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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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UNITED STATES OF AMERICA,	:	CASE NO. 1:20-CR-0077
	:	
Plaintiff,	:	JURY TRIAL, DAY 10
vs.	:	
	:	10th of February, 2023
LARRY HOUSEHOLDER, et al.	:	
	:	
Defendant.	:	

- - -

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

- - -

APPEARANCES:

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5 Also present: Larry Householder
6 Matthew Borges
7 Blane Wetzal, FBI Special Agent
Kelly Terry, paralegal
PJ Jensen, trial tech

8 Law Clerk: Cristina V. Frankian, Esq.

9 Courtroom Deputy: Rebecca Santoro

10 Stenographer: Lisa Conley Yungblut, RDR, RMR, CRR, CRC
11 United States District Court
12 100 East Fifth Street
13 Cincinnati, Ohio 45202

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Proceedings recorded in stenotype.

Transcript produced with computer-aided transcription.

PROCEEDINGS

(Proceedings held in open court at 9:29 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: Please be seated. Thank you. Good morning. We are in the open courtroom awaiting the jury. The jury is ready. Are we ready for the jury from the government's perspective?

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

THE COURT: From Mr. Householder's?

MR. GLICKMAN: Yes.

THE COURT: Mr. Borges'?

MR. SCHNEIDER: Yes.

THE COURT: Let's call for the jury, please.

(Pause.)

THE DEPUTY: All rise for the jury.

(Jury entered the courtroom at 9:31 a.m.)

THE COURT: Jurors can be seated as they join us. You may all be seated. Thank you. My, my, my, my, the 14 jurors are back this morning and all tested negative. They've all got N95 masks on and they are all the recipients of all of our gratitude for your continuing hard work. I want to be the first to remind you that today is Friday. We have an expression in the law, TGIF. We appreciate your

1 continuing attention. The same witness will retake the
2 stand.

3 Agent, good morning, if you would come to the stand.
4 And Mr. Householder's lawyer is entitled to begin again his
5 cross-examination of this witness after the witness is
6 seated and counsel is ready.

7 (Witness took the stand.)

8 MR. GLICKMAN: Thank you, Judge.

9 THE COURT: Yes.

10 MR. GLICKMAN: Good morning, Agent Wetzel.

11 THE WITNESS: Good morning.

12 MR. GLICKMAN: Okay. Just some housekeeping from
13 yesterday. Could we pull up Exhibit 469, please, for the
14 witness, counsel, and the Court? And go to the next page,
15 please.

16 **CROSS-EXAMINATION (Continued.)**

17 **BY MR. GLICKMAN:**

18 **Q** Do you recognize this as the credit card records from
19 Jeff Longstreth that you -- that we discussed yesterday?

20 **A** Yes. This is one of Mr. Longstreth's credit cards.

21 **Q** Okay. Showing the -- from January of 2016 -- January
22 of 2017?

23 **A** I'm sorry, would you state that again?

24 **Q** Sure. From the period of January 2017 that we
25 discussed yesterday, the period of the inauguration?

1 **A** Yes.

2 **Q** And showing the charge at the Charlie Palmer
3 steakhouse that we discussed yesterday?

4 **A** Yes.

5 MR. GLICKMAN: Okay. Your Honor, I would ask that
6 this be admitted into evidence, please?

7 THE COURT: Any objections?

8 MS. GLATFELTER: No, Your Honor.

9 MR. SCHNEIDER: No.

10 THE COURT: It's admitted. You may publish it if
11 you wish.

12 MR. GLICKMAN: No, thank you, Judge.

13 THE COURT: Okay.

14 MR. GLICKMAN: Could you pull up Exhibit 466,
15 please?

16 **Q** Sir, do you recognize Householder Exhibit 466 as a
17 photograph that was pulled from the phone of Jeff Longstreth
18 during your investigation?

19 **A** I believe that's correct. There were a number of
20 photographs we took from his phone.

21 **Q** Well, you see, is that Mr. Longstreth in the photo?

22 **A** Yes, that's right.

23 **Q** Okay. Do you recall in your investigation a
24 photograph of Mr. Longstreth along with Rick Perry, the
25 soon-to-be secretary of energy?

1 **A** I don't recall this photograph specifically, but
2 that's certainly who's on the photograph.

3 **Q** Okay. Do you happen to know who the person on the
4 right is?

5 **A** Yes.

6 **Q** Who's that?

7 **A** I think that's Ty Pine.

8 **Q** Okay. All right.

9 MR. GLICKMAN: Your Honor, I would ask that this
10 exhibit be entered into evidence.

11 THE COURT: Any objections?

12 MS. GLATFELTER: I believe the witness said he
13 couldn't authenticate it and didn't know who some of the
14 people were.

15 THE COURT: I agree. And he -- maybe there's
16 another way, another time.

17 MR. GLICKMAN: Okay. All right. For the counsel,
18 the witness, and the Court, could you please show redacted
19 Exhibit 169?

20 THE COURT: Yes.

21 **Q** Sir, do you recognize 169 as a document produced to
22 the government pursuant to a Grand Jury subpoena by
23 FirstEnergy noting the Bates stamp number on the bottom?

24 **A** I see the Bates stamp number on the bottom. I don't
25 remember this document specifically.

1 MR. GLICKMAN: Okay. Could you go to the second
2 page, please?

3 Q Well, the Bates stamp number on the bottom indicates
4 that it was in fact produced to you, yes?

5 A That's the same Bates stamp that they have. I just
6 mean that I don't recall this one specifically.

7 Q Okay. The second page shows donations to both
8 Partners For Progress and Generation Now, yes?

9 A It lists under political 501(c)(4) contributions,
10 several of them, yes.

11 Q Well, three of them to be fair, yes, the document is
12 redacted?

13 A Correct, yes.

14 Q Okay. And Partners For Progress is a (c)(4) whose
15 treasurer is Mike Van Buren that we discussed yesterday?

16 A Correct.

17 Q And Generation Now, we've -- you've discussed at
18 length, yes?

19 A Correct.

20 Q Okay. And the category on the far right under
21 "Reason," could you read what the reason is listed for
22 Generation Now?

23 A It says Jeff -- it says Longstreth, excuse me.

24 Q And could you read what the reason is for Partners For
25 Progress?

1 **A** Support of energy and economic development issues.

2 MR. GLICKMAN: Okay. All right. Your Honor, I
3 would ask that this exhibit be entered into evidence.

4 THE COURT: Any objection?

5 MS. GLATFELTER: No, Your Honor.

6 MR. SCHNEIDER: None.

7 THE COURT: It's admitted.

8 MR. GLICKMAN: I'm not asking that it be published,
9 Judge.

10 THE COURT: Very well.

11 **Q** Okay. So we discussed briefly yesterday that there
12 were whip counts kept by FirstEnergy Solutions regarding the
13 races for both the House and the Senate; do you recall that?

14 **A** Yes.

15 **Q** Okay. All right. And in a whip count, they rank like
16 how likely it is that a representative will be supportive of
17 a particular issue?

18 **A** I don't know how they keep their whip count.

19 **Q** Fair enough.

20 MR. GLICKMAN: Could we pull up for counsel and the
21 Court and the witness, Householder Exhibit 211, please?

22 **Q** Sir, do you recognize this document as an Ohio whip
23 count?

24 **A** I don't recognize this document, but it says "whip
25 count" at the top.

1 MR. GLICKMAN: One moment, please.

2 THE COURT: Yes.

3 MR. GLICKMAN: Pull up Exhibit 209, please.

4 **Q** Sir, we discussed this e-mail yesterday from David
5 Griffing to a large number of people regarding the agenda
6 for a meeting. Do you recall discussing this e-mail?

7 **A** Yeah, yeah. We went through some of the items in the
8 agenda list. That's right.

9 **Q** Okay. And the e-mail lists attachments?

10 **A** Yes, it does.

11 **Q** Including the Ohio whip list?

12 **A** It says, yes, "Ohio Whip List, Updated 9.24.18.XLS."

13 **Q** And this was a document produced you by FirstEnergy
14 pursuant to your Grand Jury subpoena?

15 **A** Again, it bears the mark, but I don't remember it
16 specifically.

17 **Q** So on direct examination, you remembered essentially
18 every document that was put in front of you and suddenly
19 your memory is lacking.

20 **A** Ms. Glatfelter --

21 THE COURT: Is there a question, please?

22 MR. GLICKMAN: Yes.

23 **Q** Why is that?

24 **A** Ms. Glatfelter asked me if I received documents about
25 a topic, and I do recall receiving documents about topics.

1 She would then show me the document and that would refresh
2 my recollection.

3 **Q** Did you receive documents regarding FirstEnergy,
4 FirstEnergy Solutions' campaign plans during various
5 election cycles?

6 **A** Yes.

7 **Q** Including the 2018 election?

8 **A** Yes.

9 **Q** Exhibit 2009 (sic) is one of those documents, yes?

10 **A** It bears the mark of it. I don't remember it
11 specifically.

12 MR. GLICKMAN: Please pull up 211 again.

13 **Q** This was an attachment to 209, wasn't it?

14 **A** I don't remember if it was the attachment. It may
15 have been.

16 **Q** The names on 2011 (sic) are various House of
17 Representatives. Do you recognize those names?

18 **A** I do, yes.

19 **Q** Okay. And the Whip Count, which is the fifth column
20 over, puts a number by the various representatives?

21 **A** I believe it's the sixth column. Yes, I see it.

22 **Q** Sorry about that.

23 **A** That's all right.

24 **Q** That number is somewhere between one and five?

25 **A** That's what it appears. The lowest number is two, but

1 it seems one through five.

2 MR. GLICKMAN: Let's go to page 7, please.

3 Q See Mr. Householder's name?

4 A I do.

5 Q Okay. He's ranked somewhere between a 1 and a 2?

6 A Yes, it lists 1 slash 2.

7 Q Much like Mr. O'Brien up top is 2 slash 3?

8 A Mr. O'Brien is listed as 2 slash 3.

9 Q Okay. All right. And so Mr. Householder was not
10 listed as a one?

11 A One slash 2, what we just discussed.

12 MR. GLICKMAN: Okay. And if we can go back to the
13 e-mail, please, Exhibit 209.

14 Q This is -- this e-mail is dated November 6th of 2018?

15 A Yes, it is.

16 Q Okay. So 10 months after -- approximately 10 months
17 after or a little more, more than the January 18th dinner in
18 Washington, DC?

19 A Wasn't that in 2017?

20 Q I'm sorry, more than that. Almost two years later?

21 A It was in November of '18, yes. The January '17 is
22 when we discussed the trip to the inauguration.

23 Q So almost two years later, FirstEnergy had
24 Mr. Householder not ranked as a one as far as supporting
25 House Bill 6?

1 **A** I'm not sure what a one or a two means. They listed
2 it as one slash 2 on their sheet.

3 MR. GLICKMAN: Okay. Go to page 5 of 211, please.

4 **Q** Do you see Mr. Anthony -- and I may be mispronouncing
5 his name -- DeVitis as the first name listed?

6 **A** It's the second name listed.

7 **Q** Oh, I'm sorry. And he's rated as a 1, yes?

8 **A** It lists him as a 1, yes.

9 MR. GLICKMAN: Your Honor, I'd ask that 209 -- 211
10 be admitted into evidence, please?

11 THE COURT: Any objection?

12 MS. GLATFELTER: No.

13 MR. SCHNEIDER: No.

14 THE COURT: It's admitted.

15 MR. GLICKMAN: Publish for the jury, please?

16 THE COURT: Yes.

17 MR. GLICKMAN: Go to page 7.

18 **Q** Sir, Mr. Householder's name is third from the bottom.

19 MR. GLICKMAN: Could we blow that up, please?

20 Thank you.

21 **Q** And you see, is that where it says Mr. Householder is
22 somewhere between a 1 and a 2?

23 **A** It says 1 slash 2, yes.

24 MR. GLICKMAN: Okay. Could we go to Exhibit 308,
25 please, just for counsel, and the Court, and the witness,

1 obviously?

2 **Q** Sir, is this a document that you reviewed in the
3 course of your investigation?

4 Would you like it blown up? I'm sorry, I know your --
5 it looks to me like you're squinting.

6 **A** I am squinting, sorry. Thank you. I reviewed
7 documents from Mr. Cespedes communicating with Mr. Griffing
8 and other folks. I don't recall this specific document.

9 **Q** Okay. Well, you recognize Mr. Cespedes' e-mail
10 address, yes?

11 **A** I do, yes.

12 **Q** And you know who Mr. Griffing is, we've talked about
13 that at length -- or you have on direct examination, yes?

14 **A** Indeed, yes.

15 **Q** Okay. And this is from November 20th of 2018,
16 correct?

17 **A** It lists that as the date, um-hmm.

18 **Q** And the subject is, "Ohio FES Timeline, First Draft"?

19 **A** It is.

20 **Q** "FES," in parlance of this case, is FirstEnergy
21 Solutions?

22 **A** Correct.

23 **Q** Okay. And this attachment lists: FirstEnergy
24 Solutions Ohio First Draft Timeline?

25 **A** It does.

1 **Q** Okay. And given the November of 2018 date and
2 FirstEnergy Solution draft timeline, this is certainly a
3 document that's relevant to your investigation, yes?

4 **A** Yeah, certainly.

5 MR. GLICKMAN: Okay. Could we see Exhibit 309,
6 please? It's the attachment to the e-mail, "Ohio FES
7 Legislative Timeline."

8 THE WITNESS: Okay.

9 **Q** Okay. Does -- does the legislative timeline list the
10 key leadership meetings and final term sheets draft
11 language?

12 **A** That's the first line, yes.

13 **Q** All right. It lists, under the first bullet point,
14 the DeWine/Husted administration?

15 **A** Correct.

16 **Q** Okay. And that's obviously the governor and
17 lieutenant governor?

18 **A** Yes, that's right.

19 **Q** In 2018, yes?

20 **A** Elected in that year, correct.

21 **Q** It lists, in the second bullet point, the name
22 "Obhof"?

23 **A** Correct.

24 **Q** Okay. Is Mr. Obhof a senator?

25 **A** Correct, a state senator.

1 **Q** In the Ohio State Legislature?

2 **A** Correct.

3 **Q** Okay. It lists: Develop a constituent member
4 strategy that focuses on updating both the Senate and the
5 House members while the leadership battle in the House plays
6 out?

7 **A** Yes, that's the next bullet.

8 **Q** And the leadership battle in the House in 2018 was
9 between Mr. Smith and Mr. Householder, wasn't it?

10 **A** Correct.

11 **Q** The next bullet point says: Speaker's race clarity
12 mid-December but that's not guaranteed?

13 **A** It does.

14 **Q** Okay. And it says: If Smith is successful, be
15 important to quickly schedule a plant tour for him?

16 **A** It does.

17 **Q** So FirstEnergy Solutions was planning on lobbying
18 Mr. Smith, yes?

19 **A** It lists that if it was successful, it would be
20 important to quickly schedule a plant tour for him.

21 **Q** And it says: If Householder is successful, the effort
22 will likely be led from his chambers. If not successful, we
23 will still need to meet with him to secure his votes for
24 final effort, I'm sorry, it says, "final effort," not, "our
25 effort"?

1 **A** That's what it says.

2 **Q** Okay. So again, this is from November of 2018,
3 correct?

4 **A** Yes.

5 **Q** Again, substantially after the 2017 January meeting in
6 Washington, right?

7 **A** It is.

8 **Q** And they're still talking about securing
9 Mr. Householder's votes?

10 **A** It appears that they're contingency planning. If
11 Mr. Householder has a block of members, Team Householder,
12 they would need those in order for a bill to pass, so even
13 if he is not successful becoming -- if he is becoming
14 Speaker, he will lead the effort. And if he's not, we will
15 still need the people who are loyal to him to vote for our
16 bill.

17 **Q** And they would need him too, yes?

18 **A** "Still need to meet with him to secure his votes," is
19 what it says.

20 **Q** Yeah. Okay. And this lists, then, important dates in
21 January 19th as far as when the General Assembly was sworn,
22 in, governor lieutenant, governor sworn in, et cetera?

23 **A** Correct.

24 MR. GLICKMAN: Your Honor, I would ask 308 and 309
25 be entered into evidence?

1 THE COURT: Any objections?

2 MS. GLATFELTER: No.

3 MR. SCHNEIDER: No.

4 THE COURT: It's admitted.

5 MR. GLICKMAN: Could you publish 309 for the jury,
6 please?

7 THE COURT: Yes.

8 **Q** So it's the --

9 THE COURT: It's not quite up yet. There it is.

10 **Q** Where it says the -- it's the fourth bullet point
11 down. I'm sorry, after -- after leadership and key
12 legislative meetings, it's the fourth bullet point down
13 talking about the Speaker's race clarity?

14 **A** Yes, it's listed in the fourth bullet point under the
15 first section.

16 **Q** The second bullet point, under there, it talks about
17 securing Mr. Householder's vote or votes, yes?

18 **A** It says: If he is successful, the effort will likely
19 be led from his chamber. If not successful, we will still
20 need to meet with him to secure his votes for our effort.

21 MR. GLICKMAN: Could we pull up Exhibit 165,
22 please?

23 **Q** Sir, do you recognize this as an e-mail that was
24 produced by FirstEnergy in the course of your investigation?

25 **A** I recognize that there are e-mails on this topic. I

1 don't remember this one.

2 **Q** Okay. Do you recognize the -- that this bears the
3 same FirstEnergy Bates stamp that all of the documents
4 produced by FirstEnergy for your Grand Jury subpoena?

5 **A** I see it at the bottom.

6 **Q** Okay. And this is an e-mail -- the last e-mail in the
7 chain is from Joel Bailey, yes?

8 **A** Correct.

9 **Q** And it's to Ty Pine?

10 **A** That's what it says.

11 **Q** Okay. Subject is: Forward external forward whip list
12 April 14th, 2019?

13 **A** Correct.

14 **Q** Okay. And the date is April the 14th of 2019?

15 **A** Correct.

16 **Q** Okay. All right. The importance is listed as normal?

17 **A** Yes.

18 **Q** Okay. And it has attachments, yes?

19 **A** It does. It bears a couple of them.

20 **Q** Whip list for Senate PDF?

21 **A** Correct.

22 **Q** Whip list for House PDF?

23 **A** Yes.

24 **Q** Whip list with advocacy tears?

25 **A** Yes, and then it's 3/27/19.

1 MR. GLICKMAN: Okay. Go to page 26, please. Oh,
2 I'm sorry, Exhibit 166. Could you show Exhibit 166, please?
3 Page 26.

4 **Q** Do you recognize this as an attachment to that e-mail
5 and a whip count?

6 **A** I don't recall this specific attachment. There are a
7 lot of lists like this that were passed around.

8 **Q** So there were a lot of whip counts that were passed
9 around that you received from FirstEnergy?

10 **A** I'm speaking generally in the investigation. There
11 were a lot of lists that bear candidates, representatives,
12 districts, those kinds of things. I don't recall that this
13 one is connected to that e-mail.

14 **Q** Well, during the entire course of your investigation,
15 do you recall seeing whip counts?

16 **A** Yes.

17 **Q** Okay. And the whip counts detailed -- they ranked
18 literally how FirstEnergy Solutions thought a representative
19 would be supportive, not supportive, or was somehow in the
20 middle on their issue?

21 **A** Yes. The purpose of the list is to try for the
22 lobbyist to figure out how a person is going to vote on a
23 piece of legislation.

24 **Q** Okay. I believe it's the top list, the top of this
25 exhibit, do you recall a representative by the name of Susan

1 Manchester?

2 **A** I do.

3 **Q** Yes or no?

4 **A** Yes.

5 **Q** I didn't hear you.

6 **A** I said I do. I'm sorry.

7 MR. GLICKMAN: All right. Your Honor, I would ask
8 to admit Exhibits 165 and 166?

9 THE COURT: Any objection?

10 MS. GLATFELTER: No, Your Honor.

11 MR. SCHNEIDER: No.

12 THE COURT: It's admitted.

13 **Q** Okay. Susan Manchester is listed as a 3, yes?

14 **A** I can't see the column heading. There are two number
15 threes listed for her.

16 **Q** Okay. All right. And she is listed as a Householder
17 supporter, yes?

18 **A** On the far right column, they wrote that in, yes.

19 MR. GLICKMAN: Okay. Could we take that down,
20 please? I'm trying to find --

21 **Q** The third down, Riordan McClain, do you represent --
22 do you recognize that as the name of a representative?

23 **A** I do.

24 **Q** And you see his -- he has the same threes that you saw
25 with Ms. Manchester?

1 **A** Correct.

2 **Q** And he's listed as a Ryan Smith supporter?

3 **A** On the far right, yes.

4 MR. GLICKMAN: Okay. Pull up Government
5 Exhibit 405, please. Judge, I believe this exhibit has
6 already been admitted. I ask that it be published?

7 THE COURT: Yes.

8 **Q** Okay. You recognize Exhibit 405 as a list of
9 candidates in the 2018 general election for the Ohio House?

10 **A** I do.

11 **Q** Okay. Who created this list?

12 **A** We did.

13 **Q** The government?

14 **A** Correct.

15 **Q** And you have a -- you have the House Districts listed.
16 They are up for election. Obviously, they're all not up for
17 election, that's why they are not -- they don't go one, two,
18 three, four?

19 **A** They're all up for election.

20 **Q** Well, it says "Team Householder candidate," doesn't
21 it?

22 **A** That's the second column.

23 **Q** So you're indicating that all of the names here are
24 Team Householder candidates?

25 **A** That's my understanding.

1 **Q** Well, Tom Brinkman wasn't a member of Team
2 Householder, was he?

3 **A** I believe that there was indication that he received
4 financial support from one of the entities that
5 Mr. Householder was using to support his candidates. The
6 information to build the chart comes from the records. You
7 recall that there was Generation Now money that passes
8 through the Growth and Opportunity PAC to support
9 candidates, and so I'm judging the -- it indirectly.

10 Also, I know, for example, that there were folks on
11 here, that, over time, their position with Mr. Householder
12 shifted. For example, Mr. Jay Todd Smith was not a primary
13 Team Householder candidate, but he was a general Team
14 Householder candidate.

15 **Q** Well, Mr. Jay Todd Smith supported Mr. Householder's
16 primary opponent, didn't he?

17 **A** I'm sorry, would you say that again?

18 **Q** Sure. Jay Todd Smith supported in the primary
19 election Mr. Householder's opponent?

20 **A** I'm not aware of that.

21 **Q** But you list -- so essentially anybody who received
22 funds, you listed as a team of Householder?

23 **A** No, I think we used a variety of factors. There are
24 folks that were supported financially by Mr. Householder,
25 there were also a number of lists in Mr. Longstreth's

1 possession of -- there were also some text messages that I
2 think we looked at as well where it listed who are our
3 candidates. It's a combination of things that helped build
4 this list.

5 **Q** There were seven races in the general -- in the
6 primary election where Team Householder candidates were
7 defeated, yes?

8 **A** I don't recall the exact number. We created a graphic
9 that showed it.

10 **Q** Okay. But you list -- in some instances, you list the
11 candidates who defeated them as members of Team Householder?

12 **A** Some of them became members of Team Householder, yes.

13 **Q** And how did you -- other than looking at information,
14 did you actually interview these people and ask if they were
15 supportive of Larry Householder or not?

16 **A** I spoke to Mr. Longstreth about it.

17 **Q** So you simply went by the word of Mr. Longstreth?

18 **A** And also the text messages that we recovered listing
19 who was on the team at certain times and dates. And then
20 also documents recovered from members of JPL & Associates,
21 Megan Fitzmartin, Anna Lippincott, they all had documents
22 detailing who was on Team Householder and then obviously it
23 evolves over time. It's quite fluid to my understanding.

24 **Q** So at no time did you go interview these folks and say
25 hey, what's your opinion on Larry Householder, are you

1 supportive or not supportive?

2 **A** I didn't interview any Team Householder candidates.
3 That goes back to the covert versus overt thing that we
4 discussed. It's challenging to interview people and
5 maintain a covert investigation.

6 **Q** Once the investigation became public, it certainly
7 would have been reasonable to -- you wouldn't have had
8 nothing to lose by interviewing these folks, would you?

9 **A** I'm not sure I follow, "nothing to lose"?

10 **Q** Sure. Once the investigation is no longer covert and
11 it is overt, nothing prevents you from interviewing members
12 of the House of Representatives who were in the legislature
13 during the course of your investigation, right?

14 **A** I certainly can ask if they'll interview with me, yes,
15 that's right.

16 **Q** But you didn't?

17 **A** I'll look at the list again. I don't believe that we
18 attempted to speak to anyone on the list of Team Householder
19 candidates other than Mr. Householder.

20 **Q** Okay. I'm looking at District 59 -- 99, I'm sorry,
21 which would be the last one on the list, obviously. You
22 have Mr. Pircio listed as a Team Householder candidate?

23 **A** Yes, I do have him listed as a candidate. He received
24 financial support.

25 **Q** You also have him winning?

1 **A** I do. That is an error. He did not prevail.
2 Mr. Patterson won. And I did speak with Mr. Pircio actually
3 at one point on an unrelated matter.

4 **Q** But not to ask him if he was supportive of Larry
5 Householder or not?

6 **A** I did ask him, as I recall, if he received financial
7 support and he indicated that he had.

8 **Q** But you didn't ask him if he was supportive of Larry
9 Householder, did you?

10 **A** I would want to look at my 302 to recall exactly what
11 I asked him. I don't remember, but I do recall I asked him
12 about the financial support and he indicated that he had
13 received it.

14 **Q** So you see Jena Powell's name on this?

15 **A** Yes, in District 80.

16 **Q** Now she was a member of Team Householder, yes?

17 **A** That's my understanding.

18 **Q** She voted no on House Bill 6, didn't she?

19 **A** She did.

20 MR. GLICKMAN: Could we see Government Exhibit 320
21 E, please?

22 MR. JENSEN: 320?

23 MR. GLICKMAN: Yes, E.

24 Your Honor, I believe this exhibit has been admitted.
25 I ask that it be published?

1 THE COURT: Yes.

2 Q You testified about this exhibit during your direct
3 examination, yes?

4 A Yes, I remember it.

5 Q This is from Megan Fitzmartin on Friday, November
6 the 2nd of 2018?

7 A That's correct.

8 Q Shortly before the election?

9 A Yes.

10 Q Okay. All right. And the Hardworking Ohioans
11 anti-like body House HD 19 heading. Hardworking Ohioans is
12 a group that ran advertisements in that election?

13 A It received money from Mr. Householder and ran
14 advertisements against candidates.

15 Q Okay. Hold on. You just said it received money from
16 Mr. Householder. Do you have a check from his personal bank
17 account to Hardworking Ohioans?

18 A There was money that was sent from Generation Now and
19 also other sources.

20 Q You've reviewed the formation documents for Generation
21 Now, haven't you?

22 A I have.

23 Q Is Mr. Householder's name on them?

24 A No.

25 Q So how about we stop saying --

1 THE COURT: Question, questions for the witness,
2 please.

3 Q Mr. Longstreth controlled Generation Now's bank
4 account, didn't he?

5 A Mr. Longstreth is the signatory.

6 Q Well, Mr. Longstreth was the only one who could write
7 checks, yes?

8 A Yes.

9 Q He was on the bank account?

10 A He was.

11 Q Okay. So when you say somebody got money from
12 Generation Now and you say from Mr. Householder, you're
13 conflating those two, aren't you?

14 A No, I don't believe so.

15 Q Well, that's your opinion, yes?

16 A There were multiple individuals in this investigation
17 that indicated that Mr. Householder controlled Generation
18 Now's finances.

19 Q So I take it Mr. Householder could write checks off
20 the account?

21 A No. As we just discussed, Mr. Longstreth is the
22 signatory.

23 Q All right. So when this e-mail regarding the
24 Hardworking Ohioans turn back ad, that is -- again, this
25 e-mail was a few days before the election, right, four or

1 five days?

2 **A** Yes.

3 MR. GLICKMAN: Okay. And could we see Householder
4 Exhibit 471, please, not to be published to the jury? Could
5 you blow up just that first check, please?

6 **Q** Do you recognize the name New Day Media, LLC?

7 **A** I do.

8 **Q** Okay. That's one of the organizations that created
9 the ads we're talking about, yes?

10 **A** For Hardworking Ohioans, yes.

11 **Q** Yes.

12 **A** Yes.

13 **Q** New Day Media is a media company, yes?

14 **A** Yeah.

15 **Q** If you want to create a television ad and I want to
16 buy television time or radio time, it's one of the
17 organizations that you could go to?

18 **A** Yeah. It's part of the Strategy Group companies.

19 MR. GLICKMAN: All right. And can we scroll
20 through these checks, please? Just stop there and blow up
21 the first two.

22 **Q** So the dates on these checks are from April of 2018,
23 right?

24 **A** Correct, the 26th.

25 **Q** All right. And, sir, in the course of your

1 investigation, did you get documents from New Day Media?

2 **A** Bank records, yes.

3 **Q** And some of the records that you got are checks like
4 these? (Indicating.)

5 **A** Yes. We received checks, statements, wire transfers,
6 those kinds of things.

7 **Q** Okay. And ordinarily -- obviously, in order to buy
8 airtime and to create an ad, you need to buy the time, you
9 need to pay for it, yes?

10 **A** Correct.

11 **Q** And these checks, among other things, reflect that; do
12 they not?

13 **A** Some of them do, yeah.

14 **Q** Okay. And going back, we indicated the e-mail that we
15 discussed earlier, that was from November the 2nd, shortly
16 before the election of 2018?

17 **A** Yes.

18 **Q** Didn't all of the checks to New Day Media predate
19 November the 2nd except for two?

20 **A** I would want to look at the record to confirm that.

21 MR. GLICKMAN: Okay. All right. Let's scroll
22 through the checks, please, and let the witness look at
23 them.

24 MR. MAREIN: Judge, may I hand counsel something?

25 THE COURT: Yes, yes.

1 MR. MAREIN: Thank you.

2 Q Are you able to see them, sir?

3 A Yes.

4 Q Okay.

5 A I'm sorry, are you scrolling through them? I only see
6 the three.

7 Q If at any point you can't see the dates, just please
8 let me know.

9 A Yes, sir.

10 MR. GLICKMAN: Judge, while we're doing that, I ask
11 that Exhibit 471 be entered into evidence?

12 THE COURT: Is that this exhibit?

13 MR. GLICKMAN: This is this exhibit, yes, Judge,
14 Householder 471.

15 THE COURT: Okay. Is there any objection?

16 MS. GLATFELTER: One moment, Your Honor. No
17 objection, Your Honor.

18 MR. SCHNEIDER: No.

19 MR. GLICKMAN: While we're scrolling, if the jury
20 could follow along, I'd appreciate it.

21 THE COURT: Indeed, we can publish it.

22 MR. GLICKMAN: How many pages is this?

23 MR. JENSEN: 17.

24 MR. GLICKMAN: Could we just go to page 7, please?
25 And blow up the checks where the memo says "HWO 10/23 to

1 10/29."

2 **Q** See this check to WBNS-TV?

3 **A** I do.

4 **Q** That's a TV station?

5 **A** That's my understanding.

6 **Q** Okay. And the memo says "Hardworking Ohioans, Inc.,
7 10/23 to 10/29"?

8 **A** It does.

9 **Q** \$146,030?

10 **A** Correct.

11 **Q** Okay. All right. And obviously it's dated 10/22,
12 that would be before November 2nd, yes, and before the
13 election?

14 **A** Correct.

15 **Q** Okay. All right. The second check is WCMH-TV for
16 63,000 and change?

17 **A** Yes, yes, that's correct.

18 **Q** Hardworking -- the memo says, "Hardworking Ohioans
19 10/23 to 10/29"?

20 **A** It does.

21 **Q** Okay. So the -- sorry.

22 So the --

23 MR. GLICKMAN: Can we pull back up Government's
24 Exhibit 405? I'm sorry, wrong exhibit. My bad. Government
25 Exhibit 320 E.

1 Q So this e-mail from Ms. Fitzmartin was written after
2 those checks were issued to the TV stations?

3 A Correct.

4 Q So the TV -- the TV time had been purchased?

5 A Yeah, the check had already been written.

6 Q Ad had been cut?

7 A Correct.

8 MR. GLICKMAN: Okay. Pull up Government
9 Exhibit 415, please. Thank you. Judge, this exhibit has
10 already been admitted. I ask that it be published?

11 THE COURT: Yes.

12 Q Okay. So do you remember indicating that you believed
13 Mr. Brinkman was on Team Householder?

14 A He was listed as Team Householder and he is here as
15 well, yes.

16 Q Who did he vote for for Speaker of the House?

17 A Ryan Smith.

18 Q Not a very good team member, huh?

19 A Again, we cobbled together the information of who was
20 on the team through various means.

21 MR. GLICKMAN: Could we pull up Government
22 Exhibit 207, please? Judge, I believe this exhibit has been
23 admitted. I'd ask that it be published?

24 THE COURT: Yes.

25 Q So here, again, for House District 27, you have

1 Mr. Brinkman listed as a Team Householder candidate, right?

2 **A** I do.

3 **Q** And that's before he voted for Ryan Smith?

4 **A** Correct.

5 **Q** You have -- will you look at House District 84,
6 please?

7 You have Travis Faber as a House District candidate,
8 you have Aaron Heilers as a primary opponent, and you have
9 Aaron Heilers winning?

10 **A** That's what it says.

11 **Q** Who's Susan Manchester?

12 **A** She's a representative.

13 **Q** From the 84th District who won that race. It was a
14 three-way race, sir?

15 **A** Okay.

16 **Q** You don't remember that?

17 **A** It appears I made an error with that line.

18 MR. GLICKMAN: Pull up Government Exhibit 323 C,
19 please, which I don't believe has been admitted. Yes, it
20 has, I'm sorry.

21 THE COURT: Did you want it published?

22 MR. GLICKMAN: I will.

23 THE COURT: It appears to be published.

24 MR. GLICKMAN: This is 320 C, Government
25 Exhibit 323 C.

1 Q This is an e-mail, it says: From Larry Householder to
2 Michael Dowling postelection appreciation celebration?

3 A Yes.

4 Q Okay. This is actually before the election, isn't it?

5 A Correct.

6 Q Okay. And it has an invitation?

7 A Yes. It contains an invite.

8 Q Okay. And, sir, this was a blast e-mail that was sent
9 to a lot of people, not just Michael Dowling, right?

10 A This e-mail is just to Michael Dowling.

11 Q Understood. But have you ever seen an invitation to a
12 party where the e-mail just comes to you, but it actually
13 also goes to everybody else so that way the inviter isn't
14 sharing his whole list of people with the invitee?

15 A Sure.

16 Q You're not suggesting that just Mr. Dowling was
17 invited to Mr. Householder's election party, are you?

18 A No. Just that this e-mail is just to Mr. Dowling.

19 Q And this e-mail was sent by Mr. Householder's
20 campaign, right?

21 A I'm sorry, would you ask that again?

22 Q This e-mail was sent by Mr. Householder's campaign to
23 celebrate election day, yes?

24 A It lists: The Friends of Larry Householder invites
25 you to a postelection appreciation celebration.

1 **Q** And the name of his campaign committee was?

2 **A** The Friends of Larry Householder.

3 MR. GLICKMAN: Could we see Government Exhibit 421
4 A, which has already been admitted, Judge?

5 THE COURT: Yes.

6 MR. GLICKMAN: And ask that it be published?

7 THE COURT: Yes.

8 **Q** You testified about a person named Pat Tully during
9 your direct examination, yes?

10 **A** I did.

11 **Q** Okay. All right. And this is an e-mail from
12 Mr. Tully to Ty Pine and its subject says "Resume"?

13 **A** That's incorrect. It's not from Mr. Tully.

14 **Q** I'm sorry. The second e-mail, sir. In chronological
15 order --

16 **A** Oh, yes.

17 **Q** -- from the bottom to top?

18 **A** My mistake. Oh, the bottom e-mail is from Mr. Tully
19 to --

20 **Q** I have generally started with the e-mail at the top so
21 it wasn't your mistake, it was mine. So, but this e-mail is
22 from Pat Tully to Ty Pine, the subject is "Resume"?

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

24 MR. GLICKMAN: Okay. And will you pull up
25 Government Exhibit 421 D, Judge, which I believe has already

1 been admitted?

2 THE COURT: Yes.

3 MR. GLICKMAN: And publish for the jury, please?

4 THE COURT: Yes.

5 **Q** I believe, in your direct examination, you said that
6 Mr. Tully worked for the Republican Caucus?

7 **A** Yeah. You mean for Mr. Householder or do you mean on
8 his resume?

9 **Q** I meant at the time of this e-mail, he was -- I
10 understood your testimony to be that he was employed at that
11 time by the Republican Caucus.

12 **A** No. I believe this is sending his resume. I believe
13 he was hired after this e-mail.

14 **Q** Okay. But at the time of the e-mail, I just, just
15 clearing this up, at the time of the e-mail, he was employed
16 by the Public Utilities Commission of Ohio, yes?

17 **A** Correct.

18 **Q** And he was a senior policy advisor?

19 **A** That's what he lists on the resume.

20 **Q** You do know who Pat Tully is, yes?

21 **A** Yes. I've met him.

22 **Q** Okay. And you know what he does for a living?

23 **A** Currently, I'm not certain.

24 **Q** Well, you know what he did for a living during the
25 period of your investigation, right?

1 **A** Yeah. Well, yes. He worked for Mr. Householder doing
2 energy policy.

3 **Q** Okay. And in looking at his resume, he is a -- he's
4 certainly qualified to advise on energy policy, isn't he?

5 **A** I don't want to get into if I think he's qualified or
6 not. Certainly, he was hired to do that job.

7 **Q** Okay. Well, at the time in and around 2016, he was a
8 senior policy advisor for the Public Utilities Commission of
9 Ohio?

10 **A** Correct.

11 **Q** Who supervises energy providers in Ohio?

12 **A** The distribution utilities are managed by the Public
13 Utilities Commission of Ohio.

14 **Q** And while there, he directs over 30 commission
15 initiatives?

16 **A** That's what he lists.

17 **Q** Manages -- during the course of your investigation,
18 did you determine in any way that Mr. Tully lied on his
19 resume?

20 **A** No.

21 **Q** He manages economic development projects?

22 **A** (Nodding head.)

23 THE COURT: Yes?

24 THE WITNESS: Yeah.

25 THE COURT: Excuse me.

1 MS. GLATFELTER: Relevance.

2 THE COURT: An objection as to relevance.

3 MR. GLICKMAN: Judge, they put the exhibit into
4 evidence.

5 THE COURT: I'm going to let you wrap this up. You
6 may proceed. The objection is overruled.

7 **Q** He manages economic development projects?

8 **A** That's the next bullet, yes.

9 **Q** Serves as a representative to external stakeholders?

10 **A** That's the next bullet.

11 **Q** Liaison to the financial community and credit rating
12 agencies?

13 **A** That's the next bullet.

14 **Q** And he did that beginning in 2016, at least until the
15 date of this e-mail, when he sent the resume, yes?

16 **A** Yeah. 2016 to present is what's listed.

17 MR. GLICKMAN: Go to Government Exhibit 422,
18 please, Judge, which has already been admitted and ask that
19 it be published?

20 THE COURT: Yes.

21 MR. GLICKMAN: Could we go to page 16, please?

22 **Q** You recognize this as the session journal from
23 February of 2019, yes?

24 **A** Yes, February 6th.

25 **Q** We discussed earlier?

1 **A** Correct.

2 **Q** Okay. Well, I shouldn't say "we." You discussed
3 earlier with the government, you testified about it earlier?

4 **A** I did, yes, that's right.

5 **Q** All right. And you indicated in your direct testimony
6 that there was an Energy Generation Subcommittee that was
7 added to the legislature pursuant to these session notes,
8 yes?

9 **A** Yes, that's right.

10 **Q** Okay. And during this period of time, nuclear energy
11 amounted to slightly more than 14 percent of all of Ohio's
12 electricity?

13 **A** That sounds correct. I don't know that I broke out
14 the percentage at any time, but that sounds right.

15 **Q** And as we've discussed at length, Ohio only had two
16 nuclear power plants, they were both owned by FirstEnergy
17 Solutions?

18 **A** Correct.

19 **Q** Okay. And FirstEnergy Solutions was in bankruptcy?

20 **A** Yes, correct.

21 **Q** At that time, during this period of time?

22 **A** Yeah, that's right.

23 **Q** All right. So certainly there's nothing odd about a
24 state legislature creating a new subcommittee given an
25 emergent issue, is there?

1 Government Exhibit 406, please? And ask -- Judge, this
2 exhibit has already been admitted in evidence.

3 **Q** Okay. This is the e-mail from Dave Griffing to, as we
4 discussed, a lot of people.

5 THE COURT: You want it published; is that right?

6 MR. GLICKMAN: Yes, please, Judge.

7 THE COURT: All right. Good to publish.

8 **Q** Do you see it, sir?

9 **A** I do.

10 **Q** Okay. And not talking about the attachment, this is
11 the e-mail that had the proposed legislative proposal that
12 was circulated by Mr. Griffing, yes?

13 **A** I recall we discussed it yesterday, yeah.

14 **Q** And when I say "it was sent to a lot of people," that
15 included, do you see the name Brian Colbert? It's about a
16 little more than halfway down?

17 **A** Oh, yes, I see it's highlighted now.

18 **Q** And Brian Colbert, his e-mail shows he's an employee
19 of Alvarez & Marsal?

20 **A** Yes, his e-mail lists @alvarezandmarsal.com.

21 **Q** Do you recognize Alvarez & Marsal being the financial
22 firm that was advising FirstEnergy Solutions through
23 bankruptcy?

24 **A** I recall there were a number of them that were
25 advising FirstEnergy through this period. Like I recognize,

1 for example, Akin Gump. I believe Alvarez & Marsal is one
2 of them.

3 **Q** Okay, okay. You recognize Akin Gump was their
4 bankruptcy lawyer, yes?

5 **A** I think they provided a few different services. I
6 believe that was one of them.

7 **Q** Okay. All right. And a legislative fix, that would
8 help them economically, would be something that they could
9 present to creditors in the bankruptcy court to prevent the
10 creditors from calling loans, among other things, yes?

11 **A** I'm sorry, would you say that again?

12 **Q** I don't think I can. How about if I rephrase it?

13 **A** Sure, that's fine.

14 **Q** Okay. Proposed legislation that would help the
15 company economically is something that one could show to its
16 creditors to hopefully get the creditors to back off a
17 little?

18 **A** I'm not certain if they were doing it for that
19 purpose. Certainly, they could try.

20 MR. GLICKMAN: Okay. Government Exhibit 424,
21 page 18, please. Judge, this exhibit has been admitted. I
22 ask it be published?

23 THE COURT: Yes.

24 **Q** Okay. This shows Mr. Householder as chair of the
25 Rules and Reference Committee?

1 **A** It does.

2 **Q** And you indicated in your direct examination that as
3 chair, he could make himself chairman of the rules
4 committee, yes?

5 **A** As chairman he could make himself the chairman of the
6 rules --

7 **Q** No, no, as Speaker of the House.

8 **A** Oh, I see. Yes, I believe those assignments all come
9 from the Speaker.

10 **Q** Isn't it true that the Speaker of the House has always
11 been chair of the rules committee, not just with
12 Mr. Householder, with Mr. Rosenberger, with
13 then-Representative Husted?

14 **A** I don't know if it's always the case. I know that
15 others have been.

16 **Q** Okay. And House Bill 6 -- you can take this down.
17 House Bill 6 was amended in both the House and the Senate,
18 yes?

19 **A** Correct.

20 **Q** Okay. And that's -- having a bill in the House or in
21 the Senate amended is a normal part of the legislative
22 process, isn't it?

23 **A** I would say that it does happen, yes.

24 **Q** Well, it happens more often than not, doesn't it?

25 **A** I don't review all of the pieces of legislation that

1 pass through. The focussing investigation was Generation
2 Now and House Bill 6. I know that it was. I don't know how
3 commonly one or another is -- other bills are done. I don't
4 look at those.

5 **Q** Well, you're aware that between the House and the
6 Senate, there were hours and hours of both testimony and
7 debate, yes?

8 **A** Testimony, yes, certainly.

9 MR. GLICKMAN: See Government Exhibit 517 D,
10 please, which I believe has been admitted in evidence.

11 **Q** Do you --

12 MR. GLICKMAN: Could we publish this, please,
13 Judge?

14 THE COURT: Yes.

15 **Q** Could we -- this is a text message between
16 Mr. Householder and Mr. Jones, yes?

17 **A** Correct.

18 **Q** Okay. And you read this testimony -- this text
19 message to the jury; do you remember that?

20 **A** I do.

21 **Q** Okay. So the text message from Mr. Jones is: Thank
22 you for your leadership. Bob and Betty are better off under
23 your watch than they have been in a long time. "Bob and
24 Betty" means Bob and Betty Buckeye?

25 **A** Yes. I had mentioned that before.

1 **Q** Yeah. That just means average Ohioan, yes?

2 **A** It's a euphemism for an average Joe.

3 MR. GLICKMAN: Okay. Can we see Government
4 Exhibit 643, please?

5 **Q** Okay. And, sir, you went over the first page of this,
6 of this document with the jury.

7 MR. GLICKMAN: Can we go to page 2? Yeah.

8 (Off-the-record discussion.)

9 THE COURT: Just a heads-up on time. Going to
10 recess at about 10:30.

11 MR. GLICKMAN: It would be a good point to break
12 after this is over, Judge. Could we publish this to the
13 jury, please? And blow up --

14 THE COURT: It's admitted, yes?

15 MR. GLICKMAN: Yes.

16 THE COURT: You may publish.

17 MR. GLICKMAN: Can you blow that up, please?

18 **Q** Could you read what Mr. Jones said to the -- said to
19 Mr. Householder on page 2, please?

20 **A** Yes. From Charles Jones, owner: Great news. I'm
21 almost sorry I helped FES. They've turned into real dicks
22 on the final separation from us. We helped them get \$1B and
23 it's like we're now the enemy, but still the right thing for
24 Bob and Betty.

25 **Q** That's the average Joe Ohioan that you talked about

1 earlier?

2 **A** Yes, we talked about that a couple of times now.

3 **Q** And that's Charles Jones talking about FirstEnergy
4 Solutions?

5 **A** Yes. He says about FES.

6 MR. GLICKMAN: This is a good time to break, if you
7 would like, Judge.

8 THE COURT: Thank you. Going to break earlier than
9 normal. Get you upstairs. Take a break. During the time
10 of the break, take a break. No discussion of the case among
11 yourselves or with anyone else. No independent research.
12 Continue to keep an open mind. It being Friday, out of
13 respect for you, we'll rise as you leave for the mid-morning
14 break.

15 THE DEPUTY: All rise for the jury.

16 (Jury exited the courtroom at 10:28 a.m.)

17 THE COURT: Jury has left the room. As always,
18 we'll remain in the courtroom until we're advised that the
19 jury has cleared the floor. We'll take a 20-minute break to
20 10 of 11.

21 THE DEPUTY: All clear, Judge.

22 THE COURT: Are they reluctant to take the
23 elevator?

24 THE DEPUTY: A little bit.

25 THE COURT: Very well. We're on break until 10 of

1 11.

2 THE DEPUTY: All rise. This court is in recess.

3 (Recess taken from 10:29 a.m. to 10:50 a.m.)

4 THE DEPUTY: All rise. This court is in session
5 pursuant to the recess.

6 THE COURT: Thank you. Please be seated. Are we
7 ready for the jury from the government's perspective?

8 MS. GLATFELTER: Yes, Your Honor. Thanks.

9 THE COURT: Mr. Householder's?

10 MR. GLICKMAN: Yes, Judge.

11 THE COURT: Mr. Borges'?

12 MR. SCHNEIDER: Yes.

13 THE COURT: Very well. Let's call for the jury.
14 Going to try to break at noon for lunch.

15 MR. GLICKMAN: Yes, Judge. New vendor today,
16 Judge?

17 THE COURT: Actually, we ordered the food early.
18 I'm trying to get them down here before they discover food
19 has arrived and we'll break at 12.

20 On the record. Agent, the hard copies of the exhibits
21 are near you on the bookshelf, if you need them when we're
22 scrolling, if that's easier.

23 THE WITNESS: Thank you, sir.

24 THE DEPUTY: All rise for the jury.

25 (Jury entered the courtroom at 10:52 a.m.)

1 THE COURT: Jurors can be seated as they join us.
2 Thank you. You may all be seated. Thank you. All 14
3 jurors are back. I'm not aware of any further apology I
4 need to make at this time. I appreciate your close
5 attention.

6 And, Mr. Glickman, you may proceed with your
7 examination.

8 MR. GLICKMAN: Thanks, Judge.

9 Let's pull Government's Exhibit 643 back up, please.
10 This is a text message between Mr. Householder and
11 Mr. Jones. Judge, can we publish this? It's in evidence.

12 THE COURT: Yes.

13 **Q** Between Mr. Householder and Mr. Jones that we talked
14 about earlier?

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

16 MR. GLICKMAN: Going to page 2, can you blow up
17 that box, please?

18 **Q** The date was January 22nd, 2020?

19 **A** It is, yes.

20 **Q** Okay. And the text message chain, it's just between
21 Mr. Jones and Mr. Householder, right?

22 **A** That's my understanding.

23 **Q** Well, let's look at the first page just to confirm,
24 okay?

25 **A** That's right, yeah. It's listed as Charles Jones is

1 the owner and Larry Householder is the other participant.

2 **Q** Okay. Fair enough. Thank you.

3 **MR. GLICKMAN:** Can we go to Householder
4 Exhibit 289, please, not to be published?

5 **Q** Okay. Sir, do you recognize this as a document that
6 was turned over to the government pursuant to a Grand Jury
7 subpoena by FirstEnergy?

8 **A** I know there were messages between these individuals.
9 I don't recall this one.

10 **MR. GLICKMAN:** Go to page 2, please.

11 **Q** This is an e-mail from Mr. Longstreth to Mr. Cespedes,
12 yes?

13 **A** Yes, that's right.

14 **Q** July 3rd, 2019?

15 **A** Correct.

16 **Q** And this is during the period of the -- I can't
17 remember what it was referred to, but the referendum period,
18 for lack of a better word?

19 **A** No, that's not correct.

20 **Q** No?

21 **A** No. This is July 3rd. The bill hasn't passed yet.

22 **Q** Oh, but this is an e-mail showing that people were
23 considering the referendum, yes?

24 **A** Yeah. It talks about buying out petition circulating
25 companies.

1 **Q** Okay. So petition circulating companies are companies
2 often that work nationally?

3 **A** Many of them do, yeah.

4 **Q** And they hire people to get enough signatures to get a
5 petition filed for whatever cause that they're either
6 supporting or not supporting, yes?

7 **A** Correct.

8 **Q** Okay. And there are a number of firms who do this
9 kind of work, FieldWorks being one?

10 **A** Correct.

11 **Q** Okay. All right. And there's no prohibition, is
12 there, to somebody hiring them to prevent the opponent from
13 hiring them?

14 **A** I'm not aware of a prohibition.

15 **Q** Okay. In fact, sir, during your investigation, didn't
16 you, didn't you come to learn that that's a pretty common
17 tactic in these things?

18 MS. GLATFELTER: Your Honor, objection. Pretrial
19 ruling.

20 THE COURT: I didn't hear the basis, I'm sorry.

21 MS. GLATFELTER: Pretrial ruling.

22 THE COURT: Overruled. I may jump in if we get
23 into something that concerns me.

24 **Q** Do you recall the question, sir?

25 **A** No, if you wouldn't mind.

1 Q Sure. During the course of your investigation, you
2 learned that hiring these signature firms to prevent others
3 from hiring them is a pretty common tactic in these things?

4 A I don't believe that that's what I learned, no. I am
5 familiar that it has happened, but I don't know that I would
6 say it was common.

7 Q House Bill 6 was signed into law by the governor on
8 July 23rd?

9 A Correct.

10 Q And Generation Now, the (c)(4), was highly in favor of
11 House Bill 6; is that fair to say?

12 A It was certainly used to support House Bill 6.

13 Q Okay. And it certainly was opposed to a referendum to
14 get rid of House Bill 6, yes?

15 A It spent the money to oppose that effort, yes.

16 MR. GLICKMAN: Okay. Can you pull up Exhibit 399,
17 please?

18 Q Okay. Sir, do you recognize Exhibit 399 as a document
19 that was -- that was sent to the government in the course of
20 its investigation?

21 A Yeah. This bears the symbol of an Energy Harbor
22 subpoena.

23 Q But that was a subpoena issued by the government?

24 A Yes.

25 Q And Energy Harbor responded, yes?

1 **A** Correct.

2 **Q** Okay. And beginning at the earlier e-mail, this is an
3 e-mail from John Judge, correct?

4 **A** Yes, that's what it says.

5 **Q** Okay. And dated May 13th, 2019?

6 **A** Correct.

7 **Q** Okay. And it's sent to a number of people, correct?

8 **A** Yeah, that's right.

9 **Q** Including the FirstEnergy Solutions Board of
10 Directors?

11 **A** Yes. Under John Blickle, it says -- or after, I
12 should say, it says, "FES Board of Directors," and then "Jim
13 Boland," also "board of directors," is listed after "Jim
14 Boland" as well.

15 **Q** And the subject is the FES Board?

16 **A** Yeah, "FES Board Approval of Advertising Spend."

17 **Q** Okay. And the board members listed here, they're not
18 members of the board of FirstEnergy, are they?

19 **A** I'm not certain. I don't believe so.

20 **Q** Okay.

21 **A** I believe they're not.

22 **Q** And John Judge was a member of the board?

23 **A** He's the CEO of the company.

24 **Q** Well, is he also not a member of the board and I note
25 the salutation is, "Dear, Fellow Board Members"?

1 **A** Yes, that's what he says.

2 **Q** Okay. All right. Does that refresh your recollection
3 that the CEO is also a member of the board?

4 **A** It appears that he is in this case.

5 **Q** Okay. The second paragraph reads: The FirstEnergy
6 services -- excuse me: FirstEnergy Solutions review
7 committee has approved up to \$15 million of spending subject
8 to approval by the FES board. Do you see that?

9 **A** I do, first sentence.

10 **Q** And you were aware in your investigation that at one
11 point, the board actually funded \$15 million for an
12 advertising campaign to support House Bill 6?

13 **A** In the investigation, we first saw the money and then
14 later, with these documents, saw that there was \$15 million,
15 yes.

16 **Q** Approved by the FES board?

17 **A** That's what it says.

18 MR. GLICKMAN: Judge, I'd ask that this exhibit be
19 admitted into evidence.

20 THE COURT: Any objection?

21 MS. GLATFELTER: No objection.

22 MR. SCHNEIDER: No.

23 THE COURT: It's admitted.

24 MR. GLICKMAN: Ask that it be published to the
25 jury, please?

1 THE COURT: Yes.

2 Q Okay. Looking at the second paragraph, Mr. Judge
3 asked the -- indicates the review committee has approved up
4 to \$15 million of spending, correct?

5 A That's what it says.

6 Q And they've been spending one and a half to two and a
7 half million per week over the past two weeks?

8 A Yes.

9 Q All right. Second to last sentence, he indicates:
10 Given the spending levels, we need to get approval from the
11 FES board, right?

12 A That's what it says.

13 Q Okay. And then he asks that they: Please vote for
14 approval via e-mail or let me know if you think a call to
15 discuss further is necessary, doesn't he?

16 A Yes, that's what it says.

17 MR. GLICKMAN: Could we go to Exhibit 403, please?

18 Q Sir, is this a document presented to the government
19 pursuant to a Grand Jury subpoena in the course of your
20 investigation?

21 A Yes. It bears the mark of Energy Harbor again.

22 Q Okay. And in fact, this document is FirstEnergy
23 Solutions Corp.'s regular meeting of its board of directors,
24 right?

25 A That's what it says at the top.

1 MR. GLICKMAN: Okay. And, Judge, I'd ask that this
2 exhibit be admitted into evidence.

3 THE COURT: Any objection?

4 MS. GLATFELTER: No, Your Honor.

5 MR. SCHNEIDER: No.

6 THE COURT: It's admitted.

7 **Q** Okay. And do you see the roll call?

8 **A** I do.

9 **Q** And, in fact, Mr. Judge is included in the roll call,
10 yes?

11 **A** Listed third, yes.

12 MR. GLICKMAN: All right. And go to page 2,
13 please.

14 **Q** Do you see dates after May 28, 2019, approval of
15 Generation Now donations?

16 **A** I do.

17 **Q** Whereas upon recommendation by the company's review
18 committee, the board proposes to donate to Generation Now in
19 support of House Bill 6 in the Ohio legislature (the
20 donations) in an aggregate amount not too exceed \$15 million
21 (the spend cap), yes?

22 **A** That's what it says.

23 **Q** So as of May 28th, 2019, FirstEnergy Solutions had
24 approved a \$15 million spend for an advertising campaign to
25 support House Bill 6?

1 **A** That's what it says.

2 **Q** Well, that's what happened, yes?

3 **A** Yes.

4 **Q** Okay. Going back to page 1, now seeing the names of
5 the board members, sir, these are not members of the board
6 of FirstEnergy, are they?

7 **A** No, I don't believe so.

8 MR. GLICKMAN: Okay. Go to Exhibit 401, please.

9 **Q** Showing you what's been marked Householder
10 Exhibit 401, this document was presented to the government
11 pursuant to its Grand Jury subpoena at Energy Harbor?

12 **A** Right.

13 **Q** Energy Harbor is the successor to FirstEnergy
14 Solutions, yes?

15 **A** Once the companies had separated in February of 2020,
16 it became Energy Harbor.

17 **Q** Okay. But these are -- sorry. One sec.

18 See the 8/16/19 e-mail from Rick Giannantonio?

19 **A** I think it says the 6th.

20 **Q** Oh, I'm sorry. I thought I said the 6th, but if I
21 didn't, the August 6th, 2019, e-mail?

22 **A** That's right. I see it.

23 MR. GLICKMAN: Okay. All right. Judge, ask that
24 this exhibit be admitted into evidence and published.

25 THE COURT: Any objection?

1 MS. GLATFELTER: One moment, Your Honor.

2 MR. SCHNEIDER: None here.

3 THE COURT: Thank you.

4 MS. GLATFELTER: Your Honor, if we may have a
5 sidebar, please?

6 THE COURT: Very well.

7 **SIDEBAR CONFERENCE.**

8 MS. GLATFELTER: Your Honor, we stand by our
9 objection regarding the advice of counsel and discussion we
10 had yesterday. There was one e-mail with Akin Gump. I
11 understood that we weren't highlighting what it was. This
12 clearly is an e-mail designed to show that they sought
13 lawyers' advice about this, about some sort of approval and
14 I think it's inappropriate and irrelevant for that matter.

15 THE COURT: Your partner wants to whisper at you.

16 MR. GLICKMAN: The e-mail references an emergency
17 board resolution. I wasn't even planning on asking him who
18 Mr. Giannantonio was. I was using the e-mail to show that
19 an emergency board meeting was called for and then I was
20 going to show the resolution.

21 THE COURT: Does that allay your concerns?

22 MS. GLATFELTER: No, not really. I mean, we
23 preserved hearsay objections too. We are so far outside
24 hearsay here, this is not necessarily -- I mean, the only
25 argument for it being a business record would be they sought

1 the advice of outside counsel and that's why they have the
2 e-mail in their records, again, going back to the lawyer
3 issue. So I object to, the only people on the e-mail, I
4 think are lawyers.

5 THE COURT: All right. Let me confer with my law
6 clerk.

7 (Off-the-record discussion.)

8 THE COURT: Let's chat again. In order to avoid
9 any rat-a-tat-tat, can't you establish that there was an
10 emergency board resolution through the resting legal
11 conclusion and not the e-mail, if that's what you're trying
12 to do?

13 MR. GLICKMAN: Yeah.

14 THE COURT: Would you do it in that way so we don't
15 have to deal with the e-mail?

16 MR. GLICKMAN: I will, yes, Judge.

17 THE COURT: All right.

18 **SIDEBAR CONCLUDED.**

19 **Q** Sir, as of August 6, 2019, the FirstEnergy Solutions
20 was still in bankruptcy, right?

21 **A** Yes.

22 **Q** Okay. And an emergency -- you're aware through the
23 course of your investigation that an emergency board meeting
24 was called for August 7th of 2019?

25 **A** I'm -- I don't recall specifically the date that the

1 different board meetings for FES occurred.

2 MR. GLICKMAN: Okay. Could we see Exhibit 392,
3 please?

4 Q Sir, do you recognize Exhibit 392 as a document
5 produced pursuant to your Grand Jury subpoena at Energy
6 Harbor?

7 A Yes, that's what it says.

8 Q This is FirstEnergy Solutions Corp. meeting of the
9 board of directors?

10 A Yeah. It's a regular meeting, yes, that's right.

11 MR. GLICKMAN: Okay. Could we go to page 42,
12 please?

13 Q Okay. Do you see the resolution at the bottom of
14 page 42?

15 MR. GLICKMAN: Judge, I'd ask that this document be
16 admitted into evidence and published?

17 THE COURT: Any objection?

18 MS. GLATFELTER: No, Your Honor.

19 MR. SCHNEIDER: No.

20 THE COURT: Yes. Yes.

21 MR. GLICKMAN: Oh, thank you, Judge.

22 Okay. So if we can zoom in on the August 7th,
23 2019, approval of expenditures for House Bill 6 voter
24 education initiatives.

25 Q Do you see that?

1 **A** I do.

2 **Q** So on August 7th of 2019, the board of FirstEnergy
3 Solutions considered approval of expenditures for moneys to
4 support House Bill 6?

5 **A** That's what it memorializes.

6 **Q** Well, in your investigation, didn't you learn that's
7 what happened?

8 **A** Yes, they spent money on the -- I don't remember how
9 they call it, the anti-referendum, yes.

10 MR. GLICKMAN: Can we go to the next page, please?
11 And the first paragraph at the top, if we could zoom in on
12 that, please.

13 **Q** So whereas the board proposes to make various
14 expenditures in order to educate Ohio voters on issues
15 related to HB 6, in order to increase public support for HB
16 6, collectively, the HB 6 expenditures in an aggregate
17 amount not to exceed \$25 million, the spend cap?

18 **A** I see it there.

19 **Q** Okay. So this is the FirstEnergy Solutions board
20 approving an additional \$25 million to support House Bill 6,
21 yes?

22 **A** Correct.

23 MR. GLICKMAN: And if we can go to the first page.

24 **Q** You recognize the roll call is the same board members
25 as the previous?

1 **A** Yes, it's the same.

2 MR. GLICKMAN: Go to Householder Exhibit 181,
3 please.

4 **Q** Okay. Sir, do you recognize this, this Householder
5 Exhibit 181, as a document that was provided to you pursuant
6 to your Grand Jury subpoena to FirstEnergy?

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

8 MR. GLICKMAN: And let's go to page 2.

9 **Q** This is a 2019 contribution form for Generation Now?

10 **A** Yes.

11 **Q** You've seen this, this type of form before in your
12 investigation, yes?

13 **A** Yes. Several types, but yeah.

14 **Q** Okay. And the name here, "David Griffing," is that
15 the same David Griffing from -- that we've read e-mails
16 from?

17 **A** Correct.

18 **Q** Okay. And if we can --

19 MR. GLICKMAN: Can we scroll down to the next page,
20 please?

21 **Q** And Generation Now's situation analysis, have you seen
22 this document, sir?

23 **A** Yes. We looked at, I think, a version of this from a
24 different location.

25 MR. GLICKMAN: Okay. Judge, I'd ask that this

1 exhibit be admitted in evidence?

2 THE COURT: Any objection?

3 MS. GLATFELTER: No. It's partly already admitted,
4 so --

5 THE COURT: Very well.

6 MR. SCHNEIDER: No objection.

7 **Q** So the situation analysis --

8 THE COURT: It's admitted. Do you want to publish
9 it?

10 MR. GLICKMAN: Yes, please.

11 THE COURT: It may be published.

12 **Q** Okay. Situation analysis: Out-of-state gas and wind
13 energy interests are working to defeat House Bill 6, HB 6.
14 We're looking to expose them and protect our members against
15 whom they are running ads.

16 That's what Generation Now listed as a situation
17 analysis?

18 **A** Yes, it's listed under situation analysis.

19 MR. GLICKMAN: Okay. Go back to the full exhibit,
20 please.

21 **Q** So this is -- this document is a strategy for
22 FirstEnergy to use phone patching, digital, texting,
23 television, and radio to help support House Bill 6, right?

24 **A** I think this is -- I'm sorry, could you rephrase that
25 for me?

1 Q Sure. Well, we can go through it, if you would like.

2 MS. GLATFELTER: Your Honor, I'm going to object.

3 On direct testimony, this witness read the documents that he
4 received from a Grand Jury subpoena. The difference of
5 what's going on now is he's being asked to draw conclusions
6 based on the text of documents that he didn't author.

7 MR. GLICKMAN: Judge, the document is part of his
8 investigation. I don't believe I'm required to have him
9 read the document into the record with every document that
10 I'm using.

11 THE COURT: No. Ask about the investigation only
12 or its relevance to the investigation.

13 MR. GLICKMAN: Okay.

14 Q Your investigation showed that Generation Now created
15 a campaign to support House Bill 6, yes?

16 A In -- yes. During this period, which the timeline
17 lists there, Generation Now spent money to help House Bill
18 6.

19 Q And they spent money in a number of ways, didn't they?

20 A Correct.

21 Q Radio?

22 A Yes.

23 Q TV?

24 A Yes.

25 Q Print?

1 **A** Correct.

2 **Q** Direct mail?

3 **A** Yes.

4 **Q** Okay. Phone patching?

5 **A** Correct.

6 **Q** Okay. And that's all laid out in this document, isn't
7 it?

8 **A** Yes. There are targeted communications campaigns and
9 then under that lists a variety of techniques they want to
10 use.

11 MR. GLICKMAN: Okay. Could we see Householder
12 Exhibit 379, please?

13 **Q** Do you recognize this document as a document the
14 government obtained through a Grand Jury subpoena to the
15 Lincoln Strategy Group?

16 **A** Yes. It bears that at the bottom right.

17 **Q** And the Lincoln Strategy Group is a company, is a
18 company that was used to attempt to hire away signature
19 gatherers, yes?

20 **A** Yes. Generation Now passed money to Ohioans For
21 Energy Security and then they hired this company for that
22 purpose.

23 MR. GLICKMAN: Okay. Give me one second. Go to
24 page 2, please. Judge, I'd ask that this be entered into
25 evidence?

1 THE COURT: Any objection?

2 MS. GLATFELTER: No, Your Honor.

3 MR. SCHNEIDER: No.

4 THE COURT: It's admitted.

5 MR. GLICKMAN: Publish, please, Judge?

6 THE COURT: Yes.

7 MR. GLICKMAN: All right. Could we highlight under
8 here is the process, No. 2, please?

9 **Q** So this is the Lincoln Strategy Group indicating to
10 its employees what it should do when calling the signature
11 gatherers in attempting to hire them away, isn't it?

12 **A** I'm not sure if Opal is an employee of the Lincoln
13 Strategy Group. I think he was hired separately.

14 **Q** Okay. Well, let's just read it, then. Sample script
15 text, right?

16 **A** Yes.

17 **Q** Okay. Go ahead and read it.

18 **A** Hey, my name is Opal -- or, quote: Hey, my name is
19 Opal and I'm with Ohioans For Energy Security. Are you
20 currently in OH? Close quote. If yes, quote, great, can we
21 talk, close quote? Make the phone call. And then it lists
22 several bullets below.

23 **Q** Well, what's -- the first bullet point where it says,
24 quote, are you currently under contract, what -- sorry.

25 **A** Go ahead, I'm sorry.

1 **Q** Where it says: Are you currently under contract? If
2 yes, notate in the spreadsheet and thank them for their time
3 and hang up; that's what it says, right?

4 **A** Correct.

5 **Q** Okay. And, in fact, if they're not under contract,
6 the next bullet point says I'd like to offer you a deal, and
7 they attempt to hire them away, yes?

8 **A** Yes. It says: "I'm prepared to offer you \$2,500 and
9 a plane ticket home if you sign on with us and leave Ohio
10 today."

11 **Q** But it specifically indicates not to interfere with an
12 existing contract, doesn't it?

13 **A** It does not say that. It says just ask and if they
14 note yes, thank them for their time and hang up or no, and
15 then offer a deal.

16 **Q** Sir, thanking them for their time and hanging up is
17 essentially not interfering with the contract, right?

18 MS. GLATFELTER: Objection, Your Honor,
19 argumentive.

20 THE COURT: Sustained as to opinion and
21 argumentive.

22 **Q** Were you provided a recorded call from Advanced Micro
23 Targeting?

24 **A** I beg your pardon?

25 **Q** Were you provided a recorded telephone call from

1 Advanced Micro Targeting?

2 **A** We received a number of records from them pursuant to
3 subpoena. I believe, I believe that was one of them.

4 MR. GLICKMAN: Okay. Can we see Exhibit 417,
5 please?

6 **Q** Is this a document you received pursuant to your Grand
7 Jury subpoena to Advanced Micro Targeting?

8 **A** Yes.

9 **Q** Okay. And this is -- this is just an e-mail you
10 received. Who's Doug Gray?

11 **A** I believe he was working with the referendum group at
12 the time of this e-mail.

13 **Q** Okay. All right. And is there -- I apologize, I'm
14 sorry.

15 The e-mail reads: This is what happens if you say
16 you're under contract?

17 **A** Yes, the top e-mail.

18 MR. GLICKMAN: Okay. Can I see Exhibit 418,
19 please? I'm sorry, one moment. Your Honor, I'd ask that
20 this be admitted into evidence?

21 THE COURT: Any objection?

22 MS. GLATFELTER: No, Your Honor.

23 MR. SCHNEIDER: No.

24 THE COURT: It's admitted.

25 MR. GLICKMAN: Okay. And publish, please, Judge?

1 THE COURT: Yes.

2 MR. GLICKMAN: Okay. Just for counsel, the Court,
3 and the witness, can we see Exhibit 418?

4 **Q** Exhibit 418, you said you received an audio file from
5 Advanced Micro Targeting?

6 **A** Yes. I believe among other documents and things they
7 provided, yes.

8 **Q** And one of the audio files was a recording of a call
9 where a signature gatherer indicated they were under
10 contract?

11 **A** I'm not certain. I think that's right.

12 **Q** Would it refresh your recollection to hear the call?

13 **A** It may.

14 MR. GLICKMAN: Judge, I'm not sure how to have him
15 hear the call. I guess this is Exhibit 418, Householder
16 418. I'd move to admit it if there's no objection from the
17 government?

18 MS. GLATFELTER: Right. There's no objection. We
19 can just go ahead. Thank you.

20 MR. GLICKMAN: Great.

21 THE COURT: It's admitted. You can publish it by
22 playing it, if that's what you wish.

23 MR. GLICKMAN: It is, Judge.

24 THE COURT: Very well.

25 MR. GLICKMAN: Thank you.

1 (Recording playing.)

2 **Q** Okay. That's one of the recordings you received, yes?

3 **A** It is.

4 **Q** Okay. My outline says "yesterday," but many days ago,
5 on direct examination, you -- I believe you indicated that
6 David Griffing was Juan Cespedes' supervisor. Just to be
7 clear, sir, Juan Cespedes is not employed by any FirstEnergy
8 entity, is he?

9 **A** I believe that he was Juan's supervisor but Juan is an
10 outside lobbyist. He works for a different firm that was
11 hired by the company.

12 **Q** I just want to be clear that Juan Cespedes works for a
13 company other than FirstEnergy, yes?

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

15 **Q** And during this period of time, that company was the
16 Oxley Group?

17 **A** Yes.

18 **Q** Okay. And the Oxley Group is not an affiliate or a
19 subsidiary of FirstEnergy; it's an outside contractor?

20 **A** Yes. It's an outside lobbying firm. Perhaps a better
21 way to say it is it was his direct report.

22 **Q** Fine. I just -- fine.

23 MR. GLICKMAN: Can we see Exhibit 501, please?

24 **Q** Okay. Exhibit 501 is a document provided to you
25 pursuant to your Grand Jury subpoena to Megan Fitzmartin?

1 **A** Fitzmartin, yes.

2 **Q** The e-mail dated June 3rd, 2019?

3 **A** That's correct.

4 **Q** Okay. And it has a meeting attached, meeting agenda
5 listed under attachments?

6 **A** Correct.

7 MR. GLICKMAN: Okay. Could we see page 2, please?

8 **Q** Is this the attachment?

9 **A** Yes, that's right.

10 MR. GLICKMAN: Okay. Judge, I'd ask this exhibit
11 be admitted into evidence?

12 THE COURT: Any objection?

13 MS. GLATFELTER: It's admitted already, Your Honor.

14 THE COURT: Very well. Would you like to publish
15 it?

16 MR. GLICKMAN: Yes, please.

17 THE COURT: Publish, please.

18 **Q** This lists a Generation Now, Inc., meeting Monday,
19 June 3rd, 2019?

20 **A** That's what it says at the top, yes.

21 **Q** Okay. And it's -- the first thing is a recap of HB 6
22 strategy for the House?

23 **A** Yes.

24 **Q** Okay. And it lists both member feedback and
25 opposition strategy?

1 **A** Correct. I believe we went through this, yeah.

2 **Q** Okay. And it also has a strategy for the Senate?

3 **A** It lists that as Bullet Point No. 2.

4 **Q** And then it lists "needs moving forward," yes?

5 **A** Correct.

6 **Q** Okay. And that includes the communications plan
7 involving the various media that we discussed earlier?

8 **A** Yes. It lists a variety of different kinds of media,
9 excuse me, under the communications plan.

10 **Q** Okay. Well, sir, there was a large -- take out the
11 word large. There was a media effort by opponents of House
12 Bill 6, wasn't there?

13 **A** I recall seeing commercials, yes, and mail and things.

14 **Q** Well, we heard on direct examination about an
15 organization called Ohioans Against Corporate Bailouts, yes?

16 **A** Correct.

17 **Q** That was an organization that was against House Bill
18 6?

19 **A** Yes, although, I believe it formed after the bill had
20 passed. That was the group that was doing the referendum
21 effort. This is the timeline when the bill is still pending
22 in the Ohio Legislature.

23 **Q** Okay. But, so let's focus then on the referendum
24 period of time. Ohioans Against Corporate Bailouts was
25 mounting a campaign against House Bill 6 and for the

1 referendum, yes?

2 **A** They were the referendum effort. They were trying to
3 get, collect enough signatures to get the measure placed on
4 the ballot, yes.

5 **Q** Well, they did more than just try to collect
6 signatures, didn't they, didn't they run a media campaign?

7 **A** I'm not aware of -- I believe what Ohioans Against
8 Corporate Bailouts did was run the effort to collect the
9 signatures to create a citizens petition.

10 **Q** And Ohioans Against Corporate Bailouts, what kind of
11 an entity is that?

12 **A** You know, I'm -- I'm not certain what legal variety of
13 entity it is.

14 **Q** Okay. Who funded it?

15 **A** I'm not certain either. I know there's a lot of
16 speculation and folks talked about it. That wasn't the
17 focus of our investigation.

18 **Q** Did you take any steps to determine who was funding
19 Ohioans Against Corporate Bailouts?

20 **A** The investigation was into Generation Now and
21 Mr. Householder and House Bill 6 and FirstEnergy; it was not
22 into Ohioans Against Corporate Bailouts.

23 **Q** Now, let me ask my questions again. Did you take any
24 steps to determine who funded Ohioans Against Corporate
25 Bailouts?

1 **A** No.

2 **Q** Okay. You've testified about a Form 15 that's
3 necessary for signature gatherers, yes?

4 **A** Yes.

5 **Q** So Form 15 has to be -- if I want to be a signature
6 gatherer in the state of Ohio, I have to fill out a form
7 giving them my identity, my address, and file it with the
8 State of Ohio, right?

9 **A** Secretary of State's office.

10 **Q** Okay. And under Ohio law, felons are not permitted to
11 be signature gatherers, are they?

12 **A** I'm not certain that I know that. That may be the
13 case. I don't know.

14 **Q** Okay. So you did not learn in your investigation that
15 there were felons collecting signatures?

16 **A** I did learn that there was background checks paid for
17 by Generation Now and some of its affiliated entities to
18 learn if they had criminal backgrounds, yes.

19 MR. GLICKMAN: Okay. Can we see Exhibit 609 F,
20 please? This is already admitted into evidence, Judge.

21 THE COURT: Okay.

22 MR. GLICKMAN: May we publish it, please?

23 THE COURT: Yes.

24 **Q** This is the audio script and the video script that you
25 testified about earlier, isn't it?

1 **A** Yes, this is one of the scripts that we talked about.

2 **Q** And it says: Criminals seeking name, address and
3 signature, among other things, right?

4 **A** Yes.

5 **Q** Okay. Well, if in fact felons were hired as signature
6 gatherers, that statement is accurate, isn't it?

7 **A** Yeah, if someone has a -- well, the only reason why
8 I'm hesitating is, I don't know that a person who has a
9 felony is a criminal forever, but I suppose that's
10 semantics, but yes, there are people with criminal records
11 seeking to collect signatures.

12 MR. GLICKMAN: Can we see 609 F, please? It's also
13 admitted into evidence and publish.

14 THE COURT: 609 F?

15 MR. GLICKMAN: Yes.

16 THE COURT: Yes.

17 MR. GLICKMAN: Oh, this is F. 609 C.

18 THE COURT: Very well. It's been admitted and you
19 wish to publish; is that right?

20 MR. GLICKMAN: Please.

21 THE COURT: Go ahead.

22 **Q** You testified about this document during your direct
23 examination?

24 **A** Yes. This was a draft advertisement created for
25 Ohioans For Energy Security.

1 **Q** The photos of these people, those are actually photos
2 of signature gatherers, aren't they?

3 **A** My understanding is that the group after finding,
4 using their research, that folks were -- felons went and
5 tried to retrieve their mugshots.

6 **Q** And did?

7 **A** It appears so. I did not verify whether or not those
8 are accurately their mugshots.

9 **Q** You didn't, you didn't investigate that at all?

10 **A** No.

11 **Q** Okay.

12 MR. GLICKMAN: Exhibit 608 J, please. Your Honor,
13 608 J has already been admitted into evidence, I think. I'm
14 looking.

15 MS. GAFFNEY-PAINTER: That's correct.

16 MR. GLICKMAN: Yes, it has. May it be published,
17 please?

18 THE COURT: Yes.

19 **Q** This is a text message chain between Mr. Borges and
20 Mr. Cespedes?

21 **A** Correct.

22 MR. GLICKMAN: Okay. Could you blow up the middle
23 bullet point, please?

24 **Q** It says, "McTigue involvement is good also." Who is
25 Don McTigue?

1 MS. GLATFELTER: Objection, Your Honor.

2 THE COURT: Sustained.

3 Q You were asked questions about Mr. Householder's
4 communications with David Yost, the Ohio Attorney General;
5 do you recall those?

6 A Yes.

7 Q And there was -- you showed some phone contact between
8 the two?

9 A Correct.

10 Q Okay. Without pulling -- without reshowing the
11 exhibit, which we've all seen a lot of, David Yost is the
12 Ohio Attorney General and at the time Mr. Householder was
13 the Speaker of the House of representatives?

14 A Correct.

15 Q Okay. And you testified earlier, you did not attempt
16 to obtain a Title III warrant for Mr. Householder's phone?

17 A I did not.

18 Q So, but had such a warrant existed, we would know
19 exactly what was said between the two, wouldn't we?

20 A Possibly. Depending if it was pertinent and we
21 recorded it.

22 MR. GLICKMAN: Okay. Could we see Exhibit 613 E,
23 please? Judge, this document has been admitted into
24 evidence. I ask that it be published?

25 THE COURT: Very well. Yes.

1 Q Okay. This text message is between Mr. Borges,
2 Mr. Longstreth, Mr. Cespedes, Mr. Clark, yes?

3 A Yes, that's right.

4 Q Okay. And it's from Mr. Borges' phone?

5 A Correct.

6 Q Okay. And this is about FieldWorks, yes?

7 A Yes. It says: "John's not up-to-date FieldWorks
8 report." Yes.

9 MR. GLICKMAN: Okay. Can we go to the next page?
10 So can we blow up the first bullet point?

11 Q "SLH," that's Larry Householder?

12 A Yes. They referred to Larry Householder that way in
13 text messages.

14 Q It says: He will have a great idea but he needs to be
15 briefed; is that essentially what it says?

16 A It says: "SLH will have a great idea how to solve
17 this. He needs to be briefed first."

18 MR. GLICKMAN: And then the next -- pull up the
19 next one, please.

20 Q And Mr. Cespedes states that: "I agree that SLH needs
21 included," correct?

22 A Yes.

23 Q So at least as of September 10th, 2019, at 6:44 p.m.,
24 Mr. Householder had not been briefed yet?

25 A I don't know briefed into what specifically. It's in

1 the same thread as the FieldWorks, so it could be a daily
2 report or something along those lines. I'm not sure.

3 **Q** Okay. You testified earlier about payments that were
4 made to Ms. Fitzmartin and Ms. Lippincott, right?

5 **A** Right.

6 **Q** They're actually made to their LLC's, right?

7 **A** That's my understanding.

8 **Q** And the money that went to their LLC's was used among
9 other things to pay for the expenses of their respective
10 businesses?

11 **A** I believe so.

12 **Q** Okay. You spent some time talking about moneys that
13 went from Mr. Longstreth's company, JPL, to -- not to, but
14 for the benefit of Mr. Householder?

15 **A** Correct.

16 **Q** Okay. Credit card bills?

17 **A** Yes.

18 **Q** And work done on a home in Florida?

19 **A** Correct.

20 **Q** Okay. Sir, didn't you learn through the course of
21 investigation that that was money Mr. Longstreth lent to
22 Mr. Householder?

23 **A** That's not my understanding.

24 **Q** Okay. Are you aware that Mr. Householder and
25 Mr. Longstreth were setting up a business together?

1 **A** I recall reviewing some communications to that effect.

2 **Q** Well, didn't you learn through the course of your
3 investigation that they had had documents prepared to start
4 a business together?

5 **A** I believe that they were prepared in 2018, that's
6 right.

7 **Q** Did you see those documents?

8 **A** I did.

9 **Q** So you knew they were at least contemplating starting
10 a business together?

11 **A** They had them drafted. I don't believe they were ever
12 executed.

13 **Q** Okay. And didn't you learn through your investigation
14 that the moneys were to be repaid upon the sale of the home?

15 **A** That is not my understanding.

16 **Q** Well, didn't you interview -- didn't you, as part of
17 your investigation, interview the head -- I don't know if
18 he's CEO or owner -- of Nordic Construction?

19 **A** I believe that the FBI spoke with him. I can't recall
20 specifically what he told us about that, like the side
21 business arrangement or that. I know he talked about the
22 home, though.

23 **Q** Well, wasn't there a lien placed on the home related
24 to the lawsuit that you testified about earlier?

25 **A** Correct.

1 Q And with the lien on the home, it -- in Florida, it
2 effectively couldn't be sold because a person couldn't get a
3 mortgage on the home?

4 A I'm not certain how the Florida law connects with
5 that. It may just be that the lien has to be paid by the
6 proceeds. I don't know how that works.

7 Q Well, certainly, the home sold for more than enough
8 money to repay the moneys Mr. Longstreth paid, didn't it?

9 A It sold after it was repaired for I think \$690,000
10 that we talked about.

11 Q And the -- well, wasn't the money used that
12 Mr. Longstreth contributed to repair the home part of your
13 calculation of the moneys paid for Mr. Householder's
14 benefit?

15 A Correct.

16 Q And it was significantly less than \$690,000 in total,
17 yes?

18 A I think it was around a \$150,000, that's right.

19 Q So, and you do know that the home was damaged in a
20 hurricane?

21 A Correct.

22 Q And that was one of the reasons for repairs, yes?

23 A That's my understanding.

24 MR. GLICKMAN: Can we see Exhibit 642, please?

25 This has been admitted into evidence, Judge, and I'd ask

1 that it be published?

2 THE COURT: Yes.

3 Q You recall reading part of this exhibit to the jury on
4 direct examination, right?

5 A Correct. This was a press release or a press
6 statement by Speaker Householder.

7 Q From October 21st, 2019?

8 A Correct.

9 Q Why don't you read the whole thing, please?

10 A Speaker Householder issues statement on House Bill 6.
11 Ohio House Speaker Larry Householder, R-Glenford, issued the
12 following statement today in response to news that backers
13 of a referendum on House Bill 6 have failed to garner
14 sufficient support to place that issue on the ballot.

15 Quote: I am pleased that House Bill 6 will go into
16 effect at midnight tonight and I am confident it will
17 produce positive results for Ohio. First, HB 6 will save
18 the operation of two Ohio nuclear plants that produce
19 15 percent of Ohio's power, employ thousands of Ohio
20 workers, and generate 90 percent of all carbon-free
21 electricity generated in Ohio.

22 House Bill 6 will also benefit Ohio's solar power
23 industry. These solar projects that will be made possible
24 by House Bill 6 will generate far more solar power than has
25 been produced in all of the years since the failed, quote,

1 RPS, close quote, bill passed in 2008. Excuse me. Ohio
2 electric customers will save money because of House Bill 6,
3 which will trigger a net reduction in charges on residential
4 and business electric bills.

5 Despite the claims of a well-coordinated environmental
6 lobby, the RPS approach, though well-intended, has not
7 worked for Ohio as promised. To a great extent, utilities
8 have diverted money from Ohio customers to renewable
9 projects in other states and expensive renewable energy
10 credits paid for our businesses have gone to wind producers
11 in Texas instead of making Ohio investments. Ohio needs to
12 develop a better approach to achieve results in our state
13 with respect to renewable energy. We should be focused on
14 energy policy that works for Ohio and Ohioans. That's what
15 HB 6 begins to do. The Ohio House looks forward to working
16 on future energy legislation which benefits our state and
17 its people. Close quote.

18 MR. GLICKMAN: Can I have one moment, Judge?

19 THE COURT: Yes.

20 (Pause.)

21 MR. GLICKMAN: See Householder Exhibit 289, please?

22 **Q** Sir, do you recognize this document as one that was
23 provided to you pursuant to a Grand Jury subpoena?

24 **A** Did you show me this?

25 THE WITNESS: I apologize, Your Honor.

1 **A** I believe we spoke about this earlier.

2 MR. GLICKMAN: Okay. Judge, I move to admit this
3 exhibit into evidence.

4 THE COURT: Is there any objection?

5 MS. GLATFELTER: One moment, Your Honor.

6 THE COURT: Very well.

7 (Pause.)

8 MS. GLATFELTER: No objection.

9 MR. SCHNEIDER: No objection.

10 THE COURT: It's admitted.

11 MR. GLICKMAN: Could we publish it for the jury,
12 please?

13 THE COURT: Yes.

14 **Q** And this is an e-mail from Mr. Judge, who you
15 indicated was head of FirstEnergy Solutions?

16 **A** The CEO, yes.

17 **Q** And this is an e-mail reflecting that the board has
18 pre-approved the additional spend, thanks, right?

19 **A** That's what it says.

20 MR. GLICKMAN: Okay. Your Honor, I don't have
21 anything further.

22 THE COURT: Very well.

23 MR. GLICKMAN: Can I just have a moment to unplug?

24 THE COURT: Yes, yes.

25 (Pause.)

1 THE COURT: Mr. Glickman has completed his
2 examination of this witness on behalf of Mr. Householder.
3 Counsel for Mr. Borges prepared to proceed?

4 MR. SCHNEIDER: I can begin. I understand we have
5 a noon break, but I can begin.

6 THE COURT: Very well.

7 **CROSS-EXAMINATION**

8 **BY MR. SCHNEIDER:**

9 **Q** Mr. Wetzels, you several times this morning indicated
10 your focus, you said certain things were not your focus, and
11 then you indicated what your focus was. Your primary focus
12 in this investigation was whether or not FirstEnergy bribed
13 Larry Householder in exchange for legislation, right, that
14 was your primary focus?

15 **A** That's what we began with and then he obviously
16 expanded outward as we learned new things.

17 **Q** But you would agree that your investigation is not
18 about whether Gen Now is allowed to spend money to support
19 or oppose candidates, right?

20 **A** No. The (c) (4)s machinations are not within the FBI's
21 purview.

22 **Q** Okay. And then just one thing here to start with, but
23 during the course of investigation -- sort of heard this.
24 During the course of your investigation, did you discover
25 any texts, any e-mail, or other documents that indicated

1 that Matt Borges was aware of sources of funding for
2 Generation Now before April of '19, any document?

3 **A** Before April of '19? I apologize, that's a really
4 specific question. I do remember that he advises someone
5 that Generation Now is Mr. Householder. I'm not certain if
6 they discussed the funding.

7 **Q** Do you have any evidence that Matt Borges knew of
8 Generation Now funding, funding sources prior to April of
9 '19?

10 **A** Without reviewing the documents, I don't know that I
11 can answer that.

12 MR. SCHNEIDER: Okay. Could we have Borges 254,
13 please? This has not been admitted.

14 **Q** Agent Wetzel, can you identify that exhibit?

15 **A** Yes. This is a source report.

16 **Q** Okay. And tell the Ladies and Gentlemen of the Jury,
17 what's a source report?

18 **A** So there's a variety of terms. We talked about CHS,
19 things like that, that's a confidential human source or a
20 sort of shorthand as source. This is a report that is
21 written of what a source might tell you.

22 **Q** Okay. And in this particular case, what is this?

23 **A** This particular document is a source report and then
24 it lists what was discussed with a synopsis.

25 **Q** Right. And this is your source, this is a report that

1 you made, correct?

2 **A** Yes, I am the author.

3 **Q** Okay. And what does it report?

4 **A** CHS provided a copy of their former employment
5 contract. CHS advised that it was fairly standard as far as
6 they were aware.

7 **Q** Okay. And what's the date of that source report?

8 **A** The 17th of June, 2021.

9 **Q** Okay. And is it the 17th?

10 **A** Oh, that's when I submitted it. It was approved on
11 the 22nd, excuse me.

12 **Q** Well, hold on. It says "date of contact." Let's
13 start there, what's the date of contact?

14 MS. GLATFELTER: Your Honor, I'm going to object to
15 the method of questioning here for a document not in
16 evidence.

17 MR. SCHNEIDER: Well, I can clear that up, I think.

18 THE COURT: I'm sure that you can. Thank you. The
19 objection is sustained. He's going to rephrase.

20 **Q** This is a source report you prepared, correct?

21 **A** That's correct.

22 **Q** Okay. And you're aware that this is not a phony
23 report, this is a real report you prepared, correct?

24 **A** Yeah, it's a real report.

25 MR. SCHNEIDER: Okay. I'd move for the

1 introduction of the exhibit.

2 THE COURT: Any objection?

3 MS. GLATFELTER: Of course, I don't object to the
4 content, but it is objectionable to put the reports of the
5 agent in. They constitute hearsay, so I'm not sure how it's
6 admissible.

7 MR. SCHNEIDER: I'm not asking him for hearsay.
8 I'm asking him whether he received what he reported he
9 actually received.

10 THE COURT: Go ahead and ask that question.

11 **Q** Did you receive Tyler Fehrman's employment contract
12 with AMT on July 25th, 2020?

13 **A** Yes.

14 **Q** Okay. Did you ever receive his employment contract
15 prior to July 25th, 2020?

16 **A** This just memorializes receiving a physical copy.

17 **Q** Did you review his contract prior to July 25th, 2020?

18 **A** I don't believe I reviewed it. I believe we did
19 discuss it.

20 **Q** What did you discuss?

21 **A** I recall that he -- when Mr. Borges, in the course of
22 a meeting brought up the employment contract, I asked him if
23 he had a contract, and he said that he did and we discussed
24 it briefly. I don't recall exactly what he told me or if
25 there was any more detail than that.

1 **Q** Okay. All right. If we could, let's maybe dive right
2 in there.

3 MR. SCHNEIDER: PJ, could you pull up 614 B,
4 please? It's a transcript, it's a recording made by the FBI
5 and we have the transcript binder, but I don't think we need
6 to use that yet. And if you could, PJ, could you -- well,
7 could you flip to page 2?

8 **Q** Agent, are you with me on the exhibit, do you see the
9 exhibit?

10 **A** I do.

11 **Q** Okay. All right. And if you -- if you'd go sort of
12 down towards the bottom and you see Fehrman and you see it
13 starts with "um," do you see that, two-thirds of the way
14 down?

15 **A** Yes.

16 **Q** Okay. Would you indulge me and read what is
17 transcribed there as what Tyler said?

18 **A** Um, but, but, I had a meeting with my attorney this
19 past week. I've got more legal stuff to take care of as far
20 as Nora goes than I thought. And I know I told you that, I
21 know what you were asking for, in my opinion, was that you
22 know, decline to sign people really don't, it doesn't work.
23 Um.

24 MR. SCHNEIDER: Okay. That's the beauty of a
25 transcript, obviously, but can you go to page 4, please?

1 **Q** And then almost the same point where you were on the
2 last page, do you see you see where Tyler starts with "but"?

3 **A** Yes.

4 **Q** Okay. Can you read that for us, please?

5 **A** But I basically got, I got screwed big time. Um, when
6 we got divorced, she had like a, basically a wealthy family
7 from Mt. Vernon that was not a fan of mine. And they were
8 like hey, we'll pay all of your legal bills, run him into
9 the ground. Um, so they outspent me and every time they'd
10 come back with a different suggestion related to parenting
11 time, it was like less and less and --

12 **Q** Okay. And let's, for the benefit of the Ladies and
13 Gentlemen of the Jury, is this a recorded call between Tyler
14 and Matt Borges on September 5th?

15 **A** This is a transcript of that, yes.

16 **Q** It is. All right. Okay. It's a transcript of that
17 call.

18 And you participated in creating the transcript of
19 that call, correct?

20 **A** I did, yes.

21 **Q** Okay. And through the course of the proceedings, the
22 parties have agreed and stipulated to the transcripts,
23 correct?

24 **A** That's my understanding.

25 **Q** Right. Okay. Understood. And then after -- after

1 Tyler says that, Mr. Borges says, "yeah," but read the
2 following, please.

3 **A** Fehrman: So basically what happened was, I spent
4 myself out of money and I got to the end of it and I was,
5 like, I'm out of money, and my attorney said, well, then, we
6 go with what they -- what they submitted to us next. And we
7 agree to that and then we tried to change it in court; and
8 so what I walked away from was paying over \$1,000 a month in
9 child support, getting Nora from 10:00 a.m. to 6:00 p.m.
10 every other Saturday, that's it. The day after every
11 holiday and that's my time with her. So I wanted to change
12 that for a while and I met with an attorney.

13 **Q** Okay. Thank you.

14 **A** Up in -- sorry.

15 **Q** That's fine for right now. So in this conversation,
16 you had already enlisted Tyler as your confidential source,
17 correct?

18 **A** Yes. I had already spoken with him the day prior.

19 **Q** And you told us whenever -- a few days ago or whenever
20 it was, that there's some threat involved when you sign up a
21 source, right?

22 **A** Yes, I meet with them and there's a process.

23 **Q** Okay. And in this, correct me if I'm wrong, but Tyler
24 gets on the phone with Matt Borges and says he's revisiting
25 his idea and he wants to engage in this conversation,

1 correct?

2 **A** Correct.

3 **Q** Okay. And, well, first of all, was the story he just
4 told Matt Borges true?

5 **A** I'm not certain. We didn't discuss that. Matt asked
6 him, "What's up with your lawyer, what's going on," and this
7 is how he replied.

8 **Q** Well, did you prepare him to say that?

9 **A** No.

10 **Q** Okay. And you have a source saying that. Did you
11 verify whether or not all of this stuff he was saying was
12 really true?

13 **A** I recall, after listening to this, we discussed it. I
14 did not verify that all of it is true, although, I believe
15 that it is.

16 **Q** You believe that it is?

17 **A** I do. He assured me that he had gone through a nasty
18 divorce and that there was an unfavorable child support
19 settlement. I didn't verify the thousand dollars a month or
20 things like that, but he walked me through what had happened
21 after.

22 **Q** Did you check the court records at all?

23 **A** No.

24 **Q** Let me ask you this: So you've got commissioned out
25 of Quantico in early February of '17, is that what you said,

1 roughly?

2 **A** Yes, um-hmm.

3 **Q** Okay. Was Tyler Fehrman your first confidential
4 source?

5 **A** No.

6 **Q** You had a confidential source prior to September of
7 2019?

8 **A** Correct.

9 **Q** Probably related to something else?

10 **A** Indeed.

11 **Q** Okay. What do you do if a confidential source -- do
12 you give the confidential source some leeway to mislead or
13 lie to people they talk to?

14 **A** I don't encourage them to lie. I encourage them to
15 tell the truth. They're in whatever situation they're in by
16 virtue of their real life. You know, in this case,
17 Mr. Fehrman had received a solicitation and he had told me
18 about the offer that was made to him. And so my advice to
19 him was, well, let's talk to Mr. Borges and see what he says
20 about the offer that he made.

21 **Q** Right. And this was the first of two recorded calls
22 on September 5th, right?

23 **A** That's my memory.

24 **Q** Right. There was a second one that day, was there
25 not?

1 **A** Correct.

2 **Q** Okay. And would I be incorrect, if I suggested in the
3 second call, Matt Borges asked Tyler Fehrman whether or not
4 he has a contract?

5 **A** I do remember that he asked that.

6 **Q** And Matt asked him whether he has a contract in
7 several ensuing text messages, too, doesn't he?

8 **A** I think he asked him for the contract in the text
9 messages.

10 **Q** Okay. Any significance in that to you in the course
11 of your investigation?

12 **A** I think it's significant. He's trying to find a way
13 that he can pay Mr. Fehrman for inside information from his
14 employer.

15 **Q** Okay. All right. You used the term on Monday
16 "protected information." Do you remember using that term?
17 It was your direct examination.

18 **A** I don't recall that specific term, but yeah, yes, I
19 understand what it means.

20 MR. SCHNEIDER: Can we pull up, please, 624 B? I
21 think this has been admitted.

22 MS. GAFFNEY-PAINTER: Yeah.

23 MR. SCHNEIDER: Judge, this has been admitted. Can
24 we publish?

25 THE COURT: Yes.

1 Q Okay. Mr. Wetzel, what is this?

2 A This is a copy of the employment contract.

3 Q Okay. And this is the employment contract that you
4 received physically in the end of July of 2020?

5 A That's when the report was filed, yes.

6 Q Well, when did you receive the contract?

7 A I believe it was around that time. I do recall that
8 there was an issue with our file management and not to
9 belabor the issues, but this lists the name of a, true name
10 of the source. I originally intended to place this into
11 evidence, but I can't do that because of FBI policy and so
12 there was some back-and-forth about how I could keep this in
13 such a way that Mr. Fehrman would not be exposed in our
14 records and we landed on attaching it to a source report
15 later. And then it was kept in the confidential human
16 source file.

17 Q What was the arrest date in this case?

18 A They were made in 2020, in the summer.

19 Q July 21st?

20 A Yes.

21 Q Okay. And this source report is July 25th, correct?

22 A I'm not certain. I think it -- I don't recall if it
23 said the 20th or the 25th. It might have said that.

24 MR. SCHNEIDER: If you would, could we go to
25 page 4, PJ, Section 9?

1 **Q** Agent, do you see that paragraph in the contract that
2 says "confidential information"?

3 **A** I do.

4 **Q** Okay. And if you go down about half way, it says:
5 Confidential information will not include; do you see that?

6 **A** Yes.

7 **Q** And what does B say, confidential information will not
8 include information that...

9 **A** Was developed entirely on the employee's own time.

10 **Q** No. B, please, B as in "boy."

11 **A** Oh, I'm sorry. I was reading the second B. I
12 apologize.

13 Is now or subsequently becomes generally available to
14 the public through no wrongful act of the employer.

15 **Q** Okay. And signature counts become public, don't they
16 or could?

17 **A** They do, I believe, eventually become public.

18 **Q** Okay. And in fact, there was reference to the federal
19 lawsuit in the case in front of Judge Sargus, right, you
20 testified to that?

21 **A** Yes.

22 **Q** Okay. Were you in the courtroom the day that Judge
23 Sargus had his hearing?

24 **A** No.

25 **Q** Okay. Who's Billy Rogers?

1 **A** He's one of the owners of Advanced Micro Targeting.

2 **Q** Okay. Just so we're clear, Advanced Micro Targeting
3 was Tyler's employer?

4 **A** Correct.

5 **Q** Did Billy Rogers testify in the Judge Sargus hearing?

6 **A** I understand he did.

7 **Q** That means yes?

8 **A** Yes, it does.

9 **Q** Have you seen the transcript?

10 **A** I have.

11 **Q** He gave signature count testimony, didn't he?

12 **A** He did.

13 **Q** Well, didn't that information become generally
14 available to the public the minute he testified to it?

15 **A** Yes, and once it becomes public, it's public.

16 **Q** Okay. So I don't need to debate this, you know what
17 the provision says, but Billy Rogers made that
18 information -- well, Billy Rogers is one of the owners, you
19 said, of AMT, correct?

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

21 **Q** And in federal court, just like this under oath, he
22 testified with specifics --

23 MS. GLATFELTER: Objection.

24 THE COURT: Basis?

25 MS. GLATFELTER: Hearsay.

1 THE COURT: Hearsay.

2 MR. SCHNEIDER: We can put the transcript in.

3 THE COURT: It's hearsay.

4 MS. GLATFELTER: Actually, no, you can't.

5 MR. SCHNEIDER: Well, he's testified that
6 Mr. Rogers testified in that proceeding and provided
7 testimony on signature count. Okay.

8 **Q** Any reason to believe, any reason to believe,
9 Mr. Wetzels, that Billy Rogers' testimony is not public?

10 **A** I don't have any reason to believe that.

11 MR. SCHNEIDER: All right. Would now be a good
12 time to break?

13 THE COURT: Yes.

14 MR. SCHNEIDER: Thanks.

15 THE COURT: High noon. Going to break for lunch.
16 Break for an hour and 15 minutes. During the break, have a
17 break. Don't discuss the case among yourselves or with
18 anyone. Do not engage in any independent research.
19 Continue to keep an open mind. I hope you have a good
20 lunch. We'll see you at 1:15. We'll rise as you leave.

21 THE DEPUTY: All rise for the jury.

22 (Jury exited the courtroom at 12:01 p.m.)

23 THE COURT: Jury has left the room. As always,
24 we'll stay in the courtroom until we're advised that they
25 have cleared the floor. You're welcome to be seated or

1 remain standing as you choose.

2 (Pause.)

3 THE DEPUTY: All clear, Judge.

4 THE COURT: Lunch break. See you soon.

5 THE DEPUTY: Court is in recess.

6 (Recess taken from 12:02 p.m. to 1:17 p.m.)

7 THE DEPUTY: All rise. This court is in session
8 pursuant to the recess.

9 THE COURT: Thank you. Please be seated. Are we
10 ready for the jury from the government's perspective?

11 MS. GLATFELTER: Yes, Your Honor.

12 THE COURT: Mr. Householder's perspective?

13 MR. GLICKMAN: Yes, Judge.

14 THE COURT: And Mr. Borges'?

15 MR. SCHNEIDER: (Nodding head.)

16 THE COURT: Let's call for the jury, please.

17 THE DEPUTY: All rise for the jury.

18 (Jury entered the courtroom at 1:20 p.m.)

19 THE COURT: Jurors can be seated as they join us.
20 You may all be seated. Thank you. And the jury is back,
21 all 14. It's Friday afternoon. We're going to continue
22 with the taking of testimony. Agent is on the stand under
23 oath.

24 Mr. Schneider, you're welcome to proceed when you're
25 ready.

1 MR. SCHNEIDER: Thank you, Your Honor.

2 THE COURT: Yes.

3 MR. SCHNEIDER: Good afternoon, Mr. Wetzel.

4 THE WITNESS: Good afternoon.

5 **Q** When we broke for lunch, I think we had sort of gotten
6 through the first September 5th recorded conversation
7 between Tyler Fehrman and Matt Borges. So what I would like
8 to do is go to the second. There was another one that day,
9 right?

10 **A** Right.

11 **Q** I don't think there's a need for the transcript
12 binder, but you have it in front of you, I think Agent. Is
13 that available to you?

14 **A** No, it's not on my screen.

15 THE COURT: What exhibit are we going to?

16 MR. SCHNEIDER: 614 D.

17 THE COURT: I didn't hear.

18 MR. SCHNEIDER: Okay.

19 THE COURT: Are we going to --

20 MR. SCHNEIDER: We have it now. Thank you. It
21 does not need to be published.

22 THE COURT: What exhibit is it so I can look at it?

23 MR. SCHNEIDER: 614 D and it has been admitted.

24 THE COURT: 614 D. Is there a transcript of it?

25 MR. SCHNEIDER: There is.

1 THE COURT: What number is that?

2 MR. SCHNEIDER: That's 614 D.

3 THE COURT: You may proceed.

4 MR. SCHNEIDER: Thank you.

5 Q Agent, do you have that in front of you on the screen?

6 A I do.

7 Q Okay. And is that -- does this -- this is the face
8 page of the recorded session, the second time, on
9 September 5th?

10 A Yes, that's right.

11 MR. SCHNEIDER: Okay. And if you would go to
12 page 2, please.

13 Q And, Agent, just towards the bottom of the page --

14 THE COURT: Just so we're clear, the jury doesn't
15 have this in front of them.

16 MR. SCHNEIDER: Correct.

17 THE COURT: Okay. Very well.

18 Q Do you see down at the bottom, Agent, where Matt
19 Borges -- the second-to-last reference to Matt talking on
20 this page; do you see that?

21 A The second-to-last line is Mr. Borges.

22 Q Yes.

23 A I see it.

24 Q Could you read that for the jury, please?

25 A To make everything, to make everything, do you have an

1 employment contract with these guys?

2 **Q** Right. And then Mr. Fehrman says he does, correct?

3 **A** He replies, "I do."

4 **Q** Right. And then what does Matt say?

5 **A** Okay. In order to make it appropriate and legal, we
6 probably would have to buy your contract --

7 **Q** And then if you go to the next page, just to finish
8 that, please.

9 **A** -- out. Do you have a nondisclosure? And then
10 there's a little bit of overtalk. Agreement with these
11 guys.

12 **Q** Okay. And what does Mr. Fehrman say -- well, let's
13 stop there.

14 So Matt has asked him whether or not he has a --
15 whether or not he has a nondisclosure with these guys,
16 correct?

17 **A** Yes.

18 **Q** Okay. And did you understand "these guys" to mean
19 AMT?

20 **A** I think that's reasonable.

21 **Q** Okay. Thank you.

22 And then what does Mr. Fehrman say?

23 **A** He says: That's what I don't know. I didn't sign
24 anything specific like that, um, but it was like basic
25 employment stuff and, like, agreement, you don't talk to the

1 media and stuff like that.

2 **Q** Okay. Was that true what Mr. Fehrman said?

3 **A** That he didn't know?

4 **Q** That he didn't sign a contract.

5 **A** He did sign a contract.

6 **Q** Okay. But he said he didn't sign anything specific
7 like that with respect to a nondisclosure, correct?

8 **A** He says that, that's what I don't know, I didn't sign
9 anything specific like that and then he says, basic
10 employment stuff and like an agreement, you don't talk to
11 the media.

12 MR. SCHNEIDER: Okay. If we could go, then,
13 please, PJ, to 621 E as in Edward. And that's been
14 admitted.

15 THE COURT: Yes.

16 MR. SCHNEIDER: And that can be published to the
17 jury?

18 THE COURT: We'll publish it.

19 **Q** Agent, what is this?

20 **A** This is a screenshot, we talked a little bit about
21 those before, of a text conversation.

22 **Q** Okay. And do you know the date?

23 **A** I don't recall the date. I know these come in and
24 they were named in such a way to have the date, but I don't
25 recall this specific one offhand.

1 **Q** Right. Okay. But you received a screenshot from
2 Mr. Fehrman, correct?

3 **A** Yes.

4 **Q** Okay. And who's in the gray and who's writing in the
5 blue?

6 **A** The blue on the right side is Mr. Fehrman, and the
7 gray on the left is Mr. Borges.

8 **Q** Okay. And just indulge me and just read what
9 Mr. Borges says at 3:05 p.m. on Thursday?

10 **A** Get me a copy of your employment contract. I'll make
11 you an offer to buy you out. It will be substantial. Make
12 sure you didn't sign an NDA.

13 **Q** Okay. And this -- do you know whether or not this
14 text follows the September 5th recorded conversation or
15 predates it?

16 **A** I believe it's after.

17 MR. SCHNEIDER: Okay. Could we have 621 F? And
18 also it's been admitted and would like it published, please?

19 THE COURT: Yes. Yes.

20 MR. SCHNEIDER: Thank you.

21 **Q** Is this a continuation of the text exchange, the
22 thread between Matt and Mr. Fehrman?

23 **A** Correct, yeah. He just scrolled a bit farther down
24 and took another photograph.

25 **Q** And now who's in blue, still Mr. Fehrman?

1 **A** Correct.

2 **Q** And what does Mr. Fehrman say?

3 **A** I'll work on getting you a copy. And I don't recall
4 signing an NDA, checking on that, too, with two Os. What
5 will a buyout entail, like what would I be doing work-wise?

6 **Q** All right. Thank you.

7 MR. SCHNEIDER: Then if we could go 621 G, also
8 admitted, would like it published?

9 THE COURT: Yes. Yes.

10 MR. SCHNEIDER: Thank you.

11 **Q** What does Mr. Fehrman say here, Agent?

12 **A** Just e-mailed you my contract. Went through it, don't
13 see an NDA. And Mr. Borges replies: Thanks.

14 **Q** Okay. Do you know -- I mean, you have pretty constant
15 contact with your source, Mr. Fehrman, during these early
16 days of September, don't you?

17 **A** I talked to Mr. Fehrman regularly, yes.

18 **Q** Right. And did you tell him to say he didn't see an
19 NDA?

20 **A** No.

21 **Q** Okay. And we established -- and this is September of
22 2019, correct?

23 **A** Yes.

24 **Q** Okay. And did you ask to see his contract at that
25 point in time?

1 **A** I asked him for it after.

2 **Q** Okay. At sort of the outset, one of the original
3 questions that Ms. Glatfelter asked, you when you took the
4 stand on direct was, how do you conduct investigations? And
5 you said something like, I try to be as extensive as
6 possible and gather all of the unadulterated facts. Do you
7 remember saying that or something along those lines?

8 **A** My role is to gather the facts, yes.

9 **Q** But you didn't seek this contract until July of 2020?

10 **A** I recall we talked about the contract. I did not
11 receive the paper copy until July of 2020.

12 **Q** Okay. Did you -- you had an opportunity, you knew --
13 did Tyler e-mail this to Matt Borges?

14 **A** He did.

15 **Q** Did you ask -- did you get it from Tyler then, you
16 didn't, right?

17 **A** I did not.

18 **Q** Okay. Thank you.

19 MR. SCHNEIDER: Could we do 621 -- that was G.
20 Could we do H -- it's been admitted -- and publish?

21 THE COURT: Yes. Yes.

22 MR. SCHNEIDER: Thank you.

23 **Q** Do you see this, Agent, this exchange, continuation of
24 what we've been talking about?

25 **A** Yes.

1 Q Okay. And is Matt in the gray?

2 A Correct.

3 Q And he says: Give me a day or two to figure this out;
4 and does he also say, where did you send it?

5 A What e-mail did you send it to?

6 Q Okay. And then what does Tyler say?

7 A Your Roetzel one. I think that's the only one I have.
8 Let me make sure it sent. And then he says, just went
9 through.

10 Q Okay. You would have had an opportunity, if you
11 didn't get the contract from Mr. Fehrman, you could have
12 gotten it through subpoena on the Roetzel e-mail, couldn't
13 you, if you wanted to?

14 A I can't get the content of an e-mail usually. There's
15 some different circumstances for that.

16 Q Okay. I guess my point -- I won't belabor it anymore,
17 is, this didn't pique your curiosity, Matt is asking for
18 whether or not there's a nondisclosure?

19 A My concern, at this time, we talked a little bit
20 before that, is, what was the nature of the offer?
21 Mr. Borges -- excuse me, Mr. Fehrman had explained to me the
22 offer as it was originally presented to him and what it was
23 for. I asked Mr. Fehrman to reengage Mr. Borges and flesh
24 out the agreement between the two of them. And he asked:
25 What would I be doing, what am I going to get, those kinds

1 of questions, to try to figure out the nature of what their
2 arrangement would be.

3 **Q** You wanted him to elicit those kind of -- that
4 conversation with Matt, didn't you?

5 **A** I asked him to reengage Matt and I said take the
6 offer.

7 **Q** Okay. Do you know whether or not Mr. Fehrman recorded
8 a conversation with Matt before you enlisted him?

9 **A** I'm not aware of him doing that.

10 MR. SCHNEIDER: Okay. Could we go to 615 C,
11 please? Judge, this is a transcript, no need for the
12 binder. It's in -- this recorded conversation has been
13 played and there's a transcript of it.

14 THE COURT: Okay.

15 MR. SCHNEIDER: Thank you.

16 **Q** Agent, could you explain this, please? Is this a
17 recorded conversation during a meeting?

18 **A** This is the transcript of the first meeting that we
19 played earlier.

20 MR. SCHNEIDER: Okay. Could we go to page 5?

21 MR. JENSEN: 9?

22 MR. SCHNEIDER: Page 5, I'm sorry.

23 **Q** It's kind of awkward to do this, but I'll move on, but
24 Agent, do you see it would be the one, two -- the third
25 statement made by Matt on this particular page?

1 **A** Yes, I do.

2 **Q** And could you read that for the jury?

3 **A** Cause from our standpoint what --

4 **Q** You know what, I apologize, sorry. It would be
5 fourth. It was cut off on my screen. Go to the fourth,
6 please.

7 **A** The problem is you did sign an NDA and a noncompete.

8 **Q** And Tyler says, "really"; is that correct?

9 **A** Yes.

10 MR. SCHNEIDER: Okay. Could we go to page 7, same
11 exhibit, please? Pardon me.

12 (Pause.)

13 MR. SCHNEIDER: Strike that. Could we go to
14 page 4? I'm sorry. All right. So my page -- let's --
15 we'll move on from there. You can take that down for a
16 second. My transcript page is --

17 **Q** Do you see -- do you recall in this conversation that
18 Mr. Borges indicated that there was a noncompete provision
19 as well?

20 **A** Yes, I do recall that.

21 **Q** And do you recall that Matt said that could cause you
22 some legal exposure?

23 **A** I don't recall precisely how he said it, but I think
24 that's -- they discussed how to avoid that problem.

25 **Q** Well, didn't Matt advise that litigation and exposure

1 with a noncompete, it just wouldn't be worth it, wouldn't be
2 worthwhile?

3 **A** I recall that there was a discussion about you would
4 provide us the information we want before you quit so as to
5 avoid the nondisclosure.

6 **Q** But you've already testified, have you not, that that
7 information at least was carved out of the confidentiality
8 provisions of the contract?

9 **A** I -- you'd have to ask AMT if they feel that that --
10 that's a judgment.

11 THE COURT: Yes?

12 MS. GLATFELTER: Your Honor, I'm going to object to
13 this line of questioning. Calls for a legal conclusion.

14 THE COURT: I'll sustain it. You can try again.
15 Don't call for a legal conclusion.

16 **Q** Well, okay. Regardless, though, in this September 5th
17 conversation followed by texts and then followed by some
18 more recorded conversations, Mr. Fehrman's contract and
19 provisions inside that contract are a dialogue between the
20 two, correct?

21 **A** There are discussions about it, yes.

22 **Q** Okay. And those are discussions that are really being
23 brought up by Matt, not Mr. Fehrman, correct?

24 **A** I think that's generally the case, yeah.

25 **Q** I mean, the person who's driving that conversation is

1 Mr. Borges, correct?

2 **A** Yeah. We've looked at a number of things and I think
3 the folks that were buying out folks were aware that some of
4 the contracts had nondisclosure agreements in them.

5 **Q** Well, but a nondisclosure agreement is different than
6 a noncompete or are you confusing the two?

7 **A** Again, I -- I do believe that they're different, but
8 I'm not certain. I think it depends on the terms.

9 MR. SCHNEIDER: So now if we could go to 616 C,
10 please. Again, Judge, this is admitted. There's a
11 transcript, no need to publish.

12 THE COURT: Very well.

13 MR. SCHNEIDER: Page 4.

14 **Q** Agent Wetzel, if you would go down towards the bottom,
15 do you see where Matt says "I feel"?

16 **A** Yes.

17 **Q** Could you read that for the jury?

18 **A** I feel, feel terrible for what you're going through
19 with your kid. I just want to make sure you're in a good
20 place.

21 **Q** And then how does Tyler Fehrman reply?

22 **A** No, I get it. I understand that and I appreciate it.

23 MR. SCHNEIDER: Okay. And if we could go to the
24 bottom of page 7.

25 **Q** Can you, Agent, for purposes of I guess your testimony

1 here, could you go down to the last reference to Matt Borges
2 on that page? We'll swing it to page 8, but it's on 7.

3 **A** I see it there.

4 **Q** Could you read that for us?

5 **A** So you can work on whatever you want. We're making
6 sure that this is totally separate and, quite frankly, we do
7 need some help with this -- or with stuff. Excuse me.

8 **Q** And then Tyler responds: Right. And then how does
9 Matt respond?

10 **A** So it's not immediate. I don't need you to start
11 working on it tomorrow.

12 MR. SCHNEIDER: Okay. And if we could stay on this
13 transcript and go to page 10.

14 THE COURT: Do you have questions for this witness
15 or are you just having him read your client's statements?

16 MR. SCHNEIDER: I'll have questions.

17 THE COURT: Very well.

18 **Q** Do you see, Agent, the middle of the page, do you see
19 where Tyler is asking Mr. Borges whether or not he needs any
20 updates or information?

21 **A** Yes.

22 **Q** And Matt replies -- how does he reply?

23 **A** Matt writes: I don't want you to do that other shit.
24 I just don't care about it.

25 **Q** Thank you. And then finally, on page 13 of this

1 transcript, do you see sort of in the -- well, up in the top
2 third, do you see where Mr. Fehrman again is asking whether
3 or not Matt wants some information or statewide information?

4 **A** Correct. Do you want me to read it?

5 **Q** Well, just first of all, do you see it?

6 **A** I do.

7 **Q** And so twice in this conversation, Mr. Fehrman, at
8 least what we've read so far, Mr. Fehrman is asking
9 Mr. Borges if he wants information, correct?

10 **A** That's his understanding of what Mr. Borges wants.

11 **Q** Right. But Mr. Borges had said a few pages earlier
12 that he didn't care about that, didn't he?

13 **A** He did.

14 **Q** Thank you.

15 **A** However, after this, he also repeatedly asked --

16 **Q** Go ahead.

17 MR. SCHNEIDER: Could we go to 617 B, please? And
18 this also, Judge, is a recording. It's in transcript form.
19 It's been played for the jury. No need to publish.

20 **Q** Is this a recording of a conversation on the 17th of
21 September?

22 **A** This is the transcript of it, yes.

23 **Q** Right.

24 MR. SCHNEIDER: And could we go to page 4, please?

25 **Q** Do you see towards the bottom, do you see Mr. Fehrman

1 asks Matt again if he needs anything?

2 **A** Yes.

3 **Q** And Matt replies: No, but I'll let you know for sure?

4 **A** Yes.

5 **Q** Okay. Thank you.

6 MR. SCHNEIDER: And then I'm going to finish with
7 Mr. Fehrman before I move on. Could we do 619 B? Same
8 thing, Judge, recording, transcript form. No need to
9 publish it. Admitted.

10 THE COURT: Very well.

11 MR. SCHNEIDER: Thank you. Page 6, please.

12 **Q** Do you see down at the bottom, down at the bottom, do
13 you see where Mr. Fehrman, when he talks about a rehearsal
14 dinner, but he says, is there anything that you need from
15 me? And he's asking Matt.

16 **A** Yes, I see it.

17 **Q** And Matt replies -- if you could read that for the
18 jury.

19 **A** Yeah, you know, things have gotten so wild, that I
20 haven't been able to focus on these other, you know,
21 projects, but --

22 MR. SCHNEIDER: And if we could continue to the
23 next page.

24 **Q** Does Matt say, "let's get past the 21st"?

25 **A** He does, "and dig into some of that stuff."

1 Q And is there any relevance to the 21st?

2 A That's the end of the referendum period.

3 Q Right. So, you know, I wasn't there, I wasn't part of
4 this conversation, but it sounds like Mr. Fehrman is asking
5 Mr. Borges if he still needs anything, and he says -- and
6 Matt says: I can't, I've got too many things going on, I
7 can't even focus on that, let's get past the 21st, fair
8 reading of that?

9 A That's what he writes or I guess says, sorry. This is
10 a transcript.

11 MR. SCHNEIDER: Okay. In this case, this would be
12 Borges 249. It's not admitted.

13 Q Do you recognize this, Agent?

14 A Yes, I do.

15 Q Would this --

16 MR. SCHNEIDER: If we could go to page 29, PJ.

17 Q Do you see --

18 MR. SCHNEIDER: There you go, page 29.

19 Q It looks like it's on November 1st, it could be 10/31,
20 but do you see the exchange between you and Mr. Fehrman?

21 A On the 1st of November?

22 Q Right. Is the "FYI" a text message coming from
23 Mr. Fehrman?

24 A Yes.

25 Q Okay. And what does Mr. Fehrman communicate?

1 **A** I got a call from a friend who spoke with MB. I am
2 now aware of why he has not reached out.

3 **Q** Okay. And "MB," meaning Matt Borges, to your
4 knowledge?

5 **A** Correct.

6 **Q** Okay. Did you record this in a CHS reporting
7 document?

8 **A** I'm not certain.

9 **Q** Okay. Was your -- did you follow up with Mr. Fehrman
10 on that?

11 **A** Again, I'd have to look at the report, the report. If
12 I did one, I would have done one if I spoke with him about
13 it.

14 **Q** Would that not have piqued your curiosity as to now,
15 Mr. Fehrman, your confidential -- let me ask you this: Is
16 Mr. Fehrman still under your control at this point in time,
17 November 1st?

18 **A** November 1st of 2019?

19 **Q** Yeah.

20 **A** Yes, he was still open as a CHS.

21 **Q** And your confidential source has reported, "I now know
22 why Matt hasn't reached out," that wasn't of interest to you
23 to follow up on?

24 **A** I'm certain it was.

25 **Q** Okay. But did you follow up?

1 THE COURT: Overruled. You can answer it.

2 THE WITNESS: I wouldn't characterize it that way.

3 MR. SCHNEIDER: Okay. I don't necessarily seek to
4 admit that. Could we have Borges 262, not admitted, and
5 really only for the witness' and the Courts' eyes?

6 Q Can you identify that, Agent?

7 A That appears to be a story in the *Cleveland Plain*
8 *Dealer*.

9 Q Okay. And do you know when this ran?

10 A It lists that it was published on the 24th of July,
11 2020.

12 Q And, again, for purposes of keeping the record
13 straight, the arrests in this case were made when?

14 A Around that time.

15 Q Now, you told us before the lunch break that
16 Mr. Fehrman wasn't your first source?

17 A Correct.

18 Q Was he your first source that gave a media interview
19 that you ever had?

20 MS. GLATFELTER: Your Honor, may we have a sidebar,
21 please?

22 THE COURT: Yes.

23 **SIDEBAR CONFERENCE.**

24 THE COURT: I'm not convinced you can attack the
25 credibility of the witness through this witness. But what

1 did you wish me to hear?

2 MS. GLATFELTER: That was one of them, improper
3 impeachment. The second is hearsay. This is an article
4 purporting to contain, I guess, information that he's trying
5 to elicit from the agent. We've tried to be patient and not
6 object to every hearsay question, but this entire
7 examination has been hearsay.

8 THE COURT: Objection is hearsay.

9 MS. GLATFELTER: And improper impeachment.

10 THE COURT: And improper impeachment.

11 MR. LONG: Your Honor, it's a public news source.
12 I think it's self-authenticating, but Mr. Schneider is not
13 offering it for the truth of the matter asserted contents of
14 the article. He's offering it to establish what Agent
15 Wetzel did in response to learning that his source had gone
16 public. Agent Wetzel has testified that this had been a
17 covert investigation, and here it is, three days after the
18 arrests, and the case became public, his source went public.
19 And it's -- the question is along the lines of, what did you
20 do in response to that, from an investigative standpoint.

21 MS. GLATFELTER: It's also misleading because the
22 case was published the time this article was. They were
23 arrested under complaint and then the case was later
24 indicted about a week later, and so it is misleading to try
25 to assert that it was covert at this time. The

1 investigation --

2 MR. LONG: I just want to clarify. I did not mean
3 the case was still covert. I said it had been covert and on
4 the 21st, it was no longer covert, and when it was no longer
5 covert, the informant went public himself. So I wanted to
6 correct -- if I misspoke earlier, I wanted to correct that.
7 I wasn't saying that the case was covert at that time.

8 THE COURT: So the response to the hearsay
9 objection is they're not offering it for the truth of the
10 matter?

11 MS. GLATFELTER: I think that they are, but --

12 MR. SCHNEIDER: I was seeking to admit a public
13 source document. I don't need to ask the agent any more
14 questions.

15 THE COURT: Well, if it's a public source document,
16 it's filled with hearsay. If it's a public source document,
17 I don't know that that arises to an exception. I'll confer
18 with my law clerk, if you'll give me some breathing room.

19 (Off-the-record discussion.)

20 THE COURT: See you again at sidebar. I don't
21 think you need this newspaper article if what you really
22 want to know is what did you do after your source went
23 public, or did your source go public, what did you do.

24 MR. SCHNEIDER: Okay.

25 THE COURT: Can we proceed in that way?

1 MR. SCHNEIDER: Yes.

2 THE COURT: And very well.

3 MR. SCHNEIDER: Yes.

4 **SIDEBAR CONCLUDED.**

5 **Q** Agent, I asked you the question as to whether or not
6 Mr. Fehrman gave any media comment and you said yes,
7 correct?

8 **A** I think you were asking me about this article.

9 **Q** Right. What did you, if anything, do when you
10 discovered that Mr. Fehrman had gone public?

11 **A** I talked to him.

12 **Q** And was that a pleasant conversation?

13 **A** I think it was perhaps a little uncomfortable. I
14 don't have the ability to prevent someone from talking to
15 the media. I certainly ask that they don't, but I don't
16 have any ability to prevent that. They don't sign a
17 contract that says they won't or anything.

18 **Q** Okay. I asked you, though, in an earlier series of
19 questions whether or not you would characterize Mr. Fehrman
20 as being reckless and you said no. How about now?

21 **A** I still don't believe that that -- I don't agree that
22 that's reckless. I don't think -- I don't believe that he
23 did that because he was being reckless. I believe he felt
24 that he had to do that and was backed into a corner.

25 **Q** Well, who -- how did the media find out about a

1 confidential source; do you know?

2 **A** I don't. As Mr. Fehrman explained it to me --

3 MR. SCHNEIDER: Objection to that.

4 THE COURT: I'm sorry?

5 MR. SCHNEIDER: I'm asking him --

6 THE COURT: These are not questions for the agent,
7 are they?

8 MR. SCHNEIDER: No, they're not. They would be for
9 Mr. Fehrman.

10 THE COURT: So is there a pending question? Why
11 are you asking?

12 MR. SCHNEIDER: No. I'll withdraw the question.

13 THE COURT: Very well.

14 MR. SCHNEIDER: Thank you.

15 **Q** Sort of moving off Mr. Fehrman as a topic for the
16 moment, there were documents that you testified to that are
17 admitted, that --

18 MR. SCHNEIDER: They would be 201 C and 201 D.
19 They've been admitted and they can be published.

20 THE COURT: They're admitted. They may be
21 published.

22 **Q** And what are these again, Agent Wetzel?

23 **A** This is a document that was recovered by us as a part
24 of the investigation.

25 **Q** Okay. And are these candidates for certain House

1 Districts in 2018?

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

3 **Q** Now, you had testified and there have been some
4 exhibits that Stu Harris was on Team Householder, correct?

5 **A** Yes.

6 **Q** Okay. And you also indicated and I think it's in
7 reference to the Exhibit 405 and you had some conversation
8 with Mr. Glickman earlier today that these alliances are
9 fluid, right?

10 **A** Both of the factions were trying to court members.
11 Some were more dedicated members, others were playing the
12 field maybe I guess is how I would say it.

13 **Q** Right, exactly. So you indicated that there was Team
14 Householder and Team Smith, correct?

15 **A** Correct.

16 **Q** And there were times when someone might be on Team
17 Smith and ends up on Team Householder or vice versa,
18 correct?

19 **A** There were discussions about what team individuals
20 were. I think some of the candidates were a bit more coy
21 what team they were on.

22 **Q** Right. And Stu Harris was one of those, wasn't he?

23 **A** I do recall reviewing some messages and seeing some
24 documents where folks were unsure where he was.

25 **Q** But there's been this attribution in your testimony

1 that somehow Mr. Borges, who's close to Mr. Harris, that
2 Mr. Harris was Team Householder as a result of Mr. Borges?

3 **A** I don't believe that I've --

4 **Q** Okay.

5 **A** -- implied that.

6 **Q** Okay. How -- okay. So maybe to end this, this series
7 of questions as it relates to Mr. Harris, as you sit there,
8 how sure are you that he was a committed Team Householder
9 member?

10 **A** I'm fairly sure. I recall that there were
11 conversations -- I recall reviewing communications with Jeff
12 because there was a back and forth about whether he was, Stu
13 Harris was, accepting aid and Team Householder was trying to
14 figure out which team he was really on, and there was some
15 back and forth about that. I --

16 **Q** You've had some examples earlier. Who flipped, was it
17 Mr. Brinkman?

18 **A** I'm sorry?

19 **Q** Who flipped off Team Householder?

20 **A** I'm not certain who all flipped or left.

21 **Q** Okay.

22 **A** I know that there were some that were surprises.

23 **Q** Surprises to you?

24 **A** Surprises to the folks who were keeping score on Team
25 Householder. I'm drawing the inferences from text messages,

1 we looked at some of them, and documents like this one where
2 they list which team they're on.

3 **Q** Did you do the same with Team Smith?

4 **A** Did I document who was on Team Smith?

5 **Q** Um-hmm.

6 **A** I didn't particularly. I did -- I was aware of some
7 folks who were receiving aid.

8 **Q** Matt Borges didn't appear on any of the on the farm
9 documents, did he?

10 **A** I don't recall seeing him on there.

11 **Q** Thank you.

12 Now, there were some e-mail and/or text exchanges
13 between Matt Borges and Melissa Hoeffel and Matt Carle, do
14 you recall some of those?

15 **A** I do recall that those exist, yes.

16 **Q** Okay. Were you aware that Melissa and Matt Carle and
17 Matt Borges were in the works of forming 17 Consulting or at
18 least they were going to break away, Melissa and Matt were
19 going to break away from Roetzel and Matt Carle was going to
20 join them in a consulting firm; were you aware of that?

21 **A** I do recall there are some documents discussing a
22 different firm.

23 **Q** Right. And there's an e-mail that was introduced or a
24 text exchange where Matt Borges is telling Matt Carle I
25 think I might have a lucrative opportunity; do you remember

1 that conversation?

2 **A** I do.

3 MR. SCHNEIDER: Okay. Could we have Exhibit 406?
4 Judge, it's been admitted and it's been published.

5 THE COURT: Very well.

6 MR. SCHNEIDER: I mean, yeah, it's been admitted
7 and we can publish it.

8 THE COURT: Publish it.

9 MR. SCHNEIDER: Thank you.

10 **Q** Agent, this is that circulation of the first draft or
11 potential legislation that became -- would have potentially
12 become House Bill 6?

13 **A** Yes. We looked at this a few times.

14 **Q** Right. We have looked at it a few times. And Matt
15 Borges isn't on that, is he?

16 **A** I don't see him on there.

17 **Q** Okay. Now, Mr. Glickman inquired about the
18 FirstEnergy Solutions board and some of the resolutions. Do
19 you recall that from this morning?

20 **A** I do.

21 **Q** Okay. And just so we don't leave any confusion here,
22 FirstEnergy Solutions was a separate entity from
23 FirstEnergy, correct?

24 **A** It became separate in February of 2020.

25 **Q** Right. And to the point where even Chuck Jones is in

1 communication saying that the FirstEnergy Solutions folks
2 are dicks?

3 **A** We read a message to that effect, but I would say that
4 it was a little bit confusing. For example, on the 23rd,
5 the day the bill passes, there's an exchange between John
6 Kiani and Mike Dowling about how the stock is down. They're
7 talking about the FirstEnergy stock in a conversation about
8 the referendum.

9 **Q** What's nefarious about that?

10 **A** I'm not suggesting it's nefarious. I'm just saying
11 that clearly their finances and fortunes are commingled.

12 **Q** Did -- the FirstEnergy Solutions board resolved and
13 approved \$15 million for the House Bill 6 legislative
14 initiative, correct?

15 **A** We looked at the document.

16 **Q** But that's true, right?

17 **A** Yes.

18 **Q** And then later on, the FirstEnergy Solutions board
19 approved \$25 million for the anti referendum effort,
20 correct?

21 **A** Correct. We looked at that as well.

22 **Q** Right. And that was an independently established
23 board at FirstEnergy Solutions, correct?

24 **A** There was a period in the bankruptcy where they were
25 assigned their own board. Correct, but they're still a part

1 of the company.

2 **Q** Company in bankruptcy, there are creditors, are there
3 not?

4 **A** Yes.

5 **Q** Okay. And sometimes there's creditor committees,
6 right?

7 **A** Yes.

8 **Q** And when -- when those resolutions were made, what was
9 the status of FirstEnergy solution as in relation to its
10 bankruptcy?

11 **A** It was still going through bankruptcy.

12 **Q** Right, in a federal bankruptcy court in Akron?

13 **A** That's my understanding.

14 **Q** With hundreds of court filings?

15 **A** I don't know the number of the court filings.

16 **Q** There was a reference, maybe it was Ms. Glatfelter in
17 opening statement, but attributing this term "unholy
18 alliance" to Matt Borges; do you recall that?

19 **A** Her opening statement you mean?

20 **Q** Well, do you recall anything in this case related to
21 an unholy alliance?

22 **A** Yes. In the meeting on the 10th, Mr. Borges refers to
23 an unholy alliance between Roetzel, FirstEnergy, and
24 Mr. Householder.

25 **Q** Right. And you're young enough, you probably don't

1 have firsthand knowledge of Watergate, but are you familiar
2 with Watergate?

3 **A** Generally.

4 **Q** Okay. Right. I mean --

5 **A** I certainly wasn't working in the FBI at the time.

6 **Q** Correct. That was not until 2017, I got that.

7 Are you aware that with President Richard Nixon there
8 were articles of impeachment?

9 **A** Yes.

10 **Q** Okay.

11 MS. GLATFELTER: Your Honor, objection to
12 relevance.

13 THE COURT: I question the relevance.

14 MR. SCHNEIDER: I do have -- well, can I have one
15 follow-up?

16 THE COURT: Not to irrelevant stuff. If you've got
17 something -- I don't know where you're going, but Nixon is
18 not on trial.

19 MR. SCHNEIDER: I understand that.

20 **Q** Are you aware that seven Democrats and three
21 Republicans -- or, excuse me, three Democrats and seven
22 Republicans voted to impeach the President, and they
23 referred to themselves --

24 MS. GLATFELTER: Objection, Your Honor. Move to
25 strike.

1 THE COURT: Sustained.

2 Q We talked about Jon Cross, he was a member of Team
3 Householder?

4 A Yes.

5 Q Right. And he ran against Cheryl Buckland?

6 A I'd want to review the list. That sounds right.

7 Q Okay. Are you aware that Cheryl Buckland was a good
8 friend of Matt Borges?

9 A I don't recall that as I sit here. It's possible.

10 Q Well, do you know whether Matt Borges supported Cheryl
11 Buckland or Jon Cross?

12 A I don't recall.

13 Q Okay. Now, you worked in the Michigan assembly,
14 legislative assembly, for a little bit, right?

15 A Correct, four years.

16 Q And you worked for the House and then you also worked
17 for a House member; is that what I understood or vice versa?

18 A No, I only ever worked for one member. He represented
19 my hometown.

20 Q And did you contribute to that member's campaign?

21 A I don't think I ever did.

22 Q Did you attend any of that member's fundraisers?

23 A I think I -- I attended some, yes.

24 Q Okay. Were you aware that Matt Borges did work for
25 AEP?

1 **A** Yes.

2 **Q** Okay. And AEP and FirstEnergy at times were
3 competitors, are they not?

4 **A** I don't think so. The distribution utilities have a
5 defined territory. I don't think they're competing for
6 customers.

7 **Q** Well, do you think AEP initially supported House Bill
8 6?

9 **A** I don't -- I'm not sure. I don't believe they're --
10 go ahead, sorry.

11 **Q** Through the course of your investigation, did you
12 determine whether AEP's proclivities were as it relates to
13 that legislation?

14 **A** People told me about how they felt, that's kind of
15 second or third hand.

16 MR. SCHNEIDER: Okay. Now, can we put up 612 C,
17 which is the Who's Knocking At Your Door? That's been
18 introduced, admitted. That can be published?

19 THE COURT: Publish it.

20 **Q** Do you recall this?

21 **A** I do.

22 **Q** Okay. Do you know whether that mailing ever went out?

23 **A** I believe it did. I think I maybe even got a copy of
24 it at my home.

25 **Q** Who's Carl Loparo?

1 **A** He was a part of Ohioans For Energy Security.

2 **Q** And who paid for this ad?

3 **A** The disclaimer lists Ohioans For Energy Security.

4 **Q** Yeah. And do you know whether or not Mr. Loparo was
5 in favor of this mailing?

6 **A** I believe that he was not in favor of the previous ad
7 that we looked at that had the mugshots. I believe this one
8 was the compromise.

9 **Q** Okay. And yesterday, I think it was yesterday, before
10 you finished up, there was a question about Mr. Glickman
11 regarding Brooke Bodney.

12 **A** Yes.

13 **Q** Can you educate us again who Brooke is?

14 **A** She's a fundraiser.

15 **Q** Okay. And do you remember Mr. Glickman asking you
16 whether she was an employee of JPL or an independent
17 contractor; do you remember that?

18 **A** I remember we talked about it.

19 **Q** Yeah. And you said something interesting, you said
20 you didn't explicitly look at that; do you recall that?

21 **A** I don't recall precisely what I said. I believe she's
22 an independent contractor. She has her own business.

23 **Q** But if you were to use the term I didn't explicitly
24 look into that, what did you mean by "explicitly"?

25 MS. GLATFELTER: Your Honor, objection, legal term

1 that will be later instructed upon.

2 MR. SCHNEIDER: I'm recalling his testimony from
3 yesterday.

4 THE COURT: Well, if he said it, he can tell us his
5 understanding, but, apparently, I'm going to instruct in
6 that regard.

7 **Q** So you don't recall using that term; is that what
8 you're saying?

9 **A** I don't recall exact term that I used for it. She has
10 a business. I believe we walked through that she has
11 multiple clients. I didn't -- I think what I was referring
12 to is that I did not check on whether she was like a 1099
13 employee or if she was a W- 2 or whatever, that sort of
14 thing.

15 **Q** Okay. And you indicated your responsibilities with
16 the Federal Bureau of Investigation, you also have election
17 responsibility?

18 **A** I do.

19 **Q** Okay. Describe that for us, what that means.

20 **A** So every division within the FBI has a program related
21 to election crimes, and so I as a part of my
22 responsibilities manage that for the Cincinnati division.
23 That's sort of in addition to my other duties, like
24 investigating public corruption.

25 **Q** Did you -- during the course of your investigation,

1 we've talked about benefits, I think Mr. Glickman talked
2 about benefits that have been conferred. Do you have any
3 idea how much Strategy Group made or received as a result of
4 working on House Bill 6 enactment and then later on on the
5 referendum efforts?

6 **A** I would have to calculate the total from the bank
7 records. I'm certain it's in the millions.

8 **Q** Yeah. A lot, lot of millions, right?

9 **A** I would think so.

10 **Q** Now, you subpoenaed records from the Strategy Group
11 and its related companies, did you not?

12 **A** Yes.

13 **Q** Okay. And you didn't find any e-mail or text that
14 indicated that Matt Borges was involved in media efforts as
15 it relates to the enactment of House Bill 6, correct?

16 **A** I don't recall seeing any.

17 **Q** Did FirstEnergy Solutions ever file anything with the
18 Ohio Supreme Court?

19 **A** Yes, it did.

20 **Q** Okay. And just for maybe clarification for
21 purposes -- for the jury's purpose, what was that
22 litigation?

23 **A** I think there were several things that were litigated
24 before the Ohio Supreme Court, but generally speaking, it
25 was aspects of the referendum.

1 Q It was -- was it challenging the referendum itself?

2 A The suit by FirstEnergy Solutions?

3 Q FES.

4 A I believe that at one point they filed the lawsuit,
5 this notion of whether or not it was subject to referendum,
6 House Bill 6 I mean.

7 Q Meaning whether or not it was a tax?

8 A I think there's a few ways that -- again, I'm not
9 certain. There's a few ways where things can be not subject
10 to referendum. I don't recall what they used as their
11 reasoning.

12 Q You testified to some exhibits, some text messages
13 between Dowling and others where he referred to John Zeiger,
14 correct?

15 A Correct.

16 Q Okay. And was John the lawyer that filed the
17 lawsuit --

18 MS. GLATFELTER: Objection, Your Honor, objection.

19 MR. SCHNEIDER: That's not --

20 MS. GLATFELTER: Objection. Our sidebar, regarding
21 the sidebar.

22 THE COURT: You're not going toward what we
23 discussed?

24 MR. SCHNEIDER: No, no.

25 THE COURT: Okay. What is the question?

1 Q Was the Zeiger firm the law firm that represented FES?

2 A That's my understanding.

3 Q Okay. And, again, that lawsuit you think raised
4 issues challenging the referendum?

5 A They were challenging aspects of it. There were a
6 number of them that were filed by both sides.

7 Q Okay. Now, I want to maybe circle back to Mr. Fehrman
8 for a minute. Ms. Glatfelter asked you what Mr. Fehrman's
9 demeanor was when you gave him a thousand dollars. Do you
10 remember that question?

11 A I do.

12 Q Just tell us again what his demeanor was?

13 A He was surprised.

14 Q Happily surprised?

15 A I think more he was a bit confused, is how I would
16 describe it.

17 Q Now, you indicated you had a fair amount of e-mail or
18 text messaging with him off and on, right, correct?

19 A He provided me information through texts, yeah.

20 Q And didn't he at one time -- well, did he end up in
21 Michigan, was he up in Michigan working?

22 A I don't recall if he texted me about that.

23 Q You don't recall a text that they pay more up here
24 than they do down there; do you remember that?

25 A I don't recall that, but he may have. I just don't

1 remember it specifically.

2 **Q** So you indicated that you never -- as you sit there,
3 you don't know who funded OACB, you don't have a clue who
4 funded it?

5 **A** I did not research who funded OACB.

6 **Q** Do you know who supported OACB in its efforts to
7 referendum House Bill 6?

8 **A** I know that the ads that were run against the folks
9 supporting it were attacking the oil and gas industry. We
10 looked at some of those advertisements, but I don't know who
11 the funders were.

12 **Q** Okay. There was a lot of money that funded OACB,
13 correct?

14 **A** I don't know the amount.

15 **Q** Well, you just investigated one side of this
16 referendum effort?

17 **A** The investigation began with Generation Now and how it
18 was being used by Mr. Householder, and it grew out from
19 there.

20 **Q** Yeah. Again, the primary focus of your investigation
21 as it started was whether or not FirstEnergy bribed Larry
22 Householder in exchange for favorable legislation, correct?

23 **A** Yes. The original investigation was into Generation
24 Now, Mr. Householder, and the connection to FirstEnergy.

25 **MR. SCHNEIDER:** Give me one moment, please, Judge.

1 (Pause.)

2 MR. SCHNEIDER: Almost done. 622 J, this is 622 J,
3 Your Honor. It's been admitted and it can be published?

4 THE COURT: Yes.

5 Q Agent, do you recognize this?

6 A This is another screenshot of a text message exchange.

7 Q And is Mr. Borges, is Matt the one in the gray?

8 A Correct.

9 Q And he says let's do a three-month agreement to work
10 on political projects?

11 A And then it goes on, yes.

12 Q Well, you can go ahead and read it, go ahead and read
13 it for us?

14 A Let's do a three-month agreement to work on political
15 projects that I need help with unrelated to the issue we are
16 both working on. I'll front load it so you can deal with
17 the issues W your daughter and get out from under that. I
18 don't want you to undermine your campaign's efforts. We
19 will just work on other stuff. I should be around this
20 afternoon. Let me know what your schedule looks like.

21 THE COURT: What's the question?

22 Q Did Tyler --

23 THE COURT: What's the question? You're not going
24 to simply read statements.

25 MR. SCHNEIDER: Okay.

1 Q Mr. Borges is offering a three-month frontloaded
2 contract, right?

3 A That's what the text message says.

4 Q That's what the text message is. Did Mr. Fehrman text
5 you or communicate with you about any suspicions he had with
6 OACB?

7 A Suspicions? I'm not certain.

8 Q Did Tyler Fehrman -- well, is your answer you don't
9 know?

10 A I'm sorry, could you repeat the question?

11 Q Did Tyler ever reach out with any concerns that he
12 might -- that he raised or had suspicions dealing with OACB?

13 A I don't recall that.

14 Q You don't. And if he had, you would have followed up?

15 A When an investigation begins, we receive allegations
16 of federal criminal activity, not violations of state law or
17 other things. I don't investigate those. And then we
18 predicate an investigation and we look for violations of
19 federal law. There was no indication that OACB had violated
20 federal law.

21 Q Fair enough. Who's Tony Franco?

22 A He is a CEO of I think safe chain I think is the name
23 of his company.

24 Q Right. He was a client of Mr. Borges, correct?

25 A Correct.

1 **Q** And then there was a reference to an e-mail or a text
2 with he and Mr. Franco where he said Mr. Householder is our
3 guy?

4 **A** Or that's who we are for or something along those
5 lines.

6 **Q** You're aware that that text exchange was after
7 Mr. Householder was elected Speaker?

8 **A** I don't recall the date without you showing it to me.

9 MR. SCHNEIDER: Can we have 413? This has been
10 admitted. It's been published -- or it can be published?

11 THE COURT: Very well, published.

12 **Q** Agent Wetzels, is this the text that was exchanged
13 between with Mr. Franco and Matt Borges that was introduced?

14 **A** Yes, this is the one I read.

15 **Q** What's the date?

16 **A** The 7th, so the day of.

17 **Q** Right. And, look, you've indicated that you have
18 legislative experience, you've got your master's, would you
19 agree it's a lot of times you're for somebody after they've
20 won in that business?

21 **A** I'm not sure that that's what Mr. Borges means.

22 **Q** Well, you don't know what he means, do you?

23 **A** Correct.

24 **Q** Okay. But it was offered and to suggest that he was
25 supporting Larry Householder, right?

1 **A** He says: "Good for us, though."

2 MR. SCHNEIDER: You can take that one down.

3 **Q** Again, you have -- you don't believe you have seen any
4 text, e-mail or other document -- strike that.

5 Well, I will ask that again, but from April -- the
6 timeline here is April of '19 through the end of April of
7 '19.

8 **A** Okay.

9 **Q** Okay. No e-mail or text that you're aware of that
10 gives any indication that Matt over here knew about funding
11 sources for Gen Now?

12 **A** I don't believe I've seen a document.

13 MR. SCHNEIDER: Thank you. No further questions,
14 sir.

15 THE COURT: Very well. Does the government have
16 redirect? And we're close to our mid-afternoon break.
17 Where are we from the government's perspective?

18 MS. GLATFELTER: I do have redirect, but I imagine
19 it won't be too long. I'm fine with either breaking before
20 or after.

21 THE COURT: No. Go ahead, go ahead now.

22 MS. GLATFELTER: Good afternoon, Agent Wetzel.

23 THE WITNESS: Good afternoon.

24 **REDIRECT EXAMINATION**

25 **BY MS. GLATFELTER:**

1 Q Did you review the government's exhibits prior to your
2 testimony?

3 A I did.

4 Q You had that opportunity?

5 A I did.

6 Q Were those exhibits a subset of the millions of pages
7 you reviewed during your investigation?

8 A Yes.

9 Q Okay. And when you say that you don't recall the
10 document, you're not denying you received the document, you
11 just don't have a specific recollection of that particular
12 page?

13 MR. GLICKMAN: Objection.

14 THE COURT: Basis?

15 MR. GLICKMAN: Leading.

16 THE COURT: I don't think it's leading, but please
17 don't lead the witness. The objection in this instance is
18 overruled.

19 THE WITNESS: Yes. I reviewed millions of
20 documents over a four-year period. I remember topics, but I
21 don't recall each individual piece of paper.

22 Q You were asked a lot of questions about Team
23 Householder on cross-examination; do you remember that?

24 A I do.

25 Q Okay. And how did -- in terms of the way -- let me

1 see. Strike those.

2 Is there a way that documents recovered in your
3 investigation refer to Team Householder?

4 **A** Yes.

5 **Q** Okay. And on the charts that you created, what
6 criteria did you use whether you were putting someone in the
7 Team Householder category or not?

8 **A** It depends on how they were categorized on those
9 documents. For example, there were some lists of who are
10 our candidates, although, there are different dates and
11 times. Also if they received financial resources from any
12 of the several entities that Gen Now money passed through.

13 **Q** Okay. That's what I wanted to ask you about. When
14 you mentioned financial, did you say support or financial --

15 **A** Money.

16 **Q** Okay. When you -- explain how that factored in to
17 whether you put someone in the Team Householder column.

18 **A** Yes. The money that came into Generation Now that
19 we've looked at passed through several different entities,
20 Growth and Opportunity PAC, Hardworking Ohioans, and several
21 others, and it was spent to support candidates. And those
22 candidates receiving financial support were Team Householder
23 candidates.

24 **Q** In terms of the definition that you used?

25 **A** Correct.

1 **Q** Now, during cross-examination, you were trying to
2 provide an example and I wanted to give you a chance to
3 explain that. Can you walk through the example of an
4 individual like Jay Todd Smith?

5 **A** Correct. Yeah. So in the case of Jay Todd Smith,
6 there is an identified Team Householder member in the
7 primary, and that was not Mr. Smith, but he prevailed in the
8 primary election and after the primary, he was approached by
9 Team Householder and joined Team Householder and then
10 received help via Hardworking Ohioans, that was the drunk
11 Dan Foley ad, which is his general election opponent.

12 **Q** Okay. And so is that an example of when you were
13 talking about the fluidity of the list?

14 **A** Correct.

15 **Q** Okay. And in that example, how was it fluid?

16 **A** It was fluid because there were two separate
17 individuals who were supported by Larry Householder in one
18 election in one district.

19 **Q** Okay. And you placed Jay Todd Smith in that category
20 in the general election because of what reason?

21 **A** He was supported by Hardworking Ohioans.

22 **Q** Okay. And in what way was he supported?

23 **A** There were advertisements run against his general
24 election opponent.

25 **Q** Agent Wetzel, during cross-examination, you were asked

1 a series of questions about why you said Householder in
2 conjunction with Generation Now; do you remember those
3 questions?

4 **A** I do.

5 **Q** And in response, you said -- I want to ask you about
6 your response. You said you relied on numerous different
7 sources?

8 **A** Correct.

9 **Q** Were one of those sources the documents that you
10 received during the investigation?

11 **A** Yes.

12 **Q** Okay.

13 MS. GLATFELTER: Your Honor, may we please publish
14 what has been admitted as Exhibit 300?

15 THE COURT: Yes.

16 **Q** All right. Agent Wetzel, to refresh our memory in
17 terms of Growth and Opportunity PAC in 2018, can you briefly
18 describe the money flow to Crossroads Media?

19 **A** Yes. So in the primary time period for 2018,
20 Generation Now gave money to the Growth and Opportunity PAC
21 in the amount that you see, the \$1,000,050 and then from the
22 Growth and Opportunity PAC, \$290,275 went to Crossroads
23 Media.

24 **Q** So in terms of levels removed, we have money going
25 into Generation Now, right?

1 **A** Correct.

2 **Q** Then we have the money from Generation Now going out
3 to Growth and Opportunity PAC, right?

4 **A** Correct.

5 **Q** And then they're majoring expenditures, three
6 different levels, right?

7 **A** Correct.

8 **Q** Did you receive documents from Crossroads Media during
9 your investigation?

10 **A** I did.

11 **Q** And did you review those documents?

12 **A** I did.

13 MS. GLATFELTER: Your Honor, permission to publish
14 what's been admitted as 303 G?

15 THE COURT: Yes.

16 **Q** Agent Wetzel, do you recall this document?

17 **A** I do. We looked at it previously.

18 **Q** Okay. And did you have an opportunity to review it
19 prior to your testimony?

20 **A** I did.

21 MS. GLATFELTER: Ms. Terry, if we can go to the
22 last page of this exhibit.

23 **Q** Do you recall why you received these documents?

24 **A** Subpoena.

25 **Q** Okay. And were they in relation to what particular

1 entity?

2 **A** The Growth and Opportunity PAC, I believe.

3 **Q** And does it say that at the top of the document?

4 **A** It does.

5 **Q** Okay. And do you see a reference to Householder on
6 this document?

7 **A** I do. It says cash received from Householder and then
8 there's a listed amount.

9 **Q** Okay. Can you circle where you see Householder?

10 **A** That feature doesn't seem to be turned on.

11 **Q** Oh.

12 **A** (Witness writing.)

13 **Q** But this is a document involving the Growth and
14 Opportunity PAC?

15 **A** Correct.

16 **Q** Okay. And if we looked at your chart that you had,
17 that's three levels removed from Generation Now?

18 **A** Correct.

19 **Q** Is this one of the documents that you relied upon in
20 answering the questions of defense counsel?

21 **A** I did.

22 MS. GLATFELTER: Your Honor, permission to publish
23 what's been admitted as 609 C?

24 THE COURT: Yes.

25 **Q** Agent Wetzel, do you remember being asked questions

1 about this particular mailer on cross-examination?

2 **A** Yes.

3 **Q** Okay. And particularly you were asked whether you
4 investigated whether the people on the mailer were felons,
5 do you remember that question?

6 **A** I do.

7 **Q** Were you investigating the truth of the claims made on
8 these mailers during your investigation?

9 **A** No.

10 **Q** What were you investigating?

11 **A** Allegations of bribery and the path of money through
12 various entities.

13 **Q** Were you investigating who paid for the ads?

14 **A** Yes.

15 **Q** All right. Agent Wetzel, you were asked quite a few
16 questions about Mr. Fehrman; do you remember those?

17 **A** I do.

18 **Q** When Mr. Fehrman came to you and came to the FBI, what
19 was the nature of the complaint that you -- that he came to
20 you with?

21 **MR. GLICKMAN:** Objection, hearsay, Judge.

22 **THE COURT:** I didn't hear that. What? Hearsay
23 objection.

24 **MS. GLATFELTER:** Your Honor, I'm asking him the
25 nature of the complaint and what he did in response. It's

1 not to show -- I'm not going to ask him what the specific
2 wording of the complaint was but the actions that he took in
3 response.

4 THE COURT: I find that acceptable.

5 THE WITNESS: Would you mind specifically restating
6 the question?

7 Q Sure. The type of complaint that Mr. Fehrman came to
8 you with.

9 A Yes. He told me that he had received a solicitation,
10 a bribe -- or he received a solicitation to be bribed, I
11 guess.

12 Q What conduct were you investigating with Mr. Fehrman?

13 A Whether or not he received an offer to be paid for
14 insider information.

15 Q Were you investigating a contract dispute?

16 A No, ma'am.

17 Q You were shown select portions of transcripts and text
18 messages during cross-examination; do you recall that?

19 A I do.

20 Q During your investigation, did Mr. Borges give
21 Mr. Fehrman a check for \$15,000?

22 A He did.

23 Q And after he gave him that check, did he ask
24 additional questions?

25 A He asked for a number of signatures.

1 Q Was that a single time?

2 A No, multiple. I think it was eight to ten times.

3 Q Agent Wetzel, you were asked some questions about FES
4 board approval; do you remember that, on cross-examination?

5 A I do.

6 Q All right. Does the fact that a corporate board
7 approved something mean that you can't investigate the
8 crimes that occurred with other people?

9 A It does not mean that.

10 Q Agent Wetzel, yesterday on cross-examination, you were
11 shown some \$4,000 checks into the Generation Now account.
12 Do you recall that?

13 A I do.

14 MS. GLATFELTER: Your Honor, permission to publish
15 what's been admitted as Exhibit 16?

16 THE COURT: Yes.

17 Q Agent Wetzel, do you remember Exhibit 16?

18 A Yes. We looked at it previously.

19 Q Okay. And what is the total at the bottom of the
20 amount of money that went into the Generation Now account
21 according to Exhibit 16?

22 A \$64,397,395.22.

23 Q Okay. And can you circle that number for us?

24 A (Witness writing.)

25 MS. GLATFELTER: All right. Your Honor, permission

1 to publish next to this Exhibit 15, which has been admitted?

2 THE COURT: Yes.

3 MS. GLATFELTER: Exhibit 15.

4 Q All right. Do you recognize or recall Exhibit 15,
5 Agent Wetzel?

6 A I do.

7 Q Remind us what agent -- Exhibit 15 is.

8 A 15 is a chart of payments into the 3310 Generation Now
9 bank account.

10 Q Okay. And can you compare the two totals of these
11 charts for us?

12 A Yes. The chart on the left that is the 64 million and
13 the one on the right is the 59 million and change.

14 Q Okay. So 64 million into the Generation Now account
15 during the course of your investigation?

16 A Correct, yes. The left one includes the 6847, which
17 is another account that was a part of Generation Now.

18 Q So 64 million into the Generation Now accounts during
19 the course of your investigation?

20 A Correct.

21 Q How much of that using the chart on the right was
22 money from FirstEnergy bank accounts?

23 A The vast majority.

24 Q Can you circle that amount for us?

25 A (Witness writing.)

1 **Q** Now, does the chart on the right, does that include
2 the money that FirstEnergy wired into Hardworking Ohioans
3 and ultimately gave to hardworking Americans during the 2018
4 election cycle?

5 **A** It does not. These are only direct payments into 3310
6 account.

7 **Q** Would that increase the \$59 million by, I don't know
8 how much, another million?

9 **A** Approximately.

10 MS. GLATFELTER: All right. And, Ms. Terry, if we
11 can keep the chart on the left up for a moment. Your Honor,
12 permission to publish what's been admitted as 14 B,
13 page 138?

14 THE COURT: Yes.

15 MS. GLATFELTER: I'm sorry, Exhibit 16, Ms. Terry.
16 I misspoke. All right. And if we can enlarge, on
17 Exhibit 16, if we can enlarge the transaction October 2018.
18 That's perfect. Thank you.

19 **Q** Do you see that, Agent Wetzels?

20 **A** I do.

21 **Q** Do you remember being asked questions about the name
22 that was placed in the column for the description there, the
23 entity providing the money?

24 **A** Yes.

25 **Q** Okay. What is the name that is in the October 16th,

1 2018, transaction for \$400,000?

2 **A** FirstEnergy.

3 MS. GLATFELTER: Okay. And, Ms. Terry, while
4 keeping that up, if we can publish -- Your Honor, this is
5 the exhibit I asked for before, 14 B, page 138, which is
6 admitted?

7 THE COURT: Yes.

8 MS. GLATFELTER: Okay. That's fine, that's great.
9 And can you enlarge that section for us again?

10 I'm sorry, Agent Wetzel, few technical difficulties
11 there.

12 **Q** All right. Do you see the description for the
13 October 16th, 2018, transaction?

14 **A** Yes. It lists FirstEnergy.

15 **Q** Okay. And do you recognize the document behind it,
16 which is page 138 of Exhibit 14 B?

17 **A** I do.

18 **Q** What is it?

19 **A** That's the check for \$400,000.

20 **Q** Okay. And how does the description FirstEnergy relate
21 to the check that's on the screen?

22 **A** The check lists in the top left corner that it's from
23 FirstEnergy.

24 **Q** Do the descriptions match?

25 **A** They do.

1 **Q** Is the description from the bank records?

2 **A** It is.

3 **Q** Almost finished, Agent Wetzel. You were asked a few
4 questions about the inauguration yesterday; do you remember
5 that?

6 **A** I do.

7 **Q** You were asked some questions about one particular
8 dinner at the Charlie Palmer steakhouse; do you remember
9 those questions?

10 **A** I recall.

11 **Q** Okay. Agent Wetzel, were there other dinners at other
12 steakhouses during the course of that inauguration trip?

13 **A** Yes. There was an itinerary that we looked at.

14 MS. GLATFELTER: Your Honor, permission to publish
15 what's been admitted as Exhibit 215 B?

16 THE COURT: Yes.

17 MS. GLATFELTER: Thank you.

18 **Q** Okay. Agent Wetzel, we'll go through this, but do you
19 see the Charlie Palmer steakhouse dinner?

20 **A** I do.

21 **Q** Okay. And below that, do you see additional dinners
22 listed on the itinerary? And we can go to the second page,
23 if necessary.

24 MS. GLATFELTER: Go ahead, we can go to the second
25 page.

1 THE WITNESS: Yes, I do.

2 Q Okay. Let's go ahead and circle those.

3 A (Witness writing.)

4 Q Okay. And is there one on the 20th as well?

5 A Yes.

6 Q All right. Now, Agent Wetzel, where is this document
7 from?

8 A FirstEnergy.

9 Q It's a FirstEnergy document?

10 A Correct.

11 Q All right. And who does it list for the reservation?

12 A It lists that the reservation for six and eight
13 depending on which one under Larry Householder.

14 Q Okay. And are there references on this itinerary to
15 Chuck Jones being in town?

16 A Yes.

17 Q Okay. And can you underline where you see that on the
18 document?

19 A (Witness writing.)

20 Q Okay. And is there another one below that?

21 A (Witness writing.)

22 MS. GLATFELTER: And if we go back to the first
23 page, Ms. Terry. I'm sorry, the second page.

24 Q Do you see other references to Chuck Jones?

25 A (Witness writing.)

1 **Q** All right. Thank you, Agent Wetzel.

2 Agent Wetzel, defense counsel asked you about whether
3 there was an emergency that required the HB 6 legislation;
4 do you remember that?

5 **A** I remember.

6 **Q** And you hesitated when you responded.

7 **A** I did.

8 **Q** Why did you hesitate?

9 **A** I'm not certain that it's an emergency. The subsidies
10 repealed, the plants are still open. I don't know that I
11 would characterize that as an emergency.

12 **Q** The subsidies were repealed?

13 **A** Correct. They never received the money.

14 **Q** Okay. And they are still open?

15 **A** Yes, they're still operating today.

16 **Q** They didn't close?

17 **A** No.

18 **Q** Now, Agent Wetzel, you were asked some questions about
19 a calendar invitation from 2017, from August of 2017,
20 related to the Crop Bistro, do you recall that?

21 **A** I do.

22 **Q** All right. And you were asked questions about that in
23 relation to another e-mail about the Crop Bistro; do you
24 remember that?

25 **A** I do.

1 MS. GLATFELTER: Your Honor, permission to publish
2 both of these exhibits, this will be Government Exhibit 232
3 C and Exhibit 470 from Householder, both of which have been
4 admitted?

5 THE COURT: Yes. Yes.

6 Q All right. The suggestion was that this wasn't just a
7 personal meeting with Charles Jones, it was that this was a
8 group meeting or a fundraiser; do you recall that?

9 A I do.

10 Q All right. What is the time on the calendar invite
11 for on the left?

12 A It lists 21:00, which is 9:00 p.m. to 22:00, which is
13 10:00 p.m.

14 Q Can you circle that for us, please?

15 A (Witness writing.)

16 Q All right. And what is the time on the e-mail
17 regarding what time the fundraiser is supposed to be?

18 A It lists the when as 5:30 to 7:30 p.m.

19 Q Okay. And can you circle that for us?

20 A (Witness writing.)

21 Q All right. So is the calendar entry for the same time
22 or a different time?

23 A A different time.

24 MS. GLATFELTER: One moment, Your Honor.

25 THE COURT: Yes.

1 MS. GLATFELTER: No further questions.

2 THE COURT: Very well. Recross on redirect, if
3 any, from Mr. Householder's counsel?

4 MR. GLICKMAN: Yes, Judge. Would now be an
5 appropriate time for a break?

6 THE COURT: Yes. Members of the Jury, we've
7 reached our mid afternoon break. Break for 25 minutes. I
8 want you to have a good break. I want you not to discuss
9 the case, I order you not to. No independent research.
10 Continue to keep an open mind. Continue to recall that it
11 is Friday. We'll rise as you leave.

12 THE DEPUTY: All rise for the jury.

13 THE COURT: For your break until 3:10.

14 (Jury exited the courtroom at 2:42 p.m.)

15 THE COURT: Jury has left the room. We'll wait
16 until they clear the floor. I'm actually going to try and
17 get them back at 3:10, so plan accordingly. And I'll be
18 interested where the government is on that timing. I'm
19 going to break now, though, until 3:10. Recess. Oh, have
20 to wait.

21 THE DEPUTY: All clear.

22 THE COURT: We're in recess.

23 THE DEPUTY: Court is in recess.

24 (Recess taken from 2:44 p.m. to 3:10 p.m.)

25 THE DEPUTY: All rise. Court is in session

1 pursuant to the recess.

2 THE COURT: Thank you. Please be seated. Are we
3 ready for the jury from the government's perspective?

4 MS. GLATFELTER: Yes, Your Honor.

5 THE COURT: Mr. Householder's perspective?

6 MR. GLICKMAN: Yes, Judge.

7 THE COURT: Mr. Borges' as well?

8 MR. SCHNEIDER: (Nodding head.) Yes.

9 THE COURT: Very well. Let's call for the jury.
10 (Pause.)

11 THE DEPUTY: All rise for the jury.

12 (Jury entered the courtroom at 3:13 p.m.)

13 THE COURT: Jurors can be seated as they join us.
14 You may all be seated. Thank you. 14 Members of the Jury
15 are back. Thank you for your close attention. Lawyer for
16 Mr. Householder has a chance to recross on redirect. If you
17 wish, you may proceed.

18 MR. GLICKMAN: Thank you, Judge. Briefly.

19 THE COURT: Yes. I'm going to keep the scope.

20 MR. GLICKMAN: Absolutely.

21 THE COURT: All right.

22 **RE CROSS-EXAMINATION**

23 **BY MR. GLICKMAN:**

24 **Q** Agent Wetzel, you were asked a couple of questions
25 about the inauguration week, specifically about a travel

1 itinerary, yes?

2 **A** Correct.

3 **Q** And you were asked about the Charlie Palmer steak
4 dinner on the 18th?

5 **A** Indeed.

6 **Q** Okay. And the Charlie Palmer steak dinner on the
7 18th, pursuant to that itinerary shows that Chuck Jones was
8 not in attendance, yes?

9 **A** I don't know that that's what that itinerary shows.

10 **Q** You saw a travel itinerary that shows that he arrives
11 on the 19th from Naples, Florida, yes?

12 **A** I remember we looked at it. Yes.

13 **Q** Okay. So he wasn't in Washington on the 18th, fair?

14 **A** That's what the itinerary reflects.

15 **Q** But until then, until yesterday pursuant to your
16 investigation, you believed he was at the dinner?

17 **A** No. I believe I said I wasn't sure without examining
18 the documents.

19 **Q** Okay. Well, that's because you did not subpoena
20 Mr. Jones' credit card receipts, did you?

21 **A** The Grand Jury --

22 THE COURT: Objection?

23 MS. GLATFELTER: Yes, scope.

24 THE COURT: Beyond the scope?

25 MS. GLATFELTER: Yes.

1 MR. GLICKMAN: Judge, I don't believe it is. It's
2 about the same dinner.

3 THE COURT: Get through it.

4 MR. GLICKMAN: I will.

5 THE COURT: Give you leeway here. Go ahead.

6 Objection is overruled.

7 **Q** Well, here, I'll do it generally. No subpoena was
8 issued to any FirstEnergy executive who you believed was in
9 attendance that week, was there?

10 **A** I don't -- no, I don't believe so.

11 **Q** Okay. Well, you certainly didn't see the results of
12 any such subpoena, did you?

13 **A** I did not subpoena the personal records. I don't
14 remember that.

15 **Q** All right. You've never seen those personal credit
16 card receipts, yes?

17 **A** Correct.

18 **Q** Nor have you seen the expense reports of FirstEnergy
19 executives for that week?

20 **A** Those may have been contained in the return that we
21 got. Forgive me, I'm not certain.

22 **Q** Fair enough. As we sit here today, you have no
23 independent recollection of a FirstEnergy expense report
24 placing someone at the Charlie Palmer dinner on the 18th?

25 **A** I don't recall that.

1 Q Okay. All right. And had the credit card receipts,
2 for example, been subpoenaed, you would have been able to
3 look at them, and if smart phone had made a charge at the
4 Charlie --

5 THE COURT: I'm going to sustain the objection.
6 You're beyond the scope. You've made the point. Please
7 move along.

8 MR. GLICKMAN: Nothing further.

9 THE COURT: Very well. On behalf of Mr. Borges?

10 MR. SCHNEIDER: No recross-examination.

11 THE COURT: So the witness is entitled to stand
12 down.

13 THE WITNESS: Thank you, sir. Would you like me to
14 take these materials as well?

15 THE COURT: Yes.

16 (Witness left the stand.)

17 THE COURT: I know the government has another
18 witness ready to go. I'm not confident we're going to get
19 that witness on and off the stand today given direct, cross,
20 cross, redirect, recross, recross. I know that one of the
21 lawyers has something going on in personal life.

22 Is there anybody who would object strenuously, or would
23 object, does the government want to insist on going forward
24 or can the judge make the independent decision to send
25 people home, from the government's perspective?

1 MS. GAFFNEY-PAINTER: Your Honor, the government
2 would have no objection to the judge making an independent
3 determination about whether we can all go home.

4 THE COURT: Does counsel for Householder have a
5 position?

6 MR. GLICKMAN: Judge, we defer to the Court.

7 THE COURT: And for Borges?

8 MR. SCHNEIDER: That would be fine, Judge.

9 THE COURT: All right. If we could get the witness
10 on and off the stand, that would be great. Based on my
11 experience, I don't think we will. I think it's a perfect
12 time to break. For the fifth time today, today is Friday,
13 you've had a long week and you have stayed on task and you
14 have stayed healthy. I'm going to decide we've had enough
15 for the day. That means you get to go home early. I think
16 that's a good thing, it is in my life at least, because
17 we've all had a long week that we've worked hard on.

18 This weekend is really important. Obviously, no
19 discussion of the case among yourselves or with anyone. No
20 independent research. No checking out social media or
21 media. You need to continue to keep an open mind. You
22 haven't heard all of the evidence. You promised me you
23 would. So when you go home, take a break.

24 The expert with whom I consulted indicated that there
25 are two windows of potential contingent that we need to be

1 worried about. The first was Wednesday, Thursday and
2 Friday, and you passed with flying colors. Saturday and
3 Sunday are another window depending on when the person got
4 COVID that I released. I want you to stay home and have a
5 break. I want you to be smart about how you interact with
6 people, and I want desperately for you to be healthy, happy
7 and attentive. So take a break this weekend.

8 We'll test Monday morning first thing, and if it's all
9 negative as it has been, that's a huge step forward. We're
10 working on getting more comfortable masks other than these
11 N95s. So don't give up on me, I'm working to keep you
12 healthy and able to work through the duration as you've all
13 committed.

14 We're on task. This early break is not going to mess
15 us up. And if I let you go home right this minute, then, I
16 have people monitoring the elevators, I won't have to
17 apologize to you again today. (Laughter.) So out of
18 respect for you and upon my admonitions, we'll rise as you
19 leave for the day.

20 THE DEPUTY: All rise for the jury.

21 (Jury exited the courtroom at 3:21 p.m.)

22 THE COURT: Jury has left the room, the door is
23 closing. We remain on the record. As always, we'll stay in
24 the courtroom until we're advised that they've cleared the
25 floor. Is there anything that requires my attention outside

1 the presence of the jury now before we break for the weekend
2 from the government?

3 MS. GLATFELTER: No, Your Honor. Thank you.

4 THE COURT: Mr. Householder's counsel?

5 MR. GLICKMAN: No, Judge.

6 THE COURT: Mr. Borges' counsel?

7 MR. SCHNEIDER: Nothing other than maybe adding the
8 next witnesses. I think we know who they are.

9 MS. GAFFNEY-PAINTER: Anna Lippincott.

10 MR. SCHNEIDER: Thank you.

11 THE COURT: You'll tell the other side who your
12 witnesses will be tomorrow, including the one you were ready
13 to go on, and if you get through her, you'll be able to tell
14 them who that is as the following witness?

15 MS. GLATFELTER: Yes, Your Honor. We've already
16 done so.

17 THE COURT: Very well. So we're waiting for a
18 sign.

19 THE DEPUTY: All clear.

20 THE COURT: We've gotten the sign. Enjoy your
21 weekend; I know you won't.

22 THE DEPUTY: Court is in recess.

23 (Proceedings continued in progress at 3:23 p.m.)
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25**C E R T I F I C A T E**

I certify that the foregoing is a correct transcript of the record of proceedings in the above-entitled matter prepared from my stenotype notes.

/s/ Lisa Conley Yungblut 02/13/2023
LISA CONLEY YUNGBLUT, RMR, CRR, CRC DATE

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