outside information added. It's all from the phone.

15 Q Okay. And is Alex a name that was in the previous
16 message that we just saw?

17 A Yes, it was.

18 MS. GLATFELTER: All right. Ms. Terry, we'll
19 continue with the message and read them as we have in the
20 past.

21 Q Matt Borges: We just got hired by FES on the lobbying
22 side. Will fill you in tomorrow.

23 A Scooter: Liked. We just got hired by FES on the
24 lobbying side. Will fill you in tomorrow.

25 MS. GLATFELTER: Your Honor, if we may publish 441

1 B, which has been admitted?

2 THE COURT: Yes.

3 Q Agent Wetzel, do you recognize 441 B?

4 A Yes. This is a text message conversation between Juan
5 Cespedes and Matthew Borges, and it was extracted from
6 Mr. Cespedes' iPhone.

7 Q A previous message came from Mr. Borges' phone?

8 A Correct.

9 Q Okay. If we can go ahead and read this message, but
10 first let me ask you about the date, the dates of the
11 messages; do you see those?

12 A Yes. These are listed as April 4th, 2019.

13 Q Okay. And what of any significance happened in April
14 of 2019 in terms of your investigation?

15 A In April, House Bill 6 was introduced. I believe it
16 was shortly after this date.

17 Q Juan Cespedes, there are -- these are our immediate
18 targets. Would like to assign these individuals to
19 consultants. Please advise on if you have any unique
20 relationships or suggestions based on those involved.
21 There's an attachment of a spreadsheet. Juan Cespedes, I
22 will also e-mail.

23 A Matthew Borges: Got it, looking at it now.

24 Q Juan Cespedes: We are looking at introduction for
25 next Tuesday. FES has concerns ABT how vague the current

1 language is so we are working on revision now. We are going
2 to need to add language to bill in subcommittee.

3 All right. Let's pause there for a moment. You said
4 the date of this was before House Bill 6 was introduced?

5 **A** Yes, that's correct.

6 **Q** And were you able to recover an attachment to this
7 spreadsheet -- I'm sorry, to this message?

8 **A** Yes, and it was a spreadsheet.

9 MS. GLATFELTER: If we can go to the attachment,
10 Your Honor, which I believe is 441 C, which has been
11 admitted as well?

12 THE COURT: Yes.

13 **Q** Agent Wetzel, do you recognize Government's
14 Exhibit 441 C?

15 **A** I do. This is the spreadsheet we were discussing.

16 **Q** Okay.

17 MS. GLATFELTER: And, Ms. Terry, if we can scroll
18 to page 2.

19 **Q** Do you recognize any of the names on this spreadsheet?

20 **A** Yes. These are representatives. Some of them are
21 ones that we've been discussing as members of Team
22 Householder. Others are not.

23 **Q** Okay. And, Agent Wetzel --

24 MS. GLATFELTER: So if we go to the bottom of this
25 spreadsheet, Ms. Terry, and so we can have Agent Wetzel look

1 at the full spreadsheet.

2 **Q** Agent Wetzel, do you recognize those names as people
3 who would have been in the legislature in 2019?

4 **A** Yes. Most of them were. There's also a listing as
5 you see on the page here of Pat Tully. He works for the
6 legislature, he's not a member. But they're all people that
7 were affiliated with the legislative process at that time.

8 **Q** Okay. And do you see at the very top of the
9 spreadsheet, though, it has a date 12/22/2022?

10 **A** I do.

11 **Q** Does that date correspond to the date of this
12 spreadsheet?

13 **A** It does not.

14 **Q** And how did that date occur at the top?

15 **A** So depending upon if you fill in a spreadsheet using
16 Microsoft, sometimes you can fill in like a date like and
17 you tell it put whatever date you're opening the file as
18 listed at the top, so, you know, it appears current, so this
19 is just the date that this particular PDF was made.

20 **Q** The date that you -- that someone pulled it from the
21 device extraction report that you got it from?

22 **A** Yes, ma'am. That's a better way to say it. It's the
23 day that we pulled it from the device, and so Microsoft
24 automatically filled in that day.

25 **Q** And in terms of that date, in preparation for trial

1 and making exhibits?

2 **A** Yes, ma'am.

3 **Q** Okay. Thank you.

4 MS. GLATFELTER: If we can go, Your Honor, to
5 Exhibit 441 C -- sorry, we just did that one. 437 A, which
6 has been admitted?

7 THE COURT: Yes.

8 **Q** Agent Wetzel, did you recover other messages about
9 Mr. Borges' role with House Bill 6?

10 **A** Yes, I did.

11 **Q** Is this one of those messages?

12 **A** It is.

13 **Q** Okay. And can you identify the parties to the
14 message?

15 **A** Yes. This is a message between Matthew Borges or a
16 series of messages I should say between Matthew Borges and
17 Juan Cespedes, and it was recovered from Mr. Cespedes'
18 iPhone.

19 **Q** All right. And the date of these messages?

20 **A** They begin on April 12, 2019.

21 **Q** And is there any significance to that particular date
22 in terms of your investigation?

23 **A** Yes. That's the day that House Bill 6 is introduced.

24 **Q** All right. Let's go ahead and read this text message
25 as we've done the others. Juan Cespedes: Griffing gave me

1 green light to on board you fully. Davis probably going to
2 take another week or so. I communicated it with him. We
3 should probably do a quick call this afternoon and plan to
4 have a broader convo on Monday regarding your team.

5 **A** Matthew Borges: Okay, great. In a board meeting all
6 morning. Let's touch base this afternoon.

7 **Q** Juan Cespedes, liked: Okay. Great. In a board
8 meeting all morning, let's touch base this afternoon.

9 If we could -- do you see below this message that we
10 just read, there's a PDF?

11 **A** Yes.

12 **Q** Okay. And did you recover the PDF when you extracted
13 the -- extracted the information from this device?

14 **A** Yes, I did.

15 MS. GLATFELTER: Your Honor, if we may publish 437
16 B, which is the attachment and it's already admitted?

17 THE COURT: Yes.

18 **Q** Okay. And do you recognize this?

19 **A** Yes. This is the as-introduced version of House Bill
20 6 that we looked at yesterday.

21 MS. GLATFELTER: Your Honor, permission to publish
22 443, which has been admitted?

23 THE COURT: Yes.

24 **Q** Agent Wetzel, do you recognize Government's 443?

25 **A** Yes, I do.

1 **Q** Can you explain what it is?

2 **A** Yes. This is actually something that is pulled from
3 the JLEC website, which is the Joint Legislative Ethics
4 Committee. As you see on the top left, there's the date.
5 It's similar to the other date we were just talking about.
6 This is the day that this one was pulled off the website.
7 And so what you see here is a lobbying registration for
8 Matthew Borges. These are publicly available on this
9 website. So when you register to be a lobbyist in Ohio, if
10 you're going to lobby the state government, you're required
11 to register and that registration is made public.

12 MS. GLATFELTER: Okay. And Ms. Terry, if we could
13 zoom in on the top part of that document?

14 **Q** All right. And so who is the filer in this case?

15 **A** The agent is listed as Matthew Borges.

16 **Q** And do you see the date which this was filed?

17 **A** Yes. The file date listed is the 20th of May, 2019.

18 **Q** Okay. And who is the employer for Mr. Borges?

19 **A** FirstEnergy Solutions.

20 **Q** And do you recognize any of the names at the bottom as
21 people we've talked about today?

22 **A** Yes. The contact person at the employer is listed as
23 Dave Griffing, and then it lists an e-mail and a phone
24 number for Mr. Griffing.

25 **Q** Okay. And what e-mail does it list?

1 **A** Griffingdl@firstenergycorp.com.

2 MS. GLATFELTER: Okay. Your Honor, may we publish
3 437 C, which has been admitted?

4 THE COURT: Yes.

5 **Q** Agent Wetzel, do you recognize Government's
6 Exhibit 437 C?

7 **A** Yes, I do. This is a text message conversation
8 between Ms. Lori Herf and Mr. Juan Cespedes, and it was
9 recovered from Mr. Cespedes' iPhone.

10 **Q** Were you able to identify somebody named Lori Herf?

11 **A** Yes. I believe we mentioned her yesterday briefly.
12 She was a lobbyist working with Mr. Cespedes on behalf of
13 FirstEnergy Solutions.

14 MS. GLATFELTER: Okay. And, Ms. Terry, if we can
15 read the bottom of the messages.

16 **Q** And, first, let's start with the date, Agent Wetzel?

17 **A** This is the first message is from April 19th, 2019,
18 from Lori Herf, who did we add to our team?

19 **Q** Juan Cespedes: Dave is referring to Borges and
20 Roetzel being moved to our side. We are also in the process
21 of adding Matt Davis, but not official.

22 Juan Cespedes: This text was sitting in my phone,
23 forgot to hit send.

24 Okay. Juan Cespedes: We will be able to utilize
25 Roetzel resources to do MTGS going forward and Borges will

1 take a more active role -- will take more active role.

2 **A** Lori Herf: Oh, I didn't know Borges moved over.

3 Let's put together a call to dole out some of these meetings
4 and also to get an approved set of handouts to put in a
5 packet for some of these members who know nothing about this
6 issue.

7 She sends another message: I don't honk I know Matt
8 Davis. Is he with Roetzel?

9 **Q** Matt has his own firm, DSD advisors. We will get a
10 call next week if additions became official to split up
11 responsibilities.

12 All right. And, Agent Wetzel, did you recover
13 additional messages regarding Matt Borges' role?

14 **A** Yes, ma'am, I did.

15 MS. GLATFELTER: Your Honor, if we may publish 442
16 A, which has been admitted?

17 THE COURT: Yes.

18 **Q** And do you recognize 442 A, Agent Wetzel?

19 **A** Yes. This is a text message conversation between
20 Matthew Borges and Jen Lynch, and it was recovered from
21 Mr. Borges' iPhone.

22 MS. GLATFELTER: All right. Ms. Terry, if we can
23 just highlight -- I'll ask Agent Wetzel, are you able to see
24 the dates on the messages on the first page.

25 **A** Yes. These are November 17th of 2017.

1 MS. GLATFELTER: Okay. So if we could go to the
2 second page.

3 Q All right. And towards the bottom there, do you see
4 messages that start in 2019?

5 A I do.

6 Q Okay. If we can use the bottom two messages, Ms.
7 Terry.

8 A Jen Lynch: Are you still doing HB 6?

9 Q Matt Borges: Yes. I hate this issue, but yes.

10 A Jen Lynch: Yep.

11 Q Matt Borges attaches an attachment -- or attaches an
12 article or a link that says <http://www.cleveland.com>,
13 opinion 209 -- 201904, FirstEnergy supposed green new deal
14 to bail out nuclear plant is really just a political deal
15 Thomas-suddes HTML. Matt Borges: Not wrong.

16 Agent Wetzel, did you recover other messages regarding
17 Mr. Borges' role?

18 A Yes, I did.

19 Q Okay. If you can -- if we may turn to 442 E, Your
20 Honor, which has been admitted?

21 THE COURT: Yes.

22 Q All right. Agent Wetzel, do you recognize
23 Government's Exhibit 442 E?

24 A Yes. This is a text message conversation between Matt
25 Borges and Melissa Hoeffel and it was recovered from

1 Mr. Borges' iPhone.

2 MS. GLATFELTER: Ms. Terry, if we may proceed to
3 the message. Thank you.

4 **Q** Go ahead, Agent Wetzel.

5 **A** From Melissa Hoeffel: Hi. Any intel on the HB 6 sub
6 bill?

7 **Q** Matt Borges: Voting out on Thursday -- I'm sorry,
8 voting out on Thurs?

9 **A** Melissa Hoeffel: Any idea what's in it?

10 **Q** Matt Borges: Working on that.

11 **A** Melissa Hoeffel liked working on that Melissa Hoeffel,
12 think it goes in the budget?

13 **Q** Matt Borges: FES' CEO is in our offices this morning.
14 I'm meeting W them this afternoon and will report back on
15 what's going on.

16 **A** Melissa Hoeffel, got it Melissa Hoeffel, how was the
17 meeting with April and the Speaker?

18 **Q** Matt Borges: Fine. We're in health committee now
19 waiting to testify.

20 Matt Borges: Householder making concessions on wind
21 and commercial user concerns, paren, (not industrials)
22 parentheses, will maybe make some tweaks to efficiency
23 language but not standards. Dem planning to oppose in mass
24 because of the RPS. Leland says LH must have the votes to
25 pass it from within his caucus because Dems haven't been

1 approached about any input or deals.

2 MS. GLATFELTER: Your Honor, may we publish 442 D,
3 which has been admitted?

4 THE COURT: Yes.

5 **Q** All right. Agent Wetzel, do you recognize what 442 D
6 is?

7 **A** Yes. This is a group message with a number of
8 individuals on it. Pictured in the blow-out that has been
9 circled, there's Juan Cespedes, Dave Griffing, Matthew
10 Borges. And this came from Mr. Borges' iPhone.

11 MS. GLATFELTER: If we can zoom out there and look
12 at the second page, Ms. Terry.

13 **Q** Agent Wetzel, what is the date of this message?

14 **A** It's May 29, 2019.

15 **Q** And what, if any, significance is that date to your
16 investigation?

17 **A** That's the day that House Bill 6 passed the House of
18 Representatives.

19 **Q** Okay. And do you see that tiny image there in the
20 first box?

21 **A** Yes. That's an attachment. It's a photograph that
22 was sent to the group by Scooter, who we discussed is Alex
23 Thomas.

24 **Q** I know that image is small, but do you recognize what
25 the image is of based on your own personal knowledge?

1 **A** Yes. That's a photograph of the board. We talked a
2 little bit about the board yesterday. This is where the
3 votes are depicted, green for yes, red for no and question
4 yellow for absent.

5 **Q** So Scooter forwards a picture of the vote board?

6 **A** That's correct.

7 **Q** And then what happens next?

8 **A** Another phone number emphasized the image and this is
9 just one of these reactions that we were talking about that
10 you can do with an iPhone, so we emphasize the image.

11 Below that Jason Mauk writes: How did Lanese get away
12 with a new. But anyway I updated the spreadsheet with a
13 final vote column so you can gauge the accuracy of your
14 predictions. You'll note the final yes, (with lienors),
15 number was 53, which is why the final vote stands, so nice
16 work.

17 Below that Jason Mauk sends an attachment.

18 Below that, Matt Davis: Was just thinking that. Also
19 turned out Ginter was a no after all.

20 **Q** And do you recognize the name "Ginter"?

21 **A** Yes. It's one of the representatives in the
22 legislature at that time.

23 **Q** Okay. Dave -- sorry, that's you in blue.

24 **A** Then Scooter writes: Dave Johnson read him the riot
25 act.

1 Q Matt Borges: Couldn't sway Koehler, Greenspan or
2 Carfagna, but my man Rieneke votes yes. Do you recognize
3 those names, Koehler, Greenspan, Carfagna?

4 A Yes. Those are all members of the House of
5 Representatives at that time.

6 Q And are those names that we saw in the publicly
7 available sessions journal that you reviewed with us I think
8 yesterday?

9 A Yes.

10 Q Okay.

11 A And Brian Durdle writes: Hambley-GGalonski 2020.

12 And then Brian Durdle writes: Greenspan is was never
13 going to vote for 6, one reason after another.

14 Then David Griffing writes: I will find a better way
15 to say thank you eventually, but I want to say thank you to
16 this group now.

17 Dave Griffing: Your hard work yielded a success. I
18 appreciate all your efforts. David Griffing: Now, let's
19 stop this chat about the House and move to the Senate, ha
20 ha.

21 Q All right. Matt Borges forwards some links and
22 articles, it appears. And then Matt Borges: Facts better
23 in this one. Matt Borges: Oh, we got Don Manning too.
24 Wondered how that happened.

25 Do you recognize the name "Don Manning"?

1 **A** Yes, it's another representative at that time.

2 Then Matt Davis writes: MB wondering the same for
3 Lipps.

4 And then Ms. Lori Herf writes: I'm surprised we lost
5 Lanese too. Wonder if she loses her leadership spot.

6 And then below that continues: The DDN got Jay Todd
7 Smith wrong in their story. He was a yes and they reported
8 him to be a no.

9 **Q** Do you recognize the name "Jay Todd Smith"?

10 **A** Yes, I do.

11 **Q** Okay. And do you recall our discussion before, I
12 believe it was on Tuesday, regarding Hardworking Ohioans?

13 **A** Yes. Jay Todd Smith was the beneficiary of an ad
14 against Dan Foley, the drunk Dan ad that we viewed that was
15 by that organization.

16 MS. GLATFELTER: Your Honor, may we publish
17 Exhibit 444 C, which has also been admitted into evidence?

18 THE COURT: Yes.

19 **Q** Okay. Agent Wetzels, do you recognize 442 C?

20 **A** Yes. This is another group text message that is
21 between Dana Fietl, Lewis Adkins, Scooter, Madison Whalen,
22 and Matt Borges. This was recovered from Mr. Borges'
23 iPhone.

24 **Q** Okay. And once we enlarge this, we can see the dates
25 of these messages.

1 **A** Yes. This is the same day. It's the May 29th date
2 that House Bill 6 passed the House.

3 **Q** Okay.

4 **A** Lewis Adkins sends an attachment. It's an image.

5 **Q** All right. And do you know who Lewis Adkins is based
6 on your investigation?

7 **A** Yes. He works at Roetzel & Andress.

8 **Q** Matt Borges loved an image. Is that one of -- is that
9 one of the actions you were discussing before that you can
10 take on an iPhone?

11 **A** Yes, that's correct. You can react to messages in
12 certain ways. We talked about a few of them, thumb up,
13 thumbs down, you can also love images.

14 **Q** All right.

15 **A** Lewis Adkins: Banning bitches!

16 **Q** Matt Borges: Our final whip list had 53 yes votes.
17 Now the Senate will stick, dollar sign, one nuclear charge
18 into the budget and see if the House will concur.

19 All right. And, Agent Wetzel, do you recognize the
20 last page of this exhibit?

21 **A** Yes. This is the photograph that was sent.

22 **Q** Okay. And do you recognize the names that are listed
23 on the photograph?

24 **A** Yes, I do. This is the House of Representatives'
25 regular session and this is the sub HB 6, and then this

1 lists the yes and the no votes and also the not voting
2 members.

3 **Q** Okay. I mean, the names on the photograph, do you
4 recognize those names in general?

5 **A** Yes, I do.

6 **Q** And what are they?

7 **A** They're members of the House of Representatives.

8 **Q** Okay. Now, did -- based on the documents that you
9 received, did you find or did you identify further documents
10 that involved Mr. Borges' work as this House Bill 6
11 proceeded through the Senate?

12 **A** Yes, I did.

13 MS. GLATFELTER: Your Honor, if we may publish 441
14 F, which has been admitted?

15 THE COURT: Yes.

16 **Q** Agent Wetzel, do you recognize 441 F?

17 **A** Yes. This is a text message conversation between Juan
18 Cespedes and John Kiani. It was recovered from
19 Mr. Cespedes' iPhone.

20 **Q** And we can read this one like we've been reading the
21 others. Juan Cespedes: I am very focused on the ten year
22 issue. Trust me, I am working it hard as it will be in
23 Senate hands this morning. Once I see how they react, I'll
24 speak to the House ABT best way to move forward.

25 **A** John Kiani: Excellent. John Kiani: Thank you.

1 **Q** Juan Cespedes: Feel free to ring me offline ABT the
2 high level issues at any time. This call is more focused on
3 keeping our consultants accountable and tracking daily
4 progress. BTW, send Schaeffer is the guy you met last week
5 who Matt Borges mentions as flipping to yes, exclamation
6 point.

7 **A** John Kiani: Understood on this call. Will do. Great
8 news on Schaeffer, he seemed open-minded.

9 **Q** Juan Cespedes: Call me offline ABT amendments?

10 **A** John Kiani: Will do. Everything okay?

11 **Q** Juan Cespedes: Yes, just wanted to get through this
12 call quick?

13 **A** John Kiani: Okay.

14 **Q** Agent Wetzel, during this time in June of 2019, did
15 you identify some messages regarding Matt Borges and his
16 role with a governmental official?

17 **A** Yes, I did.

18 **Q** And what government official were those messages
19 about?

20 **A** They were about the Ohio Attorney General.

21 **Q** And Mr. Borges' relationship with him?

22 **A** He had managed his campaign and also had a
23 relationship with him that was ongoing at that time.

24 **Q** And were there messages in regards to House Bill 6 and
25 the Attorney General?

1 **A** Yes, there were.

2 **Q** And what is the Attorney General's name?

3 **A** It is Dave Yost.

4 MS. GLATFELTER: Your Honor, at this time may we
5 publish 451 A, which has been admitted?

6 THE COURT: Yes.

7 **Q** All right. Agent Wetzel, do you recognize 451 A?

8 **A** Yes. This is a text message conversation between
9 Matthew Borges and Juan Cespedes. It was recovered from
10 Mr. Cespedes' iPhone.

11 **Q** All right. And the timing of these messages?

12 **A** This is early June.

13 **Q** Okay. And so how does that relate to the status of
14 House Bill 6?

15 **A** So it passed the House, as we've been discussing, on
16 the 29th of May. So this is just after it passed the House
17 and moved to the Senate.

18 **Q** All right. We'll read this as we have read the past
19 messages. Juan Cespedes, UNC this week?

20 **A** Matthew Borges, yes.

21 **Q** Juan Cespedes, FES is in UR office next three days.
22 Kiani and Judge will have a presence in addition to griff.
23 Make sure to stop by and get some face time at your
24 convenience. Also let me know when free to talk AG. I'm
25 here all week and open outside of FES commitments.

1 **A** Matthew Borges: Are you in the office now? I'm here.

2 **Q** Juan Cespedes: I am not. I have a 1:30 with Speaker
3 I'm preparing for. Griffing should be there soon as he and
4 team have a meeting with Obhof.

5 **A** Yes, I did.

6 MS. GLATFELTER: Your Honor, permission to public
7 451 B, which has been admitted?

8 THE COURT: Yes.

9 **Q** And, Agent Wetzel, do you recognize this exhibit?

10 **A** Yes. This is a text message conversation between
11 Matthew Borges and Juan Cespedes. It was recovered from
12 Juan Cespedes' iPhone.

13 MS. GLATFELTER: Okay. I'd like to start at the
14 bottom and I'd like to start at the top of page 2. All
15 right. And, sorry, next, at the bottom of page 2. I
16 apologize.

17 **Q** Okay. If you can go ahead and start.

18 **A** Matthew Borges: Great question. He has been pretty
19 aggressive, but I'm not sure he's leading it. I have a
20 meeting this morning and will find out.

21 And then later, Matthew Borges: We've hit a snag with
22 the partnership letter, but I'm working through it. Members
23 are complaining and want to see economic vomited impact
24 talking points. We're working with Dewey now to pull some
25 stuff together. Just keeping you posted.

1 Q AEP strikes again?

2 A Matthew Borges: Yeah, Jeff said other members are
3 complaining.

4 Q Juan Cespedes: Probably Bill Byers.

5 Juan Cespedes: I'm convinced that we're going to see
6 no real movement on this bill until the budget is finished.

7 Juan Cespedes: Mauk is doing a really good job but
8 Obhof is a difficult guy.

9 Juan Cespedes: Are you in the office?

10 A Matthew Borges: State House. Where, letter U?

11 Q Okay. Office.

12 A Matthew Borges: Want me to come back over there?

13 Q Juan Cespedes: Yeah, I don't mind. If, asterisk.

14 Juan Cespedes: I'm going to skip the first hour of
15 testimony.

16 Juan Cespedes: You were right ABT referendum. BTW,
17 the initial opinion we received was ABT an initiative,
18 however, we believe that the air quality program will be
19 viewed as an appropriation and the \$1 subsidy will be viewed
20 as a tax, both making it impossible to referendum.

21 A Matthew Borges: Loved you were right ABT referendum
22 BTW the initial opinion we received was ABT an initiative,
23 however, we believe that the air quality program will be
24 viewed as an appropriation and the \$1 subsidy will be viewed
25 as a tax. Both making it impossible to referendum.

1 **Q** Juan Cespedes: I'm going to need to make a decision
2 on whether I lock up ballot signature firms just in case.
3 Think ABT it and let me know.

4 **A** Matthew Borges: We might want to think about going to
5 see Yost engaging his interpretation of the
6 tax/appropriation language.

7 **Q** Juan Cespedes: I think that's a good idea. Let me
8 know how best to facilitate that and what the timing should
9 be. You can OBVI take the lead.

10 **A** Matthew Borges: I'm in DC with him Monday. I'll talk
11 to him then, if not sooner.

12 **Q** Juan Cespedes: Okay, cool. Thanks.

13 All right. Agent Wetzel, did you recover additional
14 text messages regarding this subject matter?

15 **A** Yes, I did.

16 MS. GLATFELTER: Your Honor, permission to publish
17 451 C, which has been admitted into evidence?

18 THE COURT: Yes.

19 **Q** Agent Wetzel, do you recognize 451 C?

20 **A** Yes, I do. This is a text message conversation
21 between Matthew Borges and Juan Cespedes. It was recovered
22 from Juan Cespedes' iPhone.

23 **Q** And in terms of the timing of these messages, when did
24 they occur?

25 **A** This first message is June 26, 2019. This was while

1 HB 6 was in the Ohio Senate.

2 **Q** Okay. Go ahead.

3 **A** Matthew Borges: Had dinner with Yost and put the
4 referendum issue on his radar. He's sympathetic but wants
5 to go back and look at the law to make sure the, quote,
6 referendum proof, quote, language is sound. Also API guys
7 now believe the bill is going to pass so they've moved on to
8 focussing on a ballot measure. They're interviewing
9 consultants. Not sure if they've hired anyone.

10 **Q** Juan Cespedes: When you say "sympathetic,"
11 sympathetic towards us or them? Who would they be
12 interviewing? We need to have the Speaker lean on favorable
13 consultants in the meantime if possible.

14 Juan Cespedes: API guys are more confident than I am.
15 LOL.

16 **A** Matthew Borges: Us, don't repeat this, but he said,
17 quote, I would be out front opposing this if it weren't for
18 FE's support and your involvement, close quote. He thinks
19 the issue is bad policy, but he wants to be supportive. If
20 there's any way the law will allow him to reject the
21 language, he will do it.

22 **Q** All right. And did you recover other messages
23 regarding this topic, Agent Wetzel?

24 **A** Yes, ma'am, I did.

25 MS. GLATFELTER: Your Honor, permission to publish

1 451 D, which has been admitted?

2 THE COURT: Yes.

3 Q Agent Wetzel, do you recognize 451 D?

4 A Yes, ma'am, I do. This is a text conversation between
5 Juan Cespedes and John Kiani. It was recovered from
6 Mr. Cespedes' iPhone.

7 Q Okay. And the date of these messages?

8 A This is June 26, 2019.

9 Q Okay. Similar to the date of the last message?

10 A Yes, ma'am, it is.

11 Q All right. If we can go ahead and read the first two
12 messages.

13 A John Kiani: PLS tell Matt V helpful.

14 Q Juan Cespedes: I will. He is great and campaigns are
15 his sweet spot. Also, nobody is closer to the AG. I am all
16 over this. Let's just continue to tighten this legislation
17 language. Let's talk later tonight.

18 All right. And Agent Wetzel, did you recover other
19 messages about this subject matter?

20 A Yes, ma'am, I did.

21 MS. GLATFELTER: Your Honor, if we could publish
22 451 E, which has been admitted?

23 THE COURT: Yes.

24 Q Agent Wetzel, do you recognize Government's
25 Exhibit 451 E?

1 **A** Yes, ma'am, I do. This is a text message conversation
2 between Matthew Borges and Juan Cespedes. It was recovered
3 from Mr. Cespedes' iPhone.

4 **Q** Okay. So when these messages start, what's the date?

5 **A** This is July 22nd, 2019.

6 **Q** And how does that relate to the HB 6 status?

7 **A** So the bill pass that we discussed happened on the
8 23rd, the following day.

9 **Q** All right. So this is the day before the passage of
10 the final vote?

11 **A** That's correct.

12 MS. GLATFELTER: All right. If we can go ahead and
13 publish this exhibit.

14 **Q** And read it as we've been doing before.

15 **A** Matthew Borges: Yeah, the stupid legislature is
16 really messing with my plans, exclamation point.

17 **Q** Juan Cespedes: They're idiots, going to need you to
18 know referendum strategy as soon as this thing gets passed.

19 **A** Matthew Borges: For sure.

20 **Q** Okay. And do we see a date change here, Agent Wetzel?

21 **A** Yes. The next message is the 23rd, which is the
22 following day.

23 **Q** Okay. And do these take place in the morning or
24 afternoon?

25 **A** The morning.

1 **Q** Juan Cespedes: I cannot wait to be done with that
2 stupid call.

3 Juan Cespedes: Will you make it back today?

4 **A** Matthew Borges: No, I'm not going to be in Columbus.

5 **Q** Juan Cespedes: No worries at all. Just wanted to
6 check. Please continue to get out in front of DY on the
7 referendum stuff.

8 **A** Matthew Borges, the message is blank.

9 Matthew Borges: Let me know when you have 2 seconds.

10 **Q** Juan Cespedes: I'm in the chamber now.

11 Juan Cespedes: They are voting momentarily. Will get
12 to you as soon as possible.

13 **A** Matthew Borges: Yep, no rush. Good luck. Just a
14 message from the Secretary of State on the ballot measure
15 issue.

16 **Q** Juan Cespedes: Okay.

17 Juan Cespedes: Need you on this referendum thing
18 ASAP.

19 Juan Cespedes: Please get to Yost.

20 Juan Cespedes: Let's meet as soon as you get back.

21 Juan Cespedes: I'm going to -- I'm not sure what that
22 is -- Ibiza for a week or so, so you are in charge.

23 **A** Matthew Borges: Yep, no problem. LaRose is expecting
24 us to be publicly supportive of him. Apparently the
25 petitioners are going to call on him to step down from the

1 ballot board, et cetera, because of his quote conflicts,
2 quote. He can be our friend in this process, so let's be
3 prepared to speak up for him.

4 **Q** Juan Cespedes: Set up a meeting with him if
5 necessary. I have autonomy to speak on new CO behalf. We
6 will support him more than anyone.

7 All right. Agent Wetzels, did Generation Now receive
8 money from FirstEnergy accounts while House Bill 6 was
9 pending?

10 **A** Yes, ma'am, it did.

11 **Q** Approximately, how much?

12 **A** Millions of dollars. I don't recall the full amount.
13 I believe it was around 15.

14 **Q** While it was in the legislature?

15 **A** Correct.

16 MS. GLATFELTER: Your Honor, may we publish what's
17 been admitted as Government's Exhibit 15?

18 THE COURT: Yes.

19 **Q** Agent Wetzels, do you recognize the document that is on
20 your screen?

21 **A** Yes, ma'am. This is the chart that we've looked at a
22 few times. This is the money coming from FirstEnergy to the
23 Generation Now bank account ending in 3310.

24 **Q** And can you circle or put a box around the deposits
25 that occurred while House Bill 6 was pending in the

1 legislature?

2 **A** Yes, ma'am. (Witness writing.)

3 **Q** All right. When you said "millions of dollars," were
4 these the deposits that you were referring to?

5 **A** Yes, ma'am.

6 **Q** Okay. And can you read off the denominations there in
7 the amount column for us?

8 **A** Certainly. There's the first transaction is
9 1-and-a-half million dollars. Then another transaction for
10 1-and-a-half million dollars. Then another transaction,
11 it's for \$2-and-a-half million. Then another transaction
12 for \$2-and-a-half million. Then another transaction for
13 \$1-and-a-half million. Then a transaction for \$2 million.
14 Then a transaction for \$1,361,899. Then a transaction for
15 \$2,116,899. And then another transaction for \$1,879,457.

16 **Q** All right. Now, if we can take -- we can remove this
17 box for a moment. All right. When was House Bill 6
18 introduced into the House of Representatives?

19 **A** I believe we discussed it was the 12th of April of
20 2019.

21 **Q** And when does the first deposit in that year from the
22 FirstEnergy accounts occur?

23 **A** The 30th of April.

24 **Q** After the bill was introduced?

25 **A** Correct.

1 Q All right. Now, can you go ahead and draw a box or
2 circle around those deposits that occurred while House Bill
3 6 was pending in the House of Representatives?

4 A (Witness writing.)

5 Q Okay. And, Agent Wetzel, can you give us a rough
6 total of what that is?

7 A Around \$10 million.

8 Q Now, was that amount of money disclosed to the public
9 while House Bill 6 was pending?

10 A No, ma'am. There's no disclosure.

11 Q Well, how were you able to find out that this amount
12 of money was deposited into the Generation Now account?

13 A Through the subpoenas to the bank.

14 Q Okay. And was that the only way that you were able to
15 tell that?

16 A Yes.

17 Q Did Larry Householder disclose the Generation Now
18 money from FirstEnergy from 2017 to 2018 when House Bill 6
19 was pending before the House?

20 A No.

21 Q All right. What about the 2019 money that you've
22 circled here on the chart in front of us?

23 A No.

24 Q And did Generation Now continue to receive money from
25 FirstEnergy while House Bill 6 was also pending in the

1 Senate?

2 **A** Yes, it did.

3 **Q** Was that part of the broader box that you had circled
4 here on Exhibit 15?

5 **A** It was.

6 MS. GLATFELTER: All right. Your Honor, do you
7 want to take a morning break or do you want me to keep
8 going?

9 THE COURT: We're going to go for another 10, if it
10 works for you.

11 MS. GLATFELTER: Sure.

12 **Q** Now, I want to talk about the strategy for passing
13 House Bill 6 in the House of Representatives, okay, Agent
14 Wetzels?

15 **A** Yes, ma'am.

16 **Q** At some point in your investigation, did you learn
17 that Speaker Householder was upset over the heat his team
18 was taking because House Bill 6 was unpopular?

19 **A** Yes, ma'am, I did.

20 **Q** And did you uncover any evidence regarding subsequent
21 actions that were taken to address that issue?

22 **A** Yes, I did.

23 MS. GLATFELTER: Your Honor, permission to publish
24 460 A, which has been admitted into evidence?

25 THE COURT: Yes.

1 Q All right. Agent Wetzel, can you identify 460 A?

2 A Yes. This is a text message conversation between
3 Charles Jones and Larry Householder. It was recovered from
4 Mr. Jones' iPhone.

5 Q Okay. And is this one of the documents that you
6 received from FirstEnergy?

7 A Yes, that's correct.

8 Q And can you orient us the date of these messages?

9 A Yes. This first message occurs, it's listed as
10 April 23rd, 2019. That is after the introduction but while
11 the bill is still in the House of Representatives.

12 MS. GLATFELTER: Okay. Ms. Terry, if we can see
13 the message. Thank you.

14 Q All right. Agent Wetzel, I'll continue to read the
15 messages in green, if you'll read the messages in blue.

16 A Yes, ma'am.

17 Q All right. Busy, can I call you in 40?

18 A Larry Householder to Chuck Jones: I have a bank board
19 meeting at 6:30, so I'll just talk to you later.

20 Q I'm done, available the rest of the night. Browns are
21 definitely going to the playoffs and maybe the Super Bowl.

22 I don't think that happened, did it, Agent Wetzel?

23 MR. GLICKMAN: Objection.

24 THE COURT: Sustained.

25 Q All right. Continue, Agent Wetzel.

1 **A** Larry Householder to Chuck Jones: There is an
2 attachment of an MP3 file.

3 After that, another message, Larry Householder to Chuck
4 Jones: I hope FES is ready for a fight because the first
5 shot was just fired at us tonight.

6 Then, Larry Householder writes in the next message:
7 Nobody screws with my members. My name ain't Clifford Ryan.

8 **Q** It's API behind it. They are greedy and could care
9 less about Bob and Betty. I will be pushing FES to engage.

10 **A** Larry Householder to Chuck Jones: I asked Rex Elsass
11 to make ads this morning.

12 **Q** Owner: I'll talk to FES tomorrow about paying for
13 them. What kind of budget?

14 **A** Larry Householder to Chuck Jones: I'll find out. I'd
15 like to blister Columbus and eastern Ohio where the shale
16 play is. What I would like to do is hit them hard on
17 injection wells pumping millions of gallons of frack water
18 into.

19 **Q** Or add a tax into the budget bill? On them?

20 **A** Larry Householder to Chuck Jones: I'd rather make
21 them sweat first. They can't drill without injection wells.

22 Larry Householder to Chuck Jones: People gate
23 injection wells.

24 Another message from Larry Householder to Chuck Jones:
25 Hate.

1 Q Remind me not to get on your bad side.

2 A Larry Householder to Chuck Jones: I bite.

3 Q I'll be in my office by 6:00 a.m., pretty open until
4 10 when I have an earnings call. When you get a chance,
5 give me a buzz.

6 A Larry Householder to Chuck Jones: I will.

7 MS. GLATFELTER: Your Honor, may we publish 460 B,
8 which has been admitted?

9 THE COURT: Yes.

10 Q Agent Wetzel, do you recognize this message?

11 A Yes. This is a text message conversation between John
12 Kiani and Charles Jones. It was recovered from Mr. Jones's
13 iPhone.

14 Q And I just wanted to ask you a question about this
15 document and the one previous to us. Did you receive this
16 one from FirstEnergy as well?

17 A Yes, that's correct.

18 Q Okay. And do you see, it looks like there are three
19 participants to this message based on the participants
20 portion of this document just like the last one?

21 A Yes, that's correct.

22 Q Can you explain that to the jury?

23 A Certainly. Depending on how the program does the
24 extraction and the device that's being extracted, sometimes
25 a phone number can be separated from the contact. This is

1 true of iPhones in particular. And so in this case, you see
2 that there is the CEJ7471@gmail.com which is listed as
3 Charles Jones and the owner, and then below that there is a
4 phone number, however, comparing that phone number with
5 records provided by FirstEnergy, that is the phone number
6 for the phone Mr. Jones is using to send this message. It
7 just ends up being separated in the participants section.

8 MS. GLATFELTER: And, Your Honor, permission to
9 publish at the same time Government's Exhibit 700 A, which
10 is admitted and we've reviewed today?

11 THE COURT: Yes.

12 Q All right. Agent Wetzel, on 700 A, which is on the
13 right side of the screen, do you see that?

14 A Yes, I do.

15 Q Okay. And do you see a listing for phone numbers
16 associated with Chuck Jones?

17 A Yes. There are two listed.

18 Q Okay. And can you circle that row for us?

19 A (Witness writing.)

20 Q And can you correlate those phone numbers to the
21 message on the left and use that to explain what you were
22 telling the jury?

23 A Yes. So on the left you see the phone number in the
24 participants area that's the 4513 and then that's the second
25 number in the list of phone numbers that Mr. Jones is using

1 on the chart to the right. And then you'll see in the
2 sources 723 through 727 are FirstEnergy records, and those
3 are the records that I was referring to earlier that are the
4 source of that information.

5 **Q** Phone bills?

6 **A** Correct, yes, that's what they are.

7 **Q** And so when you were reviewing the text messages we
8 see on the screen on the left, do you see --

9 MS. GLATFELTER: Ms. Terry, if you could enlarge
10 that first green box. Okay.

11 **Q** And so that (330) 285-4513 number where it says
12 "owner," who does that belong to?

13 **A** That belongs to Charles Jones. And you can see also
14 it says owner there and up in the participants section under
15 owner, it's next to Charles Jones as well.

16 **Q** Okay. And so that's how you know it's from Charles
17 Jones?

18 **A** Correct.

19 MS. GLATFELTER: Okay. If we can proceed to the
20 text messaging. Ms. Terry, you can take the right-hand
21 document off the screen. Thank you.

22 **Q** All right. And if we can read these as we've read the
23 previous ones. Owner: Got this message from Larry
24 Householder last night. He and I are talking today. All
25 off the record. I hope FES is ready for a fight because the

1 first shot was fired at us tonight. We should try to talk
2 today too.

3 **A** John Kiani to Chuck Jones: Thanks, Chuck. Want me to
4 come to your office?

5 **Q** Owner: I'm preparing for earnings but that would be
6 fine. Door is closed until 10 but just knock and come in.
7 Chris will be here by 7:30.

8 Okay. I think this is related to -- oh, no. Agent
9 Wetzels, let's go ahead and continue.

10 **A** Okay. John Kiani to Chuck Jones: How about after the
11 call? And then another message from John Kiani to Chuck
12 Jones, I'm meeting David Hamilton for breakfast at 6:45.
13 Will call you on the way to chat briefly and then I can come
14 over after the earnings call if that works for you. Please
15 tell LH we will gladly pay for as many anti-fracking ads as he
16 wants.

17 **Q** Owner: Okay. Give me a call when you can. I'm not
18 here much after the call but we can handle by phone.
19 Hamilton has my vote for what it's worth.

20 MS. GLATFELTER: Your Honor, if we may publish
21 Exhibit 460 C, which has been admitted?

22 THE COURT: Yes.

23 **Q** And, Agent Wetzels, do you recognize 460 C?

24 **A** Yes. This is a text message conversation between
25 Charles Jones and Larry Householder. It was recovered from

1 Mr. Jones' iPhone.

2 **Q** Okay. And does -- how did you receive this document?

3 **A** This is also from FirstEnergy.

4 **Q** Did the same explanation apply to this particular text
5 message as the one previously with the phone numbers?

6 **A** Yes. The phone number, the 4513 you see there is
7 broken out from the Charles Jones owner below it.

8 **Q** Okay. But you can tell who this message comes from
9 and in what way?

10 **A** Based upon what we just discussed, you can see that
11 the owner is the Charles Jones that's listed there, and then
12 as we just went through with the phone contacts, we know
13 that the 4513 is the phone that Mr. Jones was using.

14 MS. GLATFELTER: Okay. If we can continue to the
15 message.

16 **Q** Owner: Spoke to FES credit rep. They will step in
17 and help want us to just hook them up with Rex?

18 **A** Larry Householder to Chuck Jones: Yes.

19 **Q** Will do.

20 **A** Larry Householder to Chuck Jones: Let's back up a
21 minute. I'm having B-fast with Jeff at 8:00 a.m., I'll call
22 you right after that. I may want to run things past you to
23 see that Rex doesn't overcharge.

24 **Q** Do you recognize the name "Rex" referred to in these
25 messages?

1 **A** Yes. It's a reference to Rex Elsass.

2 **Q** From the Strategy Group?

3 **A** Correct. Larry Householder to Chuck Jones: I'm
4 cheap.

5 **Q** Owner: Okay. Owner: I would say you are a bargain,
6 not cheap.

7 **A** Larry Householder to Chuck Jones: Frugal.

8 Larry Householder to Chuck Jones: Today in energy
9 subcommittee, we were taking testimony for several hours.
10 Christina Polesovsky API has been mingling with Ryan Smith
11 throughout the committee most of today. Smith has also been
12 rallying wind opponents outside of committee most of
13 afternoon, no doubt they're behind the attacks in my mind.

14 **Q** Owner: Can you talk?

15 **A** Larry Householder to Chuck Jones: Yes.

16 MS. GLATFELTER: Okay. And, Ms. Terry, if we can
17 put that document on the left side of the screen. Your
18 Honor, may we publish Exhibit 733, which has been admitted,
19 on the right side of the screen?

20 THE COURT: Yes.

21 MS. GLATFELTER: Ms. Terry, if we look at page 2 of
22 733. Okay. And on the exhibit on the left, if we can go to
23 that last page where we were. Okay.

24 **Q** The previous message, if we can -- can you see that
25 time or do you need that enlarged, Agent Wetzel?

1 **A** If you wouldn't mind. Okay. Yes, it's at 5:22 p.m.
2 on the 24th of April.

3 **Q** And were you able to find any phone contacts in close
4 proximity to this message?

5 **A** Yes, I was.

6 **Q** Okay. Can you circle that for the jurors on the
7 right, which is Government's Exhibit 733?

8 **A** (Witness writing.)

9 **Q** Okay. And what phone contact were you able to find?

10 **A** Charles Jones contacts Larry Householder within a
11 minute of that last text message, and they talk for
12 5 minutes and 32 seconds.

13 **Q** That's on April 24th?

14 **A** Correct.

15 MS. GLATFELTER: Your Honor, permission to publish
16 460 D, which has been admitted?

17 THE COURT: Yes.

18 **Q** Agent Wetzel, do you recognize this document?

19 **A** Yes. This is a text conversation between Michael
20 Dowling and Charles Jones. It was recovered from Mr. Jones'
21 iPhone.

22 **Q** And the date of this message?

23 **A** The 24th of April, 2019, the same day we were just
24 discussing.

25 **Q** Okay. And in terms of timing, does this occur before

1 or after the phone contact that we just saw?

2 **A** I believe this is after.

3 MS. GLATFELTER: And if we can return to the
4 message, Ms. Terry.

5 **Q** Okay. If you can go ahead and read the blue boxes,
6 I'll read the green.

7 **A** Michael Dowling to Charles Jones -- or Chuck Jones,
8 excuse me: From Dave Griffing this a.m. I'm pulling in now.
9 Let me know when you want a study break. John K wants to
10 talk at 9:10 today. Householder upset with yesterday, wants
11 us to double down on media, attack API.

12 **Q** From owner: Pop up.

13 From the owner: From Larry, today an energy
14 subcommittee we were taking testimony for several hours.
15 Christina Polesovsky from API has been mingling with Ryan
16 Smith throughout committee most of today. Smith has also
17 been rallying when deponents outside committee most of
18 afternoon, no doubt they are behind the attacks in my mind.
19 From the owner: I talked to him. He's having way too much
20 fun.

21 **A** Michael Dowling to Chuck Jones: Yeah. Ty told us
22 Ryan was in the committee room. What a tool.

23 **Q** And remind us, is there a person who works for
24 FirstEnergy by the name of Ty?

25 **A** Yes. It's Ty Pine. He's a lobbyist.

1 Q Okay. Agent Wetzel, did you recover similar messages
2 from other people?

3 A Yes, I did.

4 THE COURT: Would this be a good time to break?

5 MS. GLATFELTER: Sure, Your Honor. Thank you.

6 THE COURT: Very well. You've been at it for the
7 designated period of time. We're going to give you a
8 20-minute break. During the break, do not discuss the case
9 among yourselves or with anybody. No independent research.
10 Remember, it's really important, you need to keep an open
11 mind until all of the evidence is in. Out of respect for
12 you, we'll rise as you leave for 20 minutes and look for you
13 at about 11:10.

14 THE DEPUTY: All rise for the jury.

15 (Jury exited the courtroom at 10:51 a.m.)

16 THE COURT: Jury has left the room, you can be
17 seated if you want. We're going to remain in the courtroom
18 as always until the jury -- we've been advised that the jury
19 has cleared the floor. Take just a moment.

20 (Pause.)

21 THE DEPUTY: All clear, Judge.

22 THE COURT: Okay. 20-minute break. Witness not to
23 discuss his testimony. We're in recess.

24 THE DEPUTY: All rise. This court is in recess for
25 20 minutes.

1 (Recess taken from 10:52 a.m. to 11:15 a.m.)

2 THE DEPUTY: All rise. This court is in session
3 pursuant to the recess.

4 THE COURT: Thank you, please be seated. Are we
5 ready for the jury from the government's perspective?

6 MS. GLATFELTER: Yes, Your Honor. Just one
7 housekeeping matter. Ms. Santoro brought to my attention
8 that her notes indicated 436 A and that would also be 436 B,
9 but I didn't discuss 436 B were not admitted. I thought
10 they were. And I've conferred with defense counsel, they
11 don't have an objection to the admission of those exhibits.
12 And I, of course, apologize. I had it in my notes that
13 those were admitted. So I'd ask for the admission of those
14 two exhibits now.

15 THE COURT: And there's no objection from both
16 defendants, from Mr. Householder?

17 MR. GLICKMAN: No, Judge.

18 THE COURT: And Mr. Borges?

19 MR. SCHNEIDER: No, no objection.

20 THE COURT: It's admitted. And we'll be careful as
21 we move along.

22 MS. GLATFELTER: Yes, Your Honor.

23 THE COURT: Are we ready for the jury otherwise
24 from the government's perspective?

25 MS. GLATFELTER: Yes, Your Honor. Thank you.

1 THE COURT: Mr. Householder as well?

2 MR. GLICKMAN: We are.

3 THE COURT: And Mr. Borges?

4 MR. SCHNEIDER: Yes, sir.

5 THE COURT: All right. Let's call for the jury.

6 THE DEPUTY: All rise for the jury.

7 (Jury entered the courtroom at 11:16 a.m.)

8 THE COURT: Jurors can be seated as they join us.

9 You may all be seated. 15 Members of the Jury have rejoined
10 us. Looked refreshed after their break, eager, on task.

11 Thank you for your continuing work.

12 Government may proceed to continue examining the
13 witness on the stand, who remains under oath.

14 MS. GLATFELTER: Thank you, Your Honor.

15 THE COURT: Yes.

16 **Q** Agent Wetzel, before we broke, we were talking about I
17 believe messages involving -- involving FirstEnergy or the
18 representatives and Mr. Householder and Mr. Borges during
19 the period of HB 6 pending.

20 **A** Yes, that's correct.

21 **Q** Okay. And I wanted to ask you about Exhibit 461 A,
22 Your Honor, which has been admitted?

23 THE COURT: You may publish it.

24 MS. GLATFELTER: Thank you, Your Honor.

25 **Q** Agent Wetzel, do you recognize 461 A?

1 **A** Yes, I do.

2 **Q** And what is it, please?

3 **A** This is a text conversation between Juan Cespedes and
4 Matthew Borges. It was extracted from Mr. Cespedes' iPhone.

5 **Q** And, Agent Wetzel, what are the date of these
6 messages?

7 **A** The first message has a date of April 23rd, 2019.

8 **Q** Okay. And is that before or after House Bill 6 was
9 introduced in the House of Representatives?

10 **A** It is after the introduction, although before its
11 passage.

12 **Q** Thank you. Let's go ahead and read these messages as
13 we've been reading them before. I'll read the green boxes.

14 **A** Yes, ma'am.

15 **Q** Juan Cespedes: Need to talk in the morning.

16 **A** Matthew Borges: Sure thing, whenever.

17 **Q** Juan Cespedes: Longstreth is very upset with due wee.

18 **A** Matthew Borges: About what?

19 **Q** Juan Cespedes: API just attacked Wilkin in a radio
20 ad.

21 **A** Matthews Borges: Yes, I was told it's about to,
22 quote, get loud, close quote. How is that Dewey's fault,
23 though?

24 **Q** Juan Cespedes: He is pissed because he thinks Dewey
25 is bad and feels his members are getting beat up.

1 Juan Cespedes: I can talk -- I can take a call if you
2 can talk. If not, no worries.

3 Juan Cespedes: With Griffing now?

4 **A** Matthew Borges: Sure, I'm up.

5 **Q** Juan Cespedes: Call at your convenience.

6 Juan Cespedes: Thank you. Your comments were very
7 helpful.

8 **A** Matthew Borges liked, quote: Thank you. Your
9 comments were very helpful, close quote.

10 **Q** Agent Wetzel, this message was discussing Longstreth
11 being upset; is that right?

12 **A** Yes, that's correct.

13 **Q** Okay. And did you find similar message we reviewed
14 before the break about Mr. Householder being upset?

15 **A** Yes, I did.

16 **Q** What, if anything, was done in response, what actions
17 were taken in response?

18 **A** This anger about Dewey culminated by them being
19 removed from their position working to advocate and another
20 entity took over to lead that effort.

21 **Q** Okay. And what entity took over from Dewey?

22 **A** Generation Now.

23 **Q** The Generation Now, the bank account that we were or
24 the entity that has the bank account we were looking at
25 earlier with Exhibit 15?

1 **A** Yes, that's correct.

2 MS. GLATFELTER: Your Honor, if we may publish 461
3 B, which has been admitted?

4 THE COURT: Yes.

5 **Q** Agent Wetzel, do you recognize this exhibit?

6 **A** Yes. This is a text message between Jeff Longstreth
7 and Juan Cespedes. It's from Mr. Cespedes' iPhone.

8 **Q** And if we could read this exhibit as we've been
9 reading the others. Juan Cespedes, what is your
10 availability today. I need to kick off the beginning of
11 committee but need to meet before the end of the day?

12 **A** Jeff Longstreth: I'm open now until 1:30.

13 **Q** Juan Cespedes: I'm going to head over now.

14 Juan Cespedes: Thank you. I will get my side in
15 motion ASAP. Please let me know how -- please let me know
16 skeleton budget ASAP so I can share with the team.

17 **A** Jeff Longstreth: Yep, I'll get that to you ASAP.

18 **Q** Juan Cespedes: I'm notifying Dewey today that
19 Generation Now will be handling the media going forward.
20 Need to have a follow-up with you on if I can use TV, radio
21 spots, print, that we have already paid for. Making this
22 happen as quick as I can.

23 Juan Cespedes: Christina Polesovsky, API, has been
24 mingling with Ryan Smith throughout committee today. Smith
25 has also been rallying wind opponents outside the committee

1 most of afternoon. No doubt they are behind the attacks in
2 my mind.

3 **A** Jeff Longstreth replies with a blank message.

4 **Q** Did you find similar messages during your
5 investigation, Agent Wetzel?

6 **A** Yes, I did.

7 MS. GLATFELTER: Your Honor, permission to publish
8 461 C, which has been admitted into evidence?

9 THE COURT: Yes.

10 **Q** Agent Wetzel, do you recognize 461 C?

11 **A** Yes, I do.

12 **Q** Okay. And can you explain what it is?

13 **A** Yes. This is a text message conversation between
14 Scott Schweitzer and Juan Cespedes.

15 **Q** And the name Scott Schweitzer we've had come up during
16 your testimony before?

17 **A** Yes. He works at the Strategy Group company.

18 **Q** And have we seen messages over the last few days
19 regarding or from him?

20 **A** Yes, that's correct, we've seen multiple.

21 **Q** Juan Cespedes: I am expecting that we will be able to
22 wire 1.5 M tomorrow or Wednesday. That should get
23 Householder to respond to you quicker. I don't think they
24 have any money to do anything without our funding. My CEO
25 and chairman are in tomorrow and this will be a topic of

1 conversation. I'll keep you updated in real time before
2 anyone else.

3 **A** From Scott Schweitzer to Juan Cespedes: Roger that,
4 let me know what you need and I'll help the cause. I did
5 hear from LH this afternoon and we are revising scripts
6 tonight per that conversation.

7 **Q** Juan Cespedes: Okay. Awesome. I'll be in touch
8 tomorrow. I am anxious to see your stuff get up. I feel
9 like I'm making a bunch of progress on the lobbying front
10 but need the air cover.

11 **A** Scott Schweitzer: Understood, in the works.

12 **Q** And did you find similar messages about -- about the
13 advertising for Generation Now?

14 **A** Yes, I did.

15 **Q** And the spending?

16 **A** Correct.

17 MS. GLATFELTER: Your Honor, permission to publish
18 what has been admitted as 461 D?

19 THE COURT: Yes.

20 **Q** Agent Wetzel, do you recognize 461 D?

21 **A** Yes. This is a text conversation between Juan
22 Cespedes and Matthew Borges that was recovered from
23 Mr. Cespedes' iPhone.

24 **Q** And I believe if we look at the top of this document,
25 it looks like there are ten pages to the exhibit; is that

1 right?

2 **A** That's what it says, yes.

3 **Q** Okay.

4 **A** Page 1 of 10.

5 MS. GLATFELTER: Thank you, Ms. Terry. If we can
6 go ahead to page 6 and start there.

7 **Q** Juan Cespedes: We just transferred dollar sign 1.5 M
8 today to spend this week?

9 **A** Matthew Borges: That's more.

10 **Q** Juan Cespedes: I don't think they are ready for it.
11 Rex's stuff is nasty too.

12 **A** Matthew Borges: Of course.

13 **Q** Juan Cespedes: I know that oil and gas has more
14 resources than us, but if spend, dollar sign, 15 M in the
15 next eight weeks, don't you think we get to a point of
16 saturation? Like how much more can you spend in eight
17 weeks?

18 Juan Cespedes: That's an honest question. I don't
19 know the answer.

20 **A** Matthew Borges: Yeah, but it can be done, just ask
21 Rex.

22 **Q** Juan Cespedes: LOL.

23 Juan Cespedes: Your point is very valid. Their by is
24 a mistake. It allows us to say they punched first and we
25 are simply protecting members. Juan Cespedes and we have

1 more money than they think. Who would ever assume a
2 bankrupt company is willing to spend, dollar sign, 15 M?
3 What a joke, LOL.

4 **A** Matthew Borges laughed at quote: And we have more
5 money than they think. Who would ever assume a bankrupt
6 company is willing to spend, dollar sign, 15 M? What a
7 joke, LOL, close quote.

8 Matthew Borges: Fuck those guys.

9 **Q** If we can skip ahead to page 9, please.

10 **A** Matthew Borges: Ohioans Against Bailouts ads are
11 running.

12 **Q** Juan Cespedes: Thank you. Gen Now sitting on, dollar
13 sign, 1.5 M. Waiting for them to spend it

14 **A** Matthew Borges: Saw Neil tonight at residence.
15 Haven't spoken to him since McMarlin memorial, but tonight
16 you'd have thought we were old pals. Wanted to tell me all
17 kinds of stories.

18 **Q** Juan Cespedes: I have momentum to not hire him right
19 now. Dave doesn't want to.

20 **A** Matthew Borges: He won't talk to me next time.

21 **Q** Juan Cespedes: Correct. Dave actually saw him today
22 and remembered meeting him. Referred to him as a scum bag.

23 Juan Cespedes: Do not share, just wanted you to see
24 and there's attachment with the name Generation Now, smoke
25 screen, master dot MOV.

1 **A** Matthew Borges: Good.

2 **Q** Juan Cespedes: TV hits tomorrow.

3 **A** Matthew Borges liked, quote: TV hits tomorrow, close
4 quote.

5 MS. GLATFELTER: And, Your Honor, I would ask
6 permission to publish the attachment which has been admitted
7 into evidence which is 416 D.1?

8 THE COURT: Yes.

9 MS. GLATFELTER: Oh, I'm sorry, I said 416. It
10 should be 461 D.1 and that has been admitted, Your Honor.

11 THE COURT: Very well. You can publish.
12 (Recording playing.)

13 **Q** Okay. And at the bottom of this can you make out the
14 words there?

15 **A** Paid for by Generation Now, Inc.

16 **Q** Now, Agent Wetzel, during your investigation receipt
17 of documents, did you find a proposal from Generation Now
18 regarding its strategy?

19 **A** Yes, I did.

20 MS. GLATFELTER: Your Honor, permission to publish
21 462 D, which has been admitted?

22 THE COURT: Yes.

23 MS. GLATFELTER: 462.

24 **Q** Okay. Agent Wetzel, do you recognize this?

25 **A** Yes. This was recovered from Jeff Longstreth's iCloud

1 account.

2 **Q** Okay. And is this the strategy or proposal that you
3 were referring to a moment ago?

4 **A** Yes, ma'am, it is.

5 **Q** Okay. And how many pages is this document?

6 **A** Two.

7 **Q** Okay. Can you read the top paragraph for us, the
8 title and the body of that?

9 **A** Generation Now and then situation analysis, out of
10 state gas and wind energy interests are working to defeat
11 House Bill 6, HB 6. We are looking to expose them and
12 protect our members against whom they are running ads.

13 **Q** Okay. And if we follow this document down, does it
14 have different categories identified in terms of what the
15 strategy is?

16 **A** Yes. Under a section called targeted communications
17 campaign, there's a list of targets followed by different
18 mediums.

19 **Q** Okay. And who are the targets that are identified in
20 this document?

21 **A** It lists our targets are legislators in the Ohio House
22 and Senate and our opponents to know there is a price to pay
23 for opposing this bill.

24 **Q** Okay. And does it have different components of the
25 strategy listed below that?

1 **A** Yes. It lists phone patching, digital, texting, and
2 television and radio.

3 **Q** Okay. And phone patching is sort of unfamiliar. What
4 is phone patching and described as in this document?

5 **A** It's described, we will reinforce our advertising with
6 a paid live patch through phone calls. We will dial out
7 into the communities, educate voters and patch them through
8 to their elected officials.

9 **Q** Okay. And in terms of digital, what's the strategy
10 that's described in the document?

11 **A** We will create a landing page to cookie and track
12 viewers and host the gas line video. We will utilize social
13 media display and ads to guide people to the ads to view the
14 trailer.

15 **Q** All right. Does it have a description for texting?

16 **A** It does. We use peer to peer texting to send SMS and
17 MMS messages to large audiences. One message at a time
18 either through the clients, volunteers or our call center.
19 In this case, we would handle the sending. Peer-to-peer
20 texting will come in handy for this type of program is to
21 contact voters sending them a video message to educate them
22 on the issue leading them to an action.

23 **Q** And is there a strategy under the heading Television
24 and Radio?

25 **A** Yes. We will defend our members and target our

1 opponents. Focus will depend on budget. See below.

2 MS. GLATFELTER: And if we go to the second page,
3 Ms. Terry.

4 **Q** All right. And on the back of the document, does it
5 list a proposed budget?

6 **A** It does.

7 **Q** Okay. Did you identify documents during or records
8 during your investigation that showed the implementation of
9 this strategy?

10 **A** Yes, ma'am, I did.

11 **Q** And according to this document, was a strategy
12 different based on whether you were identified as sort of an
13 opponent or a yes vote?

14 **A** Correct.

15 **Q** All right. Let's talk about the strategy with regards
16 to the yes votes first.

17 MS. GLATFELTER: Your Honor, permission to publish
18 468 M, which has been admitted?

19 THE COURT: Yes.

20 **Q** Okay. And do you recognize this document, Agent
21 Wetzels?

22 **A** Yes. This is an e-mail that was provided to us by
23 Ms. Fitzmartin pursuant to the subpoena we had discussed
24 earlier.

25 MS. GLATFELTER: Ms. Terry, if we can go to the end

1 of the document first. Okay. And we can return to the
2 first page, please, and if we can enlarge the heading?

3 **Q** Okay. Agent Wetzel, who is this e-mail to?

4 **A** This e-mail is sent to Jeff Longstreth at the
5 jefflongstreth@gmail.com e-mail address we've been
6 discussing. Megan Fitzmartin is also listed on the cc line.

7 **Q** Okay. And who is the e-mail from?

8 **A** Mr. Scott Schweitzer of the Strategy Group company.

9 **Q** And the date of the e-mail?

10 **A** 22 May, 2019.

11 **Q** And do you see a subject?

12 **A** Yes. It lists re: Radio.

13 MS. GLATFELTER: All right. And if -- Ms. Terry,
14 if we can scroll out there or zoom out.

15 **Q** And is the message from Scott Schweitzer, is that
16 replying to an earlier message?

17 **A** Yes, it is.

18 **Q** Okay. What's the earlier message?

19 **A** Scott, please see the list below for the hard yes
20 votes. And then there's a list.

21 MS. GLATFELTER: Okay. And if we can go to page 2,
22 Ms. Terry.

23 **Q** Do you see the continuation of that list on page 2?

24 **A** I do.

25 **Q** Okay. And then what's below the list?

1 **A** There appears to be -- there's the word also and then
2 there's some images and names with contact info from
3 Ohiohouse.gov.

4 MS. GLATFELTER: Ms. Terry, can you scroll to
5 page 3, please? Okay. And page 4.

6 **Q** Okay. And did you find other documents regarding yes
7 votes?

8 **A** I did.

9 MS. GLATFELTER: Your Honor, permission to publish
10 481, which has been admitted?

11 THE COURT: Yes.

12 **Q** Agent Wetzel, do you recognize 481?

13 **A** I do.

14 **Q** What is it?

15 **A** This is a text conversation between Jeff Longstreth
16 and Megan Fitzmartin. It was recovered from
17 Ms. Fitzmartin's phone.

18 **Q** And remind us how you're able to tell that?

19 **A** Next to Ms. Fitzmartin, it lists the owner as her, so
20 it came from her Apple IOS full system.

21 MS. GLATFELTER: All right. Thank you. Ms. Terry,
22 if we could see the body of the message.

23 **Q** All right. Agent Wetzel, if you can go ahead and read
24 that.

25 **A** Megan Fitzmartin writes: I'm sorry, what? And then

1 there is an attachment of a PNG, which is an image.

2 **Q** Okay. And is there a message below that?

3 **A** Yes. Will protect people who will be in the House,
4 not undermining LH.

5 **Q** And the initials "LH," you've seen those in other
6 places in your investigation?

7 **A** Yes. It's Larry Householder.

8 **Q** Did you recover similar messages to this one?

9 **A** Yes, ma'am, I did.

10 MS. GLATFELTER: Your Honor, permission to publish
11 484, which has been admitted?

12 THE COURT: Yes.

13 MS. GLATFELTER: I believe. Wait a second. Yes.
14 Okay. Yes, it's been admitted. I was just confirming.

15 THE COURT: Very well. You may publish it.

16 **Q** Agent Wetzel, do you recognize Government's
17 Exhibit 484?

18 **A** Yes, I do.

19 **Q** And can you describe what it is?

20 **A** Yes. This is a group text message between
21 Mr. Cespedes, Matt Borges, Adam Hewitt, and Niraj Antani.

22 MS. GLATFELTER: Okay. And, Ms. Terry, if we can
23 see the body of the message.

24 **Q** All right. Remind us who Antani is.

25 **A** He is a representative in the House at that time.

1 **Q** Okay. If you read the blue messages, I'll read the
2 green.

3 **A** Yes, ma'am. From Niraj Antani: Just found out
4 they're up on digital against me. 1.7 K impressions. And
5 then he sends a Jpeg image.

6 **Q** Juan Cespedes: Thank you for intel. I will report it
7 and we will respond appropriately.

8 **A** Niraj Antani: Thanks.

9 Niraj Antani: Had my media consultant pull the
10 competitive. Ohio Consumer Energy Alliance, WHIO-AM. Media
11 financial services, \$1,360, Dayton, Ohio 4/6/19-5/17/19.

12 And then another message from Niraj Antani: This
13 popped up today. No one has seen or heard anything
14 positive. And then he sends a Jpeg image.

15 MS. GLATFELTER: Okay. If we could go back up --
16 I'm sorry, we can continue, Ms. Terry.

17 **A** From Niraj Antani: Wanted to check in. This is a
18 great TV ad for the bill, but I'm afraid it doesn't do much
19 to counter the WHIO radio ad which mentions me by name and
20 alleges I'm for raising taxes, which I am not. Thanks. And
21 then there's an attached MOV file.

22 **Q** Juan Cespedes: You should be seen mail and radio in
23 your district as well. I will follow up with Longstreth on
24 this today.

25 **A** Niraj Antani: Thanks.

1 **Q** Now, is Mr. Antani a member of Team Householder?

2 **A** Yes.

3 MS. GLATFELTER: If we can, Your Honor, publish
4 what was admitted I believe as Government's Exhibit 405,
5 which has been admitted?

6 THE COURT: Yes.

7 MS. GLATFELTER: Actually, I was referring to 415,
8 which has also been admitted. I apologize, Your Honor.

9 THE COURT: Publish 415.

10 **Q** All right. So you identified Mr. Antani as a member
11 of Team Householder; is that correct?

12 **A** That's right.

13 **Q** How did he vote in the Speaker's race?

14 **A** He voted for Mr. Householder.

15 **Q** And how did he vote for House Bill 6 in the final
16 vote?

17 **A** In the affirmative.

18 **Q** So is he considered a yes vote?

19 **A** Yes, that's correct.

20 MS. GLATFELTER: All right. If we may turn to
21 Exhibit 483 B, which has been admitted, Your Honor?

22 THE COURT: Yes, you may publish it.

23 MS. GLATFELTER: Thank you, Your Honor.

24 **Q** Okay. Agent Wetzel, can you identify agent -- I'm
25 sorry, Government's Exhibit 483 B?

1 **A** Yes. This is a text conversation between Jamie
2 Callendar and Jeff Longstreth. This came from Jeff
3 Longstreth's Apple iCloud back up.

4 **Q** And is that why the heading of this document looks a
5 little bit different than the others?

6 **A** That's correct, yes.

7 **Q** All right. If we can --

8 MR. GLICKMAN: Apologize, Your Honor. I don't
9 believe this document has been admitted, at least it's not
10 on our list.

11 THE COURT: Let's take it down.

12 MS. GLATFELTER: I believe this is one of the
13 documents we admitted on Tuesday morning, Your Honor.

14 THE COURT: Courtroom deputy --

15 MR. GLICKMAN: Your Honor, I've been corrected.
16 Objection withdrawn.

17 THE COURT: Very well. You can show it to the
18 jury.

19 **Q** Okay. If we can start by identifying the participants
20 to the conversation.

21 **A** Yes. The participants are listed as Jamie Callendar
22 and Jeff Longstreth.

23 **Q** All right. We've talked about Jeff Longstreth a bit.
24 Can you tell us who Jamie Callendar is?

25 **A** Yes. We spoke about him before. He's a member of the

1 House of Representatives at this time and he is also one of
2 the sponsors of House Bill 6.

3 **Q** All right. Thank you. And the date of the messages?

4 **A** The first message is dated the 30th of May 2019.

5 **Q** Okay. And how does that relate to the date that House
6 Bill 6 was passed in the Ohio House?

7 **A** It is the day after.

8 **Q** All right. If you read the blue messages, I'll read
9 the green.

10 **A** Yes, ma'am. Jamie Callendar: Thank you for the
11 gathering last night and for all you did to provide members
12 cover on HB 6.

13 **Q** Jeff Longstreth: It was great fun to get the team
14 together and celebrate a victory. It's super important to
15 have this win on a big issue for the freshmen early in most
16 of their careers. It will give them confidence to do big
17 things in the future. Everyone went up to SLH and said
18 what's next. Can't tell you how much we appreciate your
19 hard work and leadership. I know how much time and effort
20 you put in. Couldn't have done it without you.

21 **A** Jamie Callendar writes: This arrived in his district
22 yesterday. And then there's an image attached.

23 Jamie Callendar writes: And also Laura Johnson
24 contacted me wanting to get together to talk about late
25 county politics. Is she still with the team? I heard a

1 rumor that she was with Brett and co, and if so, I don't
2 really want to talk with her.

3 MS. GLATFELTER: All right. And if we can go back
4 to the first part of this message, Ms. Terry. All right.
5 And if we can enlarge the first message there.

6 **Q** Agent Wetzel, this message references providing cover
7 on HB 6. Did you recover during your investigation any
8 advertisements related to providing cover for HB 6?

9 **A** Yes, I did.

10 MS. GLATFELTER: Your Honor, permission to publish
11 482 A, which has been admitted.

12 THE COURT: Yes.

13 **Q** Agent Wetzel, do you recognize Government's
14 Exhibit 482 A?

15 **A** Yes, I do. This is an e-mail that was recovered from
16 Ms. Fitzmartin.

17 **Q** Okay. Who is the e-mail from?

18 **A** Adam Moust to Ms. Fitzmartin.

19 **Q** Can you describe or can you remind us who Adam Maust
20 is? I believe his name has come up before.

21 **A** Yes. We've talked about him before. He works for
22 Mighty Group, and they had done political advertising kind
23 of throughout the time that we've been talking.

24 **Q** And are you familiar with a Mighty Group based on the
25 financial records from Generation Now?

1 **A** Yes, I am.

2 **Q** Okay. And how so?

3 **A** They receive money. There are payments that are made
4 to the group.

5 **Q** Okay. Through either Generation Now accounts or other
6 types of accounts?

7 **A** Correct.

8 **Q** Okay. And are there attachments to this, to this
9 e-mail?

10 **A** Yes. There are several. First one, 19 GN
11 Householder-001V3, and that's a PDF. And then there's
12 another one, 19-GN-Zeltwanger001V3.PDF. And then, finally,
13 19GNEdwards-001V_3.PDF.

14 MS. GLATFELTER: Okay. And, Ms. Terry, if we can
15 go to page 2 of this exhibit.

16 **Q** Do you see the attachments to the e-mail on the screen
17 in front of you on page 2?

18 **A** Yes, I do.

19 **Q** Okay. First of all, do you see a disclaimer of who
20 the ad is paid for on the left?

21 **A** By Generation Now, Inc.

22 **Q** Okay. And what is the message at the bottom of the
23 mailer?

24 **A** Call Speaker Larry Householder today, let him know to
25 keep up the good work and to vote yes on House Bill 6.

1 Q Okay. And on the right side is there an additional
2 message?

3 A Speaker Larry Householder has made our communities a
4 better place to call home.

5 MS. GLATFELTER: And, Ms. Terry, if we can zoom
6 back out and look at the rest of the pages.

7 Q Page 3, is that a similar ad to the one that we saw
8 before?

9 A Yes, it is.

10 Q Okay. Page 4, okay, is this -- can you describe what
11 you see on the screen on page 4?

12 A Yes. This is another proof, this one says call
13 Representative Paul Zeltwanger and thank him for his courage
14 in standing up for hardworking Ohio families and for keeping
15 our energy bills low by supporting House Bill 6.

16 MS. GLATFELTER: All right. Ms. Terry, the next
17 page.

18 Q Agent Wetzel, what does page 5 say?

19 A Call Speaker Larry Householder and thank him for his
20 courage in standing up for hardworking Ohio families and for
21 keeping our energy bills low and supporting House Bill 6.

22 Q Okay. The next page, is that similar to some of the
23 other mailers we've just looked at?

24 A It is, but it is to representative Jay Edwards.

25 Q The final page, and what do we see on page 7, the last

1 page of the exhibit?

2 **A** Call Representative Jay Edwards and thank him for his
3 courage in standing up for hardworking Ohio families and
4 keeping our energy bills low by supporting House Bill 6.

5 **Q** Now, Agent Wetzel, during your investigation, did you
6 recover similar sample radio ads and/or TV scripts with
7 similar themes?

8 **A** Yes, ma'am, I did.

9 MS. GLATFELTER: Your Honor, permission to publish
10 483 D, which has been admitted?

11 THE COURT: Yes.

12 **Q** Agent Wetzel, do you recognize 483 D?

13 **A** Yes, I do. We had looked at something similar before.
14 The Strategy Group at the top and then there's a listing of
15 what it is, and then under audio there's a list of a script.

16 **Q** Okay. And so it has a script of what the radio ad or
17 audio of the radio ad?

18 **A** Yeah. It lists audio and it says there will be a
19 female voiceover.

20 **Q** Can you read the audio for us?

21 **A** (Soft gentle acoustic guitar and nature sound effects,
22 think *Blackbird* by the Beatles). Below that, female
23 voiceover: We can give our children a strong economy and a
24 clean environment. The future is in our hands. Fair and
25 responsible energy reform for today and tomorrow. House

1 Bill 6 ensures more clean energy generated in Ohio for Ohio
2 right now. By modernizing our environmental goals, we
3 encourage the growth of Ohio-made energy from wind, solar
4 and other sources that reduce carbon dioxide in our air.
5 And by investing at home, not in other states, we will
6 create jobs and a better economy, helping Ohio families and
7 entrepreneurs. House Bill 6 improves our environment,
8 creates jobs, and lowers what you pay for electricity. Call
9 Representative Haraz Ghanbari at 1-800-282-0253 and thank
10 him for taking a courageous stand to reform Ohio's energy
11 goals and protect what's precious. Paid for by Generation
12 Now, Inc.

13 **Q** And that last part that's highlighted, how does that
14 relate to the theme of the mailers that we saw in the
15 previous exhibit?

16 **A** It's very similar.

17 **Q** Now, did you find evidence during your or information
18 during your investigation that showed a different strategy
19 for undecided or no votes?

20 **A** Yes, ma'am, I did.

21 MS. GLATFELTER: First of all, if we could publish
22 471, which has been admitted?

23 THE COURT: Yes.

24 **Q** Okay. Agent Wetzel, do you recognize this document?

25 **A** Yes. This I believe is from Jeff Longstreth's iCloud

1 account. It's an HB 6 vote count.

2 **Q** Okay. And is it prior to the HB 6 or after the HB 6
3 vote?

4 **A** I believe it's before.

5 **Q** And why do you believe that?

6 **A** It lists maybes. Obviously, afterward, it was
7 recorded in the House journal and so there would be no
8 ambiguity there.

9 **Q** Okay. And so in this document, are there different
10 columns depending on where the representative is in terms of
11 House Bill 6?

12 **A** Yes. So it has a listing for yes votes that are in
13 green, no votes that are in red, and maybes that are listed
14 in yellow.

15 MS. GLATFELTER: Okay. Permission to publish 468
16 J, Your Honor, which has been admitted?

17 THE COURT: Yes.

18 **Q** Agent Wetzel, do you recognize 468 J?

19 **A** Yes, I do.

20 **Q** And what is it?

21 **A** This is an e-mail that was recovered from
22 Ms. Fitzmartin. It is from Ms. Fitzmartin to Jeff
23 Longstreth with a cc of Scott Schweitzer, Ryan Rogers, and
24 Brian Osborne.

25 **Q** All right. And can you read the body of the message?

1 You don't have to read all of the names but the first part
2 of the message.

3 **A** Certainly. Please see the list below of the reps we
4 would like to target with phones and digital. Let me know
5 if you need anything else, Megan. And then there's the
6 listing of House District and member.

7 **Q** Okay. And do you see the word "target" in the
8 sentence that you just read?

9 **A** I do.

10 **Q** Okay. Now, if we could put this up on the right side
11 of the screen, Ms. Terry, and, Your Honor, if we may publish
12 the previous exhibit at the same time?

13 THE COURT: Yes.

14 MS. GLATFELTER: On the left side of the screen.
15 Thank you.

16 **Q** Okay. And do you see any correlation between some of
17 the names that are on the right-hand side and some that are
18 on the left-hand side?

19 **A** Yes, I do.

20 **Q** What is that correlation?

21 **A** It appears as though some of those names are listed as
22 maybes or nos.

23 **Q** The ones who are -- who are listed as targets for the
24 phone and digital?

25 **A** Correct.

1 MS. GLATFELTER: Okay. Your Honor, permission to
2 publish 469 A, which has been admitted?

3 THE COURT: Yes.

4 **Q** Agent Wetzel, do you recognize this document?

5 **A** Yes, I do.

6 **Q** And what is it?

7 **A** This is an e-mail from Cheyenne Haines at the Strategy
8 Group company, and it's to Jeff Longstreth, Anna Lippincott,
9 and Megan Fitzmartin with a cc of Scott Schweitzer and Brian
10 Osborne.

11 **Q** And is it Mr. Schweitzer the same Mr. Schweitzer that
12 we were discussing on Tuesday in relation to the Hardworking
13 Ohioans?

14 **A** Yes, that's correct. And it's the same e-mail address
15 as well, the one with the at TSGCO.

16 **Q** What's the date of this e-mail?

17 **A** This is the 28th of May 2019.

18 **Q** And is there a subject line?

19 **A** Generation Now Phones Update 05/28/19.

20 **Q** And who is the e-mail to?

21 **A** Jeff Longstreth, Anna Lippincott, Megan Fitzmartin,
22 and then a cc to Scott Schweitzer and Brian Osborne.

23 **Q** All right. And, Agent Wetzel, can you read the body
24 of the message?

25 **A** Team, the latest update on Generation Now phone

1 programs is attached including today's SMS program. Please
2 let me know if you have any questions. Thank you. And then
3 the signature block for Cheyenne.

4 MS. GLATFELTER: All right. Ms. Terry, if we can
5 see the attachment to this, which is page 2 and 3 and 4.

6 **Q** All right. Agent Wetzel, do you recognize this?

7 **A** I do.

8 **Q** Okay. And what is this?

9 **A** So this is the attachment that we were just
10 discussing. It's on the Strategy Group letterhead and it
11 lists Generation Now SMS program and then a date range.

12 **Q** Okay. And does -- does this relate at all to the
13 proposal that we were looking at before on Generation Now
14 letterhead?

15 **A** Yes. This is the text program, and SMS is a technical
16 name for a text message.

17 **Q** Okay. And can you go through the different columns on
18 this spreadsheet for us, please?

19 **A** Certainly. From left to right: District, Target
20 Office. And then it says "House District Target." Below
21 that: Transfer Number, List, Total, 24 May, 28 May,
22 Estimated Received, Estimated, Sent.

23 **Q** All right. And under the column Target Office, do you
24 recognize any of the names that are listed below?

25 **A** I do.

1 Q Who are they?

2 A These are House members and many of them that we were
3 just discussing are maybes or no votes.

4 Q All right. And did you recover during your
5 investigation similar documents to this?

6 A I did.

7 Q Okay. And how many?

8 A There were numerous. This program is only going on
9 for six days and there are multiple iterations of the
10 program, you know, for the next few days or the next several
11 days, for the next several days, and then also as the
12 Generation Now sort of planning document that we looked at,
13 there's also multiple different paths that are going on.
14 These are just the documents for the SMS program. There are
15 other types of advertising happening such as the radio and
16 there are documents for that as well.

17 Q All right. So based on the documents reviewed, were
18 there nearly -- were there updates frequently?

19 A Yes, that's correct.

20 Q How frequently?

21 A Daily, I would say, in general.

22 MS. GLATFELTER: Your Honor, and if we may scroll
23 to pages 3 and 4, please.

24 Q Okay. And do you see a number at the bottom?

25 A Yes. There's a total cost listed and it's \$7,398.34.

1 Q All right. And on the following page, do you
2 recognize what this is?

3 A Yes, I do.

4 Q And what is it?

5 A So this is another -- or a Generation Now document
6 created on the or by the Strategy Group on their letterhead
7 and it talks about the number of completes, also answered do
8 not calls and so on. It's listing sort of responses that
9 are given and then there's also a Q1, which is a question.

10 Q All right. So data responsive to or data about the
11 proposal or the program that they were running?

12 A That's correct. This is just sort of a summary
13 document for the results.

14 Q Now, during your investigation, did you identify
15 communications or documents which related to
16 Mr. Householder's involvement in this section of House Bill
17 6 advertising?

18 A Yes, ma'am, I did.

19 MS. GLATFELTER: Okay. If we can look at, Your
20 Honor, 461 H, which has been admitted?

21 THE COURT: Yes, publish it.

22 Q Agent Wetzel, do you recognize this document?

23 A Yes, I do. This is a text message conversation
24 between Juan Cespedes and Dave Griffing. It's from Juan
25 Cespedes' iPhone.

1 Q Okay?

2 MS. GLATFELTER: Ms. Terry, if we can see the body
3 of the message.

4 Q All right. If you would read the blue messages and
5 I'll read the green.

6 A Dave Griffing: Are inviting Davis Mauk and Borges to
7 the daily calls? Don't care either way.

8 Q Juan Cespedes: I'm going to invite them all starting
9 Monday. I also have some thoughts on Jeff that we can talk
10 ABT this afternoon.

11 A Dave Griffing: Okay.

12 Q Juan Cespedes: In my convo with the media firm, they
13 have stated that Householder has asked them to make edits to
14 the negative ad and radio scripts.

15 A Dave Griffing: Okay.

16 MS. GLATFELTER: Your Honor, if we may publish 468
17 A, which has been admitted?

18 THE COURT: Yes.

19 Q All right. Agent Wetzels, do you recognize this?

20 A I do. This is an e-mail that was recovered from
21 Ms. Fitzmartin pursuant to the subpoena we've been
22 discussing. It's from Scott Schweitzer to Jeff Longstreth,
23 Megan Fitzmartin, with a cc of Rex Elsass.

24 Q And are there attachments to this?

25 A There are. There are two of them.

1 Q The previous message referenced making edits to
2 negative ads. Do you recall that?

3 A I do.

4 Q Okay. And can you read the body of this message for
5 us?

6 A Hi guys, here is another pass on this sinister/scary
7 kaleidoscope of images. Using big oil as the bad guy allows
8 us to tap into feelings the people already have about the
9 industry making it all believable to viewers, Scott.

10 MS. GLATFELTER: No, there's no attachment. Okay.
11 If we can turn to Exhibit 468 B, Your Honor, which has been
12 admitted?

13 THE COURT: Yes.

14 Q I believe this is the attachment to the message we
15 just saw?

16 A Yes, ma'am.

17 Q Okay. And can you read that to the jury, Your
18 Honor -- Agent Wetzel?

19 A So in the Strategy Group letterhead, this is another
20 one of those audio scripts titled Seep, which we just saw on
21 the last page in the attachment. Under audio: Male
22 voiceover, big oil is coming from Washington and seeping
23 into Ohio. The American Petroleum Institute wants a
24 monopoly on energy. They raised the price at the pump and
25 will raise it on your energy bill. Their dark dealings have

1 already closed coal plants and they'll kill thousands more
2 Ohio jobs. The American Petroleum Institute wants big oil
3 to take more of your money and our jobs. You can find out
4 more about their corruption on the HB documentary, quote,
5 Gas Land, close quote. Stop their seep into Ohio. With
6 House Bill 6, we can protect thousands of Ohio, in all caps,
7 energy jobs, saving consumers money with clean energy and
8 diversified energy solutions. Call Representative first
9 name, last name, in all capital, and encourage him/her to
10 support House Bill 6. First name, last name, in all
11 capitals, can do what's right for Ohio workers and taxpayers
12 by stopping big oil. Call Representative last name, in all
13 capitals, at 614-XXX-XXXX. Encourage him to vote, quote,
14 yes, close quote, on House Bill 6. Paid for by Generation
15 Now, Inc.

16 **Q** Now, Agent Wetzel, was -- is this indicated as a radio
17 or a TV ad?

18 **A** I believe this is a radio ad.

19 **Q** And did you -- did you find in your investigation
20 scripts for TV ads, for negative TV ads?

21 **A** Yes, ma'am, I did.

22 MS. GLATFELTER: Your Honor, permission to publish
23 468 C, which I believe is an attachment to the previous
24 e-mail, which has been admitted?

25 THE COURT: Yes.

1 **Q** Okay. Agent Wetzel, do you recognize this attachment,
2 468 C?

3 **A** Yes, I do. This is on the Strategy Group letterhead
4 again. This lists television copy, whereas, the last one
5 listed radio copy. And instead of just audio, now there is
6 a left column for audio and a right for video.

7 **Q** Okay.

8 **A** And then there's a listing below.

9 **Q** Can you read the video column? We read sort of the
10 audio column on the others.

11 **A** Yes. Under video, add visuals or themes like HBO True
12 Detective opening giving it a dark, sinister, and
13 threatening feel. The oil seeps in and spills across
14 images, tying into the dirt darkness and pollution of big
15 oil. Oil seeps across the map moving from DC to Ohio. Oil
16 refinery aerial mixed with shadowy figure. Text: American
17 Petroleum Institute. Oil leads to shot of gas line pump
18 nozzle, then the blots lead to shot of average home,
19 American Petroleum Institute raise price at pump, raise
20 energy bill. Show coal miners, then the image is covered
21 and then follow the oil over to new workers to be covered.
22 American Petroleum Institute will kill thousands of jobs.
23 Oil seeps across Ohio. Oil spills down and fills the screen
24 with black revealing white text. Call your representative
25 800-282-0253. Vote yes on House Bill 6. Disclaimer, paid

1 for by Generation Now, Inc.

2 **Q** Now, Agent Wetzel, during the investigation and
3 reviewing the various communications, did you find e-mails
4 about tracking, tracking the effort for House Bill 6?

5 **A** Yes, ma'am, I did.

6 MS. GLATFELTER: Your Honor, permission to publish
7 468 D, which has been admitted?

8 THE COURT: Yes.

9 **Q** Agent Wetzel, do you recognize Government's
10 Exhibit 468 D?

11 **A** Yes. This is another e-mail we received from
12 Ms. Fitzmartin pursuant to that subpoena.

13 **Q** Who is the e-mail from?

14 **A** It is sent from Jeff Longstreth at that Jeff
15 Longstreth Gmail.com e-mail address we've been talking about
16 and it is to Anna Lippincott, Scott Schweitzer, Brian
17 Osborne, Cheyenne Haines, and Megan Fitzmartin.

18 **Q** The date?

19 **A** This is the 3rd of May 2019.

20 **Q** Is there a subject line on the e-mail?

21 **A** HB 6 tracker.

22 **Q** If you can go ahead and read the body of the e-mail.

23 **A** Hi, Scott, before the information flow gets away from
24 us, I have asked Anna to create a tracker on our efforts on
25 HB 6 and our opposition's efforts. I would like to have

1 everything updated, including our TV, digital, radio,
2 phones, et cetera, so when the Speaker says quote what's
3 going on close quote, I can give him everything he needs
4 without sorting through a bunch of e-mails makes sense.
5 Thanks, Jeff, followed by his signature block.

6 MS. GLATFELTER: And, Your Honor, may we publish
7 468 E, which has been admitted?

8 THE COURT: Yes.

9 **Q** Agent Wetzel, do you recognize Government's
10 Exhibit 468 E?

11 **A** Yes. This is another e-mail recovered from
12 Ms. Fitzmartin.

13 **Q** What's the subject line of this e-mail?

14 **A** Re Generation Now survey top line cross key findings,
15 message recommendations.

16 **Q** Okay. And who is cc'd on this e-mail?

17 **A** Jeff Longstreth, Megan Fitzmartin, Scott Schweitzer,
18 and Alex Tamoro -- I think it says. It's a little small. I
19 can't quite make it out. Sorry, that's an R and an N,
20 Tornero.

21 **Q** Have you seen in previous records that you've reviewed
22 related to this investigation descriptions like top lines or
23 cross tabs or surveys?

24 **A** Yes, I have.

25 **Q** Okay. And what subject do those generally relate to?

1 **A** Those are all related to polling. It's a different
2 sort of ways of looking at polling data.

3 **Q** Okay. And so can you read the body of the message
4 from Mr. Elsass?

5 **A** Yes. He writes, this briefing needs to go to
6 Householder and Neil Clark sent from my iPhone.

7 **Q** All right. And if we can publish, Your Honor, 468 H,
8 which has been admitted into evidence?

9 THE COURT: Yes.

10 **Q** Agent Wetzel, do you recognize this exhibit?

11 **A** Yes. This is another e-mail that we recovered from
12 Ms. Fitzmartin.

13 **Q** And what's the date of this e-mail?

14 **A** This is the 7th of May 2019.

15 **Q** Okay. And who is it to?

16 **A** This is from Ms. Fitzmartin to Beth Gilbert, with a cc
17 of Haines, Kaiser, and Jeff Longstreth.

18 MS. GLATFELTER: And, Ms. Terry, if we may go to
19 the last page of this exhibit.

20 **Q** Okay. For context in the communications that follow,
21 can you tell us the message that starts this e-mail chain?

22 **A** Yes. It's from Hans Kaiser who wrote: I presume
23 you've decided hold off on the survey but just wanted to
24 check back in and see if you had an update. Last we
25 connected, you were waiting for the gov's budget. Thanks,

1 Hans, followed by a signature block.

2 MS. GLATFELTER: If we may go to the second page,
3 Ms. Terry.

4 **Q** Okay. And do you see a message to the sender from
5 Jeff Longstreth at the bottom of the page?

6 **A** I do.

7 **Q** Okay. And can you tell us the date of that message?

8 **A** Of the 7th of May.

9 **Q** Okay. And can you read the first part of that message
10 for us?

11 **A** Hi, Hans, Speaker gave me clearance to do a poll
12 today. The purpose of the poll is to be released to the
13 public, not for message testing.

14 **Q** All right. And the second paragraph?

15 **A** We want to look at the energy bill HB 6. I think we
16 should take the language of the question directly from the
17 bill language. We believe this will be popular language.
18 The one political question I'd like to have in the poll is
19 if you know the Koch Brothers' group Americans for
20 Prosperity was pushing for the defeat of the bill, would
21 that make you more or less likely to support the bill?

22 **Q** Okay. And if we go to the first page again, and what
23 does Ms. Fitzmartin write at the top of the e-mail chain?

24 **A** Can we please revise to have Generation Now, Inc., as
25 the client/billing entity? Thank you.

1 Q And was she responding to an image -- or I'm sorry, a
2 message about the billing prior to that?

3 A Yes, from Ms. Gilbert.

4 Q And what did Ms. Gilbert ask her?

5 A Hi, here's a project agreement for your signature. I
6 have set it up with Friends of Larry Householder as the
7 billing entity. Please let me know if that is correct or if
8 it should be something else. Thank you, Beth.

9 Q Okay. And what does Ms. Fitzmartin respond or how
10 does she direct her?

11 A Can we please revise to have Generation Now, Inc., as
12 the client/billing entity, thank you.

13 MS. GLATFELTER: Your Honor, may we publish 468 G,
14 which has been admitted?

15 THE COURT: Yes.

16 Q All right. Agent Wetzel, do you recognize 468 G?

17 A I do. This is another e-mail recovered from
18 Ms. Fitzmartin.

19 Q Okay. And who is the e-mail to?

20 A The top e-mail is from Jeff Longstreth to Hans Kaiser,
21 who we were just discussing, with a cc of Megan Fitzmartin
22 and Beth Gilbert.

23 Q What does Mr. Longstreth write to Mr. Kaiser?

24 A I just talked to the Speaker. He's going to get back
25 to us in the morning about other questions to add.

1 MS. GLATFELTER: All right. And, finally,
2 Exhibit 468 O, Your Honor, may we publish this exhibit
3 that's been admitted?

4 THE COURT: Yes.

5 Q All right. Agent Wetzel, do you recognize 468 O?

6 A Yes. This is an e-mail from Jeff Longstreth to Brian
7 Osborne with a cc of Megan Fitzmartin.

8 Q Okay. And the e-mail address for Brian Osborne, do
9 you recognize that e-mail address?

10 A Yes. It is another one of the at TSGCO, the Strategy
11 Group company e-mails.

12 Q The Strategy Group whose logo was on the scripts we
13 saw earlier?

14 A That's correct, owned by Mr. Elsass and Mr. Schweitzer
15 that we've talked about.

16 Q Okay. And what's the date of the e-mail?

17 A This is the 23rd of May 2019.

18 Q How does that relate to the status of House Bill 6?

19 A It is before the passage in the House.

20 Q And the body of the message?

21 A Hi, Brian, the Speaker has some new items he would
22 like to add to our next round of polling. Let me know when
23 you start writing the draft. Thanks, Jeff, followed by his
24 signature block.

25 Q All right. Agent Wetzel, a few minutes ago, we were

1 talking or you were reviewing some e-mails about targeting
2 of House of Representatives; do you recall that?

3 **A** I do recall that.

4 **Q** Okay. And did you identify any communications where
5 representatives expressed frustration about the targeting?

6 **A** Yes, ma'am, I did.

7 MS. GLATFELTER: Your Honor, permission to publish
8 Exhibit 474, which has been admitted?

9 THE COURT: Only on condition that we break for
10 lunch soon.

11 MS. GLATFELTER: We can break now, Your Honor.

12 THE COURT: Very well. We're going to take our
13 lunch break. Lunch has arrived I'm advised. It's 12:15.
14 We'll bring you back in in an hour and 15 minutes. Enjoy
15 your lunch break. As always, do not discuss the case among
16 yourselves or with anyone. No independent research.
17 Continue to keep an open mind. Out of respect for you,
18 we'll rise as you leave for the lunch break.

19 THE DEPUTY: All rise for the jury.

20 (Jury exited the courtroom at 12:15 p.m.)

21 THE COURT: Jury has left the room. You can be
22 seated, if you wish. As always, we'll wait until we're
23 advised that the jurors have cleared the floor and then
24 we'll break for lunch from 12:15 to 1:30.

25 THE DEPUTY: All clear.

1 THE COURT: We're recessed until 1:30.

2 THE DEPUTY: All rise. This court is in recess
3 until 1:30.

4 (Recess taken from 12:16 p.m. to 1:27 p.m.)

5 THE DEPUTY: All rise. This court is now in
6 session pursuant to the recess.

7 THE COURT: Thank you. Please be seated. May have
8 come out too early. Are we ready for the jury from the
9 government's perspective?

10 MS. GLATFELTER: I guess we are, sir.

11 THE COURT: Mr. Householder?

12 MR. GLICKMAN: Yes, Judge.

13 MR. SCHNEIDER: Yes.

14 THE COURT: All right. Let's call for the jury.
15 (Pause.)

16 THE DEPUTY: All rise for the jury.

17 (Jury entered the courtroom at 1:33 p.m.)

18 THE COURT: Jurors may be seated as they join us.
19 You all may be seated. Thank you. 15 Members of the Jury
20 have returned. Good afternoon. We will continue to hear
21 testimony. Ms. Glatfelter, you may proceed. The witness
22 remains on the stand under oath.

23 MS. GLATFELTER: Good afternoon, Agent Wetzel.

24 THE WITNESS: Good afternoon.

25 Q Before we broke, we were talking about the targeting

1 of House of Representatives members who were thought to be
2 no votes. Do you recall that?

3 **A** Yes, ma'am, I do.

4 MS. GLATFELTER: And we had stopped with publishing
5 Exhibit 474, which has been admitted, Your Honor.

6 THE COURT: You may publish it.

7 **Q** Agent Wetzel, can you explain what 474 is?

8 **A** Yes. This is a text message conversation. It's
9 between Kyle Koehler and Jeff Longstreth, and it's from Jeff
10 Longstreth's iCloud back-up.

11 **Q** And how are you determining -- how are you able to
12 determine it's from the iCloud back-up?

13 **A** If you see above under Extraction Report, it notes
14 that it's from an Apple iCloud back-up. And then the owner
15 is listed as Mr. Longstreth.

16 **Q** And Mr. Longstreth is talking to someone named Kyle
17 Koehler?

18 **A** That's correct.

19 **Q** Have we seen the name "Kyle Koehler" during your
20 testimony?

21 **A** Yes.

22 **Q** Who is Kyle Koehler?

23 **A** He is a member of the House of Representatives at this
24 time.

25 **Q** All right. Thank you.

1 MS. GLATFELTER: Ms. Terry, if we can continue to
2 the message.

3 **Q** And, Agent Wetzel, we can read this message as we've
4 done before. If you'd read the blue boxes.

5 **A** Yes, ma'am. Kyle Koehler: By the calls I am getting
6 this week about HB 6 (and about how the constituents are
7 describing mailers they received), I can assume your
8 Generation Now folks sent a may recall into my district that
9 was less than positive about my vote?

10 **Q** Jeff Longstreth: No one from our side sent anything
11 negative into your district.

12 **A** Kyle Koehler: So if it says "Generation Now" on it,
13 then, what?

14 **Q** Jeff Longstreth: Show me the piece.

15 And, Agent Wetzel, by way of reference, do you see the
16 date range or the dates of these messages?

17 **A** Yes. It's the 4th of June 2019.

18 **Q** Okay. And can you relate that date to when House Bill
19 6 passed the House of Representatives?

20 **A** It's about a week after.

21 **Q** Jeff Longstreth: Nothing has been sent after the
22 vote. The only mailers sent were the two positive ones
23 before the vote.

24 **A** Kyle Koehler: People received them yesterday. The
25 flyers do not say, quote, call Rep Koehler and thank him,

1 close quote. I'm sitting in my office listening to my
2 constituent aide explain to repeated callers today why I
3 didn't have the quote -- why I didn't have, quote, the
4 courage, quote, to vote, quote, yes, close quote. Thanks.
5 Great to know you have my back, parentheses, question mark,
6 parentheses.

7 **Q** Jeff Longstreth: I did have your back. I did
8 positive radio and two positive mailers. Nothing was sent
9 after the vote. Maybe people are just now opening their
10 mail or maybe the USPS was late delivering it, but I can't
11 control that.

12 **A** Kyle Koehler: Not one call before the vote, before
13 vote about a mailer, not one. I am sitting here listening
14 to my aide take repeated calls about mailer received
15 yesterday from Generation Now. Yesterday, in all capitals.

16 **Q** Jeff Longstreth: I just checked, the last mailer from
17 Generation Now dropped on Friday, May 24th, that's the
18 Friday before Memorial Day. The USPS has five business days
19 from the, quote, receipt, quote, to deliver bulk mail --
20 bulk rate mail, so if it wasn't, quote, received, quote, by
21 the USPS before close of business on the 24th, it could have
22 been delivered yesterday and they would technically still be
23 in their five-business-day window.

24 **A** Kyle Koehler: Well, the crap I'm putting up with
25 yesterday and today is nothing about, quote, positive, close

1 quote, and worse yet, very few have any idea what -- or why
2 they are calling, no idea.

3 **Q** Jeff Longstreth: I'm sorry that's happening and I'm
4 sorry the USPS held it so long. There was absolutely no
5 intent to be anything but helpful to you.

6 **A** Kyle Koehler: It is almost 4:00 p.m. and my aide just
7 took a call. She hung up saying, quote: That was the first
8 call today not, in all capitals, about House Bill 6, close
9 quote. I can name three other offices where aides were
10 saying everyone, in all caps, they talked to received them
11 after, all capitals, the vote. This is not a case of folks,
12 quote, reading the mail, close quote. For you to claim this
13 kind of crap is, quote, helpful, close quote, is a bunch of
14 bullshit. Flyers questioning my, quote, courage, close
15 quote, is not helpful. This is, quote, negative, close
16 quote. You sent it. And then an image is attached.

17 **Q** Jeff Longstreth: I do not consider that a negative in
18 any way. It was sent before the vote. I'm sorry it arrived
19 late.

20 **A** Kyle Koehler: Come on, Jeff.

21 Kyle Koehler: I may be dumb enough to run for office,
22 but I am not stupid. You saying this is not negative is
23 dishonest.

24 **Q** Asking people to ask you to have the courage to make a
25 tough vote is not negative and it's not dishonest.

1 **A** Kyle Koehler: How about this, Jeff, before you try
2 to, quote, help me, close quote, again, ask my permission.

3 **Q** Jeff Longstreth: I will do so. I'm sorry you are
4 upset by this. It was certainly not my intention.

5 **A** Kyle Koehler: Up until Sunday of Memorial Day,
6 leadership was somehow under the impression that I was
7 voting for House Bill 6. WTF were you doing sending out
8 crap two days before that? Have you picked my primary
9 opponent yet? And then an image was attached.

10 **Q** Jeff Longstreth: Kyle, please stop. You and I have
11 been friends for a long time. I helped you get there. I'm
12 not about to go find someone to run against you.

13 **A** Kyle Koehler: Got mine today. You guys wasted a crap
14 load of money. And then there's an image attachment.

15 **Q** All right. And, Agent Wetzel, is this -- the next
16 page of this exhibit, is that the attachment that you were
17 just referencing or one of the attachments you had
18 referenced earlier on?

19 **A** Yes, this is one of the attachments.

20 **Q** Okay. And what does the text say at the bottom of the
21 attachment?

22 **A** Call Representative Koehler and tell him to have the
23 courage to support House Bill 6 and save 4,000 jobs, just
24 like you would want him to fight to protect yours. And
25 there's a phone number below.

1 Q All right. Thank you, Agent Wetzel.

2 Now, last week -- I want to turn to a different
3 subject. Last week you mentioned that this investigation
4 started generally with a concerned citizen who spoke to FBI;
5 do you recall that?

6 A Yes.

7 Q And who was that individual?

8 A David Greenspan.

9 Q What's Mr. Greenspan's role, if any?

10 A He was a member of the House of Representatives at
11 that time.

12 Q And when did he contact the FBI?

13 A The first time that I met with him was on the 28th of
14 May, which is the day before House Bill 6 passed.

15 Q And was that the first time you had ever met him?

16 A That's correct.

17 Q Now, I don't want to talk about what he said to you;
18 he can talk about that. But I want to talk about the
19 actions, the different actions that you took in response,
20 okay?

21 A Yes, ma'am.

22 Q So, first of all, during the course of that meeting,
23 did Larry Householder contact Mr. Greenspan about HB 6?

24 A He did.

25 Q And in what form was that communication?

1 **A** A text message.

2 **Q** Did Mr. Greenspan show you that communication during
3 your meeting?

4 **A** Yes. It actually came onto the phone while we were
5 sitting together and he showed it to me.

6 **Q** And where were you meeting?

7 **A** I believe we met at a Bob Evans.

8 **Q** After you met with him and after the House Bill 6
9 vote, did Representative Greenspan contact you again about a
10 particular instruction that he had received?

11 **A** Yes.

12 **Q** And what was the instruction that he had received?

13 **A** He relayed to me that he had been asked to delete text
14 messages.

15 **Q** Okay. And delete what text messages?

16 **A** Text messages about House Bill 6.

17 **Q** Now, based on the instruction that he had received,
18 did you take any investigative measures based on that
19 information?

20 **A** Yes. At that time I had asked for the text messages
21 that he had been asked to delete.

22 **Q** Okay. And earlier in your testimony, you had talked
23 to us about different search warrants that you had obtained
24 during the course of investigation; do you recall that?

25 **A** I do.

1 Q Okay. And can you tell us about search warrants that
2 you obtained after this information?

3 A Yeah. So after we received that information, we did a
4 number of search warrants. Are you referring to immediately
5 following or --

6 Q Yes.

7 A Okay. Yeah. So after that time -- I'm trying to
8 place that in time. After that time, we I believe began
9 with AT&T search warrants.

10 Q And the AT&T search warrants, are those related to the
11 phone records that we've seen here during trial?

12 A Yes, ma'am.

13 Q Okay. And what do they specifically relate to?

14 A They were the phone records for Mr. Householder.

15 Q Okay. And by doing a search warrant for AT&T records,
16 what were you trying to obtain?

17 A I was looking to see if we could obtain content for
18 any of the messages that Representative Greenspan had
19 mentioned.

20 Q Okay. And were you able to recover any text messages
21 from your search warrant?

22 A No. As I mentioned a little bit earlier, some
23 messages, iMessages, are sent via data, which means that
24 AT&T is not in possession of those messages. They obviously
25 have, you know, toll records for phone calls, but if a

1 message is sent as an old-fashioned SMS, they may have
2 possession of them, but for something like an iMessage, they
3 do not.

4 **Q** All right. So let's explain that concept just to make
5 sure everyone understands. So if I am connected to
6 someone's Wi-fi and I send a message, is there a chance that
7 AT&T may have that message?

8 **A** It's possible, but unlikely. Messages sent over a
9 data connection like a Wi-fi connection are generally sent
10 outside of the provider's network and so they never touch
11 AT&T's network, so AT&T doesn't have possession of them.
12 You know, they only have messages that are sent over, you
13 know, the towers. Whereas, a data message like one
14 potentially sent over internet, say Spectrum cable or a data
15 message, would not be in the possession of AT&T necessarily.
16 It depends on the messaging service that's being used.

17 **Q** Okay. So that was an investigative step that you
18 took, but you didn't receive any information from it?

19 **A** Correct, I did not, other than the toll records we
20 discussed.

21 **Q** Now, did you try to obtain copies of the text messages
22 from other places?

23 **A** Yes. After that didn't work, I then attempted to get
24 the messages from Apple, and that's at the time when we did
25 some of the Apple iCloud search warrants that we've already

1 discussed. Given that the folks in question use iPhones, it
2 was possible that some of those messages could be in the
3 possession of Apple, and so we provided search warrants to
4 try to get those messages that way.

5 **Q** And is that the way that you've -- that we've seen
6 some of the messages from Mr. Longstreth's iCloud?

7 **A** That's correct. That's one of the search warrants
8 that we did after that time to try to get message content.

9 **Q** And were you able to recover those messages that
10 Mr. Greenspan told you about from Mr. Householder's iCloud?

11 **A** No.

12 **Q** Okay. Now, you also mentioned that you did search
13 warrants for phones that were in the possession of
14 Mr. Householder, the physical phones?

15 **A** That's correct. There were two.

16 **Q** Okay. And you extracted the data -- FBI extracted
17 data from those phones?

18 **A** Correct.

19 **Q** Okay. And did you recover the text messages from
20 those phones?

21 **A** Some of them.

22 **Q** The text messages that you were talking about with
23 Mr. Greenspan?

24 **A** Indeed.

25 **Q** Now, and did you follow up and take additional

1 investigative steps based on the information from
2 Mr. Greenspan?

3 **A** Yes, we did.

4 **Q** Okay. I want to pivot again back and talk about House
5 Bill 6. Once it passed the House and went to the Senate,
6 did you investigate whether any of the strategies we've
7 talked about this morning occurred in the Senate?

8 **A** Yes.

9 **Q** Okay. And did you uncover any communications
10 regarding the messaging for the campaign in the Senate?

11 **A** Yes, I did.

12 MS. GLATFELTER: Your Honor, if we may turn to
13 Exhibit 502 A, which has been admitted?

14 THE COURT: Yes.

15 **Q** Okay. Agent Wetzel, can you explain what Exhibit 502
16 A is?

17 **A** Yes. This is a text message conversation between Jeff
18 Longstreth, Anna Lippincott, Scott Schweitzer, and Megan
19 Fitzmartin. This is one of the ones I was just mentioning
20 that was recovered from an iCloud search warrant and an
21 extraction of that data. This one in particular was from
22 Jeff Longstreth's iCloud account.

23 **Q** Okay. And you mentioned -- I'm sorry, you
24 mentioned -- where did it come from?

25 **A** Jeff Longstreth's iCloud account.

1 **Q** Okay. If we can return to the message, and what's the
2 date on these two messages?

3 **A** The 31st of May 2019.

4 **Q** Okay. So go ahead and if you can compare that to the
5 date of House Bill 6, the status of it at that time.

6 **A** So it had just passed the House a couple of days
7 before and it was now in the Senate.

8 **Q** All right. I will read the green messages, if you can
9 read the blue messages.

10 **A** Yes, ma'am.

11 **Q** Jeff Longstreth: I think we need to focus our Senate
12 digital messaging on Facebook and Twitter, not on video/paid
13 ads, but on, quote, organic, quote, slash sponsored posts.
14 It needs to look like their districts are erupting with
15 support.

16 **A** Scott Schweitzer liked, quote: I think we need to
17 focus our Senate digital messaging on Facebook and Twitter
18 not on video slash paid ads but on, quote, organic, close
19 quote, sponsored, quotes. It needs to look like their
20 districts are erupting with support, close quote.

21 **Q** Agent Wetzl, did you identify any communications
22 about a strategy meeting that occurred after the date of
23 this message?

24 **A** Yes, ma'am.

25 MS. GLATFELTER: Your Honor, permission to publish

1 Exhibit 500, which has been admitted?

2 THE COURT: Yes.

3 Q All right. Agent Wetzel, can you identify
4 Exhibit 500?

5 A Yes. This is a text conversation between Juan
6 Cespedes and Anna Lippincott, and it was recovered from
7 Mr. Cespedes' iPhone.

8 MS. GLATFELTER: All right. If we can return to
9 the message, Ms. Terry.

10 Q All right. And the date of these messages?

11 A This is the 31st of May 2019.

12 Q All right. If you can read the blue messages, I'll
13 read the green.

14 A Anna Lippincott: When are you free for an all team
15 meeting regarding HB 6 on Monday?

16 Q Juan Cespedes: Afternoon is the best for me. 12 do
17 5?

18 A Anna Lippincott: Perfect, 1:00 at our office. She
19 then writes: 1:30 asterisk.

20 Q Juan Cespedes: That works well. Rex called me on the
21 issue as well. He suggests that Jason Mauk attend. I will
22 invite him.

23 A Anna Lippincott: Thank you, with two exclamation
24 points.

25 Q Now, Agent Wetzel, were you able to find an agenda for

1 the meeting that's discussed in this text message?

2 **A** I was.

3 MS. GLATFELTER: Your Honor, if we may publish 051,
4 which has been admitted?

5 THE COURT: Yes.

6 **Q** Agent Wetzel, do you recognize what Government's
7 Exhibit 501 is?

8 **A** Yes. This is an e-mail from Anna Lippincott to Megan
9 Fitzmartin. It was recovered from Ms. Fitzmartin.

10 **Q** Okay. And she provided it to you?

11 **A** Correct, pursuant to the subpoena.

12 **Q** Okay. And what's the subject of this message?

13 **A** MTG Agenda.

14 **Q** And the date of the message?

15 **A** The 3rd of June 2019.

16 **Q** All right. And is there an attachment to this
17 message?

18 **A** Yes. Other than Ms. Lippincott's signature, there is
19 no text, and it has one attachment.

20 **Q** All right. If we can go to page 2 of this exhibit, is
21 this the attachment that you were referring to?

22 **A** Yes, ma'am.

23 **Q** Do you recognize the logo on the top right of the
24 document?

25 **A** Yes. It's the Generation Now logo.

1 Q Okay. And what's the title of this document?

2 A Generation Now, Inc. Meeting, Monday, June 3, 2019.

3 Q And the status of House Bill 6 at the time of
4 June 3rd, 2019?

5 A It had just passed the House and was now in the
6 Senate.

7 Q Okay. So what's the agenda for this team meeting?

8 A The listed agenda: 1, recap HB strategy for House,
9 member feedback, what worked, what didn't; B, opposition
10 strategy. Part 2, Senate strategy, senator-by-senator game
11 plan, hyper local; B, change in media/digital approach; C,
12 timeline. And then under numeral 3: Needs moving forward;
13 A, messaging, (overall plus per senator); B, whip count; C,
14 lobbying plan for each senator; D, communications plan. And
15 there's a list of numbers below that: 1, broadcast; 2,
16 cable; 3, radio; 4, mail; 5, digital.

17 Q Now, based on the messages that we've looked at, the
18 e-mail that was the previous message and the text message,
19 the one before that, what groups were attending this
20 meeting?

21 A The folks affiliated with Generation Now as well as
22 individuals from FirstEnergy.

23 Q Now, did you recover notes from this meeting?

24 A Yes, ma'am, I did.

25 MS. GLATFELTER: Your Honor, if we can publish 503,

1 which has been -- one moment, Your Honor, I just want to
2 make sure. Okay. Your Honor, if we may show this to the
3 witness first?

4 THE COURT: Yes.

5 Q Agent Wetzel, do you recognize these?

6 A I do.

7 Q Okay. And what are they?

8 A This is a similar document, but with text filled in.
9 It was recovered from Ms. Lippincott pursuant to a subpoena.

10 Q Okay. And did you actually recover this same document
11 from multiple sources?

12 A Indeed, I did.

13 Q Okay. What are -- what's another source that you
14 recovered it from?

15 A I believe it was present attached to an e-mail as
16 well.

17 Q Okay. And perhaps also from the iCloud?

18 A Yes.

19 MS. GLATFELTER: Your Honor, at this time I'd ask
20 to admit Exhibit 503?

21 THE COURT: Any objections?

22 MR. GLICKMAN: No, Judge.

23 MR. SCHNEIDER: No objection.

24 THE COURT: It's admitted.

25 MS. GLATFELTER: Thank you, Your Honor. Permission

1 to publish?

2 THE COURT: Yes.

3 Q Agent Wetzel, can you explain what this document is?

4 A Certainly. So the heading is the same as the document
5 that we just examined. And then below that there are the
6 sections, but there's text filled in here in addition to the
7 text that was on the previous document we looked at.

8 Q Okay. And so in terms of matching this document up
9 with the previous messages that we've seen, what about the
10 date at the top?

11 A It's the same day.

12 Q Okay. And do you see a similar logo on this document?

13 A I do.

14 Q Okay. Now, can you read to us what the different
15 sections -- you don't have to read the text, but if you can
16 read the different headings for us?

17 A Yes. Under No. 1, Recap HB 6 Strategy for House. And
18 then sub A: Member feedback, what worked, what didn't. And
19 then No. 1: What didn't work. No. 2: What didn't work.
20 No. 3: What didn't work. And No. 4: What didn't work.

21 Q Those say "what did work"?

22 A Excuse me, I'm sorry. The first two said "what didn't
23 work." The second two said "what did work." I apologize.

24 Q Okay. And then what is Section B?

25 A Opposition Strategy.

1 Q And then what is Roman Numeral II?

2 A Falling into the quote bailout trap, close quote.

3 Q Okay. And if we move down the document to Roman
4 Numeral II?

5 A Senate Strategy. And then below that, under A,
6 Senator By Senator Game Plan. B: Change In Media/Digital
7 Approach. And, C: Timeline.

8 MS. GLATFELTER: Okay. And if we go to the
9 second -- is there a second page of the document, Ms. Terry?

10 Q Okay. And if you can tell us what the other sections
11 of the notes are, B, C, and D?

12 A Messaging (overall plus per senator).

13 Do you want me to read the subheadings as well, ma'am?

14 Q No, thanks.

15 A C, Senate Whip Count; and, D, Lobbying Plan For Each
16 Senator.

17 MS. GLATFELTER: Ms. Terry, the last page.

18 THE WITNESS: And then, E, Communications Plan.

19 Q Okay. And if we go back up to the first page of the
20 document and we focus on that section Member Feedback, What
21 Worked, What Didn't, can you read those four points for us?

22 A Yes. What Didn't Work: Our calls, the TV was weak,
23 (didn't mention the members' names.) New strategy needs to
24 be targeted, cable, mentioning the names. 2, What Didn't
25 Work: The bill repeatedly changing, which meant the

1 messaging repeatedly changed. 3, What Did Work: Calls for,
2 quote, on the fence, quote, members (G dot Manning relayed
3 she was feeling the heat from calls. Talked to Nathan and
4 he was feeling an influence by proxy.)

5 And No. 4, What Did Work: Their names, anything that
6 mentioned their names. They got lots of feedback from
7 friends, family, district people, radio, comma, mail.

8 **Q** Thank you, Agent Wetzel.

9 Now, during the Senate -- approximately, how long was
10 the bill before the Senate?

11 **A** A little over a month. It began approximately in the
12 beginning of June and passed out sort of mid July, so a
13 month-and-a-half.

14 **Q** And during that time, were you able to identify
15 communications during your investigation about the targeting
16 of senators by Generation Now?

17 **A** Yes, ma'am, I was.

18 MS. GLATFELTER: Your Honor, permission to publish
19 056 D, which has been admitted?

20 THE COURT: Yes.

21 **Q** Agent Wetzel, do you recognize 506 D?

22 **A** Yes, ma'am, I do.

23 **Q** Okay. And what is it?

24 **A** This is an e-mail that was provided by Ms. Fitzmartin
25 pursuant to the subpoena we've been discussing. It is from

1 Cheyenne Haines of the Strategy Group Company to Megan
2 Fitzmartin, with a cc of Brian Osborne.

3 **Q** And what is the subject line?

4 **A** FW Senate Phones.

5 **Q** And are there any attachments to this document?

6 **A** Yes. Senatetarget.XLSX.

7 **Q** And when does this communication occur?

8 **A** The 30th of May 2019.

9 **Q** Okay. And relate that to the status of House Bill 6
10 at the time, if you can?

11 **A** It's the day after the bill passed the House.

12 MS. GLATFELTER: Okay. If we can go to the second
13 page of this document. All right.

14 **Q** Do you see a message at the top of the screen from
15 Mr. Longstreth?

16 **A** Yes. It's from Jeff Longstreth at the
17 jefflongstreth@gmail.com e-mail we've been discussing, and
18 it's to Megan Fitzmartin, with a cc of Brian Osborne,
19 Cheyenne Haines, and Scott Schweitzer. The subject is:
20 Senate Phones.

21 **Q** Okay. Can you read the first two lines of that
22 e-mail?

23 **A** Yes. Updated Senate targets, messaging should match
24 what we're doing on cable/radio. And then there's a list of
25 names below.

1 Q And do you recognize any of the names on that list?

2 A Yes. They're Ohio State Senators at that time.

3 Q If we can return to the first page, and is there a
4 response from Scott Schweitzer at the Strategy Group?

5 A Yes. Thanks, Jeff. BO/Cheyenne, let Jeff, Megan and
6 I know costs for approval. I will have you invoice this
7 directly. Thank you, Scott.

8 Q Okay. And does Mr. Longstreth respond to that e-mail?

9 A He does.

10 Q And what does he say?

11 A Can we make sure the current radio ad that says,
12 quote, call your representative, close quote, is down. All
13 messaging is Senate focused now. Thanks.

14 Q All right. And does Mr. Schweitzer respond to Jeff's
15 message?

16 A He does.

17 Q What does he say?

18 A Roger that. We put on the stop order this morning.

19 Q All right. Is there a message at the top regarding
20 the status of the program?

21 A Yes.

22 Q And can you read that for us, please?

23 A Megan, we'll need to get land line and mobile data for
24 all of the attached targets minus those in italics when
25 received yesterday. We'll also want to expand the mobile

1 list you had already sent, if possible. Thank you, followed
2 by Cheyenne's signature block.

3 MS. GLATFELTER: And, Ms. Terry, if we can look at
4 page 3 and then page 4. Go ahead to page 4. Yes.

5 **Q** And do you see the attachment to the e-mail?

6 **A** Yes, I do.

7 **Q** Is this the attachment that you were referencing
8 before earlier?

9 **A** It is.

10 **Q** Okay. And what's the title of the attachment?

11 **A** Senate Districts.

12 **Q** And do you recognize what's depicted on this
13 attachment?

14 **A** Yes. The left-most column is a district number. A
15 central column is the name. And then to the right is a
16 phone number.

17 **Q** Agent Wetzl, did you find sample radio and TV scripts
18 that correspond to this time period during your
19 investigation?

20 **A** Yes, ma'am, I did.

21 MS. GLATFELTER: Your Honor, permission to publish
22 509 A, which has been admitted?

23 THE COURT: Yes.

24 **Q** Okay. Agent Wetzl, do you recognize this?

25 **A** Yes, I do.

1 Q And what is it?

2 A So this is another -- it's listed as radio copy at the
3 top, and it bears the Strategy Group's logo in the top
4 right. And it has some data about who it was for, title, et
5 cetera, and then there's a listing of audio below that.

6 Q Okay. And do you recognize the name that has been
7 added in bold throughout this -- or added in highlighting, I
8 guess, yellow highlighting?

9 A Rob McColley.

10 Q And what position does he have, if any?

11 A He was a state senator at that time.

12 MS. GLATFELTER: All right. And if we can, Your
13 Honor, publish 509 B, which has been admitted?

14 THE COURT: Yes.

15 Q Agent Wetzel, do you recognize 509 B?

16 A Yes, I do.

17 Q And what is 509 B?

18 A This is another -- this is a television copy, as it
19 notes in the top left, from the Strategy Group. And like
20 the earlier one we examined, it has the audio on the left
21 and the video on the right for the advertisement.

22 Q All right. And do you see a logo in the top right?

23 A Yes.

24 Q And whose logo is that?

25 A It's the Strategy Group.

1 Q And the name that is in yellow highlighting on
2 Government's Exhibit 509 B?

3 A It's Senator Rob McColley. Again, the same individual
4 we were just discussing.

5 Q Now, during this time frame while House Bill 6 was
6 pending before the Senate, did you identify sample mailers
7 that correspond to this time period?

8 A Yes, ma'am.

9 MS. GLATFELTER: And, Your Honor, permission to
10 publish 507 D, which has been admitted?

11 THE COURT: Yes.

12 Q All right. Agent Wetzel, who's this message from?

13 A Adam Maust.

14 Q Have we come across Adam Maust before during your
15 testimony?

16 A Yes, we have.

17 Q He works for what company?

18 A The Mighty Group.

19 Q What kind of work does the Mighty Group do?

20 A Primarily, as we've been seeing them, they've been
21 doing campaign mail, making sort of the things that get
22 mailed to folks.

23 Q And who is he sending an e-mail to?

24 A This is to Ms. Fitzmartin. Excuse me.

25 Q Okay. And is there a subject line?

1 **A** Yes. The subject is: Versions new, 19-G N-007
2 underscore SD 01, and then there's a number of attachments.

3 **Q** Okay. And now if you can read all of the
4 attachments -- I'm just kidding, totally kidding. All
5 right.

6 Is there content to the message?

7 **A** For review-final. Okay.

8 **Q** How many pages are associated with this exhibit?

9 **A** 41.

10 **Q** So why don't we have Ms. Terry scroll through the
11 pages so you can see them and then we'll ask you a couple of
12 questions about them.

13 **A** Yes, ma'am.

14 MS. GLATFELTER: All right. Ms. Terry, if we can
15 pause on this one for a moment.

16 **Q** Do you see a disclaimer in the top left of
17 Government's Exhibit 507 D, page 18?

18 **A** Yes. We see here that it says: Paid for by
19 Generation Now now, Inc., in the top left corner.

20 **Q** And can you circle where that is?

21 **A** (Witness writing.)

22 **Q** Now, looks like the pages that we've been scrolling
23 through are the same. Is there any difference on the pages
24 that you've noticed?

25 **A** There's a difference in the senator that is listed on

1 the two-sided advertisements.

2 **Q** Okay. And where can we see that information on the
3 screen?

4 **A** So on the left side here, it says Senator Andrew
5 Brenner can protect jobs, save communities, lower electric
6 bills, and produce energy in Ohio for Ohio. And then below:
7 Tell Senator Andrew Brenner to pass House Bill 6. And then
8 there's a phone number to call and an e-mail.

9 **Q** Okay. And so we should see that, that information,
10 change as we scroll through those exhibits or these
11 exhibits?

12 **A** Yes.

13 MS. GLATFELTER: If we can continue, Ms. Terry.

14 **Q** Agent Wetzel, are these some of the mailers that you
15 recovered during your investigation?

16 **A** Yes. This is some, it's a subset.

17 **Q** You say "some." Are there others?

18 **A** Yes, there are.

19 **Q** Okay. Did you identify any communications during this
20 time period while HB 6 was pending in the Senate regarding
21 Neil Clark and his role?

22 **A** Yes.

23 MS. GLATFELTER: Your Honor, permission to publish
24 502 C, which I just want to verify -- yes, it's been
25 admitted.

1 THE COURT: Yes.

2 **Q** Okay. Agent Wetzel, can you identify Government's
3 Exhibit 502 C?

4 **A** Yes. This is a text message conversation between Neil
5 Clark, SLH, Jeff Longstreth. This is another one of those
6 communications that I've been mentioning that come from the
7 Apple iCloud back-up belonging to Jeff Longstreth.

8 MS. GLATFELTER: All right. Ms. Terry, if we can
9 zoom out and go to the messages.

10 **Q** Okay. And remind us with multiple people on one text
11 thread, how those messages appear and how you're able to
12 separate them visually?

13 **A** Certainly. So the program organizes this the way
14 you'd be viewed on your phone. So the messages of the
15 prospective, that is you -- which is in this case is Jeff
16 Longstreth -- are to the right. And then the ones they are
17 receiving are on the left. In this case, when there's a
18 group message, all of the ones not sent by Jeff Longstreth
19 are on the left, which are in blue. And so you can see
20 here, at the top of the message, we can see who is the party
21 sending. So the very first message has the 2500 with SLH,
22 which is Speaker Larry Householder that we've been
23 discussing, and then below that is the next message is from
24 Neil Clark. They're both sort of on the received side of
25 the message; whereas, the ones that Jeff sends will appear

1 on the right side.

2 **Q** Thank you.

3 And, Agent Wetzel, let's go ahead and please read these
4 like we've done in the past, you with the blue boxes and
5 I'll read the green.

6 **A** Yes, ma'am. First message, SLH: FYI, O'Donnell and
7 Baird want to split OVEC and nuke subsidies off and into the
8 budget and work through the standards in the remaining bill.
9 That makes it very, very important to get caucus against
10 inclusion in the budget.

11 Neil Clark: I have talked to seven members so far.

12 SLH: Are you doing any good?

13 Neil Clark: Yes.

14 Neil Clark: Out of seven calls, I got six yes votes
15 and one no vote.

16 Neil Clark: All said they would oppose the amendment.

17 Neil Clark: Well, except one, Jay Hottinger didn't
18 show his cards.

19 Neil Clark: Colley is a hard no on the bill and will
20 fight the amendment.

21 Neil Clark: Most want HB 6 as is with some tweaking.

22 **Q** Okay. Now, did you find any communications while the
23 bill was pending in the Senate involving Mr. Householder's
24 role in the -- while the -- strike that whole thing.

25 Did you find any communications regarding

1 Mr. Householder's involvement in House Bill 6 after it
2 passed the House in May?

3 **A** Yes, I did.

4 MS. GLATFELTER: All right. If we may publish 508
5 A?

6 THE COURT: Yes.

7 MS. GLATFELTER: Thank you. It's been admitted.

8 **Q** Okay. Do you recognize Government's Exhibit 508 A?

9 **A** I do. It's a text message conversation between Matt
10 Borges and Juan Cespedes.

11 **Q** And once we enlarge it, can you tell us the time
12 period of the message?

13 **A** First message is June 27th, 2019.

14 **Q** Okay. I'll read the green messages, if you read the
15 blue. Juan Cespedes: I am going to miss the Zeiger call,
16 but please fill me in later.

17 **A** Matthew Borges: With him now. He thinks if we can
18 change some of the wording to make it clear that this is a
19 tax, we have a great argument to keep it off the ballot.

20 **Q** Thanks. I need a doc from him with the specific
21 language that I can share directly with Speaker.

22 **A** Matthew Borges: Should be in your e-mail box shortly.

23 **Q** Thanks.

24 **A** Matthew Borges: He wants to add possible emergency,
25 quote, effective immediately, close quote, language to what

1 we are sending you.

2 **Q** Juan Cespedes: Remind me to tell you ABT Matt Davis
3 next time we talk, classic.

4 **A** Matthew Borges: Oh, no. Okay. Zeiger thinks we win
5 the case if we change some of this language.

6 **Q** Juan Cespedes: It's a funny story ABT Davis.

7 Juan Cespedes: Good on Zeiger. I think I need to find
8 a way to make him available to Speaker and Gen Now at some
9 point tomorrow.

10 **A** Matthew Borges: He's willing and able and gets what
11 we are trying to do.

12 **Q** Juan Cespedes: Thanks.

13 MS. GLATFELTER: Your Honor, if we may publish 508
14 B, which has been admitted?

15 THE COURT: Yes.

16 **Q** All right. Do you recognize 508 B, Agent Wetzel?

17 **A** Yes, I do. This is a text message conversation
18 between Juan Cespedes and John Kiani. It was extracted from
19 Mr. Cespedes' iPhone.

20 MS. GLATFELTER: Okay. If we can look at the
21 message, Ms. Terry.

22 **Q** If you can read the blue boxes, I'll read the green.

23 **A** John Kiani: We okay? Where are you? Thanks.

24 **Q** Juan Cespedes: I needed some privacy to talk.

25 **A** John Kiani: Are we okay?

1 Q Juan Cespedes: Yes, but I am grinding for you.

2 A John Kiani: Thank you. We must get this done
3 tonight, please.

4 Q Juan Cespedes: I can't be in the State House talking
5 to the Speaker and others with that many ears around.

6 A John Kiani: Understood.

7 Q Juan Cespedes: We got some last-minute curve balls.

8 A John Kiani: Jason said Speaker still saying he wants
9 to take this to cont CMTE.

10 John Kiani: In two weeks, which is blows us up.

11 Q Juan Cespedes: He does, but I am working on it.

12 MS. GLATFELTER: Your Honor, if we may publish 508
13 C, which has been admitted?

14 THE COURT: Yes.

15 Q Agent Wetzel, do you recognize 508 C?

16 A Yes. This is another text message conversation
17 between Juan Cespedes and John Kiani. It was recovered from
18 Mr. Cespedes' iPhone.

19 MS. GLATFELTER: And, Ms. Terry, if we can look at
20 the body of the message.

21 Q Okay. Before we start reading this one, can you
22 orient us into the time frame here, Agent Wetzel?

23 A Yes. This is the 21st of July 2019. This is just
24 before the vote on Ohio House Bill 6 passing.

25 Q What day was the vote?

1 **A** The 23rd.

2 **Q** All right. Let's go ahead and read the messages. You
3 can read the blue boxes. I'll read the green.

4 **A** John Kiani: Okay. Twitter saying two's vote.

5 **Q** Juan Cespedes: Yes, just like we spoke ABT.

6 **A** John Kiani: But is it confirmed?

7 **Q** Juan Cespedes: I was not told by Jay that is he was
8 official when I last spoke to him. The Twitter post is
9 direct from Householder.

10 **A** John Kiani: Okay, great.

11 **Q** Juan Cespedes: Jay says the notice is officially out.
12 Tuesday at 11. Keep your fingers crossed on travel
13 schedules.

14 MS. GLATFELTER: And, Your Honor, if we can publish
15 483 A, which has been admitted?

16 THE COURT: Yes.

17 **Q** Agent Wetzel, do you recognize Government's
18 Exhibit 483 A?

19 **A** Yes, ma'am, I do.

20 **Q** And what is it?

21 **A** This is a text conversation between SLH and Jeff
22 Longstreth. It was extracted from the Apple iCloud
23 belonging to Jeff Longstreth.

24 **Q** And do you see the number at the top in terms of how
25 many pages?

1 **A** There are 52 pages to this exchange.

2 **Q** Okay. So I'm going to direct your attention to a
3 specific portion.

4 MS. GLATFELTER: Ms. Terry, if we can publish
5 page 28. Okay. And I'm sorry, the bottom part of 28.

6 **Q** Agent Wetzel, when you are reviewing different
7 communications in this case, were you also trying to review
8 messages that indicated whether or not Mr. Householder was
9 involved in the Senate campaign?

10 **A** Yes, I was.

11 **Q** Okay. And is this one of the messages that you
12 reviewed?

13 **A** It is.

14 **Q** Okay. Go ahead, if you can read the blue boxes and
15 I'll read the green.

16 **A** Yes, ma'am.

17 SLH: When does the Gen Now TV message change?

18 SLH: I think it's burnt in, well burnt in.

19 **Q** Jeff Longstreth: They're working on a draft now.
20 Polling shows it's working.

21 **A** SLH: I agree. It's funny though, in district the
22 number one question is just what the hell is this House Bill
23 6?

24 SLH: Nobody knows what it is or what it does,
25 including the Senate.

1 Q Jeff Longstreth: Polling shows the more we explain
2 it, the worse it does.

3 A SLH: John Eckland asked me last night if he could sit
4 down with me and find out why we did what we did. I think
5 that's positive.

6 Q If we say it saves jobs and reduces bills, that polls
7 better than if we say it will save you a hundred dollars by
8 eliminating mandated energy costs. It's counterintuitive.

9 A SLH: Of course.

10 SLH: I'm just sick of seeing that poor some bitch
11 drive that pickup truck down the road and cry about losing
12 his job, which means it's burnt in.

13 Q Yeah. I'll change it out later this week.

14 Now, let me ask you about the passage of House Bill 6
15 and what happened after it passed for the final vote. Okay.
16 So you said the final vote on House Bill 6 was what day?

17 A The 23rd of July.

18 Q Okay. And if we --

19 MS. GLATFELTER: Your Honor, if we may publish
20 Exhibit 6, which has been admitted?

21 THE COURT: Yes.

22 Q Okay. And if we look at our timeline in terms of
23 2019, can you direct us to where that is on the timeline?

24 A Yes. Would you like me to circle it?

25 Q Yes, please.

1 **A** (Witness writing.)

2 **Q** Okay. And during the next two months -- three months
3 down to October, can you generally -- can you generally tell
4 us what that time period is, what's occurring with House
5 Bill 6 during that time period?

6 **A** Sure. So shortly after the final vote on House Bill 6
7 is signed into law, there is a proposed ballot referendum
8 that begins relatively quickly, which is depicted on the
9 chart in front of you. On July 29th, the group OACB submits
10 proposed ballot language. Essentially, it's an attempt to
11 put House Bill 6 on the ballot so at the next general
12 election everyone in Ohio could vote on whether that bill
13 stays law and goes into effect or not.

14 **Q** Okay. So on the 23rd when House Bill 6 was passed for
15 the final vote, did the governor sign it?

16 **A** It did -- or he did, excuse me.

17 **Q** And you had opened your investigation by that time,
18 correct?

19 **A** Correct.

20 **Q** And you mentioned this period of time was called a
21 referendum or this period, you're generally referring to a
22 referendum?

23 **A** Yes, I think generally refer to it as the referendum
24 period. There is a period of time that's outlined by state
25 law wherein you can conduct a referendum against a bill.

1 It's capped, and so there's a specific fixed period of time
2 after a bill becomes law that you can try to do this process
3 to prevent it from going into effect.

4 **Q** Okay. And the timeline of that process, is that
5 represented on your timeline here between July 23rd and
6 October 22nd?

7 **A** Yes, it is.

8 **Q** Now, do people refer to this time period as different
9 things? For example, you've called it a referendum period.
10 Are there other names that people commonly use to associate
11 around this, around what's happening during this period of
12 time?

13 **A** Yes. There's a couple of different ways people
14 referred to it.

15 **Q** Have you heard the term "ballot campaign"?

16 **A** I have.

17 **Q** Okay. Is that generally referencing the same thing?

18 **A** Yes. There's just different sort of common slang for
19 it. Essentially, it's a period in which the campaign to put
20 the potential repeal on the ballot is running.

21 **Q** Okay. So when we're looking at evidence in this next
22 period of time, when people say "ballot campaign" or
23 "referendum," they're talking about essentially the same
24 period of time?

25 **A** Correct. If the effort collects enough signatures,

1 then, whether or not House Bill 6 would go into effect and
2 be law in Ohio then goes to all of the voters to vote on it.
3 It would appear on your ballot at the next election.

4 **Q** Now, based on your investigation and review of
5 evidence that you're going to go through in a few minutes,
6 what government agencies are involved in that process, just
7 generally? Don't go through the whole process, but tell me
8 what government agencies are involved.

9 **A** The Ohio Secretary of State's office and the Ohio
10 Attorney General's office.

11 **Q** And are they involved in different parts of time
12 during that process?

13 **A** Yes. Some of the documents are filed with the
14 Secretary of State's office, and then there is an approval
15 process that goes through the Attorney General's process --
16 or office, excuse me. And then the Secretary of State's
17 office is also involved after that with some other things in
18 terms of validating signatures and some other stuff.

19 **Q** So in terms of your timeline, just so we can go
20 through the abbreviations on your timeline here, "OACB,"
21 what is that an abbreviation for?

22 **A** That's the organization that was attempting to place
23 the repeal on the ballot. It stands for Ohioans Against
24 Corporate Bailouts.

25 **Q** Okay. And the reference to "AG," what does that refer

1 to?

2 **A** That's the Attorney General's office.

3 **Q** Okay. And so can you circle the time period on your
4 timeline that relates to the Attorney General?

5 **A** (Witness writing.)

6 **Q** Okay.

7 **A** Sorry, I missed the dates. I apologize.

8 **Q** During your investigation, did you recover some
9 evidence about the concern of the referendum period even
10 before House Bill 6 was signed by the governor?

11 **A** Yes, I did.

12 MS. GLATFELTER: If we can turn, Your Honor, to 601
13 A, which has been admitted?

14 THE COURT: Yes.

15 **Q** Okay. Do you recognize 601 A?

16 **A** Yes. This is an e-mail that was provided by
17 FirstEnergy pursuant to the subpoena we've been discussing.

18 **Q** Okay. And what's the time period of this e-mail?

19 **A** This is the 19th of June 2019.

20 **Q** All right. And what's happening in terms of the
21 status of the bill June 19th, 2019?

22 **A** So this is after the passage in the House but before
23 passage in the Senate.

24 **Q** Okay. Now, the top of the e-mail, who sends the
25 e-mail?

1 **A** Michael Dowling.

2 **Q** And who is he sending an e-mail to?

3 **A** Chuck Jones and John Kiani.

4 **Q** All right. And is he replying or forwarding or what
5 is he doing in this message?

6 **A** He is forwarding an e-mail that he had received from
7 Mike Dawson.

8 **Q** And what's the title of the -- of whatever he is
9 forwarding?

10 **A** Oh, so it says in the subject line: Gongwer Service
11 Desk Ohio/, and then the title of the Gongwer News Service
12 story that he's forwarding is: Opponents eyeing referendum
13 if nuclear subsidy bill passes.

14 **Q** And then what does Michael Dowling write when he
15 forwards the message?

16 **A** He forwards it on and says: Bring it on. Don't put
17 your checkbook away yet, John.

18 MS. GLATFELTER: Your Honor, may we please publish
19 601 B, which has been admitted into evidence?

20 THE COURT: Yes.

21 **Q** Agent Wetzell, do you recognize what 601 B is?

22 **A** Yes. This is a text message conversation between Dan
23 McCarthy and Michael Dowling recovered from Michael
24 Dowling's iPad.

25 **Q** Okay. And what's the date of this e-mail?

1 **A** This is the 16th of July 2019.

2 **Q** Okay. And are you -- can you identify who Dan
3 McCarthy is?

4 **A** Yes. He worked in the governor's office at that time.

5 **Q** And based on your receipt of documents from in this
6 case, did he have any role related to Partners For Progress?

7 **A** Yes. He is one of the gentlemen who helped set up
8 Partners For Progress originally.

9 MS. GLATFELTER: Okay. If we can continue to the
10 message.

11 **Q** I'll read the green messages and you can read the blue
12 messages.

13 **A** Okay.

14 **Q** Michael Dowling: Yo -- or yo, please call.

15 **A** Dan McCarthy to Mike Dowling: Just called you.

16 **Q** Michael Dowling: Anything I can do to help on
17 anything?

18 **A** Dan McCarthy: You guys are freaking out about a
19 potential referendum?

20 **Q** Michael Dowling: News to me. Juan and the FES gang?

21 Michael Dowling: Just remembered some language added
22 to the House version to help make it harder to challenge via
23 referendum. Speaker worked with FES on it. Senate probably
24 took it out and now folks want it back in.

25 **A** Dan McCarthy: Might be.

1 Q Agent Wetzel, during your investigation, did you find
2 communications regarding an effort to thwart the referendum
3 effort?

4 A Yes, I did.

5 Q Okay. And can you identify what groups were involved
6 in that effort?

7 A Generally speaking, Generation Now and FirstEnergy.

8 Q Did you uncover -- and we'll get to these messages in
9 a moment, but, generally, did you recover communications
10 regarding Mr. Householder's role in that effort?

11 A Yes, I did.

12 Q And did you uncover information or communications
13 regarding Matt Borges' role in that efforts?

14 A Yes, ma'am, I did.

15 Q Let's start with Mr. Householder.

16 MS. GLATFELTER: If we can publish, Your Honor, 601
17 C, which has been admitted into evidence?

18 THE COURT: Yes.

19 Q Agent Wetzel, do you recognize 8 -- I'm sorry 601 C?

20 A Yes, ma'am, I do.

21 Q And what is it?

22 A This is a text conversation between Michael Dowling
23 and John Kiani. It was recovered from Mr. Dowling's iPad
24 and provided to us by FirstEnergy.

25 Q What's the date of the message?

1 **A** It's the 24th of July 2019, which is the day after
2 House Bill 6 passes.

3 MS. GLATFELTER: Okay. And if we can go to the
4 contents of the message, Ms. Terry.

5 **Q** We can read this one as we've done in the past.

6 **A** Yes, ma'am. John Kiani to Mike Dowling: Do you sit
7 in your board room W everyone for your earnings call?

8 **Q** Michael Dowling: Yes, I'm here.

9 Michael Dowling: Stock is down.

10 John Michael Dowling: Who is on point for FES on the
11 referendum matter?

12 **A** John Kiani: Regulated uts are down 33 BPS, and FE is
13 down 7 BPS, so it is outperforming 26.

14 John Kiani: Juan, Burnazian, and myself are point on
15 referendum. He has an MTG W Speaker on it tomorrow. I am
16 talking to Speaker later today. Although Juan doesn't want
17 me to bring it up E/C, they are working on it. He is also
18 working W Matt Borges at Roetzel, who is V close W Dave
19 Yost.

20 John Kiani: I text W Dawson, yes, and I am speaking W
21 him today.

22 MS. GLATFELTER: All right. And if we can scroll
23 down to maybe I think the second-to-last page. Keep going.
24 Keep going. Thank you.

25 **Q** Okay. And if we can start at the top. Michael

1 Dowling: John, let's talk tomorrow. I'm very concerned
2 about the referendum. I don't know much about how to manage
3 referendums. My only direct experience is funding them.
4 But I know enough to know this, it takes a lot of money and
5 it takes a lot of really smart lawyers, money, political and
6 media specialists, parents, earned media, and, quote,
7 regular, quote, media, parentheses, social media specialists
8 and expert polsters. With all due respect, saying that you,
9 Steve, and Juan are on point scares me. You're all very
10 smart, but smarts isn't enough for this fight. Let's talk
11 tomorrow.

12 **A** John Kiani: Okay, sure, Mike. Who do you think
13 should be on point?

14 **Q** Michael Dowling: I really don't know. I have names
15 of people who should be on the team, but as for being on
16 point, not sure yet.

17 **A** John Kiani: Okay. I am traveling to New York
18 tomorrow. We are taking Householder's lead on fighting the
19 referendum.

20 John Kiani: We have also hired the best lawyer in
21 Columbus on this defense, John Zeiger.

22 **Q** All right. And did you recover other messages from
23 around this same time period about this subject?

24 **A** Yes, ma'am.

25 MS. GLATFELTER: Your Honor, if we can move to and

1 publish 601 D, which is in evidence?

2 THE COURT: Yes.

3 Q Agent Wetzel, do you recognize 601 D?

4 A I do.

5 Q And what is it?

6 A This is another text conversation between Michael
7 Dowling and John Kiani, This one on the 26th of July in
8 2019. It was recovered from Mike Dowling's iPad.

9 Q And you said what was the date?

10 A The 26th of July 2019.

11 Q And what is that in relation to the final vote?

12 A Three days after.

13 MS. GLATFELTER: All right. Thank you. If you can
14 move to the message.

15 Q All right. I'll read the green and you can read the
16 blue. Michael Dowling: John, couple of things. I had a
17 good conversation with Speaker H today, re: The referendum
18 issue. I think you're in excellent hands. I know more
19 about his personal involvement and engagement. We should
20 all be following his lead. I know you/FES are and we will
21 as well.

22 A John Kiani: Great to hear. Thanks, Mike.

23 MS. GLATFELTER: All right. And if we can keep
24 this up on the screen and put it on the left, Ms. Terry.

25 And, Your Honor, may we publish 734 which I believe is

1 in evidence? But let me double check. Yes, it is.

2 THE COURT: Yes.

3 MS. GLATFELTER: Thank you. If we may publish 734
4 on the right. Great. And if we may move to page 5,
5 Ms. Terry.

6 **Q** All right. Agent Wetzel, we've talked about
7 Exhibit -- this exhibit a couple of times. Refresh my
8 memory as to what it is, please.

9 **A** Yeah. So this is just a chart. It has five columns
10 from left to right. The date. Next to it is the time, and
11 that's in Eastern Standard Time. And then in the center,
12 who contacts whom. And then to the right of that is the
13 duration. And then to the right of that is the source of
14 the data that we used to populate the chart.

15 **Q** Okay. So on Government's Exhibit 601 D, when Michael
16 Dowling says that he just spoke to Speaker H, what was the
17 date of that message?

18 Are you able to tell or do you need it enlarged?

19 **A** It appears to be July 26th.

20 **Q** And were you able to identify phone contact between
21 Michael Dowling and Larry Householder on that date?

22 **A** Yes, I was.

23 **Q** Can you circle that for the jury, please?

24 **A** (Witness writing.) It's the same spot on the screen
25 as yesterday. There we go.

1 Q Thank you, Agent Wetzel.

2 Now, you actually circled two phone contacts there.

3 Can you explain why?

4 A There are two phone contacts on that day. Earlier in
5 the day is contact from Larry Householder, and he calls
6 Charles Jones, and they're connected for 21 minutes and
7 31 seconds. And then later that morning, there is a contact
8 from Michael Dowling to Larry Householder, and that lasts
9 for 8 minutes and 14 seconds.

10 Q All right. Thank you.

11 MS. GLATFELTER: Your Honor, may we publish 601 E,
12 which has been admitted into evidence?

13 THE COURT: Yes.

14 Q Agent Wetzel, do you recognize 601 E?

15 A Yes. This is a text message conversation between
16 Michael Dowling, John Kiani, and Chuck Jones. And it was
17 recovered from Mr. Dowling's iPad.

18 Q And how did you receive it?

19 A From FirstEnergy pursuant to a subpoena.

20 Q Now, can you relate the date of this message to the
21 one that we just saw?

22 A It's a few days later, four.

23 MS. GLATFELTER: Okay. Ms. Terry, if we can look
24 at the message, please.

25 Q If you read the blue, I'll read the green.

1 **A** John Kiani to Mike Dowling, and obviously Chuck Jones
2 as well, it's a group message. FYI, press release naming
3 full board IN CL JB released at 9:00 a.m. ET this morning.
4 Had a good call W the Speaker yest about the referendum.

5 **Q** Michael Dowling: Great.

6 All right. So if this message was on July 30th, 2019,
7 what would yesterday be?

8 **A** The 29th.

9 **Q** All right. Did you search for whether there were
10 phone contacts between Mr. Kiani and Larry Householder on
11 that date?

12 **A** I did.

13 MS. GLATFELTER: If we can, Your Honor, publish two
14 exhibits at the same time which have been admitted, 700 A,
15 which is our phone number exhibit, and 716 C?

16 THE COURT: Yes, yes.

17 MS. GLATFELTER: Thank you.

18 **Q** Okay. Agent Wetzel, can you remind us on 700 A what
19 Mr. Kiani's phone number is by circling it?

20 **A** (Witness writing.)

21 **Q** Okay. And if we can look on 729 -- I'm sorry, 716
22 C -- one moment.

23 MS. GLATFELTER: 729. Ms. Terry, if we go to the
24 last page I think or the second-to-last page.

25 **Q** Agent Wetzel, are you --

1 **A** Let me see if I can find it. Sorry, it's a little
2 small.

3 MS. GLATFELTER: If we can go to the last page,
4 Ms. Terry. Ms. Terry, are you able to expand that section
5 so we can -- oh, no. Okay. That's okay.

6 **Q** Agent Wetzel, are you able to read those columns to
7 us?

8 **A** Yes. They are -- the left column is Item, and as I
9 mentioned, that's just a number that's assigned. It counts
10 up, that's added by AT&T. Then there's the data, the
11 connection, the time of the connection, and then there's a
12 seizure time along with an ET. The seizure time is how long
13 it takes for the phone to connect, like if you start calling
14 and it's ringing but there's no connection yet. And then
15 the ET is the time of the call. Then there's the
16 originating number and the terminating number. And then
17 following that, there's some information about the IMEI,
18 IMSI, and some other data about the phone placing the call.

19 **Q** Okay. And so reviewing this line that you've circled
20 from left to right, can you tell us what occurred according
21 to these AT&T records?

22 **A** So on the 29th, that 1932 number that we were just
23 discussing belonging to John Kiani that's on the left called
24 the 2500 number that we've been discussing that belongs to
25 Mr. Householder. And they connected for 23 minutes and

1 21 seconds.

2 Q Okay.

3 THE COURT: Ms. Glatfelter, you know what I'm going
4 to ask?

5 MS. GLATFELTER: Maybe for a break.

6 THE COURT: It's 20 -- beyond 20 of whatever. It's
7 time for a break. You guys need to hang in there with me.
8 It's Friday, I understand that. We're going to take a
9 20-minute break. During the break, do not discuss the case
10 even among yourselves. Don't talk to anyone about it. No
11 independent research. No Googling, Twittering, any of that.
12 Continue to keep an open mind. Out of respect for you,
13 we'll rise as you leave for 20 minutes.

14 THE DEPUTY: All rise for the jury.

15 (Jury exited the courtroom at 2:42 p.m.)

16 THE COURT: Jury has left the room. We stay in the
17 courtroom until they clear the floor. You may be seated if
18 you want or remain standing. We remain on the record.

19 Ms. Glatfelter, curiosity killed the cat. Satisfaction
20 brought it back. Do you know what I'm going to ask you?

21 MS. GLATFELTER: Unfortunately, yes. No, I'm just
22 kidding.

23 THE COURT: Do you wish to make a statement or not
24 at this time? I'll leave you alone. I'm curious.

25 MS. GLATFELTER: In terms of where we'll end today?

1 THE COURT: Um-hmm. It's Friday.

2 MS. GLATFELTER: I know. I don't think we'll
3 finish with this witness today on direct.

4 THE COURT: Then, it probably doesn't matter when
5 we break.

6 MS. GLATFELTER: That is true, and I think because
7 of some obligations of the government team, we wouldn't be
8 opposed to breaking slightly early today.

9 THE COURT: Does Mr. Householder's counsel have an
10 opinion on how long we should go today? We'll come back at
11 3:05. Typically, we go to 4:30. Do you want to weigh in or
12 chat during the break?

13 MR. GLICKMAN: My opinion is this will be four full
14 trial days on direct with this witness and we're now in our
15 second week of trial. The defense has done exactly two
16 cross-examinations approximately ten days ago. If we're
17 talking about breaking a little bit early to accommodate the
18 government, I'm fine with that, but not a lot, please.

19 THE COURT: Fair enough. And does Mr. Borges'
20 counsel want to weigh in or are you going to say you agree?

21 MR. SCHNEIDER: I'm going to say that I would agree
22 with you.

23 THE COURT: We're going to recess for 20 minutes.

24 THE DEPUTY: All rise. This court is in recess for
25 20 minutes.

1 (Recess taken from 2:44 p.m. to 3:03 p.m.)

2 THE DEPUTY: All rise. This court is in session
3 pursuant to the recess.

4 THE COURT: Thank you. Please be seated. Are we
5 ready for the jury from the government's perspective?

6 MS. GLATFELTER: Yes, Your Honor.

7 THE COURT: From Householder's perspective?

8 MR. GLICKMAN: Yes, Judge.

9 MR. SCHNEIDER: Yes.

10 THE COURT: Is there anything you wish to tell me
11 before we get the jury, sir?

12 MR. GLICKMAN: Me, Judge?

13 THE COURT: Um-hmm.

14 MR. GLICKMAN: Whatever time the government needs
15 to break is fine with us.

16 THE COURT: That's a credit to you. Going to shoot
17 for 4. Let's call for the jury.

18 (Pause.)

19 THE DEPUTY: All rise for the jury.

20 (Jury entered the courtroom at 3:05 p.m.)

21 THE COURT: Jurors can be seated as they join us.
22 You may all be seated. Thank you. 15 Members of the Jury
23 have rejoined us. We're ready to proceed with the taking of
24 testimony.

25 Ms. Glatfelter, you may proceed.

1 MS. GLATFELTER: Thank you, Your Honor.

2 **Q** Agent Wetzel, during the referendum period after HB 6
3 passed, did Householder keep in contact with FirstEnergy and
4 FES executives?

5 **A** Yes, he did.

6 MS. GLATFELTER: Your Honor, permission to publish
7 611 J, which has been admitted into evidence?

8 THE COURT: Yes.

9 **Q** Agent Wetzel, do you recognize 611 J?

10 **A** Yes, ma'am, I do.

11 **Q** Okay. And what is it?

12 **A** This is a text conversation between Charles Jones and
13 Christine Rosenberger recovered from Mr. Jones' iPhone.

14 **Q** Okay. And do you know of what the role is between
15 Ms. Rosenberger and Mr. Jones?

16 **A** Yes. We've spoken about her before. She's Mr. Jones'
17 assistant.

18 MS. GLATFELTER: Okay. And if we can look at the
19 message.

20 **Q** All right. I'll read the green. From the owner, Mr.
21 Jones: I need to meet Larry Householder on Friday at
22 1:00 p.m. He just confirmed it's the only time he can do.
23 I can be back in by 3:30 for the other meetings or Saturday
24 a.m.

25 **A** Christine Rosenberger: Okay. No problem. I'll get

1 them rescheduled.

2 **Q** Agent Wetzel, what are the dates of these messages?

3 **A** These messages are both 8/21 of 2019.

4 **Q** Thank you.

5 MS. GLATFELTER: And, Your Honor, if we may publish
6 611 E, which is in evidence?

7 THE COURT: Yes.

8 **Q** Agent Wetzel, do you recognize Government's
9 Exhibit 611 E?

10 **A** I do.

11 **Q** What is it?

12 **A** This is a text conversation between Juan Cespedes and
13 John Kiani. It was recovered from Mr. Cespedes' iPhone.

14 **Q** Okay. And the time period of the messages?

15 **A** This is September 6th.

16 **Q** All right. I'll read the green messages, if you read
17 the blue.

18 **A** Yes, ma'am.

19 **Q** Mr. Cespedes: I'll call you right before 4:00 p.m.
20 and then dial in the Speaker.

21 **A** John Kiani: Call you from desk in 3 min.

22 **Q** Juan Cespedes: Okay.

23 Juan Cespedes: Still waiting for call. His staff is
24 trying to reach him.

25 **A** John Kiani: I have another call starting at 4:45 ET.

1 **Q** Juan Cespedes: Understood. When do you free up
2 after? I am going to push because his staff can't locate
3 him.

4 **A** John Kiani: Let's do 5:30 ET.

5 **Q** Juan Cespedes: Maybe we can do the comms call first
6 thing in the morning. Speaker side asking for 8:00 a.m.

7 **A** John Kiani: Yes.

8 MS. GLATFELTER: Your Honor, if we may publish 611
9 F, which has been admitted?

10 THE COURT: Yes.

11 **Q** Agent Wetzel, do you recognize 611 F?

12 **A** Yes, I do.

13 **Q** What is it?

14 **A** This is another text conversation between Juan
15 Cespedes and John Kiani. This was also recovered from
16 Mr. Cespedes' iPhone.

17 MS. GLATFELTER: And, Ms. Terry, if we can review
18 the message.

19 **Q** Okay. And what's the date range of this message or
20 these messages?

21 **A** These on the screen are the 12th of September 2019.

22 **Q** Okay. If you read the blue boxes, I'll read the
23 green.

24 **A** John Kiani: We're in the back.

25 **Q** Juan Cespedes: Okay.

1 Juan Cespedes: I am sitting -- I am here sitting next
2 to SLH.

3 Now, Agent Wetzel, we've spoken a few times about a
4 calendar that you obtained and you've reviewed; do you
5 recall that?

6 **A** I do.

7 MS. GLATFELTER: Okay. Your Honor, may we publish
8 204 E, which has been admitted?

9 THE COURT: Yes.

10 MS. GLATFELTER: I'm sorry, Ms. Terry, if we could
11 keep the other message up on the screen, which was 911 F.
12 I'm sorry, 611 F. 204 E, and if we could go to page 197 of
13 204 E.

14 **Q** Agent Wetzel, upon reviewing the message that we just
15 read about we're in the back and I'm sitting here next to
16 LH, did you try to understand what was occurring at that
17 time?

18 **A** I did.

19 **Q** Okay. And did you consult the calendar that we're
20 looking at on the right?

21 **A** Yes, I did.

22 **Q** Do you see an entry for September 12th?

23 **A** Yes.

24 **Q** That corresponds to this message?

25 **A** Yes, I do.

1 Q And what's that, what is that message -- or I'm sorry,
2 what is that calendar event?

3 A So if you look at 9/12, if you look at 9/12, there in
4 the morning is a meeting with John Kiani at Plank's Cafe and
5 Pizzeria. And it appears both in the green blue suede
6 loafers calendar that we discussed that belongs to
7 Mr. Householder and the gray calendar belonging to
8 Mr. Longstreth, that Gmail account that we've been
9 discussing.

10 Q It appears that that event was for both calendars?

11 A Indeed.

12 MS. GLATFELTER: Okay. Your Honor, may we publish
13 611 G, which has been admitted?

14 THE COURT: Yes.

15 Q Agent Wetzel, do you recognize 611 G?

16 A I do.

17 Q What is it?

18 A This is another text message conversation,
19 participants are John Kiani and Juan Cespedes. This one
20 also comes from Mr. Cespedes' iPhone.

21 Q Agent Wetzel, I will read the green boxes, if you read
22 the blue. Juan Cespedes: The Speaker is requesting a call
23 at sign 3:00 p.m. EST. Can you do it?

24 A John Kiani: Yes.

25 MS. GLATFELTER: Your Honor, may we publish 613 J,

1 which has been admitted?

2 THE COURT: Yes.

3 Q Agent Wetzel, do you recognize 613 J?

4 A I do.

5 Q And what is it?

6 A This is another text conversation, it's between
7 Matthew Borges and Juan Cespedes. This one was recovered
8 from Mr. Borges' iPhone.

9 MS. GLATFELTER: And if we may look at the message,
10 Ms. Terry.

11 Q Okay. And what's the timing of these messages?

12 A This is October 14th, 2019.

13 Q Okay. If you read the green boxes -- I'm sorry, the
14 blue boxes, I can read the green.

15 A Juan Cespedes: Let's get a room booked for Kiani,
16 Burnazian, and Griff in the a.m.

17 Juan Cespedes: At Roetzel.

18 Juan Cespedes: 3:45 call W Zeiger. Need a number for
19 them to call, preferably a direct dial (this is from Mauk.)

20 Q Matt Borges: On it.

21 Matt Borges: What time do you think you'll get to RNA?

22 A Juan Cespedes: They land at 11:00 a.m. Griff may
23 arrive earlier.

24 Juan Cespedes: I believe the Speaker is going to make
25 time to meet with them tomorrow.

1 **Q** Okay. Now, Agent Wetzel, while you were reviewing
2 communications and other business records you received in
3 your investigation, did you find any communications
4 regarding Mr. Borges' role during the referendum period?

5 **A** Yes, ma'am, I did.

6 MS. GLATFELTER: Your Honor, may I please publish
7 what has been admitted as Exhibit 605 D?

8 THE COURT: Yes.

9 MS. GLATFELTER: D as in dog.

10 **Q** Okay. Agent Wetzel, do you recognize 605 D?

11 **A** Yes, I do. This is a text message conversation
12 between Matthew Borges and Matt Carle. It was recovered
13 from Mr. Borges' iPhone.

14 MS. GLATFELTER: Okay. And if we can go to the
15 message.

16 **Q** Okay. Before we start reading the messages, what's
17 the date range of these or the dates of these messages?

18 **A** Shown here, these are August 4, 2019.

19 **Q** Okay. And can you relate that to the final vote for
20 House Bill 6?

21 **A** Yes. That occurred on the 23rd of July, so it's a few
22 weeks after.

23 **Q** Okay. I'll read the green boxes, if you can read the
24 blue.

25 Matt Borges: I have an interesting project for us.

1 Potentially very lucrative. Let me know when you have time
2 to discuss.

3 **A** Matt Carle: Hi, Matt, want me to give you a call
4 tomorrow morning?

5 **Q** Matt Borges: Yes, please do.

6 **A** Matt Carle: Or I can call this afternoon, whichever
7 works best.

8 **Q** Either way. Generation Now (Householder) wants to
9 bring us on to help run part of the anti-referendum
10 campaign. I was on a conference call a little bit ago and I
11 believe we have the green light to move forward. I just
12 want to talk to you about the -- I just want to talk about
13 the project with you and figure out how we want to structure
14 it.

15 **A** Matt Carle sends a blank message.

16 MS. GLATFELTER: Your Honor, may I please publish
17 Exhibit 131 which has been introduced -- or admitted into
18 evidence?

19 THE COURT: Yes.

20 **Q** Okay. Agent Wetzel, do you recognize this document?

21 **A** Yes, I do.

22 **Q** Okay. What is it?

23 **A** We looked at a number of these awhile ago. This is
24 the creation of a business entity with the Ohio Secretary of
25 State. This particular one is for the 17 Consulting Group,

1 LLC.

2 **Q** Okay. And who -- based on the document in front of
3 us, what name is associated with 17 C -- 17 Consulting
4 Group, LLC?

5 **A** Matthew Borges.

6 MS. GLATFELTER: All right. May I please publish
7 admitted Exhibit 605 E, Your Honor?

8 THE COURT: Yes.

9 **Q** Do you recognize what this is, Agent Wetzel?

10 **A** Yes. This is another text message conversation. This
11 one is between Matthew Borges and Juan Cespedes. This one
12 is recovered from Matthew Borges' phone.

13 **Q** All right. And if you can first tell us the date of
14 this message?

15 **A** Yes. This is August 5th, 2019, which is the same date
16 that we just saw in the incorporation document.

17 **Q** Okay. And if you read the blue boxes, I'll read the
18 green.

19 **A** Juan Cespedes: Don't forget to shoot over ideal
20 weekly budget breakdown just for my eyes. I know how to
21 manage. I'd like to get a quick Week 1 request for a couple
22 of hundred grand then trickle the rest in week to week.

23 Juan Cespedes: And get me the LLC name.

24 **Q** Matt Borges: Yes, I'll get it to you in the morning,
25 if that's okay.

1 Matt Borges: 17 Consulting Group.

2 **A** Juan Cespedes: That's perfectly fine, just don't want
3 you to forget. You own that solely, correct?

4 **Q** Matt Borges: Yes.

5 **A** Juan Cespedes liked, quote, yes, close quote.

6 **Q** Matt Borges: I definitely won't forget.

7 Matt Borges: Are you on this 12:30 call with
8 FieldWorks? Anna sent out an invite and I didn't see you on
9 there. Don't want to get caught having a conversation that
10 I shouldn't be having.

11 **A** Juan Cespedes: I got added to it. Def make sure you
12 are on the call also.

13 **Q** Matt Borges: Will do.

14 Matt Borges: Jeff pulled me aside on the way out the
15 door and said he's ready to turn our stuff around instantly
16 as soon as he gets the funds.

17 **A** Juan Cespedes: Yeah, I made it clear to him that you
18 report to nobody. Glad he said that.

19 **Q** All right. Agent Wetzel, let's go through a few of
20 the names that we've seen in this set of messages.

21 MS. GLATFELTER: First of all, Ms. Terry, if you
22 can go ahead and highlight at the bottom of the page where
23 we were looking before.

24 **Q** Okay. Do you see the reference to Jeff in Mr. Borges'
25 message?

1 **A** I do.

2 **Q** Okay. And is there a Jeff that is associated with
3 Generation Now?

4 **A** Yes. It's Jeff Longstreth.

5 MS. GLATFELTER: Okay. And if we can go to the top
6 and enlarge that. Thank you.

7 **Q** Do you see in the top message a reference to the name
8 "Anna"?

9 **A** Yes. There's an Anna Lippincott that is also
10 associated with Generation Now.

11 **Q** Okay. And do you see the reference to the name
12 "FieldWorks"?

13 **A** I do.

14 **Q** Is that name that you became familiar with during your
15 investigation?

16 **A** Yes, I did.

17 **Q** And did you obtain business records from them?

18 **A** I did.

19 MS. GLATFELTER: All right. And if we can go to
20 the first page, Ms. Terry -- I'm sorry, the second page, I
21 misspoke.

22 **Q** Okay. And do you see at the top, in the top message,
23 17 Consulting Group?

24 **A** Yes, I do.

25 **Q** Okay. And does that relate in any way to the

1 Secretary of State filing you testified about a few minutes
2 ago?

3 **A** Yes. That's the name of the entity that Matthew
4 Borges created.

5 MS. GLATFELTER: Okay. Your Honor, may I please
6 publish Exhibit 132, which has been admitted?

7 THE COURT: Yes.

8 MS. GLATFELTER: Okay. And, Ms. Terry, if we go to
9 page 18 of this exhibit.

10 **Q** All right. Agent Wetzel, are you able to see that on
11 your screen?

12 **A** Yes, ma'am.

13 **Q** Okay. And can you describe to us what this is?

14 **A** Yes. This is -- we looked at a few of these. This is
15 the signature card. So at Huntington Bank, this is sort of
16 an account creation -- a creation document, excuse me.
17 Under Account, it lists 17 Consulting Group, LLC, and then
18 you see there is an account number which is redacted
19 followed by 4115.

20 **Q** Okay. And so let's go through a few things on the
21 document first. Which bank is this related to?

22 **A** Huntington Bank. It's in the top right corner of the
23 pullout there.

24 **Q** Okay. And on the left side of the document, is there
25 a date associated with the account opening?

1 **A** August 7, 2019.

2 **Q** Okay. And do you see that date elsewhere on this
3 document?

4 **A** Yes. It is the date listed after Mr. Borges'
5 signature below.

6 **Q** Okay. And how does that date relate back to the
7 Secretary of State filing that we saw?

8 **A** It's two days after.

9 **Q** Okay. And the title on the account?

10 **A** 17 Consulting Group, LLC.

11 **Q** Okay. And the phone number that's associated with the
12 account, do you recognize that number?

13 **A** I do. That's Mr. Borges' cell phone number.

14 MS. GLATFELTER: Your Honor, permission to publish
15 what's been admitted as Exhibit 605 G?

16 THE COURT: Yes.

17 **Q** Okay. Agent Wetzel, do you recognize Government's 605
18 G?

19 **A** I do.

20 **Q** All right. What is it?

21 **A** This is a text message conversation between Jeff
22 Longstreth and Matt Borges. It was recovered from
23 Mr. Borges' iPhone.

24 MS. GLATFELTER: And, Ms. Terry, if we may see the
25 message.

1 **Q** All right. I will read the green boxes, if you read
2 the blue.

3 Matt Borges: Wiring 04400002401893474415. Thanks.

4 Let me ask you a question, Agent Wetzel. That second
5 number, is there any correlation between that and the
6 records that we just reviewed?

7 **A** Yes, that's the account number.

8 **Q** The second number, 441 -- that ends in 4415?

9 **A** Correct.

10 **Q** Okay. If you can continue with the blue messages.

11 **A** Jeff Longstreth: I'll need company name and address
12 too.

13 **Q** Matt Borges: Of course. 17 Consulting Group, 2753
14 Sherwood Road, Bexley, Ohio, 43209. Thanks so much.

15 **A** Jeff Longstreth: Really appreciated your insight in
16 the meeting today.

17 **Q** Matt Borges: For sure. Thanks for having me.
18 Anything I can be doing, just let me know.

19 **A** Jeff Longstreth: For sure. Always enjoy working with
20 you. Let me know how I can help you.

21 Jeff Longstreth: Yes, I'm sending it now.

22 Jeff Longstreth: Sorry, that previous text was for
23 Juan. Just sent you a wire.

24 **Q** Matt Borges: Terrific. Thanks.

25 Matt Borges: Can you do a conference call today with

1 the FES team to discuss some earned media around the filing
2 of the lawsuit challenging the constitutionality of the
3 referendum. Zeiger would like to file on the Supreme Court
4 on Tuesday or Wednesday. John Kiani would like to do a call
5 on this today. Maybe 4:00 p.m.

6 **A** Jeff Longstreth: I can do 4:00 p.m.

7 **Q** Great. Thanks. We'll get you the dial-in information
8 for the 4:00 p.m. call ASAP.

9 330-436-2800, 8507328 number -- or pound sound. Who
10 is our candidate in the Ryan Smith seat?

11 MS. GLATFELTER: And if you can keep that enlarged,
12 Ms. Terry. Or actually we'll go on to the next and then
13 we'll come back to this. Thank you.

14 **A** Jeff Longstreth: Matt Ward.

15 **Q** Matt Borges: Thanks. Also Brian Stewart is a friend.
16 He's running in the 78 and asked for my help. I was going
17 to write him a check. Just wanted to make sure we're good
18 with him.

19 **A** Jeff Longstreth: SLH endorsed him today.

20 **Q** Thank you. If we can go back -- oh, never mind,
21 sorry, one more message.

22 Matt Borges liked, quotation: SLH endorsed him today,
23 quotation mark.

24 MS. GLATFELTER: And if we can go to the bottom,
25 Ms. Terry. Thank you.

1 Q Okay. Just a few questions about this. Agent Wetzel,
2 do you recognize 330 as an Area Code?

3 A Yes.

4 Q And what Area Code does that pertain to?

5 A Generally, the Cleveland/Akron area.

6 Q Okay. And is that the Area Code associated with Chuck
7 Jones' number and Mike Dowling's number?

8 A Correct.

9 Q All right. And the second message there, what is the
10 pronoun that Matt Borges used to describe the candidate?

11 A Our.

12 Q Okay.

13 MS. GLATFELTER: Your Honor, may I please publish
14 Exhibit 605 F, which has been admitted?

15 THE COURT: Yes.

16 Q Okay. Agent Wetzel, do you recognize 605 F?

17 A I do.

18 Q And what is it?

19 A This is a text message conversation between Matt
20 Borges and Juan Cespedes. It came from Matthew Borges'
21 iPhone.

22 Q Okay. If you can read the blue messages, I'll read
23 the green.

24 A Yes, ma'am.

25 Juan Cespedes: I just got off the phone with Kiani

1 and his family. He is going to bed in Italy. I am quite
2 sure that I will never have this much discretion with this
3 amount of resources. He told me to do whatever it takes.

4 **Q** Matt Borges loved: I just got off the phone with
5 Kiani and his family. He is going to bed in Italy. I am
6 quite sure that I will never have this much discretion with
7 this amount of resources. He told me to do whatever it
8 takes.

9 **A** Juan Cespedes: Longstreth asked for wiring
10 instructions if you prefer wire transfer. He can also cut
11 you a check if easier. Just let him know.

12 **Q** Matt Borges: Okay. I'll get him wiring instructions.

13 **A** Juan Cespedes: The initial wire has hit Gen Now.

14 Juan Cespedes: BTW, I'll be using 614 Solutions for
15 this project, not the Oxley group.

16 Juan Cespedes: Jeff said he just sent letter U wire.

17 **Q** Matt Borges: Got it.

18 MS. GLATFELTER: Your Honor, permission to publish
19 132 again, which has been admitted?

20 THE COURT: Yes.

21 MS. GLATFELTER: Ms. Terry, if we turn to page 25.

22 **Q** Okay. Agent Wetzel, do you recognize page 25 of
23 Exhibit 132?

24 **A** I do.

25 **Q** And what is it?

1 **A** So this is like some of the other statements we've
2 been looking at. This is a bank statement. You can see in
3 the top right and the top left, it's for the Huntington
4 Bank. And this particular business entity is 17 Consulting
5 Group, LLC, with the address listed below. And this is for
6 the Huntington unlimited checking account ending in 4415
7 that we've been discussing.

8 **Q** Okay. And do you see at the bottom of the statement
9 where it says "Other Credits"?

10 **A** I do.

11 **Q** Okay. And can you read those other credits to us?

12 **A** Yes. Under Other Credits: Date: 05/08. Amount:
13 400,000. Description: Incoming Fedwire transfer. 08/23.
14 Amount: 200,000. Description: Incoming Fedwire transfer.
15 Date: 8/30. Amount: 200,000. Description: Incoming
16 Fedwire transfer.

17 MS. GLATFELTER: And, Ms. Terry, if we can go back
18 to page 18 for a moment of the same exhibit.

19 **Q** Agent Wetzel, what date was this account opened?

20 **A** The 7th of August 2019.

21 MS. GLATFELTER: Okay. And if we can return back
22 to page 25.

23 **Q** In the first credit, the first wire transfer, what
24 date did that occur on?

25 **A** The following day, the 8th.

1 Q And that was for how much?

2 A \$400,000.

3 MS. GLATFELTER: Ms. Terry, if we can go to page 20
4 of this exhibit. All right.

5 Q If we go to the bottom row, do you see that, Agent
6 Wetzel?

7 A I do.

8 Q All right. And do you see the date at the bottom row
9 there?

10 A Yes. It's the 8th of August in '19, which is 2019.

11 Q And can you circle where that is on the document for
12 us?

13 A (Witness writing.)

14 Q And who is that wire transfer from?

15 A Under Orig is Generation Now, Incorporated.

16 Q Okay. So the first wire transfer is \$400,000?

17 A Correct.

18 Q Okay. And do you see the transfers that you were
19 referring to on the bank statement above that?

20 A Yes. Those are the next two lines up. And, again,
21 when we receive items, in addition to the statements, we get
22 wire transfer information -- wire transfer information in
23 the way that the bank stores it. This is the way that it
24 was provided to us.

25 Q Okay. And if you look at the last column, the orig --

1 I guess originator column, who -- where are these wires
2 coming from, can you tell?

3 **A** They are all coming from Generation Now, Incorporated.

4 MS. GLATFELTER: All right. So the bottom wire,
5 August 8th of 2019, Ms. Terry, if we can go to page 61 of
6 this exhibit.

7 **Q** All right. Agent Wetzel, do you recognize what this
8 is?

9 **A** Yes. This is a check from that account written to
10 Matthew Borges.

11 **Q** Okay. And what's the date of the check?

12 **A** The 8th.

13 **Q** Is that the same day that the wire transfer came in?

14 **A** Yes, it is.

15 **Q** And what is the amount on the check?

16 **A** \$100,000.

17 MS. GLATFELTER: Your Honor, may I please publish
18 what has been admitted Exhibit 605 I?

19 THE COURT: Yes.

20 **Q** Okay. Agent Wetzel, do you recognize what 605 I is?

21 **A** Yes, I do.

22 **Q** And what is it?

23 **A** This is a text message conversation between Juan
24 Cespedes and Matthew Borges extracted from Mr. Borges'
25 iPhone.

1 MS. GLATFELTER: Okay. And, Ms. Terry, if we can
2 see the message.

3 Q What are the dates of these messages?

4 A This is the 21st of August 2019.

5 Q Okay. So about ten days after the check or ten days
6 or so after the check we just saw?

7 A Yes.

8 Q Okay. Continue. You can read the blue boxes and I'll
9 read the green.

10 A Juan Cespedes: I also requested 200 K for this week
11 which should -- we should see tomorrow.

12 Q The green box for Matt Borges is blank. All right.

13 MS. GLATFELTER: And, Your Honor, if we may publish
14 605 J, which has been admitted?

15 THE COURT: Yes.

16 Q Agent Wetzel, do you recognize 605 J?

17 A I do.

18 Q And what is it?

19 A This is a text message conversation between Juan
20 Cespedes and Matt Borges. It came from Matt Borges' iPhone.

21 Q Thank you.

22 MS. GLATFELTER: Ms. Terry, if we can see the
23 message.

24 Q If you can read the blue boxes, I'll read the green.

25 A Juan Cespedes: Gen Now received their wire from FES.

1 Keep an eye out for the 200 K.

2 **Q** Matt Borges: Sounds good. Thanks.

3 **A** Juan Cespedes: FYI, Longstreth said the wire has been
4 sent.

5 **Q** Matt Borges: Great. Let's catch up on signature
6 efforts when you can. I'll reply to Kiani's e-mail with
7 next steps this afternoon.

8 **A** Juan Cespedes: Just let me know when you have time.
9 I am free by phone.

10 **Q** Okay. And Matt Borges: 3:30?

11 **A** Juan Cespedes: Cool.

12 MS. GLATFELTER: All right. Ms. Terry, if we can
13 leave this last page up to the left of the screen.

14 And, Your Honor, if we may publish 132, which has been
15 admitted? Those are the bank records.

16 THE COURT: Yes.

17 MS. GLATFELTER: Ms. Terry, if we can show page 25.
18 605 J.

19 **Q** Okay. Agent Wetzl, do you see, is there any
20 correlation between the text message on the left in terms of
21 date and the wire transfers into the credit column on the
22 statement on the right?

23 **A** Yeah. The text message conversation we were just
24 reading on the left occurred on the 23rd, which is the same
25 day that a wire transfer into the account.

1 MS. GLATFELTER: Your Honor, permission to publish
2 what has been admitted as 605 K?

3 THE COURT: Yes.

4 MS. GLATFELTER: Thank you.

5 **Q** Agent Wetzel, do you recognize 605 K?

6 **A** I do.

7 **Q** And what is it?

8 **A** This is a text message conversation between Matt
9 Borges and Juan Cespedes. This was extracted from Matthew
10 Borges' phone.

11 MS. GLATFELTER: Ms. Terry, if we can see the
12 message. Thank you.

13 **Q** Okay. And what are the date of these messages?

14 **A** The 29th of August 2019.

15 **Q** I'll read the green boxes if you'll read the blue.

16 Matt Borges: Yost approved the language. Letter
17 going out this afternoon.

18 **A** Juan Cespedes: Okay, thanks. May you let folks know?
19 I'm still in this MTG. You did everything you could. We
20 just got to beat them now.

21 **Q** Matt Borges: Will do.

22 MS. GLATFELTER: And if we can go to -- yeah, the
23 last two messages of the page. Thank you.

24 **A** Juan Cespedes: You should be receiving 200 K wire
25 shortly.

1 Q Liked: You should be receiving 200 K wire shortly.

2 MS. GLATFELTER: All right. Your Honor, if we may
3 publish the bank records again, Exhibit 132, which has been
4 admitted?

5 THE COURT: Yes.

6 MS. GLATFELTER: This time, Ms. Terry, if we can go
7 to page 27.

8 Q And do we see anything that correlates to the date of
9 those messages on this page?

10 A Would you show me the date of the last message again,
11 please?

12 Q I apologize. 605 K, and if you go to the bottom, the
13 second page. Okay?

14 A Yes.

15 MS. GLATFELTER: I think 27, 25 or 27. It would be
16 25 actually.

17 Q Agent Wetzel, do you see anything that correlates to
18 the dates of the messages?

19 A I do. On the 30th there is a \$200,000 incoming
20 Fedwire into the 17 Consulting Group, LLC account.

21 Q Okay. And is that wire referenced in the messages on
22 the left?

23 A It is, at the bottom.

24 MS. GLATFELTER: Your Honor, may I publish what has
25 been admitted as 605 L?

1 THE COURT: Yes.

2 Q Agent Wetzel, do you recognize this?

3 A I do.

4 Q And what is it?

5 A This is a text conversation between Juan Cespedes and
6 Matt Borges. It was recovered from Matthew Borges' iPhone.
7 Juan Cespedes -- sorry, go ahead.

8 Q My apologies. If you read blue, I'll read green.
9 Thank you.

10 A Yes, ma'am. Juan Cespedes: Wire has been sent today.

11 Q Matt Borges: Okay. I am sending Hancock some, dollar
12 sign, and transferring some to the new PAC account to pay
13 for the digital we discussed. Will cut Culling check when
14 he invoices me. Just letting you know some, dollar sign,
15 dollar sign is starting to move.

16 A Juan Cespedes: Perfect. Culling will invoice end of
17 month. I'll be in touch later this month. Going to put you
18 in group.

19 Q Okay. And, Agent Wetzel, as we continue through the
20 referendum period, did you discover additional
21 communications about 17 Consulting Group and money?

22 A Yes, I did.

23 MS. GLATFELTER: May we please publish 605 O, which
24 has been admitted?

25 THE COURT: Yes.

1 Q Do you recognize this document, Agent Wetzel?

2 A I do.

3 Q And what is it?

4 A It is a text conversation between Juan Cespedes and
5 Matt Borges extracted from Matt Borges' iPhone.

6 MS. GLATFELTER: Okay. And if we can look at the
7 message.

8 Q If you read the blue boxes, I'll read the green.

9 A Juan Cespedes: Other side filed something in federal
10 court with Judge Sargus yesterday. May you try to get some
11 intel on what it is?

12 Q Matt Borges: Yes.

13 A Juan Cespedes: Thanks.

14 Q Matt Borges: Forwarded it. Challenging the
15 constitutionality of the referendum laws in Ohio.

16 Matt Borges: They're trying to get the, quote,
17 summary, quote, period thrown out and get the court to give
18 them back the 15 or so days that it took for AG to certify
19 language and SOS to validate signatures. They also want
20 Form 15 laws tossed.

21 Matt Borges: Also worth noting they claim the deadline
22 day is actually October 22nd, not 21st -- or 21 as we have
23 believed all along.

24 A Juan Cespedes: That suit seems like a hail Mary.
25 What were Zeiger's thoughts?

1 **Q** Matt Borges: We are all just reading it now. Yeah, I
2 don't think there's much there, but I don't blame them at
3 all for challenging the law itself. Kiani just called he
4 wants us all to get on a call and discuss it. I'll get with
5 Zeiger and Stewart and set it up.

6 Borges: Should we include McTigue and Bray on that
7 call?

8 **A** Juan Cespedes: Yeah, if they can join.

9 **Q** Matt Borges: They slipped the harassment stuff into
10 this lawsuit. Discovery on in issue should be interesting.
11 17 is likely going to have to lawyer up.

12 **A** Juan Cespedes: No worries at all. Do you have any
13 concerns?

14 **Q** Matt Borges: We would just need to fight discovery if
15 it ever got you -- he point where they followed the Gen Now,
16 dollar signs.

17 **A** Juan Cespedes: Makes sense.

18 **Q** And, Agent Wetzel, when you were reviewing the
19 communications regarding 17 Consulting Group, did you
20 identify any communications regarding the deposits and
21 invoices?

22 **A** Yes, ma'am, I did.

23 MS. GLATFELTER: Okay. Your Honor, may we publish
24 605 Q, which has been admitted?

25 THE COURT: Yes.

1 MS. GLATFELTER: Okay.

2 **Q** And if you can identify what 6305 Q is?

3 **A** Yes. This is an extraction from Mr. Borges' iPhone.
4 This is listed as an instant message. It is actually an
5 iMessage like the one we've been looking at; however, due to
6 the length, it is formatted a little bit differently than
7 some of the other ones -- excuse me -- that we've been
8 talking about.

9 MS. GLATFELTER: Okay. And, Ms. Terry, if you can
10 enlarge the first half of the document. Thank you.

11 **Q** Okay. And who are the participants to this particular
12 message?

13 **A** The participants are listed as Juan Cespedes and Matt
14 Borges.

15 **Q** Okay. And is there a date associated with this
16 message?

17 **A** The 4th of November 2019.

18 **Q** Okay. And where is the body of the message located on
19 this document?

20 **A** It's listed under the column Content. And then it
21 lists direction as incoming, and then there is a body below
22 that that's the text of the message.

23 **Q** Okay. And is there anything about the body that
24 you're able to correlate with the 17 C Consulting account?

25 **A** Yes. It lists total deposits, and then there's a list

1 of days along with amendments that correspond to the account
2 and a total.

3 **Q** Okay. And can you give us an example of one of those?

4 **A** Yes. The top, 8/8 that lists \$400,000 is that first
5 \$400,000 deposit that we discussed, and then the day listed
6 is the day we were talking about.

7 **Q** Okay. And can you circle that so we can all see where
8 you're talking about?

9 **A** (Witness writing.)

10 **Q** All right. Thank you, Agent Wetzel.

11 Now, earlier this morning, we talked about Mr. Borges'
12 relationship with the Attorney General; do you recall that?

13 **A** I do.

14 **Q** And we reviewed some text messages?

15 **A** Yes.

16 **Q** Did you find text messages about that subject during
17 the referendum period?

18 **A** I did.

19 MS. GLATFELTER: All right. Your Honor, if we can
20 publish 606 A, which is in evidence?

21 THE COURT: Yes.

22 **Q** Okay. Agent Wetzel, do you recognize 606 A?

23 **A** I do.

24 **Q** Okay. What is it?

25 **A** This is a text conversation between Juan Cespedes and

1 John Kiani. It was recovered from Mr. Cespedes' iPhone.

2 MS. GLATFELTER: Okay. And if we can look at the
3 message, Ms. Terry.

4 **Q** All right. First of all, what is the timing of these
5 messages related to the passage of House Bill 6?

6 **A** This is shortly after the passage, a few weeks. This
7 is in early August.

8 **Q** All right. I'll read the green boxes, if you read the
9 blue.

10 Juan Cespedes: Borges and I are working hard to have
11 Yost deny the signatures, but it is not certain. Not sure
12 why he is acting so matter of fact.

13 **A** John Kiani: He is making me nervous.

14 John Kiani: He is assuming that will happen in making
15 this sound easy.

16 **Q** Juan Cespedes: Just lock into this and we will
17 discuss after.

18 **A** John Kiani: Okay.

19 MS. GLATFELTER: Your Honor, if we may publish 607
20 A, which has been admitted?

21 THE COURT: Yes.

22 **Q** Okay. Agent Wetzel, do you recognize what 607 A is?

23 **A** Yes, I do.

24 **Q** What is it?

25 **A** This is an e-mail that was provided to us from

1 FirstEnergy pursuant to the subpoena we've been discussing.

2 **Q** Okay. And like the e-mails we've reviewed before,
3 does it start at the bottom?

4 **A** It does, and then the content is forwarded as we go up
5 the page.

6 **Q** Okay. Can you tell us who -- can you point out some
7 of the names that we've talked about who are included in the
8 to section of the e-mail or the To caption of the e-mail?

9 **A** In the To caption, there's Michael Dowling, Ty Pine,
10 and I believe we've talked about Justin Biltz perhaps as
11 well earlier. And they all have the @firstenergycorp.com
12 e-mail address.

13 **Q** Okay. And what's the subject? Excuse me. What's the
14 subject of the e-mail?

15 **A** The subject is: FWAG Decision.

16 **Q** And the date?

17 **A** The 12th of August 2019.

18 **Q** Okay. Do you see the bottom at -- do you see the
19 message towards the bottom from Matt Borges?

20 **A** I do.

21 **Q** Okay. And what e-mail address is that from?

22 **A** Mborges@ralaw.com.

23 **Q** And is there a content to that message?

24 **A** Yes. He sends to several individuals. Subject, re:
25 Named plaintiffs, Yost rejecting the summary language, said

1 it will be announced in two hours.

2 **Q** All right. And is Mr. Borges' e-mail then forwarded?

3 **A** It is by Murphy Mottler to Joel Bailey, who then
4 forwards it to the individuals we talked about, too, in the
5 beginning.

6 **Q** Okay. Including Mike Dowling and Ty Pine?

7 **A** Correct.

8 **Q** Now, you mentioned during the course of your testimony
9 that you extracted data from Mr. Householder's phones?

10 **A** That's correct.

11 MS. GLATFELTER: Your Honor, may we publish 702 A,
12 which has been admitted into evidence?

13 THE COURT: Yes.

14 **Q** And, Agent Wetzel, do you recognize what this is?

15 MS. GLATFELTER: Actually, let me have --
16 Ms. Terry, if you can enlarge the first half of the document
17 so Agent Wetzel can read it.

18 **Q** Okay. Do you recognize what this is?

19 **A** I do. This is a device report. I believe we looked
20 at one of these earlier. This is essentially just
21 information about the device when we run the program on it.

22 **Q** Okay. And are you able to recognize this particular
23 extraction?

24 **A** Yes. This is one of Mr. Householder's phones.

25 **Q** Okay. From this extraction, was FBI able to recover

1 any phone logs from this time period?

2 **A** Yes.

3 MS. GLATFELTER: Your Honor, permission to publish
4 607 C, which is in evidence?

5 THE COURT: Yes.

6 **Q** Agent Wetzel, do you recognize Government's
7 Exhibit 607 C?

8 **A** Yes, I do.

9 **Q** What are these?

10 **A** So this is --

11 **Q** What is this?

12 **A** This is a call log. So here we have a listing of
13 phone calls, and if you were to look at your phone or a
14 phone device, you would see there's a list of your past
15 calls, so that is also extracted when we take the data off
16 the phone. This is a subset of those calls that were on the
17 phone.

18 **Q** Okay. Now, you see under the column -- there's a
19 column that says "Parties"?

20 **A** Yes.

21 **Q** And there are phone numbers and names in it?

22 **A** Correct. All four listed here are for Dave Yost and a
23 listing of a number.

24 **Q** Okay. Is the name associated with that phone number,
25 is that something that FBI adds to this report?

1 **A** No. There's no alteration. All of the data in these
2 reports that we've been examining is from the phone.

3 **Q** Okay. So that is the name associated with the phone
4 number and the phone?

5 **A** Correct.

6 **Q** Okay. What's the -- what are the dates of these
7 particular phone contacts?

8 **A** The first is from 8/16 and the second is 8/26, so
9 August 26th and August 16th.

10 **Q** And do you see the far right column --

11 **A** Yes, I do.

12 **Q** -- on the chart?

13 What is the title of that column?

14 **A** Deleted.

15 **Q** Okay. And what does that mean?

16 **A** That means that these were deleted from the call log
17 by the user of the phone.

18 **Q** Agent Wetzel, if these were deleted, how are you able
19 to recover the call log?

20 **A** So, in general, the way that memory on phones work is
21 that when you delete something, you can no longer see it,
22 but it's not as though it was written with a pencil and an
23 eraser erases the data. It is instead flagged for deletion,
24 which basically means that the phone or computer will write
25 over it later when it needs the space; however, if that

1 never occurs, the program is able to extract messages that
2 maybe you couldn't see if you were holding the phone in your
3 hand because it had been flagged for deletion but they
4 hadn't yet been written over by anything.

5 **Q** And is that something you know from your training and
6 experience working with phones at FBI?

7 **A** It is.

8 **Q** Now, were you able to recover a voicemail from this
9 time period related to this phone number?

10 **A** I was.

11 MS. GLATFELTER: Your Honor, permission to publish
12 607 D, which is the voicemail that has been admitted into
13 evidence?

14 THE COURT: Yes.

15 MS. GLATFELTER: That's okay. We'll come back to
16 that while you're working on it. Oh, okay.

17 (Recording playing.)

18 **Q** Agent Wetzel, did you hear the word "petition"
19 mentioned in that voicemail?

20 **A** I did.

21 **Q** And is petition -- how is that relevant to the
22 referendum at all?

23 **A** Yes. So before a petition can be circulated to
24 collect signatures, there is a process, and I mentioned
25 earlier that the Attorney General's office and the Secretary

1 of State's office are involved. There is a process through
2 which the Attorney General's office either accepts or
3 rejects language that is created by the folks that would
4 like to advance the petition. I believe that the term that
5 they use is "fair and accurate," and essentially they just
6 either approve or --

7 **Q** Agent Wetzel, sorry, that is a really long
8 explanation. I was just -- the paperwork involved in the
9 Attorney General -- I was just referring to the name of the
10 paperwork so we could follow what the message was about.

11 **A** Yes, ma'am.

12 **Q** Okay. And so can you explain that?

13 **A** The paperwork, could you clarify?

14 **Q** Well, the type of paperwork that people submit in
15 referendums, what is it referred to as?

16 **A** It's a signature petition.

17 **Q** So that's where the word "petition" comes from?

18 **A** Yes, ma'am.

19 **Q** Okay. Agent Wetzel, did you also look at phone
20 records from this time period?

21 **A** I did.

22 MS. GLATFELTER: Okay. And may I please show the
23 witness, the witness only, Exhibit 736?

24 THE COURT: Yes.

25 MS. GLATFELTER: Okay. Your Honor, I think we're

1 having some technical difficulties with our computer for a
2 moment.

3 THE COURT: What time is it?

4 MS. GLATFELTER: I'm not sure. 4:00.

5 THE COURT: I indicated to the lawyers that I
6 wanted to break at 4 so that you would -- reach out to you
7 and let you go home 30 minutes early. You guys have had a
8 long week, and I've been watching and you're on task. We
9 are grateful to you for your work. We'll break for the
10 weekend. I want you to get some rest and some joy. I would
11 also urge you to be safe about your health and stay inside
12 the entire weekend and watch TV, but you don't have to do
13 that.

14 During this weekend break, do not discuss the case with
15 anyone, any members of your family, anybody involved in the
16 trial, or fellow jurors, anyone. This applies to all forms
17 of communications, including phone, e-mail, text, Facebook,
18 Twitter, et cetera. Must not conduct any independent
19 research. Don't be checking anything out, using Google,
20 Facebook, Twitter, et cetera, to find any information about
21 any aspect of the case.

22 Finally, remember that it is especially important that
23 you keep an open mind. Do not form or express any opinion
24 on the case until it is finally submitted to you after all
25 of the evidence is in. Out of all of that stuff what I

1 really want you to convey is I want you to have a quiet and
2 safe weekend and find some joy in life.

3 We're going to stand to recognize you as you leave for
4 the weekend. I'd like you back at your spot at 9:15 on
5 Monday.

6 THE DEPUTY: All rise for the jury.

7 (Jury exited the courtroom at 4:01 p.m.)

8 THE COURT: Jury has left the room, the door is
9 closing. They appear to be sprinting towards the elevator.
10 I want you all to have a good weekend. Stay safe.

11 Anything that requires my attention before we adjourn
12 for the weekend? Hearing nothing --

13 MS. GLATFELTER: I just had a brief matter. If it
14 was permissible with defense counsel, it's been a
15 week-and-a-half since we've been able to talk to our case
16 agent. I just wanted to mention a few logistical things
17 about witness prep not involving him.

18 THE COURT: I missed that, I'm sorry.

19 MS. GLATFELTER: Your Honor, we haven't been able
20 to talk to our case agent because of the delay for over a
21 week, and I just wanted to provide Agent Wetzel an update on
22 future witness preps, logistical issues, so he didn't worry
23 about the staffing. We will not talk about his testimony.

24 THE COURT: Is there any objection from
25 Householder's team?

1 MR. GLICKMAN: No.

2 MR. SCHNEIDER: I think that's appropriate.

3 THE COURT: I think it's appropriate. You may do
4 so.

5 You understand?

6 THE WITNESS: Yes, sir.

7 MS. GLATFELTER: Thank you.

8 THE COURT: Anything further before we adjourn for
9 the weekend?

10 MS. GLATFELTER: No.

11 THE COURT: Hearing nothing. I do want you to have
12 a good weekend; I know you won't, but I wish you would.
13 Thank you. We're in recess for the weekend.

14 THE DEPUTY: All rise. Court is now in recess.

15 (Proceedings continued in progress at 4:02 p.m.)

16 **C E R T I F I C A T E**

17 I certify that the foregoing is a correct transcript of
18 the record of proceedings in the above-entitled matter
prepared from my stenotype notes.

19 /s/ Lisa Conley Yungblut 02/06/2023
20 LISA CONLEY YUNGBLUT, RMR, CRR, CRC DATE

21

22

23

24

25

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

EXAMINATIONS

GOVERNMENT'S WITNESSES	PAGE
BLANE WETZEL	
Direct Exam (cont) by Ms. Glatfelter	939

EXHIBITS

GOVERNMENT'S EXHIBITS	PAGE ADMITTED
436 A-B	995
503	1053