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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 11**  
 vs. :  
 : **13th day of February, 2023**  
 LARRY HOUSEHOLDER, et al. :  
 : **9:30 a.m.**  
 Defendant. :

- - -

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

- - -

APPEARANCES:

For the Plaintiff:

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1 For the Defendant, Matthew Borges:

2 Karl Herbert Schneider, Esq.  
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5 Also present: Larry Householder  
6 Matthew Borges

7 Law Clerk: Cristina V. Frankian, Esq.

8 Courtroom Deputy: Rebecca Santoro

9 Stenographer: Mary Schweinhagen, RDR, RMR, CRR  
10 United States District Court  
200 West Second Street  
Dayton, Ohio 45402

11 Proceedings recorded in stenotype.  
12 Transcript produced with computer-aided transcription.

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**(PROCEEDINGS)**

(Proceedings held in open court at 9:31 a.m.)

THE COURT: Back in the open courtroom on the record outside the presence of the jury Monday morning. We have a new court reporter, Mary Schweinhagen. She is present. Thank you for being here.

Are we ready for the jury from the government's perspective?

MS. GAFFNEY-PAINTER: Good morning, Your Honor. Yes, we are.

THE COURT: And very well, the defense, Mr. Householder.

MR. OLESKI: Yes, Judge.

THE COURT: And Mr. Borges?

MR. SCHNEIDER: Yes.

THE COURT: Very well. And the witnesses ready to be retrieved?

MS. GAFFNEY-PAINTER: Yes, Your Honor.

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

(Pause.)

(Jury entered the courtroom at 9:36 a.m.)

THE COURT: You may all be seated. Thank you.

The 14 Members of the Jury who have arrived today timely, good morning.

RESPONSE BY ALL: Good morning.

1           THE COURT: I understand you all tested negative  
2 this morning and you are here today. Thank you.

3           The expert tells me that we got through the tests of last  
4 week and today, we have contained any potential exposure from  
5 the second juror who was infected.

6           The expert tells me further that the most common way that  
7 COVID is transmitted is through conversation. Because you are  
8 not talking, you're in good shape, but you are going to stay  
9 healthy as long as you are smart at home.

10           I'm wearing a cloth mask and a mandatory 95 insert. Some  
11 of you have taken up that opportunity. The rest of you are  
12 still in 1095s. We are in good shape. What we need from you  
13 is your attention as we work through this week. I am so proud  
14 of you. Thank you.

15           All right. We're ready to hear from another witness from  
16 the government. Is the government ready to proceed?

17           MS. GAFFNEY-PAINTER: Yes, Your Honor.

18           THE COURT: Who do you call at this time?

19           MS. GAFFNEY-PAINTER: The government calls Anna  
20 Lippincott.

21           THE COURT: Very well.

22           MS. GAFFNEY-PAINTER: Your Honor, may I approach the  
23 podium?

24           THE COURT: Yes, at your own risk.

25           Good morning. If you'd be willing to approach the

1 witness stand over here.

2 (Witness took the stand.)

3 THE COURT: And as you approach the courtroom deputy  
4 if you would pause to tell the truth. If you would raise your  
5 right hand, please.

6 (Witness sworn.)

7 THE COURT: You can take the witness stand, with  
8 full disclosure that the seat tips back and we are going to  
9 need you really close to that fancy microphone. Your exhibits  
10 should be on the screen.

11 THE WITNESS: Okay.

12 THE COURT: Are you ready?

13 THE WITNESS: I am.

14 THE COURT: You can take your mask off if you wish  
15 as can you, Ms. Painter.

16 You may proceed, Ms. Gaffney-Painter.

17 MS. GAFFNEY-PAINTER: Thank you, Your Honor.

18 **ANNA LIPPINCOTT,**

19 of lawful age, Witness herein, was examined and testified as  
20 follows:

21 **DIRECT EXAMINATION**

22 BY MS. GAFFNEY-PAINTER:

23 **Q.** Good morning, Ms. Lippincott.

24 **A.** Good morning.

25 **Q.** Would you please state and spell your name for the

1 record.

2 **A.** Anna Lippincott, A-N-N-A L-I-P-P-I-N-C-O-T-T.

3 **Q.** Ms. Lippincott, what is your educational background?

4 **A.** I have a bachelor of science in journalism and a  
5 bachelor of arts in political science, both from Ohio  
6 University, both obtained in 2016.

7 **Q.** Where do you currently work?

8 **A.** I currently contract for a media manufacturing  
9 magazine.

10 **Q.** And where do you perform that work?

11 **A.** I work remotely out of the Netherlands.

12 **Q.** When did you move to the Netherlands?

13 **A.** I moved in May of 2022.

14 **Q.** Now, prior to your work with the magazine, did you ever  
15 work professionally in United States politics?

16 **A.** I did. The majority of my career I guess until I  
17 started working for the magazine, everything I have done has  
18 been in U.S. politics.

19 **Q.** When did you first work professionally in politics?

20 **A.** I accepted my first job, I was doing fundraising in  
21 January of 2016, so I guess I started in December of 2015  
22 and then worked through 2022.

23 **Q.** In the course of your career, did you ever work for an  
24 individual named Jeff Longstreth?

25 **A.** I did. I worked as a contractor for Mr. Longstreth

1 starting in January of 2017.

2 **Q.** And for how long did you work with Mr. Longstreth?

3 **A.** I worked for Mr. Longstreth up until his arrest in July  
4 of 2020.

5 **Q.** When were you hired by Mr. Longstreth?

6 **A.** I was hired by Mr. Longstreth, it was following the  
7 2016 election I started meeting with him. I accepted a  
8 position in December of 2016, and then I believe we formally  
9 started working together right at the beginning of January  
10 in 2017.

11 **Q.** How did you learn of that professional opportunity with  
12 Mr. Longstreth?

13 **A.** I had been doing a little bit of fundraising work  
14 before, and I think I knew that I was ready for just a  
15 change in kinds of different work so I had started putting a  
16 few feelers out saying I was interested in further  
17 opportunities and a mutual friend of ours introduced  
18 Mr. Longstreth and said, I'd like you to meet my friend.  
19 And I think, you know, maybe there's opportunity for you  
20 with him. So the two of us started meeting. We had a few  
21 coffees and determined it was probably going to be a good  
22 relationship, and that's kind of how we met.

23 **Q.** When did those coffees occur, just generally?

24 **A.** Generally, like I said, it was following the 2016  
25 election, so approximately in December of 2016.

1 Q. Now, describe for us, if you could, the interview process  
2 that you went through to get that job with Mr. Longstreth.

3 A. It was very informal, very casual. The two of us spoke  
4 on the phone for the first time, and then we met for I think  
5 two separate coffees in Columbus. Like I said, just kind of  
6 talking about our backgrounds, what work would be like, job,  
7 things like that. And then we decided it would probably be  
8 a good work relationship, and so after two meetings, we  
9 agreed that we would work together. And then we met  
10 Mr. Householder a third time, and that was kind of formally  
11 when we decided to move forward.

12 Q. Describe for us the meeting with Mr. Householder.

13 A. It was extremely informal. Mr. Longstreth and I drove  
14 to Perry County to meet him. It was at a very casual, like,  
15 restaurant. And we just dressed real casually. And again  
16 just kind of talking about what the work would be like, what  
17 kind of things we were going to be doing, making sure that  
18 we all got along. And kind of from there it was just like,  
19 all right, let's get started.

20 Q. When you started in January of 2017, with whom did you  
21 work?

22 A. In January of 2017, I started working with  
23 Mr. Longstreth and Mr. Householder, and it was pretty much  
24 exclusively the three of us to begin with.

25 Q. Now, if you could, describe your employment relationship.



1 In case that's unclear, were you a full-time employee, were  
2 you a contract employee? What was the nature of your actual  
3 relationship?

4 **A.** Thank you. The nature of our relationship, and as is  
5 very common in politics, I was a contractor. So I own my  
6 company, and especially because I was doing fundraising  
7 work. I was contracted to work for different groups, who I  
8 was either fundraising for or doing work for.

9 So starting in January of 2017, I was contracted to  
10 work for JPL & Associates and Friends of Larry Householder.  
11 So a campaign committee and a business that I was doing work  
12 for.

13 **Q.** And when you say you owned your company, what was your  
14 company called?

15 **A.** My company's called Lippincott and Associates.

16 **Q.** Are you the sole owner of that company?

17 **A.** I am.

18 **Q.** And were you the sole owner back in 2017?

19 **A.** I was.

20 **Q.** When you were contracted, what did you understand your  
21 position to be?

22 **A.** Part of the reason that I thought that I wanted to  
23 start looking for new opportunities in 2016, 2017 was I was  
24 exclusively fundraising and I thought that I wanted to do a  
25 little bit more communications work, some additional work.

1 So when we started, we determined it would be a mix of  
2 fundraising and communications and, again, as is true in  
3 most political jobs, you kind of wear a lot of hats. So I  
4 was brought on to do kind of a mix of those two things. As  
5 is the nature of fundraising, it just becomes a large  
6 responsibility and it takes a lot of time and physical work.  
7 So I started doing the majority fundraising so that's why I  
8 started and then, again, it's the nature of politics over  
9 the course of the next three years, my roles and  
10 responsibilities change, but that's really what I was  
11 brought on to do.

12 **Q.** How were you paid?

13 **A.** In January of '17?

14 **Q.** Yes.

15 **A.** In January of '17 I was paid and Lippincott and  
16 Associates was paid a monthly retainer by both JPL &  
17 Associates and Friends of Larry Householder because I was  
18 doing work with both groups and then I also made commission  
19 on funds I raised to Friends of Larry Householder.

20 **Q.** Over the time that you worked there, your tenure,  
21 contracting JPL & Associates and Friends of Larry Householder,  
22 how did your compensation change over that time?

23 **A.** My compensation structure changed with the workload I  
24 was doing. Or I guess the type of work I was doing. I  
25 shouldn't say workload. So we determined kind of after a

1 while, I was fundraising less into Friends of Larry  
2 Householder and I was doing more for other entities. So I  
3 kept a small retainer with friends for a bit and then was  
4 paid for by JPL & Associates, so I lost my commission. And  
5 then I forget exactly at what point around the time that  
6 Mr. Householder became speaker, I really wasn't fundraising  
7 on his campaign committee at all so then I was solely paid  
8 out of a retainer for JPL.

9 **Q.** You testified to this, but could you describe for us  
10 during your tenure how your responsibilities changed over  
11 time?

12 **A.** Yes. So they changed over time, like I said, I was  
13 brought on to do kind of a mix of fundraising and  
14 communications work and then really started picking up the  
15 fundraising work. So I was doing fundraising for  
16 Mr. Householder, also for candidates who were running for  
17 the state House. And then over time we started needing more  
18 help with fundraising. A different fundraiser was hired. I  
19 wanted to try doing other work. I was doing a lot of what  
20 we call operational type work as well, everything from  
21 scheduling meetings to just kind of making sure that all the  
22 trains were on the proper tracks. So I was doing a lot more  
23 operational work. A different fundraiser was hired so that  
24 I could do full time. I was operations, hands-on-deck type  
25 of work.

1           And when I stopped working in July of 2020, at that  
2 point we didn't have titles, but kind of the title that we  
3 all fictitiously gave me was director of operations so just  
4 helping with kind of all of the different moving pieces that  
5 go into and at that point Mr. Householder was speaker and we  
6 were really the caucus on, because we were the political arm  
7 behind the Republican Caucus. So at that point it was doing  
8 anything kind of that entailed -- you know, we were working  
9 with candidates, we were working with representatives. We  
10 were just working with a lot of different representatives so  
11 we didn't need a lot of actual help.

12           Does that adequately answer your question?

13 **Q.** Yes, thank you. You mentioned caucus arm. For those of  
14 us who aren't familiar, what do you mean by that?

15 **A.** Yes. In Ohio, the speaker is also in charge of the,  
16 because we have a Republican speaker, the Republican Caucus,  
17 which is just the political counterpart to the official  
18 side. So it's -- you're allowed to fundraise into -- there  
19 are two different funds, there is a building fund and there  
20 is a caucus fund. And it's responsible for getting --  
21 again, I'm speaking about Republicans because he is a  
22 Republican representative that I am talking about. It's  
23 responsible for getting Republican representatives  
24 re-elected or Republicans elected in those seats.

25           So it's just the political mechanism that it's built

1 into the system. It exists. This isn't new in terms of  
2 this specific representative, these specific speakers,  
3 things like that.

4 **Q.** During your tenure, did you ever have any employees  
5 working directly for you?

6 **A.** I had, at one point I had the most I have had is two  
7 contractors who were contracted to do work under me. They  
8 weren't employees, but when we were doing fundraising work  
9 for like I said some Republican candidates and I can't tell  
10 you the exact date but it was in the lead-up to the 2018  
11 election. At most there were two women who were doing  
12 contract fundraising work for me helping some of the  
13 candidates as well.

14 **Q.** Who paid those contractors?

15 **A.** My company paid the contractors. And my monthly  
16 retainer increased so that I could afford these contractors  
17 and kind of the reason that we established is because I at  
18 the time was an early 20s female and it was important for  
19 the contractors to understand that they were reporting to me  
20 and so we wanted to establish that their pay came through me  
21 for a level of respect.

22 **Q.** Who is Mike Dawson?

23 **A.** Mike is a communications consultant who works in  
24 Republican politics.

25 **Q.** All right. Let's turn now to the year 2018. What

1 responsibilities did you have with respect to Team Householder  
2 candidates in 2018?

3 **A.** In 2018, we were still obviously quite a small office,  
4 so only a couple people. And as I alluded to, a lot of  
5 working in politics is you take on other jobs and you help  
6 each other out. So we were collectively recruiting  
7 Republican candidates around the state to fill open seats in  
8 Ohio. We have term limits. So there will always be a  
9 number of open seats every cycle. So we're looking for  
10 candidates to run and fill some of these seats that would  
11 open up in the '18 election.

12 And I was responsible at the time for helping, you  
13 know, if you go out and find the candidate, you have to help  
14 them raise money, you have to help them kind of with  
15 everything that comes into winning an election, raising  
16 money. It helps you buy TV, buy mail, you know, polling,  
17 everything else. So I was responsible for helping fundraise  
18 for the candidates in 2018 as well.

19 **MS. GAFFNEY-PAINTER:** Your Honor, may we please have  
20 permission to publish Government Exhibit 258, which has  
21 already been admitted into evidence?

22 **THE COURT:** Yes.

23 **Q.** Ms. Lippincott, if you wouldn't mind just clicking  
24 through these documents that appear on the screen.

25 **MS. GAFFNEY-PAINTER:** Thank you, Ms. Terry.

1 Q. Ms. Lippincott, do you recognize these photographs?

2 A. I do. Yes, I recognize these photographs.

3 Q. Who took these photographs?

4 A. I now know that I took these photographs and would have  
5 sent them on my phone, but it's also in addition to the  
6 photographs, this is my handwriting, I would like to say  
7 that I wrote these documents.

8 Q. Generally speaking, what is depicted on these pieces of  
9 paper that have been photographed?

10 A. For the ease of our conversation, may I ask that we  
11 return to photograph 1? Because it's a little bit easier  
12 for me to discuss that way.

13 Q. Certainly.

14 MS. GAFFNEY-PAINTER: Ms. Terry, may we return to  
15 page 1? Thank you.

16 A. So these photographs would depict these would be  
17 fundraising, either asks or ideas. I can't -- I don't  
18 remember at what point in the cycle it was. Meaning, I  
19 don't remember if this was an ask that we were giving to  
20 someone if this was, you know, just an idea, a way into  
21 brainstorming but what this largely is is a fundraising  
22 request that we would be making of someone, and then in this  
23 photograph specifically, you know, numbers 1 through 5 are  
24 different candidates and races. So if the large ask, again  
25 I am using this photograph specifically, if the large ask is

1 50,000, which you see at the top, the idea would be, okay,  
2 if this person can commit to \$50,000, it would be most  
3 beneficial, 12,000 here, 12,000 to No. 2, 12,000 No. 3 and  
4 down the line and the reason. Each photograph is going to  
5 have different numbers for a plethora of reasons, but 12,000  
6 is roughly at the time what the contribution limit in Ohio  
7 was. So it's not like you are going to get \$50,000 and put  
8 it all to one candidate. Does that make sense?

9 **Q.** Yes. Could -- and using this first photograph that we  
10 see here, this is page 1 of Government's Exhibit 258, can you  
11 just walk us through starting at the top of the page, what do  
12 we see here?

13 **A.** Yeah. Like I said, you know, each page is going to be  
14 different, but these aren't, you know, these aren't just  
15 names on a piece of paper. You know, this is part of  
16 political fundraising. I mean, this was my job. You know,  
17 there is thought that goes into these. So if you have a  
18 large ask, okay, well, this might be, you know, line item 1  
19 might be number 1 because we know that that's going to be a  
20 difficult race. That was a suburban Cleveland race. It was  
21 going to be an uphill battle. That person was going to need  
22 the most money for, you know, mail pieces and TV and you are  
23 going to have to have a larger campaign than maybe -- than  
24 maybe a really safe Republican district. So that person  
25 might be on multiple different asks because you are trying



1 to raise more money for him as opposed to line Item No. 5,  
2 which only has \$2,000 because that's a little bit of an  
3 easier race. So, you know, I don't -- I can't definitively  
4 say that these are ranked in order of importance because I  
5 don't think that's fair to assume that that was my thought  
6 process at the time. But there is thought that goes into  
7 these numbers where they are coming from, but also, you  
8 know, what's important to these people.

9 You know, like you wouldn't put certain names on other  
10 requests because that person might not align with the other  
11 individual.

12 **Q.** Who is Murray?

13 **A.** Mr. Murray is a now deceased coal CEO.

14 **Q.** And what is the 50,000 number that appears next to Murray  
15 on this page? What are you indicating there?

16 **A.** Like I said, I can't -- I don't remember at this point  
17 if this is brainstorming or if this is a formal -- clearly  
18 this piece of paper is not a formal ask that we would have  
19 ever given to Mr. Murray, but that to some degree is an ask  
20 that we would make. You know, Mr. Murray, if you can commit  
21 to \$50,000, you know, you want to help great Republican  
22 candidates, this is where your money can be most beneficial.  
23 And, again, I don't know at what point but that's loosely  
24 what these papers would translate to.

25 **Q.** Why did you take these photographs of these documents?

1       **A.**     I don't remember taking the photographs of the  
2 documents, but I do know from my own work, these writings  
3 are not from me. I don't track fundraising on short pieces  
4 of papers. I track it on Excel sheets. So I would have  
5 written these to send to someone, specifically probably  
6 Mr. Householder because he liked, you know, when he's asking  
7 about fundraising and when he is asking about this, he liked  
8 seeing things in this kind of vertical format like this. So  
9 I very highly likely wrote it and would have taken the  
10 pictures. Again, because I don't do this for my benefit,  
11 probably would have either sent them to him or  
12 Mr. Longstreth. But that's why it would be written like  
13 this and not, as I said, in a spreadsheet, because this is  
14 just not how I personally track.

15       **Q.**     And how did you take these photographs?

16       **A.**     I now know that I took them on a cell phone. But,  
17 again, I don't remember -- I don't remember having these  
18 papers out on the day that I took these photographs but I  
19 know they are from my cell phone.

20               MS. GAFFNEY-PAINTER: All right, Your Honor. May we  
21 please have permission to publish Government Exhibit 257B,  
22 which has previously been admitted?

23               THE COURT: Yes.

24       **Q.**     Ms. Lippincott, do you recognize this?

25       **A.**     I recognize it, again, and I mean it's from 2018.

1 We're in 2023 at this point. I recognize it because I  
2 definitely know I wrote this email. It's clearly from me,  
3 so.

4 **Q.** What's the date on this email?

5 **A.** The date is Friday, March 16, 2018.

6 **Q.** What's the subject of this email?

7 **A.** Subject is candidate fundraising breakdown.

8 MS. GAFFNEY-PAINTER: Ms. Terry, may we please go to  
9 the second page of this exhibit.

10 **Q.** Ms. Lippincott, would you please walk us through these  
11 columns and explain just generally what is depicted -- what is  
12 depicted in those columns?

13 **A.** Yes. As I recently said, I track things in  
14 spreadsheets, not usually in Sharpie pieces of paper so this  
15 would be a spreadsheet that I kept to track. So you can see  
16 in the first column the house district so district number  
17 that someone was running to be representative. The second  
18 column is candidate which is a name. The third is budget.  
19 So we said this was March of '18, so this would have been --  
20 the primary was in May so this would have been two months  
21 before the election. This is probably how much we still  
22 needed to budget for. I don't remember if it was how much  
23 we still needed to budget for or what the total budget was.

24 Next is cash on hand, so how much money a candidate  
25 currently has in their bank account if you're going to

1 buy -- I am going to use a TV as an example. If you are  
2 going to buy a TV, you can only buy so much that you have in  
3 the bank if you are going to place a TV buy so it's  
4 important to know how much you currently have. The third  
5 would be, excuse me, the next column is the total raised so  
6 how much that candidate's raised so you can see obviously  
7 the raised is higher than cash on hand because you are  
8 spending as you are going.

9 And then everything in green would kind of be the  
10 source of their fundraising. So that me as a fundraiser can  
11 track, okay, well, how much of it was raised by me, raised  
12 from HH which would be Householder so raised from not me but  
13 the team in general. And then the source raised from the  
14 team. So, you know, the different, I can see there for  
15 example one says Murray so if Mr. Murray had written that  
16 person a check, if Mr. Householder had written that person a  
17 check from his campaign account. So the source raised. And  
18 then also the money raised from candidates so how much  
19 fundraising they have been able to do on their own. And  
20 then raised from self, that's personal, and then everything  
21 in yellow is same column, same concept but it's a pledge.  
22 So people who say they are going to give money but haven't  
23 come through yet.

24 And then everything in red is outstanding. Again, the  
25 same concept, the difference is with outstanding pledge is

1 outstanding is hard money that has been guaranteed. We just  
2 don't have it on hand yet. So I think it's fair to say when  
3 something's outstanding versus pledged, if I drive to your  
4 house right now, they have the check, it's just, I don't  
5 physically have it in my possession yet.

6 And then upcoming events are different events that that  
7 candidate has coming up. That would be anticipate funds  
8 being raised at. So whether it's a roundtable discussion,  
9 coffee, a fundraiser, there are events to be considered. A  
10 check is probably going to come from it and a check of more  
11 significance than say, \$1800.

12 **Q.** Ms. Lippincott, I want to direct your attention to the  
13 line that appears underneath those column headings and if we  
14 could go to that first row, source raised from HH.

15 **A.** Um-hmm.

16 **Q.** Again, what does HH stand for here?

17 **A.** HH would have been Householder.

18 **Q.** And what appears in that first line beneath source raised  
19 from HH?

20 **A.** The first source is SLH which stands for Speaker Larry  
21 Householder. And, again, HH would be different because it  
22 talks about kind of the team largely, not Mr. Householder's  
23 campaign account personally. So SLH would be a check from  
24 his Friends of Larry Householder campaign account.

25 **Q.** What is FE?

1       **A.**     FE would be FirstEnergy.

2       **Q.**     And what is Boich?

3       **A.**     Boich is a family of coal proprietors.

4                   MS. GAFFNEY-PAINTER: Ms. Terry, may we please  
5     advance to page 6 of Government's Exhibit B.

6       **A.**     Excuse me. Do you mind if I correct myself?

7       **Q.**     No, not at all.

8       **A.**     SLH is Mr. Householder's campaign account. FE, I do  
9     want to specify because I know it is being discussed a lot  
10    in this trial, would be FirstEnergy PAC. Because I think it  
11    also should be noted that candidates cannot accept corporate  
12    money, so that's a PAC specifically.

13                   And then the third one, which they don't have a PAC, so  
14    that would be personal fundraising dollars. And again, all  
15    of this contribution limits of approximately \$12,000 on  
16    each.

17       **Q.**     Now, Ms. Lippincott, directing your attention, this is  
18    page 6 of Government Exhibit 257B. Just generally speaking,  
19    what are we looking at here?

20       **A.**     Generally speaking, it's fair to refer to that last  
21    document kind of as a highlights page, the overview. This  
22    is a much more specific breakdown with a lot more exact both  
23    amounts and instead of just the highlights, it's a more  
24    specifically detailed finance either ask or plan.

25       **Q.**     What is the significance behind the gray shading?

1     **A.**    I don't remember. I don't remember. And I'm sure if  
2     we add up the numbers we can probably figure it out. Is  
3     one, does one add up to the total. No, that wouldn't make  
4     sense.

5            I'm sorry. I don't remember.

6            **MS. GAFFNEY-PAINTER:** Thank you, Ms. Terry. We can  
7     take that down.

8     **Q.**    Ms. Lippincott, based on your understanding, what was the  
9     strategy with respect to the candidates in 2018?

10    **A.**    I'm not sure. Can you be more specific?

11    **Q.**    The candidates, when you were working with the candidates  
12    in 2018?

13    **A.**    Um-hmm.

14    **Q.**    Did you refer to them as Team Householder?

15    **A.**    We did. And I think another word that I've used to  
16    refer to them, so they were part of Team Householder,  
17    candidates who were running to fill these empty seats were  
18    part of Team Householder in the fact that, you know, we were  
19    doing work with that. I would consider myself obviously  
20    part of Team Householder, I worked for Mr. Householder so I  
21    was doing fundraising with them but I was doing political  
22    work for them. I think another word I used to describe them  
23    is they are a slate so they are all one group of candidates  
24    who they are all working with. You know, it's supporting  
25    the slate, and I think that's also a good word if you are

1 making a fundraising ask of someone, to say that \$50,000  
2 ask. Again, it's up to a donor what they -- who they decide  
3 they want to support. Certainly, it's their money. They  
4 don't want to write a check to someone but if you say if you  
5 want to benefit our slate, if you want to benefit good  
6 Republican candidates, this is where your money can be most  
7 adequately used.

8           So I think that those are both fair ways to describe  
9 them. Whereas slate refers specifically to candidates and  
10 Team Householder can be a larger team with, again, I was not  
11 a candidate but I was still part of the team.

12           MS. GAFFNEY-PAINTER: Your Honor, may we please have  
13 permission to publish Government Exhibit 242B, which has been  
14 previously admitted?

15           THE COURT: Yes.

16           MS. GAFFNEY-PAINTER: Now, Ms. Terry, if we could,  
17 click through these documents, please.

18           Thank you, Ms. Terry.

19 **Q.** Ms. Lippincott, what are we looking at with this  
20 collection of documents?

21 **A.** This collection of documents appears to be a collection  
22 of budgets and bills kind of combined. So if we're just  
23 looking at the document in front of us, I highly suspect  
24 that this document would have happened right after the  
25 primary because it's a really specific line item of cost



1 paid, what's still outstanding and exactly where the money's  
2 coming from. So, for example, you've got, you know, the  
3 retainer, which it says -- I can read it right here. It  
4 says monthly retainer, cost covers design created for mail  
5 and digital. The second retainer would be for fundraising,  
6 grassroots strategy, polling. And it's important that these  
7 candidates paid a retainer because you are getting a  
8 service. So that's the service we're providing to make sure  
9 that, you know, everything is okay and we can be financed.  
10 It's important to charge for a service and then when you go  
11 down next, it says digital. So those are very specific  
12 numbers of digital ads, meaning, you know, we spend exactly  
13 this much money in February for digital ads. And the same  
14 can be said about the next category, which is mail and  
15 literature -- how many pieces, the cost per piece, and the  
16 title of the piece, things like that.

17 So because it's so specifically lined out. I believe  
18 that this is a bill at the end of the cycle. There are  
19 already lots of costs already paid and then also at the top  
20 it's funds raised by the team. So this is how much money  
21 we've helped you raise or we've raised for you. And this is  
22 how much, you know, the campaign cost in total to kind of  
23 show that obviously there's -- the two numbers aren't  
24 exactly the same. Obviously, there's a little bit of  
25 difference but largely we're not going to stick you with

1 some crazy bill of a campaign that we encouraged you to do  
2 and not be able to help you -- help you pay the bill. So  
3 we're raising the money so that you can do these things.  
4 You know, we're raising the money ourselves for the mail  
5 that we think that you should produce.

6 Does that make sense?

7 **Q.** Yes. And looking up there at the top where you were  
8 discussing total costs paid, total funds raised by Team  
9 Householder, you mentioned that there is a difference there.  
10 Who is responsible for that difference?

11 **A.** The campaign account of the candidate would be  
12 responsible. Again, the goal is to make those numbers  
13 pretty even. As we also said and if you can remember from  
14 that spreadsheet that had green, yellow, and red, there was  
15 a column that was funds raised by the candidate themselves or  
16 if a candidate had a personal loan themselves.

17 In this specific case, I can't remember. Maybe this  
18 person raised \$8,000 themselves so we knew that they could  
19 cover it, or it was a sure fire enough raised that we knew  
20 that they would win that you are going to be able to make up  
21 the difference for that money. This is not a concerning --  
22 there is no concern in my mind even now reading this that  
23 that candidate wouldn't be able to pay the difference,  
24 either because they had already raised the money or we knew  
25 that they are capable of it.

1 Q. Looking at these documents, how do we know which  
2 candidate this bill applies to?

3 A. The name in the top left corner. That is the last  
4 name.

5 Q. Who maintains these documents?

6 A. I'm under the impression that I did because this looks  
7 like my work product. I can also tell that it's a  
8 spreadsheet based on if you look on the right, like based on  
9 how the numbers are put in. Specifically, I can see  
10 parentheses, which this would be an Excel sheet. That's  
11 just been printed off into a pdf file, and because I have  
12 the Excel sheets as we previously saw, I definitely would  
13 have been the keeper of these.

14 Q. We've talked a bit about your responsibilities. Now,  
15 during the time that you were working with Mr. Longstreth and  
16 Mr. Householder, did you have any responsibilities related to  
17 Generation Now?

18 A. I did have responsibilities related to Generation Now,  
19 especially, you know, like we mentioned, speaking back to  
20 call of January of '17 when there were three of us working  
21 together. I was also essentially Mr. Longstreth's, you  
22 know, assistant for lack of a better term for three years so  
23 I would help with lots of -- I would help with everything.  
24 So I did have responsibilities for Generation Now.  
25 Everything from, you know, ordering stationery and thank you

1 cards, things like that, to, you know, really just anything  
2 he needed help with.

3 **Q.** What type of entity is Generation Now?

4 **A.** Generation Now is an 501(c)(4) initiative.

5 **Q.** What were your financial responsibilities, if any, with  
6 respect to Generation Now?

7 **A.** Sure. With Generation Now, again, the things evolved  
8 over time as Generation Now took on a larger role. If we go  
9 back to January of '17, it had a pretty small role in the  
10 scheme of things meaning it will be increased by July of  
11 2020. So my financial responsibilities were everything, I  
12 would deposit checks. If the donor would give us a check, I  
13 would deposit checks. I would track some of the checks that  
14 came in and money that came in so that Mr. Longstreth,  
15 great, thank you notes and also part of being a fundraiser  
16 and maintaining spreadsheets is making sure that, you know,  
17 maybe a donor needs to be re-upped for an ask or maybe, you  
18 know, if there is a date associated with it. You don't want  
19 to go back to someone two weeks after they give a check and  
20 say, hey, can you give another check.

21 So I would put those under my financial  
22 responsibilities. By July of -- I guess, technically, it  
23 wasn't July, but when the House Bill 6 referendum effort was  
24 going on in the spring and summer of 2020, I would -- I was  
25 also helping Mr. Longstreth as I was paying for different

1 services, whether it was petition companies or, you know,  
2 just different things like that.

3 I would help manage the bills and also because wiring  
4 money through the bank wasn't -- it's not particularly user  
5 friendly. I would read off account numbers to him so he  
6 could wire people, just kind of tag teaming effort.

7 **Q.** You mentioned reading off account numbers so that he  
8 could wire. Did you have access to the Generation Now bank  
9 account?

10 **A.** I did not.

11 **Q.** Did you seek access to that account?

12 **A.** Not that I recall. And if I did, it's not significant  
13 enough that I recall.

14 **Q.** Now, you mentioned that you had a role with tracking  
15 donations to Generation Now and assisting with Mr. Longstreth  
16 entering in the wiring instructions. Did you have a role to  
17 play with donations for any other entities during your time  
18 with Mr. Longstreth and Mr. Householder?

19 **A.** I did. There were, to my recollection, two other  
20 entities that we ended up, we meaning Mr. Longstreth and his  
21 attorney and ended up forming that I was either given access  
22 to or asked to help manage. One of them was Ohioans For  
23 Energy Security and the second was the Coalition For  
24 Government.

25 MS. GAFFNEY-PAINTER: Your Honor, may we please have

1 permission to publish Exhibit -- excuse me -- Government  
2 Exhibit 274A, which has been admitted?

3 THE COURT: Yes.

4 Q. Ms. Lippincott, do you recognize this?

5 A. I recognize it in kind of the same regard as clearly I  
6 wrote it. My name's on it. But I think that this email, I  
7 recognize this email because this was essentially a template  
8 that I used and I probably copied and pasted and sent that  
9 email, you know, a few dozen times. It's a generic donor  
10 exchange.

11 Q. What's the subject line of this email?

12 A. Subject line is Generation Now, Inc., wiring  
13 information.

14 Q. Who is this email sent to?

15 A. It's sent to Mike Dowling from FirstEnergy.

16 Q. What is attached to this email?

17 A. The attachments include, I assume I attached them, the  
18 attachments include a W-9 for Generation Now, wiring  
19 instructions, and mailing address for checks.

20 Q. Who directed you to send the Generation Now documents to  
21 Mike Dowling at FirstEnergy?

22 A. I can't definitively say this specific email, but the  
23 only reason that I would email a donor this is because  
24 either Mr. Longstreth asked me to, Hey, Anna, will you  
25 please send this person the Generation Now info. And to me

1 the info -- and, again, this email you could copy and paste  
2 it and I've replicated it several times.

3 So the info would also include wiring instructions, W-9  
4 mailing address, and an offer to connect them with the  
5 attorney, or simply Mr. Longstreth asking me to do it to  
6 this person. Or if the person knew me personally well  
7 enough, they could call me and say, will you please send me  
8 the info.

9 So, again, I don't feel comfortable enough saying I  
10 don't remember if someone called me or if Mr. Longstreth  
11 asked me to, but it would have been one of those two  
12 situations.

13 **Q.** Would you have sent something like this of your own  
14 volition?

15 **A.** No.

16 I was not soliciting. This is not a solicitation and I  
17 was not soliciting donations to Generation Now. Is that  
18 fair? Like, do you understand what I'm saying?

19 **Q.** I do.

20 **A.** Okay.

21 **Q.** During the time that you worked with Mr. Longstreth and  
22 Mr. Householder, did you learn of a piece of legislation known  
23 as House Bill 6?

24 **A.** I did.

25 **Q.** Did you have any professional responsibilities related to

1 the political side of House Bill 6?

2 **A.** I did. To the political side more so the House Bill 6  
3 potential referendum that followed it, its passage.

4 **Q.** And when was that, approximately?

5 **A.** I believe it was in the spring and summer of 2020.

6 **Q.** Will you describe for us what your responsibilities were  
7 with regard to the political side of House Bill 6?

8 **A.** Right. So like I said, most of my responsibilities  
9 followed the passage of House Bill 6. Following the bill,  
10 obviously, you know, there are going to be two sides to  
11 every bill so there is always going to be a side for and a  
12 side against it. We anticipated that the side against House  
13 Bill 6 would try to stage a referendum effort and  
14 potentially a valid initiative to try to combat it and block  
15 it so we were working kind of on two simultaneous campaigns,  
16 one to block this referendum from going through, but then  
17 also gear up in the event that it did go to the ballot. So,  
18 you know, my responsibilities -- at this point I was doing  
19 operations, so my responsibilities were as helping the team  
20 kind of any means, whether it was organizing meetings or I  
21 think a few examples that I have given, you know, everything  
22 from organizing meetings to, okay, we need volunteers to  
23 come and to show, you know, group support. So helping  
24 organize volunteers. Okay, well, those volunteers need  
25 T-shirts and maybe a place to stay, things like that.



1           Also helping with making sure that, you know, petition  
2 firms, things like that, were paid, that kind of, that  
3 everything was running smoothly. And nothing's falling  
4 through the cracks.

5       **Q.**    Now, you mentioned this entity earlier, but what is  
6 Ohioans For Energy Security?

7       **A.**    Ohioans For Energy Security was a group that was formed  
8 in response, in anticipation that, you know, we would have  
9 to block a referendum effort. So it was over established  
10 that, you know, they did, they meaning, you know, they paid  
11 for -- Ohioans For Energy Security paid for media, mail,  
12 like I said, you know, there were a few volunteer events,  
13 things like that. So it was just another entity to, you  
14 know, to be able to pay for these things and to kind of  
15 combat it.

16       **Q.**    Who directed that Ohioans For Energy Security be created?

17       **A.**    I believe Mr. Longstreth and Mr. Clark.

18                   MS. GAFFNEY-PAINTER: Your Honor, may we please have  
19 permission to publish what's been admitted already as  
20 Government Exhibit 152?

21                   THE COURT: Yes.

22       **Q.**    Now, Ms. Lippincott, directing your attention to the top  
23 of the page, what entity is listed as the primary owner of  
24 this bank account?

25       **A.**    Ohioans For Energy Security.

1 Q. Directing your attention to the signatories on this  
2 account, whose name appears there first?

3 A. Mine, Anna Lippincott.

4 Q. Now, in 2019, were you aware of contact between Larry  
5 Householder and FirstEnergy Solutions?

6 A. I don't know, because it's kind of hard for me to  
7 remember timelines.

8 Q. During any time during your tenure, where you worked with  
9 Mr. Longstreth and Mr. Householder, do you recall hearing  
10 about communications between Mr. Householder and FirstEnergy  
11 Solutions?

12 A. Yes.

13 Q. Can you describe that for us?

14 A. The basis of my knowledge between their contact. So  
15 in, you said, 2019, but I am going to use 2019 to put it in  
16 the category of when Mr. Householder was speaker. You know,  
17 I didn't spend much time with him after he became speaker.  
18 He was pretty consumed on what I would call the official  
19 side meaning the nonpolitical. I was on the political side.  
20 So I know that he spent some of his free time, like in the  
21 evenings and the early mornings and things, working with  
22 people on the political side. There were regular, to my  
23 understanding there were regular phone calls that sometimes  
24 Mr. Householder was on and different people who worked for  
25 FirstEnergy Solutions were also on. So these conference

1 calls that I know occurred.

2 **Q.** Were you on those conference calls?

3 **A.** I was not. And that's why I also can't say that I'm  
4 positive that Mr. Householder was on these calls every day  
5 with these people, because I don't think that's true. But I  
6 know that these calls existed.

7 **Q.** What is your understanding based on, if you weren't on  
8 those calls?

9 **A.** Mr. Longstreth and I, you know, he would sometimes come  
10 in and say that they were on the phone late and, you know,  
11 these are, you know, certain things that either were  
12 discussed and that they had these big, long calls.

13 **Q.** Let's talk about meetings related to House Bill 6. Did  
14 you attend any such meetings?

15 **A.** I think that we're talking about the political  
16 implications of House Bill 6 and the political side. I  
17 don't recall ever attending meetings about the passage of  
18 House Bill 6 as a legislative issue. So the political side  
19 of House Bill 6, yes, I attended meetings related to it.

20 **Q.** What was your role in those meetings?

21 **A.** It depended. And I think it changed as time went on.  
22 You know, before the passage of House Bill 6, like I said, I  
23 wasn't super involved before. So I was brought in to  
24 organize the meetings to make sure everyone got there,  
25 things like that. And also take notes. And then after the

1 passage, when I was helping with the referendum effort,  
2 sometimes I would contribute to the conversation, still,  
3 note taking still and kind of organizing and kind of just  
4 making sure that every different consultant who was working  
5 with the group had everything that they needed.

6 **Q.** Who attended those meetings?

7 **A.** Again, depending at the point in the timeline, it  
8 depended who attended -- who attended. But it would have  
9 been all of the primary consultants on it. So different  
10 communication, consultant, media consultant, anyone who was  
11 working on the mail for it. Representative from FirstEnergy  
12 Solutions. Just kind of, like I said, the different  
13 principals for the different, like, groups who were all  
14 working together. And then occasionally an assistant would  
15 show.

16 **Q.** You mentioned a representative from FirstEnergy  
17 Solutions. Who was that representative?

18 **A.** Mr. Cespedes.

19 MS. GAFFNEY-PAINTER: Your Honor, may we please have  
20 permission to publish Government Exhibit 503, which has  
21 already been admitted?

22 THE COURT: Yes.

23 **Q.** Ms. Lippincott, do you recognize this?

24 **A.** I recognize it now because I've reread it. So, yes.

25 **Q.** Who took these notes?

1       **A.**     I took these notes.

2       **Q.**     And what is the date of this meeting?

3       **A.**     This is dated Monday, June 3, 2019.

4       **Q.**     Is this the type of meeting you were just describing for  
5       the political side of House Bill 6?

6       **A.**     This is the type of meeting I was describing for the  
7       political side of House Bill 6, but this, as I have reread  
8       this document, I can confidently say that this was before  
9       House Bill 6 was passed. So it's one of the meetings that I  
10      would describe before House Bill 6 was passed, meaning I was  
11      a bit more hands off as opposed to the meetings associated  
12      with the referendum effort. Does that make sense?

13      **Q.**     Yes. After you took notes on such meetings, did you have  
14      any responsibilities to circulate the notes of the meetings?

15      **A.**     I believe that I would -- I don't remember if text or  
16      email, but I believe that I would send them to the  
17      attendees. And then if attendees wanted to send them to  
18      anyone else, they could. So, you know, because this is a  
19      recap of the meeting, you would pass it out to whoever was  
20      there.

21      **Q.**     Who is Matt Borges?

22      **A.**     Matt is a -- excuse me. Mr. Borges is a lobbyist,  
23      former chairman of the Ohio Republican party, and at the  
24      time I met him, he was working for Roetzel in-house.

25      **Q.**     During your tenure working for Mr. Longstreth and

1 Mr. Householder, what was Mr. Borges' role as you understood  
2 it?

3 **A.** I believe Mr. Borges was brought on around the time of  
4 House Bill 6 to help, like I said, join part of these larger  
5 efforts, both in the passage and then the subsequent  
6 referendum on these relationships with different people who  
7 could be affected through the legislative process.

8 **Q.** As you understood it, what was the political strategy to  
9 defend House Bill 6?

10 **A.** Do you mean to combat a referendum? I'm sorry. Can  
11 you repeat that?

12 **Q.** As far as you understood it, what was the strategy in  
13 place on the political side to defend House Bill 6?

14 **A.** It was definitely a defensive strategy because the  
15 people who were opposed to House Bill 6 would have been on  
16 the offensive. They were trying to collect signatures and  
17 pass something. So that's what I mean. We would have been  
18 on the defensive side, trying to stop that from happening.  
19 So it was a combination between creating a second petition  
20 that was largely symbolic to try to conflict out petition  
21 gathering firms, petition gathering is kind of a cottage  
22 industry so there is only a finite number of firms that  
23 exist. So you kind of want to conflict those people out.

24 Also, if you can -- if you can buy people out or  
25 convince them to drop their or switch sides, you know, that

1 was another part of it. So largely blocking petition  
2 efforts.

3 And then also, you know, there was a media campaign  
4 around it. And I think that media campaign really kind of  
5 fed into that whole concept because it's -- it's using scare  
6 tactics to try to -- to try to convince people not to engage  
7 or these people to not sign the petition, that this is a  
8 good thing and you don't want to, you know, you don't want  
9 to -- you don't want to join with these efforts to block it.

10 **Q.** Was there any discussion as to how these defensive  
11 efforts would be funded?

12 **A.** Generation Now paid for the petition, the various  
13 petition firms and contractors who did that. And then  
14 Ohioans for -- excuse me, Generation Now I believe also paid  
15 for some of the media efforts, and then Ohioans For Energy  
16 Security paid for media as well.

17 **Q.** What is FieldWorks?

18 **A.** FieldWorks is some -- it's some group that has a large  
19 bulk of petition gatherers. I believe it's just one of the  
20 really, really big companies, kind of the primary company.

21 **Q.** What is Lincoln Strategy Group?

22 **A.** Lincoln Strategy Group is a consulting firm that their  
23 responsibility is to kind of gather this cottage industry of  
24 petition gathering firms. So we worked with Lincoln  
25 Strategy Group because they would bring us all of the

1 various firms. They were kind of the collector of the firms  
2 and kind of the big people.

3 **Q.** At the time that the ballot referendum was happening, did  
4 you have any interactions personally with any of the signature  
5 collectors?

6 **A.** I had one interaction with a petition person.

7 **Q.** Will you describe that for us?

8 **A.** Sure. So I worked -- I was the primary point of  
9 contact, myself, Mr. Clark would have been primary contact  
10 with Lincoln Strategy Group. So we really worked with them,  
11 and they dealt with the petition people. I didn't deal with  
12 the petition people.

13 And at some point somehow they got this guy to -- he  
14 was going to drop working for the House Bill 6 opposition,  
15 and he was just going to go home to wherever he came from.  
16 So somehow he got my phone number. I don't know how. But  
17 he got my phone number and called me and said this was what  
18 he was going to do, he was going to drop it and go back to  
19 where he was from and -- but he wanted to give me all of the  
20 information he had, papers and things, and asked if I would  
21 go to the hotel he was staying before he came to the  
22 airport. And I said no. But I said I would get him an Uber  
23 to come to the office and bring the papers.

24 So he came to the office, brought me the papers, was  
25 there for probably two minutes, and then I kicked him out



1 and got him an Uber to the airport.

2 And he didn't -- he said, do you have a plane ticket  
3 for me and I said, no, that's not my problem. That's not my  
4 job. So I sent him to the airport and told the woman from  
5 Lincoln Strategies, I just put a guy in a cab to the  
6 airport, you have to deal with him. And that was the extent  
7 of my interaction with any of the petition people.

8 **Q.** Did he give you anything while he was at the office?

9 **A.** He did. He gave me papers like I said. He wanted to  
10 give us whatever papers he had. He gave me papers but they  
11 were so disheveled and smelled so bad that we immediately  
12 threw them away and didn't go through them and so actually  
13 don't even know what the papers were. I think they honestly  
14 were just notes that he took in like, you know, these  
15 meetings where they all decide they were going to go out and  
16 gather signatures but they were so gross that they were  
17 immediately just thrown away.

18 **Q.** Did you ever receive a directive about how to treat the  
19 files that you had on the ballot initiative?

20 **A.** After the ballot initiative, after the referendum issue  
21 was kind of quashed, I was directed to go ahead and delete  
22 the files on my computer related to the effort.

23 **Q.** Who directed you to do that?

24 **A.** Mr. Clark and Mr. Longstreth.

25 **Q.** Did they tell you why?

1       **A.**     They did.  They said the project's over.  Go ahead and  
2     just delete everything.  And then they told me kind of more  
3     privately after the fact that they were afraid maybe at some  
4     point the anti House Bill 6 people would sue us.  So just go  
5     ahead and remove everything.

6               MS. GAFFNEY-PAINTER:  Your Honor, may I have a  
7     moment to confer?

8               THE COURT:  Yes.

9               MS. GAFFNEY-PAINTER:  Thank you.  No further  
10    questions.

11              THE COURT:  Very well.  The attorneys for  
12    Mr. Householder and Mr. Borges have an opportunity to ask  
13    questions.

14              On behalf of Mr. Householder.

15              MR. OLESKI:  May I proceed, Judge?

16              THE COURT:  Yes.

17              MR. OLESKI:  Thank you.

18    **CROSS-EXAMINATION**

19     BY MR. OLESKI:

20     **Q.**     Good morning, Ms. Lippincott.

21     **A.**     Good morning.

22     **Q.**     My name is Nick Oleski.  I'm one of Mr. Householder's  
23     attorneys.

24              So, I want to start by, you know, walking through a  
25     little bit of your background.  So you indicated that you

1 started fundraising sometime in late 2015 or early 2016,  
2 right?

3 A. That's correct.

4 Q. And who were you fundraising for at that time?

5 A. I was fundraising for a congressman in Appalachia.

6 Q. And you did that for the 2016 election cycle?

7 A. I did, yes.

8 Q. And in the course of doing that, you gained some  
9 experience fundraising for this congressman?

10 A. I did, yes.

11 Q. Is that right? And you got experience, you know, getting  
12 to know how to work it, how to work in fundraising, is that  
13 right?

14 A. That's correct, yes.

15 Q. And ultimately toward the end of 2016 or in early 2017,  
16 you decided you wanted to sort of branch out and do a little  
17 bit more communications along with fundraising; is that right?

18 A. That's correct.

19 Q. And in early 2017, that's when you start your business?

20 A. That's correct.

21 Q. And it's Anna Lippincott and Associates, LLC?

22 A. That's correct.

23 Q. And at or around that same time, through sort of a mutual  
24 connection, you are introduced to Mr. Longstreth; is that  
25 right?

1 A. That's correct.

2 Q. And through a series of meetings with Mr. Longstreth, you  
3 and he decide you guys are mutually compatible and you want to  
4 work together; is that right?

5 A. That's correct.

6 Q. And your company was hired by Mr. Longstreth's company to  
7 provide a variety of services for JPL; is that right?

8 A. That's correct.

9 Q. And when I refer to JPL, you and I can agree that we are  
10 referring to Mr. Longstreth's company, correct?

11 A. Yes, yes.

12 Q. And, again, at or about that same time, you meet  
13 Mr. Householder; is that right?

14 A. That's correct.

15 Q. And Mr. Householder contracts with your company to do  
16 fundraising communications work for his campaign account,  
17 correct?

18 A. Right. His campaign account specifically, not  
19 Mr. Householder contracted me for Friends of Larry  
20 Householder.

21 Q. Right. His campaign committee, Friends of Larry  
22 Householder?

23 A. Yes.

24 Q. And in the course of, in those meetings, you came to  
25 understand that Mr. Householder had a strategy for reading the

1 speakerships; is that right?

2 A. Correct.

3 Q. And that he was going to work with Mr. Longstreth and you  
4 to accomplish that goal?

5 A. Correct.

6 Q. And during the course of those meetings in early 2017,  
7 did you come to understand how Mr. Householder had gained the  
8 speakership the first time around, back in the late 1990s?

9 A. Yes.

10 Q. And that was by recruiting candidates; is that right?

11 A. That's correct.

12 Q. You know, recruiting a slate of candidates is I think  
13 what you refer to it as.

14 A. Um-hmm.

15 Q. Raising money for those candidates, right?

16 A. Correct.

17 Q. To gain their support; is that right?

18 A. Correct.

19 Q. And with the goal to ultimately, you know, get elected  
20 speaker; is that right?

21 A. Correct.

22 Q. And that those were the same types of conversations you  
23 were having in early 2017 with Mr. Longstreth and  
24 Mr. Householder; is that right?

25 A. That's correct.

1 Q. And so at the end of those meetings in early January of  
2 2017, Team Householder, so to speak, is you, Mr. Longstreth,  
3 and Mr. Householder; is that right?

4 A. Correct.

5 Q. Because at that time Mr. Householder was just a newly  
6 elected member of the Ohio House of Representatives. True?

7 A. True. He was a freshman.

8 Q. And he was not the favored candidate to be speaker of the  
9 Ohio House of Representatives in 2018, correct?

10 A. Correct.

11 Q. At the time, Cliff Rosenberger was the speaker of the  
12 Ohio House of Representatives?

13 A. Correct.

14 Q. And was it your understanding that Mr. -- a  
15 representative of Rosenberger would have been term limited out  
16 in 2018?

17 A. Correct.

18 Q. And that the hand-picked succession -- successor from the  
19 caucus and Mr. Rosenberger was representative Ryan Smith?

20 A. Correct.

21 Q. And when you were hired -- when your company was hired by  
22 JPL and by Mr. Householder's campaign committee, your  
23 responsibilities were to be a fundraiser and to work on media  
24 communications?

25 A. Correct.

1 Q. And so one of the things that Team Householder needed was  
2 office space; is that right?

3 A. That is correct.

4 Q. And was it your understanding that both JPL and  
5 Mr. Householder's campaign committee leased office space from  
6 Strategy Group?

7 A. I -- when we began using office space either in January  
8 or February of 2017, I am positive I know definitively we  
9 were subleasing it from a media company, and I distinctly  
10 remember we had to look at the floor plan, and  
11 Mr. Householder had to figure out how much office space his  
12 space and maybe some common area took up because it's really  
13 important that he was paying for his space out of his  
14 campaign, nothing more and nothing less, because you have to  
15 pay fair market value.

16 The other space and the reason that I am telling you  
17 this, I don't remember if the other space was leased by JPL  
18 or by Generation Now. So it was one of those two entities,  
19 but I just can't definitively say which one.

20 Q. And because Mr. Householder's campaign committee was  
21 paying -- was renting that office space, you're aware that  
22 those expenditures are publicly reported, correct?

23 A. Correct.

24 Q. So, you know, any member of the public could see that  
25 Mr. Householder's campaign committee was paying X amount of

1 dollars a month for rent?

2 A. Correct.

3 Q. Now you mentioned that one of the things you had to do  
4 was look at the floor plan for -- for that office space. So  
5 can we take -- you wouldn't mind if people want to take look  
6 at that.

7 MR. OLESKI: Your Honor, permission to publish side  
8 by side Government Exhibits 201A and 201A-1, both of which  
9 have been admitted.

10 THE COURT: Yes.

11 MR. OLESKI: PJ, if we could go to page 7 of both  
12 documents.

13 Q. Do you see that on your screen, Ms. Lippincott?

14 A. I do, yes.

15 Q. And you mentioned a few moments ago that one of the  
16 things that you all had to determine was the amount of office  
17 space that Mr. Householder was leasing and the amount of  
18 office space that either Generation Now or JPL was leasing?

19 A. This is exactly what I was referring to, where I  
20 remember that we had to figure it out based on square  
21 footage.

22 Q. And Mr. Householder was leasing less square footage than  
23 JPL and Generation Now?

24 A. Correct.

25 Q. And that's reflected in the image on the right; is that



1 right?

2 A. Correct, yes, yes.

3 Q. And, you know, while we're looking at this, at this floor  
4 plan, these are separate offices; is that right?

5 A. Yes, they are. It's the same larger office, but there  
6 are -- I mean it's a walled door office.

7 Q. And so Mr. Householder would have his own -- own private  
8 office in the space; is that right?

9 A. That's correct.

10 Q. Mr. Longstreth had his own private office in this space?

11 A. Correct.

12 Q. Did you have your own office?

13 A. Yes. Mine was the one in the image on the left, the  
14 smaller shaded-in area.

15 Q. And, again, Mr. Householder had to publicly disclose his  
16 rent payments, correct?

17 A. Correct.

18 Q. And, in fact, didn't need even invite members of the  
19 media to tour this office space?

20 A. He did.

21 Q. So he wasn't hiding the fact that he was leasing this  
22 office space from the Strategy Group, right?

23 A. No.

24 Q. And, in fact, he needed a private office because he  
25 can't -- as an elected member of the Ohio House of

1 Representatives, he can't conduct campaign-related activities  
2 on public property. Is that your understanding?

3 A. Um-hmm.

4 Q. In addition, were you aware that Mr. Householder flew --  
5 Mr. Householder and his son flew on FirstEnergy's private  
6 plane to President Trump's inauguration?

7 A. Yes, I was.

8 Q. And in fact, and you are aware that Mr. Householder paid  
9 for those flights?

10 A. Yes, I was.

11 Q. And how were you aware of that?

12 A. Because he asked me to take a picture of the check he  
13 wrote because he assumed it would become a media story at  
14 some point. So that we had proof that he paid for them  
15 himself.

16 MR. OLESKI: Your Honor, permission to publish  
17 Government Exhibit 201H, which has been admitted.

18 THE COURT: Yes.

19 Q. You see a document on your screen, Ms. Lippincott?

20 A. I do, yes.

21 Q. Do you recognize it?

22 A. I recognize the template. If you give me a moment, do  
23 you mind if I read it?

24 Q. Of course.

25 A. Yes, I recognize. And it says at the top template. So

1 like I said, I recognize the template, but I don't know if  
2 this is from a specific week. I don't remember a specific  
3 week associated with this one.

4 Q. And is it fair to say that early in 2017, and even in  
5 2018, you didn't have regular team meetings; is that right?

6 A. I'm sorry. Can you repeat that?

7 Q. It's fair to say that in early 2017 and into 2018 you did  
8 not have regular team meetings?

9 A. I would assume that we did not. I mean, we were such a  
10 lean team. Having a meeting is kind of pointless. We would  
11 just walk into each other's office and talk to each other.

12 Q. You would have a meeting when a new vendor or a new team  
13 member joined, right?

14 A. Ye.

15 Q. You wouldn't have weekly team meetings?

16 A. Like I said, we would just walk into each other's  
17 office.

18 Q. And on the first page of this exhibit, it indicates that  
19 the attendees of the Friends of LH -- do you understand that  
20 to mean Friends of Larry Householder?

21 A. Yes.

22 Q. So his campaign committee?

23 A. His campaign committee. Also, I do remember this, and  
24 I see that one of the attendees was one of his official  
25 staff attendees, who the reason that he's had a time on

1       them, he would clock out so that he would come because it's  
2       obviously important just from a logistical scheduling  
3       standpoint. So we would clock out and attend the meeting  
4       and clock back in.

5       **Q.**    And so the attendees of these meetings are AL, which is  
6       you?

7       **A.**    Yes.

8       **Q.**    BG, who is BG?

9       **A.**    Bryan Gray.

10      **Q.**    And is that the staffer who you indicated would need to  
11      clock out?

12      **A.**    Correct, correct.

13      **Q.**    And SLH is Speaker Larry Householder, correct?

14      **A.**    Correct.

15      **Q.**    And this template would reflect that you would discuss a  
16      variety of things in the course of the hour-long meeting; is  
17      that right?

18      **A.**    Correct.

19      **Q.**    And on the bottom there, it indicates, Gary/Treasurer on  
20      the phone. Who's Gary?

21      **A.**    Gary is Mr. Householder's campaign treasurer. He --  
22      from my understanding, he was his campaign treasurer in the  
23      '90s and then also was his treasurer for the entire time  
24      that I worked for Mr. Householder.

25      **Q.**    So he was the treasurer for Mr. Householder's campaign

1 committee?

2 MR. OLESKI: Could we go to the next exhibit, PJ.

3 Q. And the next page of this exhibit would reflect a meeting  
4 template minutes for Generation Now; is that right?

5 A. Yes.

6 Q. And the attendees of this meetings are a little bit  
7 different than the attendees of the Friends of Larry  
8 Householder meeting, correct?

9 A. Correct.

10 Q. Bryan Gray doesn't attend this meeting, correct?

11 A. Correct.

12 Q. And neither does Gary Wells?

13 A. Correct.

14 MR. OLESKI: You can take that down, PJ.

15 I'm about to start a new topic, Judge. I am not sure  
16 when you want to take a break. I am happy to proceed.

17 THE COURT: Do you have a sense for how long you  
18 will go?

19 MR. OLESKI: With my next topic or just in general?

20 THE COURT: General.

21 MR. OLESKI: At least another 15, 20 minutes.

22 THE COURT: Well, we probably ought to take our  
23 break now. Thank you for bringing it to my attention.

24 We will start our midmorning break. You will get out of  
25 here. When you get out of here, do not discuss the case among

1 yourselves or with anyone. Do any independent research, being  
2 checking it out on the media. Continue to keep an open mind.

3 Out of respect for you, we will rise as you leave for 20  
4 minutes.

5 THE COURTROOM DEPUTY: All rise for the jury.

6 (Jury exited the courtroom at 10:49 a.m.)

7 THE COURT: The jury's left the room. As always, we  
8 will wait here until they clear the floor. You are welcome to  
9 be seated or stand as you choose.

10 The witness is not to discuss her testimony during the  
11 break. We're on break for 20 minutes. You're free to go.

12 THE COURTROOM DEPUTY: All rise. Court is in recess  
13 for 20 minutes.

14 (Recess from 10:50 a.m. until 11:10 a.m.)

15 THE COURT: Thank you. Please be seated.

16 Are you ready for the jury from the government's  
17 perspective?

18 MS. GAFFNEY-PAINTER: Yes, Your Honor.

19 THE COURT: From Mr. Householder's?

20 MR. OLESKI: Yes, Judge.

21 THE COURT: From Mr. Borges?

22 MR. SCHNEIDER: Yes, Your Honor.

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

24 (Pause.)

25 THE COURTROOM DEPUTY: All rise for the jury.

1 (Jury entered the courtroom at 11:14 a.m.)

2 THE COURT: You may all be seated. Thank you.

3 All 14 jurors are back. I was getting worried you'd get  
4 stuck in the elevator. Glad you weren't.

5 We've had a break, and we will continue to hear  
6 testimony. The witness remains under oath.

7 And, sir, you may proceed.

8 MR. OLESKI: Thank you, Judge.

9 THE COURT: Yes.

10 Q. So in the early 2017 time period, Team Householder was  
11 you, Mr. Longstreth, and Mr. Householder, true?

12 A. True.

13 Q. And eventually Team Householder expanded, right?

14 A. It did.

15 Q. JPL hired additional contractors, right?

16 A. True.

17 Q. That would include Megan Fitzmartin, and what did  
18 Ms. Fitzmartin do?

19 A. She was brought on to help on the political side as  
20 opposed to the fundraising or communications side. So her  
21 experience was mostly hands-on with mail, TV, helping with  
22 candidate development, recruitment, kind of like I said, the  
23 political side.

24 Q. And you testified on direct examination that the  
25 fundraising role expanded as well, correct?

1 A. Yes, but during a later timeline. We're not still  
2 talking about the early days of 2017.

3 Q. Sure. And your company retained or hired two employees  
4 during 2018, right?

5 A. Correct, yes.

6 Q. And both of those employees assisted with your  
7 fundraising efforts?

8 A. Correct.

9 Q. And in addition, a more experienced fundraiser was  
10 brought on sort of to mentor you, right?

11 A. Sure, right.

12 Q. And that was Ms. Brooke Bodney.

13 A. Correct.

14 Q. Is that right?

15 And at that time you understood Ms. Bodney to be an  
16 experienced fundraiser?

17 A. Sure, correct.

18 Q. She had worked with -- or worked as a fundraiser for a  
19 number of different Ohio politicians, right?

20 A. Correct.

21 Q. Both for -- for statewide office, correct?

22 A. Correct.

23 Q. And you looked at Ms. Bodney sort of as a mentor?

24 A. Correct.

25 Q. Someone that you sort of wanted to emulate and follow in



1 her footsteps?

2 A. Correct.

3 Q. And Ms. Bodney provided sort of mentorship services to  
4 you to help you advance as a fundraiser?

5 A. Correct.

6 Q. Now, you know, the reason the team expanded is because  
7 there were a number of slate of candidates that were recruited  
8 that you were hired -- that you were retained to assist; is  
9 that right?

10 A. Correct. And if I can expand, I mean when we started  
11 in January of 2017, you know, you are fundraising for  
12 Mr. Householder and at the point you are referring to which  
13 we started expanding then you have taken on approximately,  
14 you know, 20 more people.

15 Q. And in the context of candidate recruitment,  
16 Mr. Longstreth, Mr. Householder, and Ms. Fitzmartin targeted  
17 open seats, right?

18 A. Correct.

19 Q. And in Ohio when we talk about open seats, what are open  
20 seats?

21 A. Open seats refer to -- like I said, in Ohio we have  
22 term limits. So after a certain number of years or terms, a  
23 representative can no longer serve. So every cycle there is  
24 going to be turnover. There are very, very predetermined  
25 seats that are going to be open.

1 Q. And so by -- and by "open seats," there is not an  
2 incumbent running?

3 A. Correct. There is not an incumbent running either  
4 because that person's term limited out or they've already  
5 said that they are pursuing other opportunities, that they  
6 are not going to run for re-election.

7 Q. Right. So it's an open seat because there's not an  
8 incumbent running?

9 A. Right.

10 Q. And because you are not working with an incumbent, there  
11 are certain, you know, additional services that you have to  
12 provide to that candidate who's running for elected office,  
13 right?

14 A. Right.

15 Q. They don't have the background in fundraising; is that  
16 right?

17 A. Correct.

18 Q. They don't have the experience creating or buying  
19 advertisements; is that right?

20 A. Correct.

21 Q. They don't have the resources, you know, to develop  
22 campaign strategies?

23 A. Correct.

24 Q. And those were the types of services that JPL could  
25 provide?

1 A. Correct.

2 Q. And ultimately, those slate of candidates retained JPL to  
3 provide those services, right?

4 A. Correct.

5 Q. And those candidates paid JPL for those services; is that  
6 right?

7 A. Correct. As we saw on the bill, the retainer that they  
8 were responsible for.

9 Q. I'd actually like to go through that with you.

10 A. Sure.

11 MR. OLESKI: So, Your Honor, may we publish  
12 Government Exhibit 242B, which has been admitted?

13 THE COURT: Yes.

14 Q. Now, this is a document you looked at on your direct  
15 examination, right?

16 A. Correct.

17 Q. It's a document that you maintained in your possession  
18 and control, right?

19 A. Correct.

20 MR. OLESKI: And, PJ, if we could thumb through to  
21 page 4.

22 Q. And you indicate in your direct examination that the name  
23 in the top left corner is the candidate who's running for an  
24 open seat in the Ohio House of Representatives?

25 A. Correct.

1 Q. And in this case, that would be Jamie Callender, right?

2 A. Correct.

3 Q. Throughout the spreadsheet lists a variety of costs paid  
4 and funds raised by Team Householder, right?

5 A. Um-hmm, yes.

6 Q. And if we look --

7 MR. OLESKI: PJ, if you could cull out the Constant  
8 Content in JPL, total costs paid.

9 Q. And these candidates retained -- Constant Content was one  
10 of Mr. Longstreth's companies, right?

11 A. Right. It was -- he had Constant Content and JPL.

12 They -- it's the same concept, but they were slightly  
13 different. So Constant Content was specifically, you know,  
14 a good way to differentiate was that was specifically for  
15 the design creative mail side and JPL was kind of the  
16 catchall for everything else.

17 Q. And the candidates were paid a monthly retainer to both  
18 Constant Content and JPL for a variety of campaign-related  
19 services, right?

20 A. Correct.

21 Q. So the candidates retained and paid a monthly retainer to  
22 Constant Content for various design and creative services,  
23 right?

24 A. Correct.

25 Q. So, for example, designing mailers, right?

1 A. Correct.

2 Q. Organizing photo and film shoots, right?

3 A. Correct.

4 Q. And that's what that monthly retainer covered?

5 A. Correct.

6 Q. And then in addition, the candidates paid JPL a monthly  
7 retainer, right?

8 A. Correct.

9 Q. And that covered fundraising, correct?

10 A. Correct.

11 Q. Field staff, grassroots, strategy, and polling, right?

12 A. Correct.

13 Q. And in the contents of -- context of field staff, JPL  
14 hired, you know, five campaign aides who worked with all of  
15 these candidates, right?

16 A. Correct. For the open seats.

17 Q. JPL paid for and -- paid for polling data for these  
18 candidates, right?

19 A. Correct.

20 Q. And that was part of the retainers that these candidates  
21 were paying to these companies, right?

22 A. Correct.

23 Q. Now, the retainer didn't cover certain expenses  
24 associated with, you know, these various line items, right?

25 A. The retainer covers, you know, we can read what it

1 covers, the fundraising, field staff, grassroots. Are you  
2 referring to the physical piece of mail?

3 Q. So, for example, JPL would design a piece of mail for a  
4 candidate, right?

5 A. Correct.

6 Q. And then ultimately if the candidate wanted the mail --  
7 the mail -- the mailer produced, the candidate would have to  
8 pay for the cost of the printing and the mailing of that  
9 advertisement, right?

10 A. Yes. Which we can see by the pieces and cost per.

11 Q. And that's what we see in the bottom part of this  
12 exhibit, right?

13 A. Right.

14 Q. And you would assist Mr. Longstreth in invoicing these  
15 candidates for these various line items, right?

16 A. Correct.

17 Q. And these invoices would be sent on a regular basis; is  
18 that right?

19 A. They were sent on a -- when we say regular basis, they  
20 weren't sent very often. I can't say exactly specifically  
21 how often they were sent, but maybe, you know, once or twice  
22 around the time of the primary and then subsequently the  
23 general. So people didn't receive invoices every month, for  
24 example.

25 MR. OLESKI: Your Honor, may I show the witness

1 Householder Exhibit 472?

2 THE COURT: Yes. Show it to the witness and the  
3 lawyers.

4 Q. Do you see that on your screen, Ms. Lippincott?

5 A. I can, yes.

6 Q. Is that an email from you to Mr. Longstreth?

7 A. Yes.

8 Q. From May 15th of 2018, right?

9 A. Just like I said, right around the time of the primary.  
10 Right after it.

11 Q. And the subject is candidate invoices, right?

12 A. Yes.

13 MR. OLESKI: PJ, could you thumb -- could you scroll  
14 through the attachments.

15 If you could go back to page 1 of that exhibit, PJ.

16 Q. So do you recognize Householder Exhibit 472 to be an  
17 email that you sent to Mr. Longstreth with a variety of  
18 invoices attached?

19 A. Yes.

20 MR. OLESKI: Judge, I move to admit Householder  
21 Exhibit 472.

22 THE COURT: Any objections?

23 MS. GAFFNEY-PAINTER: No, Your Honor.

24 MR. SCHNEIDER: No objection.

25 THE COURT: It's admitted.

1 MR. OLESKI: May I publish?

2 THE COURT: Yes.

3 Q. And, you know, this would be -- these were invoices you  
4 would have sent right around the time of the primary to  
5 Mr. Longstreth, and then Mr. Longstreth -- Mr. Longstreth  
6 would send these invoices on to the various candidates; is  
7 that right?

8 A. Largely that's correct. This clearly is an email that  
9 I sent to Mr. Longstreth with the invoices for review, and  
10 then he would send them to Winterset CPA Group, and  
11 Winterset CPA Group would invoice the candidates directly.  
12 That's why it says I will forward anything that comes from  
13 Jim for, and then the list of candidates, because Jim is the  
14 representative from Winterset CPA Group.

15 Q. So Jim was an accountant who worked for Winterset who  
16 worked for Mr. Longstreth?

17 A. Right. I just wanted to clarify it but --

18 Q. I appreciate that.

19 A. -- with that correction.

20 MR. OLESKI: If we could go to page 4 of this  
21 exhibit, PJ.

22 Q. So this is an invoice that was sent to Tim Barhorst,  
23 right?

24 A. Correct, yes.

25 Q. And the line items on the invoice include the monthly



1       retainer, right?

2       **A.**     Yes, yes.

3       **Q.**     And it includes various sales, production, and postage  
4       and digital advertising, right?

5       **A.**     Yes.

6       **Q.**     And are those, you know, the various expenses that JPL  
7       advanced for these candidates?

8       **A.**     Yes.

9                   MR. OLESKI:  And PJ, if we could have Householder  
10       Exhibit 472, page 4, on the left side of the screen?

11                   Judge, if I could publish on the right side of the  
12       screen Government Exhibit 32B, page 3.

13                   THE COURT:  And that's been admitted?

14                   MR. OLESKI:  It's been admitted, yes.

15                   THE COURT:  Yes, we can publish it.

16                   MR. OLESKI:  And, PJ, on the left side, PJ, can you  
17       go to page 3.  Page 2, I'm sorry.

18       **Q.**     On page 2 is an invoice to Brian Baldrige's campaign,  
19       right?

20       **A.**     Yes.

21                   MR. OLESKI:  And, PJ, if you could cull out the  
22       Brian Baldrige check in the middle of that page on the right.

23       **Q.**     And this would reflect a check from Mr. Baldrige's  
24       campaign to JPL showing that this invoice was paid for,  
25       correct?

1 A. Correct.

2 MR. OLESKI: Could we go to page 15 of Householder  
3 Exhibit 472, PJ.

4 Q. And on the left side of the screen is an invoice to  
5 Mr. Householder's campaign for a little bit north of \$43,000,  
6 right?

7 A. Correct. Are you asking me?

8 Q. Yes.

9 A. Correct. Sorry.

10 Q. And on the right --

11 MR. OLESKI: PJ, if we could go to page 5 of  
12 Government Exhibit 32B. And if you could cull out the second  
13 to last check on that page, PJ.

14 Q. Again, a check from Mr. Householder's campaign to JPL in  
15 the amount of 43,000 and change, which would reflect that that  
16 invoice was paid for, correct?

17 A. Correct.

18 Q. And so part of your fundraising efforts was, you know, to  
19 ensure that all of these various costs and expenses were  
20 ultimately paid for, right?

21 A. Correct.

22 Q. Because ultimately --

23 MR. OLESKI: You can take that down, PJ.

24 Q. Based on your experience as a fundraiser, you know, you  
25 need to raise a lot of money in order to win a campaign,

1 right?

2 A. Right.

3 Q. And you need to raise a lot of money if you are running a  
4 slate of candidates to try to win the speakership, right?

5 A. Right.

6 Q. And you were aware that Representative Rosenberger and  
7 Representative Smith were also running a slate of candidates  
8 and they were also raising money, right?

9 A. Correct.

10 Q. And at the time you were retained, you knew that  
11 Mr. Householder individually was a prolific fundraiser?

12 A. Correct.

13 Q. And you were retained to assist the candidates in order  
14 to -- so they could raise their own funds, right?

15 A. Correct.

16 Q. And when it came to raising money, both Mr. Longstreth  
17 and Mr. Householder didn't want to pursue one single donor,  
18 right?

19 A. Correct. And there are contribution limits in Ohio.  
20 So you would only earn \$12,700, approximately, if you only  
21 pursued one donor.

22 Q. So they needed to find a variety of potential  
23 contributors in order to raise money, right?

24 A. Correct.

25 MR. OLESKI: Your Honor, if I could publish

1 Government Exhibit 201C, which has been admitted.

2 THE COURT: Yes.

3 MR. OLESKI: PJ, if you'd go to page 8 of this  
4 exhibit.

5 Q. Do you recognize this document, Ms. Lippincott?

6 A. Do you mind if I review it for a minute?

7 Q. Of course.

8 A. I'm not -- I recognize it, and I can certainly tell  
9 what it is. And I assume that I made this, but it's -- like  
10 I don't remember, sitting here, writing it.

11 Q. So in fairness, Mr. Longstreth, I believe, created this  
12 document, not you.

13 A. Okay.

14 Q. But you have seen like and similar documents?

15 A. That's what I said. I can very clearly figure out what  
16 it is, but --

17 Q. We looked at an example on your direct examination I  
18 think that you created that's somewhat similar to this  
19 document, right?

20 A. Right, right.

21 Q. And these are sort of a list of potential, you know,  
22 contributors, right?

23 A. Correct.

24 Q. With various ask amounts, you know, how much to ask for,  
25 right? And -- is that right?

1 A. Yes, yes.

2 Q. And, you know, the point is, is when you are in  
3 fundraising, you've got to kind of cast a broad net; is that  
4 right?

5 A. Correct.

6 Q. You get shot down a lot, right?

7 A. Correct.

8 Q. So you got to have a wide variety of potential  
9 contributors, correct?

10 A. Correct.

11 Q. And in fairness, this doesn't appear to be an exhaustive  
12 list of potential contributors, right?

13 A. Right. And I know you didn't ask me to try to explain  
14 it, but this looks just like a very early stage  
15 brainstorming ask type sheet as opposed to like a rigorous  
16 call sheet.

17 Q. You mentioned -- you mentioned call sheets. What are  
18 call sheets?

19 A. A call sheet is something that fundraisers use with  
20 their principals, either a list or individual sheets of  
21 paper that are used to call for donors. They would schedule  
22 a call time and make donor calls, whether it's to make a  
23 formal ask or just to check in to have a conversation to  
24 build relationships.

25 Q. And you created those kinds of call sheets for

1 Mr. Householder?

2 A. I did.

3 Q. That's because you were retained by Mr. Householder's  
4 campaign, correct?

5 A. Correct.

6 MR. OLESKI: Judge, if I could show the witness  
7 Householder Exhibit 234.

8 THE COURT: Yes, we'll show the witness and the  
9 lawyers.

10 Q. Do you recognize this document, Ms. Lippincott?

11 A. I don't recognize this specific email. Again, clearly  
12 I wrote it. It's -- nothing in here is anything that looks  
13 abnormal but this is just an email of call sheets as we just  
14 explained, probably for call time.

15 Q. And it's an email from you to Mr. Longstreth dated April  
16 27th of 2017, correct?

17 A. Correct.

18 Q. And the subject is call sheets, Friday, 4/28, right?

19 A. Correct.

20 Q. And there are a dozen or so attachments to this email,  
21 right?

22 A. Correct.

23 MR. OLESKI: Judge, I move to admit Householder  
24 Exhibit 234.

25 THE COURT: Any objections?

1 MS. GAFFNEY-PAINTER: No objection, Your Honor.

2 MR. SCHNEIDER: No objection.

3 THE COURT: It's admitted.

4 MR. OLESKI: May I publish?

5 THE COURT: Yes.

6 **Q.** And so these would be call sheet -- what's reflected in  
7 Householder Exhibit 234 is an email attaching call sheets that  
8 you have sent to Mr. Longstreth on Mr. Householder's behalf,  
9 right?

10 **A.** Correct.

11 **Q.** And so these would be call sheets that would contain  
12 donor information so that Mr. Householder could make a variety  
13 of calls on the following day, right?

14 **A.** Correct.

15 **Q.** And these call sheets would contain -- well, what would  
16 they contain?

17 **A.** A typical call sheet would -- the call sheets that I  
18 personally made, a typical call sheet will have, you know, a  
19 picture, the name, phone number, email, et cetera, a  
20 biography, and then occupation, and giving history as well.

21 **Q.** And the whole point of creating these types of documents  
22 is ultimately so that these, these various individuals will  
23 contribute money to political campaigns, right?

24 **A.** Right.

25 **Q.** And if we could look at an example of one of these call

1 sheets. So one of the attachments to this email is for a Bob  
2 Castellini. Do you see that? About fifth from the bottom, I  
3 think.

4 **A.** I see where his name is highlighted. I don't see a  
5 call sheet, though.

6 MR. OLESKI: Judge, if I could show the witness  
7 Householder Exhibit 236.

8 THE COURT: Yes.

9 **Q.** Does this appear to be the call sheet that you would have  
10 created for Mr. Householder?

11 **A.** Yes.

12 MR. OLESKI: Judge, I'd move to admit Householder  
13 Exhibit 236.

14 THE COURT: Any objections?

15 MS. GAFFNEY-PAINTER: No objection, Your Honor, but  
16 there are some phone numbers displayed. I don't know if we  
17 wanted that redacted if we're displaying.

18 THE COURT: I'm comfortable with it as is.

19 MS. GAFFNEY-PAINTER: All right. No objection.

20 MR. SCHNEIDER: No objection.

21 THE COURT: It's admitted. You can publish it.

22 MR. OLESKI: Thank you, Judge.

23 **Q.** And so this would be an example of the type of document  
24 that you would create for Mr. Householder's behalf, right?

25 **A.** Correct.



1 Q. And it, you know, indicates, you know, name, occupation,  
2 a photograph, et cetera, right?

3 A. Correct.

4 MR. OLESKI: We can take that down, PJ.

5 Q. And part of your duties and responsibilities as a  
6 fundraiser working for Mr. Householder's campaign, including  
7 draft -- included drafting those types of documents on a  
8 somewhat regular basis, right?

9 A. Correct.

10 MR. OLESKI: Judge, may I publish Government Exhibit  
11 245B, which has been admitted?

12 THE COURT: Yes.

13 MR. OLESKI: PJ, if you could just cull out the  
14 bottom email.

15 Q. Do you recognize this, Ms. Lippincott, as an email that  
16 you sent to Ty Pine in early -- or late January of 2018?

17 A. I recognize it as clearly I wrote it. Again, this is a  
18 very typical email that I would send. I, again, don't  
19 remember specifically typing out this email, but I  
20 certainly -- this is very common, yes.

21 Q. And you mentioned in your direct examination, you know,  
22 FirstEnergy's PAC can make contributions to the individual  
23 campaign committees, right?

24 A. Correct.

25 Q. And this would appear to be a request that you are asking

1 Mr. Pine to have FirstEnergy PAC contribute some additional  
2 monies to Mr. Householder's campaign, right?

3 A. Correct. It looks like I had spoken with him, and he  
4 agreed to contribute the remaining amount. So this is a  
5 follow-up with just information on how to fulfill that  
6 contribution.

7 Q. And if you look at the, I suppose it's the third  
8 paragraph where you indicated that you included a request  
9 letter and contribution return form?

10 A. Yes.

11 Q. Would that be standard practice for you?

12 A. Yes.

13 Q. And the request letter would be sort of a form letter  
14 requesting a certain contribution from the contributor, right?

15 A. Correct.

16 Q. And the contribution return form would just be where the  
17 money should be sent; is that right?

18 A. Correct.

19 MR. OLESKI: Judge, if I could show the witness  
20 Householder Exhibit 473.

21 THE COURT: Yes.

22 Q. Does this appear to be the contribution form for Friends  
23 of Larry Householder?

24 A. Correct.

25 MR. OLESKI: And if you'd go to the next page, PJ.

1 Q. And does this appear to be the request letter, the form  
2 request letter that was sent to FirstEnergy PAC?

3 A. Correct.

4 MR. OLESKI: If you'd go back to page 1, PJ.  
5 Judge, I'd move the admission of this exhibit.

6 THE COURT: Any objections?

7 MS. GAFFNEY-PAINTER: No, Your Honor.

8 MR. SCHNEIDER: No.

9 THE COURT: It's admitted.

10 MR. OLESKI: May I publish?

11 THE COURT: Yes.

12 MR. OLESKI: Thank you.

13 PJ, if you would just cull out the header.

14 Q. And in -- this contribution request form requests that  
15 checks be made payable to Friends of Larry Householder's --  
16 Friends of Larry Householder, right?

17 A. Correct.

18 Q. And that checks be sent to Friends of Larry Householder,  
19 care of you, at the State Street address, right?

20 A. Correct.

21 Q. And that State Street address is the office space that  
22 Friends of Larry Householder was leasing, right?

23 A. Correct.

24 Q. And you, you've seen similar contribution forms for  
25 Generation Now, right?

1       **A.**     Correct.

2                   MR. OLESKI:    Could we look at Government Exhibit --  
3     Judge, may I publish Government Exhibit 274A, which has been  
4     admitted?

5                   THE COURT:    Yes.

6       **Q.**     And I believe you looked at this on your direct  
7     examination.  This is an email that you sent to a Michael  
8     Dowling at FirstEnergy Corp. attaching a contribution request  
9     form and wiring instructions for Generation Now; is that  
10    right?

11      **A.**     Correct.  And a W-9.

12                   MR. OLESKI:    And if we'd go to the next page of that  
13     exhibit, PJ.

14      **Q.**     And is this a Generation Now contribution form?

15      **A.**     Correct.

16      **Q.**     And so during the 2017 to 2018 time period when you're  
17     sort of wearing two hats, working for JPL as a fundraiser on  
18     behalf of 20-some odd candidates and as a fundraiser for  
19     Mr. Householder, I assume that you have received a number  
20     of -- a number of checks, right?

21      **A.**     Correct.

22      **Q.**     And part of your -- part of your responsibilities was  
23     depositing those checks, right?

24      **A.**     For --

25      **Q.**     Well, so for the contributions that were made to the

1 individual candidates, you would forward the checks to the  
2 individual treasurer, right?

3 **A.** Correct.

4 **Q.** And in addition, during this time period, you received  
5 some checks for -- that were written or payable to Generation  
6 Now; is that right?

7 **A.** Correct. And I can deposit the Generation Now checks,  
8 but as you alluded to the candidate checks, the treasurer  
9 has to deposit himself.

10 **Q.** And for the Generation Now checks, who would give you  
11 those checks?

12 **A.** It depends on a contribution. In the same way that we  
13 discussed the email that I -- the previous email that you  
14 just showed that I sent, if I had a good enough relationship  
15 with the donor, the person, and they knew that I was going  
16 to be the one ultimately depositing the check, sometimes I  
17 would pick up checks directly from the donor of the group  
18 and do them myself. Sometimes Mr. Longstreth would give me  
19 a check and ask me to deposit it. It just depended on the  
20 individual situation.

21 **Q.** Sure. So during the 2017 to 2018 time period, you know,  
22 Team Householder is running against Team Smith; is that right?

23 **A.** Correct.

24 **MR. OLESKI:** Can we look at Government Exhibit --  
25 Judge, may I publish Government Exhibit 241D?

1 THE COURT: Which has been admitted?

2 MR. OLESKI: Which has been admitted, yes.

3 THE COURT: Yes.

4 MR. OLESKI: PJ, if you could just make that a  
5 little bigger.

6 Q. This appears to be, well, this is an email written by  
7 Mr. Longstreth and sent to a variety of individuals, right?

8 A. Correct.

9 Q. And some of these are the candidates, right?

10 A. Correct.

11 Q. Some of them are, you know, the various contractors  
12 that -- contractors and vendors that were working for JPL and  
13 the candidates, right?

14 A. Correct.

15 Q. So this would be sort of Team Householder, right?

16 A. Correct.

17 Q. And this email was sent -- well, do you recognize the  
18 date of May 8, 2018, as the date of the primary elections?

19 A. I do recognize that, yes.

20 Q. And the subject of the email is update No. 3?

21 A. Yes.

22 Q. So presumably there is an update No. 1 and No. 2 floating  
23 out there somewhere, right?

24 A. Presumably.

25 MR. OLESKI: And if we could go to the attachment,

1 PJ, which is page 2.

2 Q. And, you know, this would reflect the team -- the  
3 Householder candidates and how they were doing against the  
4 Smith candidates, right?

5 A. Correct.

6 MR. OLESKI: You can take that down, PJ.

7 Q. And, ultimately, Team Householder prevailed over Team  
8 Smith in the primary elections, right?

9 A. Correct.

10 Q. And then sort of the team's focus shifted into the  
11 general election cycle, right?

12 A. Correct.

13 Q. And again, more and more of the same. You focused on  
14 fundraising and communications. And Mr. Longstreth and  
15 Ms. Fitzmartin, Al, focused on mailers and creatives, right?

16 A. Correct.

17 Q. All to benefit the slate of candidates who you hoped  
18 would -- who would win election, right?

19 A. Correct.

20 Q. And this was -- this was a team effort, right?

21 A. Correct.

22 Q. There were a number of individuals, not just you and  
23 Mr. Longstreth, who were working on behalf of these  
24 candidates, right?

25 A. Correct.

1 Q. And ultimately you guys all had the same, the same goal,  
2 had this slate of candidates win their elections, right?

3 A. Correct.

4 Q. And that was -- it was hard work, right?

5 A. Yes.

6 Q. I'm sure you spent, you know, 60-hour workweeks, you  
7 know, blood, sweat, and tears, working to get these slate of  
8 candidates elected, right?

9 A. Correct.

10 Q. And you get to the end, you know, November, the November  
11 elections, that's sort of the finish line, right?

12 A. Sort of, yes.

13 MR. OLESKI: Judge, if I could show the witness  
14 Householder Exhibit 338.

15 THE COURT: Yes, show the witness and the lawyers.

16 MR. OLESKI: PJ, if you could make that just a  
17 little bit bigger.

18 Q. Do you recognize this as an email sent by Mr. Longstreth  
19 on November 5, 2018, to a variety of individuals?

20 A. I don't remember receiving it on Monday night, but by  
21 rereading it, yes, I recognize it and clearly I'm on it.

22 Q. And the subject of the email is here we go, right?

23 A. Yes.

24 Q. And you are one of the recipients of this email, right?

25 A. Yes.



1 MR. OLESKI: Judge, I move to admit this exhibit.

2 THE COURT: Any objections?

3 MS. GAFFNEY-PAINTER: No, Your Honor.

4 MR. SCHNEIDER: No.

5 THE COURT: It's admitted.

6 MR. OLESKI: May I publish?

7 THE COURT: Yes.

8 MR. OLESKI: Thank you.

9 PJ, if you could just make that a little bit bigger.

10 Q. And the salutation of the email from Mr. Longstreth is  
11 hi, Team Householder, right?

12 A. Yes.

13 Q. And you referenced that in your direct examination that  
14 Team Householder was more than just the slate of candidates,  
15 right?

16 A. Yes.

17 Q. It was the various individuals who were working on behalf  
18 of those candidates to get them elected, right?

19 A. Yes.

20 Q. And you recognize some of those individuals as the  
21 recipients of this email, right?

22 A. Yes.

23 Q. We spoke about Bryan Gray, right?

24 A. Yes.

25 Q. Laura Horowitz was one of the employees that your company

1 hired; is that right?

2 A. Yes.

3 Q. Brooke Bodney, who was one of the fundraisers, she is  
4 copied on this email, right?

5 A. Yes.

6 Q. And so are, you know, a variety of other people who  
7 assisted these candidates in getting elected, right?

8 A. Yes.

9 Q. And so that was your focus between 2017 and 2018, was  
10 ultimately getting these slate of candidates elected; is that  
11 right?

12 A. Yes.

13 Q. And ultimately, you were largely successful, right?

14 A. Correct.

15 Q. And in early 2019, Mr. Householder was elected speaker of  
16 the Ohio House of Representatives, right?

17 A. Correct.

18 Q. And after Mr. Householder was elected speaker, he moved  
19 out of that State Street office, right?

20 A. Correct.

21 Q. And he moved into the speaker's office at the Capitol  
22 Building, and you had little interaction with him going  
23 forward?

24 A. I mean, as far as you saying his office was in the  
25 Riffe Center, not the Capitol Building.

1 Q. Thank you.

2 A. You're welcome.

3 Q. But you had little interaction with Mr. Householder after  
4 he was elected speaker; is that fair?

5 A. Correct.

6 Q. And JPL and Generation Now also moved out of that State  
7 Street office, right?

8 A. Correct. As I mentioned earlier when we were talking  
9 about the caucus arm and the caucus apparatus, I actually  
10 also briefly mentioned the building fund. The Republican  
11 Caucus had already had a lease under Speaker Rosenberger for  
12 an office space that we absorbed when we became the caucus.  
13 So we moved into the already existing lease on Broad Street.

14 Q. And as sort of the caucus arm, you are referring to the  
15 fact that you became sort of the political arm, right?

16 A. Correct.

17 Q. And by that, you mean because Mr. Householder was elected  
18 speaker and was the leader of the Republican party, you  
19 were -- you were working as -- for his political interests; is  
20 that right?

21 A. Correct. And I think that absorb is actually a good  
22 word for it because even though these -- the infrastructure  
23 for this already existed and it's always existed, like you  
24 mentioned, he became the leader of the party so we just  
25 absorbed it. We had this office and the responsibilities to

1 take over.

2 Q. And so then the focus sort of shifts from electing a  
3 slate of candidates to, you know, in 2019, to running the  
4 caucus, right?

5 A. Correct.

6 Q. And, you know, you had very little interaction or strike  
7 that. You had little involvement in House Bill 6, right?

8 A. From the legislative standpoint --

9 Q. Right?

10 A. -- I had virtually no involvement.

11 Q. And from a political standpoint, you attended some  
12 meetings, I think you testified to?

13 A. Correct.

14 MR. OLESKI: And, PJ, if we can look at -- Judge, if  
15 I can publish Government Exhibit 502B, which has been  
16 admitted.

17 THE COURT: Yes.

18 MR. OLESKI: I'm sorry. I got the wrong exhibit  
19 number.

20 Q. You testified on direct examination that you took some  
21 meeting minutes for a June 3, 2019, meeting, right?

22 A. Correct.

23 Q. And Mr. Householder didn't attend that meeting, right?

24 A. Correct, he did not. I know that because I have read  
25 the meeting minutes, and you can very, very clearly infer

1 that he's not there. It's on the language.

2 Q. But there were a variety of other individuals that  
3 attended that meeting, right?

4 A. Correct.

5 Q. Mr. Longstreth attended the meeting, right?

6 A. Correct.

7 Q. Mr. Cespedes attended the meeting?

8 A. I would have to reread the minutes again. I assume so,  
9 but I don't want to definitively say yes or no.

10 Q. Did Ms. Fitzmartin attend the meeting?

11 A. Again, I would have to reread the meeting minutes. I  
12 assume so but don't feel comfortable giving you a concrete  
13 answer.

14 Q. Would it refresh your recollection if I showed you some  
15 interview notes that were taken?

16 A. It would.

17 MR. OLESKI: Judge, if I could show the witness her  
18 August 27, 2020, 502, page 7?

19 THE COURT: Yes.

20 A. I'm sorry. Are we talking about the August 27th  
21 meeting or a June -- what was the other date?

22 Q. What I'd like to do is show you some notes to hopefully  
23 help refresh your recollection, and then I'll ask you some  
24 questions.

25 A. Okay, sure.

1 THE COURT: Can you just ask, go back to the exhibit  
2 you were talking about?

3 MR. OLESKI: Can we go to -- thank you, Judge. Can  
4 I publish Government Exhibit 502, which has been admitted?

5 THE COURT: Yes.

6 MR. OLESKI: Thank you.

7 I'll move on, that's fine.

8 I'm sorry. Government Exhibit 503, which has been  
9 admitted.

10 THE COURT: Yes.

11 MR. OLESKI: Thank you.

12 Q. These are the meeting minutes that you looked at in your  
13 direct examination; is that right?

14 A. Correct, yes.

15 Q. And you indicated that a variety of individuals attended  
16 those -- this meeting, right?

17 A. Correct.

18 Q. And the purpose of the meeting was to develop -- was to  
19 develop a strategy to help get House Bill 6 passed, right?

20 A. Correct.

21 Q. And part of the strategy, part of the reason you needed  
22 the strategy was because there was an opposition effort  
23 already underway, right?

24 A. Correct.

25 Q. A group of individuals that were opposing the passage of

1 House Bill 6 --

2 A. Correct.

3 Q. -- right? And who were those individuals?

4 A. I can't speak to all of the individuals. I can largely  
5 say the oil and gas industry was opposed to House Bill 6.

6 If you go to the bottom of the page, Roman Numeral III,  
7 there are some specific names of lobbyists for the oil and  
8 gas industry who were opposed to it.

9 Like I kind of mentioned earlier, you know, anything  
10 that you pass, there is always going to be a for side and an  
11 against side.

12 Q. And so that was -- that was, you know, Generation Now's  
13 focus between April of 2019 and the end of July of 2019 was  
14 helping to get House Bill 6, you know, signed and passed?

15 A. Yes.

16 Q. And then ultimately there's, you know, you become --  
17 there is a referendum to try to -- to try to stop House Bill  
18 6?

19 A. After it had already been passed, correct.

20 Q. And Generation Now then focuses its effort on opposing  
21 the referendum, right?

22 A. Correct.

23 Q. And you indicate in your direct examination that that was  
24 a defensive effort, right?

25 A. Correct.

1 Q. And in addition, an organization called Ohioans For  
2 Energy Security was created to also help oppose the  
3 referendum?

4 A. Correct.

5 MR. OLESKI: Judge, if I could publish Government  
6 Exhibit 152, which has been admitted?

7 THE COURT: Yes.

8 Q. You looked at this document in your direct examination,  
9 right?

10 A. Yes.

11 Q. This is a signature card for the Ohioans For Energy  
12 Security bank account, right?

13 A. Yes.

14 Q. And you are one of the signatories?

15 A. Yes.

16 Q. And who is the other signatory?

17 A. His name is written as Charles Loparo. His name is  
18 Karl Loparo.

19 MR. OLESKI: You can take that down, PJ.  
20 Judge, a moment to confer?

21 THE COURT: Yes.

22 MR. OLESKI: Thank you.

23 Thank you, Ms. Lippincott. I don't have any further  
24 questions at this time.

25 THE WITNESS: Thank you.



1 THE COURT: Examination by Mr. Borges' counsel.

2 MR. LONG: Yes, Your Honor. May I approach?

3 THE COURT: Yes.

4 CROSS-EXAMINATION

5 BY MR. LONG:

6 Q. Good morning.

7 A. Good morning.

8 Q. We have never met. My name is Todd Long. I am one of  
9 Mr. Borges' attorneys. I just have a few questions for you  
10 today.

11 Now, I think you said that at the beginning in 2017, it  
12 was pretty much exclusively you, Mr. Longstreth, and  
13 Mr. Householder, that that was the team, right?

14 A. That's correct.

15 Q. And your role was fundraising and organizing; is that  
16 right?

17 A. Correct.

18 Q. Okay. And we just saw some call sheets, right?

19 A. Correct.

20 Q. And you've mentioned you thought one of the documents  
21 that you were shown was kind of a brainstorming ask sheet; is  
22 that right?

23 A. Correct.

24 Q. And would you come up with those kind of during team  
25 meetings?

1       **A.**     Sometimes.  I think largely when you talk about  
2       brainstorming, sometimes it ends at the individual level,  
3       sometimes at the group level so a sheet like that,  
4       specifically I can't say if that was during a team meeting  
5       or not during our team meeting but you certainly discuss  
6       with each other and that's kind of how you bounce ideas off  
7       of one another.

8       **Q.**     But the topic of fundraising would be something that you  
9       would discuss at one of those team meetings.  Would that be  
10      fair?

11      **A.**     Correct.

12      **Q.**     Now in 2017, Matt Borges was not part of Team  
13      Householder.  He wasn't in those meetings, right?

14      **A.**     Correct.

15      **Q.**     Now, also in 2017, you were involved in a discussion  
16      about the creation of Generation Now, right?

17      **A.**     I was not part of that discussion.  It was brought to  
18      me that, hey, Generation Now has been created.  I think I  
19      was maybe asked to come up with either a contribution form  
20      or a letter or something like that.  But I was not part of  
21      its creation, if that makes sense.

22      **Q.**     Okay.  The creation of Generation Now, that was by  
23      Mr. Longstreth, correct?

24      **A.**     More specifically, I think it was by Eric Lycan, who is  
25      an attorney based out of Kentucky.

1 Q. As far as you -- as far as you're aware, Matt Borges had  
2 nothing to do with the creation of Generation Now, right?

3 A. Correct.

4 Q. Regarding Generation Now's bank accounts, you testified  
5 that you deposited some checks, right?

6 A. Correct.

7 Q. And that those would either be picked up by you  
8 personally or given to you by Mr. Longstreth, right?

9 A. Correct.

10 Q. But it was Mr. Longstreth that handled the wires, right?

11 A. Correct. I would provide wiring instructions if  
12 someone asked me for them, but when you say handle wires, I  
13 believe you are saying --

14 Q. That he was personally?

15 A. Sending and receiving or?

16 Q. Sending and receiving wires.

17 A. Correct.

18 Q. Now, was he the only one that had the authority to send  
19 and receive wires?

20 A. I don't know if he was the only one, because I can't  
21 speak to if Mr. Lycan had access or other people.

22 Q. As far as your access, you did not have access to the  
23 Generation Now bank accounts, right?

24 A. That's correct.

25 Q. And you're not specifically aware of who other than

1 Mr. Longstreth would have had such access, right?

2 **A.** If anyone did, I don't know. Like I said, I just don't  
3 feel comfortable definitively saying that, you know,  
4 Mr. Lycan, for example, did or didn't.

5 **Q.** That's fine. Now, going into the 2018 election cycle,  
6 you are helping a whole slate of candidates, right?

7 **A.** Correct.

8 **Q.** And as part of that, did you help organize like a  
9 candidate's fundraising day to help educate the candidates?

10 **A.** In 2018, we -- we would organize sessions. We called  
11 them every other Thursday. I believe that in the goal of  
12 these every other Thursday sessions were to get the team  
13 together to get the slate together, and other obviously  
14 ticklers and each session had a theme to kind of educate  
15 them and give a crash course. I believe an early session  
16 was on fundraising. Whether or not we had multiple, I don't  
17 remember. But I very strongly believe that we had a  
18 fundraising session.

19 **Q.** So you said there was like an every Thursday, kind of a  
20 team session for the whole slate of candidates and some  
21 stakeholders; is that right?

22 **A.** Every other Thursday.

23 **Q.** Every other Thursday?

24 **A.** And that doesn't definitively mean it was every other  
25 Thursday. It was just kind of the phrase given to it.

1 Q. Okay. Now, did you help organize those every other  
2 Thursday meetings?

3 A. I did.

4 Q. And how would you invite attendees?

5 A. Largely over email, sometimes over text. Sometimes a  
6 phone call. Just getting in touch.

7 Q. Okay. And your company, Anna Lippincott, is it Anna  
8 Lippincott LLC?

9 A. Anna Lippincott and Associates LLC.

10 Q. You were subpoenaed by the government by the grand jury,  
11 correct?

12 A. Correct.

13 Q. And you produced a number of documents to the government,  
14 correct?

15 A. Correct.

16 Q. Okay. But you also said, I believe on direct, that at  
17 some point after the referendum had ended that Mr. Longstreth  
18 and Mr. Clark both told you to delete records, is that right?

19 A. Correct.

20 Q. But you still had a number of records that you did not  
21 delete and that you turned over, correct?

22 A. I deleted the records off my computer. And I believe I  
23 was asked to delete the records off my computer. But I kept  
24 the files for all the office, and I kept all of the physical  
25 paper files for anything related to the referendum.

1 Q. You didn't delete your email account, though, correct?

2 A. Correct, I did not.

3 Q. And you didn't delete your cell phone; is that correct?

4 The contents of your cell phone, you didn't go through and  
5 delete?

6 A. I didn't wipe my cell phone if that's what you are  
7 asking.

8 Q. That's what I am asking.

9 A. I didn't wipe my cell phone but I also want to note my  
10 texts automatically delete after -- on iPhone you can set a  
11 time period. My texts do automatically delete every I think  
12 like 30 days is the standard. So I didn't wipe my cell  
13 phone but records might not exist because they automatically  
14 delete.

15 Q. Okay. Now, you also said that having your own entity,  
16 for instance, your LLC, that that was very common in the  
17 political world; is that right?

18 A. That's correct.

19 Q. And so political consultants often have an LLC or an  
20 entity of some sort. Is that fair?

21 A. It's extremely common, yes.

22 Q. Now, the two consultants that you ended up contracting  
23 with in the 2018 cycle, did they also have their own entities?

24 A. They did.

25 Q. Okay. So as I understand it then, Jeff Longstreth's

1 entity, JPL, contracted with your entity, Anna Lippincott and  
2 Associates, and then you contracted with two other entities?

3 A. Correct.

4 Q. But your LLC is really you; is that fair?

5 A. Correct.

6 Q. And the two consultants that you hired, was that kind of  
7 the same for them? That they were their entity?

8 A. Yes. And while a person is their own entity, the  
9 benefit of using an entity is because then you can contract  
10 with multiple entities. So as I mentioned, I was contracted  
11 by Mr. Longstreth and Friends of Larry Householder.

12 Q. Now, did you help organize on behalf of Friends of Larry  
13 Householder anything in relation to the 2019 state of the  
14 state ceremony?

15 A. I did. I organized a breakfast type of reception. I  
16 don't -- maybe meet and greet is what you would call it that  
17 the speaker wanted to put on because the state of the state  
18 is when the governor speaks to his chambers.

19 Q. Now, what type of people would you invite to that  
20 reception?

21 A. I don't remember everyone who was invited. I believe  
22 maybe certain members or candidates were invited. Obviously  
23 Mr. Householder, and then donors, stakeholders, maybe some  
24 other -- when I say contractors, you know, maybe other  
25 principals of companies that we were doing work with. But

1 largely donors, lobbyists, stakeholders.

2 **Q.** You did not invite Matt Borges, correct?

3 **A.** I don't remember, but I doubt it.

4 **Q.** Is that because Matt was kind of known as a John Kasich  
5 guy?

6 **A.** In the context of that specific breakfast, I don't know  
7 that I specifically said I'm not inviting Matt Borges  
8 because he is a John Kasich guy but at that time he was  
9 known as a Kasich person who did not fit in with the rest of  
10 the demographic.

11 **Q.** Is it fair to say that Matt was at that time and probably  
12 before then kind of considered an outsider?

13 **A.** Correct.

14 **Q.** On direct, you were asked about, I believe, Coalition for  
15 Term Limits?

16 **A.** Correct.

17 **Q.** Did you do fundraising for that initiative as well?

18 **A.** Coalition for Term Limits was set up in the spring of  
19 2020, so it had a pretty short lifespan because things kind  
20 of stopped in July of 2020. There was very little  
21 fundraising done. I was given, I believe, two checks for  
22 Coalition for Term Limits.

23 **Q.** Would that have been Jeff Longstreth who gave you those  
24 checks?

25 **A.** He didn't give me the checks. I went and picked up



1 both checks, but I wasn't actively fundraising into it.

2 Mr. Longstreth said, hey, will you connect with this person

3 and go pick up a check from them.

4 **Q.** So who was involved in the Coalition for Term Limits? It  
5 was you, Mr. Longstreth, and I believe you said an attorney.

6 Without going beyond that, was that your understanding?

7 **A.** Yes.

8 **Q.** Now, going back to a company called Lincoln Strategy. Do  
9 you recall that?

10 **A.** I do, yes.

11 **Q.** And you said you and Mr. Clark were the primary points of  
12 contact with Lincoln Strategy.

13 **A.** Correct.

14 **Q.** And was the person whom you would contact at Lincoln, was  
15 her name Meghan?

16 **A.** Her name was Meghan, but Meghan with an "H" and not  
17 Fitzmartin.

18 **Q.** Was it Meghan Cox?

19 **A.** Yes, I think that's her last name.

20 **Q.** And it was Lincoln Strategy that was in charge of kind of  
21 hiring petition companies and individuals; is that right?

22 **A.** Right. Lincoln Strategies, like I said, you know,  
23 Mr. Clark and I didn't really deal with the petition people  
24 ourselves. Everything went through Lincoln Strategies.

25 They organized the people and the firms and the various

1 people within the industry and then fed them to us.

2 Q. Now, you said that on direct, that a guy stopped by your  
3 office. He had actually called you on your personal cell  
4 phone.

5 A. Correct.

6 Q. And that he dumped a bunch of gross and smelly paperwork  
7 on the table?

8 A. Correct.

9 Q. And you put it right in the trash; is that right?

10 A. Correct.

11 Q. You didn't even look at it?

12 A. Correct.

13 Q. So you didn't call Neil Clark and say, you know, Neil,  
14 I've got all this paperwork. Come look at it?

15 A. I called Neil and we laughed about the situation that  
16 we were just in. Neil came over to the office, looked in  
17 the trash can at the smelly papers, and we all laughed. But  
18 that was the extent of -- that was the extent of that.

19 Q. He didn't dig the paperwork out of the trash can?

20 A. Not to my recollection.

21 MR. LONG: Your Honor, if I may confer, I may be --

22 THE COURT: Yes.

23 MR. LONG: Your Honor, I have no further questions  
24 of this witness.

25 THE COURT: Thank you, sir.

1 Redirect from the government, if any.

2 MS. GAFFNEY-PAINTER: No redirect, Your Honor.

3 THE COURT: Very well.

4 Ma'am, you appear to have stopped. You are free to go.

5 THE WITNESS: Thank you.

6 THE COURT: The government is releasing this  
7 witness, correct?

8 MS. GAFFNEY-PAINTER: Yes, Your Honor.

9 THE COURT: Take care.

10 (Witness was excused.)

11 THE COURT: This would appear to be a good  
12 opportunity to take our lunch break. I am trying to figure  
13 out a way to tell you we weren't going to feed you today, just  
14 to jerk your chain, but we are going to feed you. We want you  
15 to have a good break, a good lunch, and not discuss the case  
16 among yourselves or with anyone else. No independent  
17 research. No checking out the media, and continue to keep an  
18 open mind.

19 We'll break until 1:30. We'll rise as you leave.

20 THE COURTROOM DEPUTY: All rise for the jury.

21 (Jury exited the courtroom at 12:10 p.m.)

22 THE COURT: Jury's left the room. As always, we'll  
23 wait until we are advised that they have cleared the floor.  
24 You are welcome to be seated or stand as you choose.

25 (Pause.)

1           Lunchtime. We will see you at 1:30. We are in recess  
2 until then.

3           THE COURTROOM DEPUTY: This court is in recess until  
4 1:30.

5           (Recess from 12:12 p.m. until 1:30 p.m.)

6           THE COURT: Back on the record in the courtroom  
7 outside the presence of the jury.

8           Are we ready for the jurors from the government's  
9 perspective?

10          MR. SINGER: Yes, Your Honor.

11          THE COURT: And from Mr. Householder's?

12          MR. BRADLEY: Yes, Judge.

13          MR. SCHNEIDER: Yes.

14          THE COURT: Very well. Let's call for the jury.

15          (Pause.)

16          (Jury entered the courtroom at 1:32 p.m.)

17          THE COURT: You may all be seated. Thank you.

18          The 14 members of the jury, welcome back after lunch. I  
19 thought I heard giggling.

20          We are ready to proceed. Where do we stand from the  
21 government's perspective?

22          MR. SINGER: Your Honor, the government calls Juan  
23 Cespedes.

24          THE COURT: Very well. We will call for the  
25 witness.

1           Juan Cespedes, if you'd be willing to approach the woman  
2 with the red hair. And if you would pause where you are, sir,  
3 for the taking of the oath to tell the truth, right hand is  
4 raised. Please proceed.

5           (Witness sworn.)

6           THE COURT: Sir, you can come up to the witness  
7 stand. I tell everybody this seat tips back, just full  
8 disclosure. You are welcome to be seated. And ultimately we  
9 will need you to move close to that microphone.

10          (Witness took the stand.)

11          THE WITNESS: Must I keep my mask on?

12          THE COURT: You may take your mask off.

13          Thank you.

14          MR. SINGER: Your Honor, may I approach the podium  
15 and examine the witness?

16          THE COURT: Yes.

17          MR. SINGER: Thank you.

18   **JUAN CESPEDES,**

19 of lawful age, Witness herein, was examined and testified as  
20 follows:

21   **DIRECT EXAMINATION**

22 BY MR. SINGER:

23 **Q.**    Good afternoon.

24 **A.**    Good afternoon.

25 **Q.**    Can you state your name and spell it for the court

1 reporter, please.

2 **A.** Yes. My name is Juan Cespedes. First name J-U-A-N,  
3 last name C-E-S-P-E-D-E-S.

4 **Q.** Mr. Cespedes, can you please describe your educational  
5 background?

6 **A.** Yes. I am a 1997 graduate of Lorain Catholic High  
7 School. I then proceeded to attend Ohio State University  
8 and graduated in 2002 with a degree in business finance.

9 **Q.** And could you please tell the jury about your  
10 professional background?

11 **A.** Yes. Shortly after graduating college, I secured  
12 employment in the state treasurer's office as a member of  
13 Joe Deters' treasurer's office. I worked as a finance  
14 officer there for the better part of four years, from '02 to  
15 '06. I left that office to start my consulting group, The  
16 Oxley Group, and that remained my main place of work until  
17 July of 2020.

18 **Q.** Can you explain whether at some point you did work for a  
19 company called FirstEnergy Solutions?

20 **A.** Yes, I did. Also, as an addition to my work  
21 experience, I also was appointed three state boards and  
22 commissions during my tenure as a consultant to The Oxley  
23 Group. The first was as a Civil Rights Commissioner,  
24 appointed by John Kasich, to a term of six years. I also  
25 served on the Ohio Arts Council, appointed by John Kasich

1 and reappointed by Governor DeWine. In addition, I worked  
2 on the Capitol Square Career Advisory Board as one of three  
3 civilian members on that board for the better part of six  
4 years.

5 **Q.** What time period are you talking about when you describe  
6 those experiences?

7 **A.** Yes. The Civil Rights Commission, my -- I resigned in  
8 2020 of July. I would have been appointed in 2016.

9 My term on the Ohio Arts Council, I similarly resigned  
10 in July of 2020. I would have been appointed in 2014.

11 And the Capitol Square Career Advisory Board, I also  
12 would have been appointed in and around 2014, 2012 to 2014.

13 **Q.** Thank you. And can you describe whether you did any work  
14 for a company called FirstEnergy Solutions?

15 **A.** Yes, I did work for FirstEnergy Solutions.

16 **Q.** Can you generally describe what type of work you did?

17 **A.** Yes. I was hired as a political consultant, both to  
18 give overall strategy and also provide lobbying services to  
19 FirstEnergy Solutions.

20 **Q.** And what is FirstEnergy Solutions?

21 **A.** FirstEnergy Solutions is a subsidiary of FirstEnergy,  
22 the parent company. They primarily own two nuclear plants  
23 associated with the portfolio.

24 **Q.** And in your role working for FirstEnergy Solutions, were  
25 you aware of the relationship between FirstEnergy Solutions

1 and any parent company?

2 **A.** Yes. I had knowledge of a strong relationship between  
3 the two entities.

4 **Q.** And can you describe that, please?

5 **A.** Yeah, of course. As I was hired by the subsidiary, I  
6 was introduced to executives who were hired either while I  
7 was initially being on board or shortly thereafter. And in  
8 almost all cases, those executives were former executives or  
9 employees of the parent company.

10 I could give you the example of the CEO, John Judge;  
11 the director of government relations, Dave Griffing.  
12 Obviously, you know, all the plant people remained in place.  
13 But the executive suite was definitely made up of former  
14 employees.

15 **Q.** And when you say "parent company," who are you referring  
16 to?

17 **A.** I am referring to FirstEnergy as the parent company.

18 **Q.** And during the time that you worked for FirstEnergy  
19 Solutions, let's say when you first started working for  
20 FirstEnergy Solutions, can you describe the relationship  
21 between FirstEnergy Solutions and FirstEnergy, the parent  
22 company?

23 **A.** Correct. When I first was engaged, the parent company  
24 was attempting to, or had attempted to secure a subsidy for  
25 nuclear power plants in the prior general assembly. At the



1 time, the subsidiary was in a managed bankruptcy and the  
2 parent company was attempting to secure a subsidy in order  
3 for the deal to go through.

4 The climate on Capitol Square for the proposed subsidy  
5 was not good in that administration when they attempted.  
6 They failed to secure the subsidy they were looking for so  
7 they had engaged me to basically do research to understand  
8 not only what the current landscape looked like but what the  
9 future prospects of legislation would be.

10 **Q.** Okay. Did you do some things during your time as a  
11 FirstEnergy Solutions consultant that you are not proud of as  
12 you sit here today?

13 **A.** Correct.

14 **Q.** And did you do some things that were illegal?

15 **A.** Yes, I did.

16 **Q.** Have you accepted responsibility for that conduct?

17 **A.** I have.

18 **Q.** And how have you accepted responsibility for the conduct?

19 **A.** Well, sir, I am here today obviously to tell the truth  
20 and to be accountable for my actions. I -- shortly after  
21 being arrested, I obviously, you know, signed an agreement  
22 that stated, in fact, my guilt, which I accept, and I'm here  
23 to tell the truth and to be accountable for it.

24 **Q.** So did you plead guilty to a charge?

25 **A.** I did plead guilty.

1 Q. And what was that charge you pled guilty to?

2 A. Conspiracy to racketeer.

3 Q. Can you tell the jury what you did?

4 A. Yes. I did many things as part of this conspiracy that  
5 were illegal. Initially, as a consultant for FirstEnergy  
6 Solutions, who was my client, I directed and coordinated a  
7 half million dollars in political contributions from my  
8 company FirstEnergy Solutions into Generation Now, which is  
9 a 501(c)(4) that's managed by Jeff Longstreth and Larry  
10 Householder for the purpose of getting legislation  
11 introduced and passed.

12 Secondly, I also coordinated and directed \$15 million  
13 of money from FirstEnergy Solutions, my client, again, to  
14 Generation Now for the purpose of passing said legislation.

15 After that, I again coordinated in the amount of over  
16 \$35 million, contributions from FirstEnergy Solutions, my  
17 client, to Generation Now, which was a (c)(4) again  
18 controlled by Jeff Longstreth and Mr. Householder, all for  
19 the purpose of defending our legislation and protecting some  
20 of the representatives who we cared about at the time.

21 I also participated and acknowledged an attempt by our  
22 campaign to secure information from opposition campaign in  
23 the form of exchanging confidential information for a  
24 financial bribe.

25 Q. Did you tell the government about this conduct --

1 A. I did.

2 Q. -- prior to today?

3 A. I did.

4 Q. And did you enter a plea agreement with the government?

5 A. I did.

6 Q. Why did you plead guilty to conspiracy to commit a  
7 racketeering offense?

8 A. The easy answer is that I did it. I am guilty of  
9 the -- of the charge. Not proud of it, but I want to be  
10 accountable. You know, I obviously believe I'm a good  
11 person. I feel like I showed poor judgment, and I had to  
12 accept, you know, what I did was wrong.

13 Q. And what does that plea agreement require you to do?

14 A. The plea agreement requires me to be honest going  
15 forward and participate, obviously, in this trial.

16 Q. Mr. Cespedes, did you want to be here today?

17 A. No.

18 Q. All right. Let's talk about the work that you did for  
19 FirstEnergy Solutions. Around when did you start working on  
20 behalf of FirstEnergy Solutions?

21 A. My tenure with FirstEnergy Solutions I believe started  
22 somewhere around March of '18. I initially, as I mentioned  
23 before, I was hired to do research and to basically figure  
24 out what had gone wrong during that first legislative effort  
25 that failed and then report back to the company my findings,

1 to give advice and counsel and how to proceed moving  
2 forward.

3 **Q.** And how much were you getting paid by FirstEnergy  
4 Solutions?

5 **A.** I believe my retainer at the time was \$10,000 a month.

6 **MR. SINGER:** May we please show the jury what's been  
7 previously admitted into evidence as Government's Exhibit  
8 322F?

9 **THE COURT:** Yes.

10 **Q.** It's not yet up. It will be a moment.

11 **A.** I do.

12 **Q.** What is it?

13 **A.** This is a scope of service that I created for  
14 FirstEnergy Solutions that was a part of my contract upon  
15 them retaining me.

16 **Q.** And who wrote this scope of services?

17 **A.** I wrote the scope of services.

18 **Q.** Now, you mentioned The Oxley Group previously. What is  
19 The Oxley Group?

20 **A.** The Oxley Group is a federal consulting firm which I  
21 own and operate.

22 **Q.** Can you read the first paragraph of this document?

23 **A.** Yes, I can. First paragraph starts, The Oxley Group is  
24 an Ohio-based government relations firm. We specialize in  
25 handling client matters before legislative and executive

1 government in Ohio. We understand that we have been  
2 retained to assist FirstEnergy Solutions in attaining  
3 necessary funding through government action to allow for the  
4 financial stability/sustainability of its two nuclear power  
5 plants.

6 **Q.** Now, what is the purpose of this scope of services  
7 document?

8 **A.** The scope of services document basically is just to  
9 provide some accountability on all the work that I would be  
10 doing on the company's behalf in order to -- and obviously  
11 as an addendum to a contract to state what I am being paid  
12 for.

13 **Q.** There is a reference to two nuclear power plants. Where  
14 are those power plants?

15 **A.** Those power plants are in Northern Ohio, and they were  
16 the -- they were the bulk of the portfolio for FirstEnergy  
17 Solutions. They obviously had been owned by FirstEnergy,  
18 and they were what we were looking for our subsidy for.

19 **Q.** There is a reference there to government action. What  
20 does that mean, government action in this context?

21 **A.** Government action in this context is we were looking  
22 for legislation that would provide us financial stability in  
23 those power plants.

24 **Q.** All right. Let's go through these bullets. Can you read  
25 the next sentence and then the first bullet, please.

1     **A.**     The items listed below.  Some of the responsibilities  
2     and roles to be included in this contract.

3             The first is gather political intelligence related to  
4     previous legislative efforts made on behalf of FES and the  
5     Ohio legislature and report back the findings to FES.

6             The second is participate in the process --

7     **Q.**     Mr. Cespedes, let's stop there and go through that.

8             There is a reference to gather political intelligence.  
9     What did you understand that to mean?

10    **A.**     Gather political intelligence meant that I would speak  
11    to the current sitting state reps and senators, to  
12    understand why the previous effort failed.

13    **Q.**     And that leads to the next question.  It says previous  
14    legislative efforts.  What is the previous legislative efforts  
15    that this is referring to?

16    **A.**     There was a bill that was drafted that was titled ZEN  
17    that accomplished what the parent company hoped to  
18    accomplish with securing funding that was introduced in a  
19    prior legislature, but it did not have universal support.  
20    And it did not go very far.

21    **Q.**     What type of funding did the ZEN legislation attain, hope  
22    to attain?

23    **A.**     The idea of the ZEN legislation was to secure the money  
24    necessary to keep the two nuclear power plants at a  
25    profitable level.

1 Q. And how were they -- how did the ZEN legislation hope to  
2 get that?

3 A. It was a tax -- it was a taxpayer funded -- it was a  
4 taxpayer funded support.

5 Q. So was this ZEN legislation introduced?

6 A. The ZEN legislation did have a sponsor. It was  
7 introduced but never made it outside of the committee, I  
8 believe.

9 Q. And so when you were initially hired, what was your role  
10 with FirstEnergy Solutions with regards to the ZEN  
11 legislation?

12 A. It was -- it was simply checking on individual  
13 legislators who were there at the time to see if it made  
14 sense to reintroduce something in a lame duck session, or if  
15 we should wait and -- till the next general assembly to  
16 introduce a bill that would accomplish our needs.

17 Q. And what did you learn about the previous legislative  
18 effort and why -- why it was in the state that it was at the  
19 time that you were hired?

20 A. The previous legislative effort did not have support  
21 from leadership, really in any branch of government, the  
22 House, the Senate, or the governor's office. It also was a  
23 piece of legislation that appeared to be rushed, and the  
24 lobbying effort on that legislation was very aggressive.  
25 And it was aggressive because not only the company needed

1 money, but they needed it in a fairly short amount of time.

2 So there were some really ruptured relationships caused  
3 by the way it was lobbied. It was not overseen, and it was  
4 not going to move forward.

5 **Q.** And based on the work that you did for FirstEnergy  
6 Solutions, were you aware who from FirstEnergy was pursuing  
7 this ZEN legislation?

8 **A.** Yes. I mean, obviously at a company level, you know,  
9 it was CEO on down, but the primary point of contact who was  
10 doing the job that I would be also doing is a gentleman by  
11 the name of Ty Pine.

12 **Q.** Can you read bullet two, please?

13 **A.** Bullet two states, participate in the process of  
14 selecting a proposed solution to market to the current  
15 general assembly and governor's office.

16 **Q.** And in this context, what do you mean by market?

17 **A.** Market basically in this context means for me to sell,  
18 for me to shop around to different members of the  
19 legislature to get by in, to get their support and try to  
20 move forward.

21 **Q.** All right. Can you read the third bullet for us, please?

22 **A.** The third bullet states, assist in crafting a dual  
23 strategy approach to achieve our desired goal. The first  
24 strategy will be geared towards the current administration  
25 and getting a resolution in the post-election lame duck



1 session. The second will focus on making our issue a  
2 campaign priority for incoming elected officials to achieve  
3 a solution in the first quarter of 2019.

4 **Q.** All right. Mr. Cespedes, what did you understand this to  
5 mean?

6 **A.** From my perspective, I didn't know, you know, what  
7 would be the best solution initially. And through my  
8 conversations, it was my job to basically assess whether  
9 this was something that we could reintroduce very quickly or  
10 whether this was something that we would wait until the next  
11 general assembly to introduce.

12 **Q.** And so what was the status of this ZEN legislation at the  
13 time that you entered into the scope of services?

14 **A.** It was -- it was dead by all means. It was not  
15 something again that had any universal support. I believe  
16 it was -- I don't even know if it had been assigned a  
17 committee, but if it was it did not have a hearing.

18 **Q.** Okay. Can you read the fourth bullet, please?

19 **A.** The fourth bullet states, facilitate meetings with Ohio  
20 legislatures and other interested parties on behalf of FES.  
21 In addition, advocate on behalf of FES to all stakeholders  
22 in the Ohio legislature and executive branches of  
23 government.

24 **Q.** So what did you understand this to mean?

25 **A.** This was basically sort of a key role, you know. For

1 me it was setting up meetings with all the interested  
2 parties so that I could get the executives of FES initiated  
3 and greet, you know, members in the Statehouse as they took  
4 over this initiative from the parent company.

5 **Q.** And can you describe what's required to pass legislation  
6 in Ohio generally?

7 **A.** Generally speaking, you need support from the major  
8 stakeholders in both chambers, the House and Senate and also  
9 the governor's office.

10 **Q.** Can you read bullet five, please.

11 **A.** Bullet five states, provide information and resources  
12 to other professionals who are engaged in our effort. This  
13 includes assisting the public relations team and any other  
14 consultants engaged by FES.

15 **Q.** Generally, what did this mean?

16 **A.** At that time, I was the first consultant on board, but  
17 it was obvious that in order to accomplish this, we would  
18 need a bigger team. So I think this was really just  
19 pointing to the fact that I would be leading the effort and  
20 managing the consultants who came underneath me.

21 **Q.** Okay. And can you finally read that last bullet, please?

22 **A.** Yes. The last bullet states, provide updates on the  
23 consistently changing Ohio political landscape to FES  
24 leadership. This information will center upon the upcoming  
25 November election and its impact on our issue.

1 Additionally, consistent updates on the pending House  
2 Speaker race and the movement with the GOP house caucus  
3 reply.

4 **Q.** What did you understand this to mean?

5 **A.** It was obviously a point of election and this simply  
6 meant that I would be reporting back to the company to let  
7 them know who the likely elected officials that we would be  
8 working with in the following general assembly in the  
9 executive offices would be post election.

10 **Q.** And so why did the scope of work specifically mention the  
11 House Speaker race?

12 **A.** Well, the House Speaker race was the most pivotal race  
13 to us. I mean, obviously, the current House Speaker at this  
14 time was someone who was aware of this ZEN legislation and  
15 was not someone who supported it. And, obviously, from  
16 our -- from the knowledge that I had at this time and then  
17 even more going forward, it was apparent to us that Speaker  
18 Householder was in support of our legislation and would  
19 introduce the legislation.

20 **Q.** Who was the Speaker at the time that you entered this?

21 **A.** This would have been during the Speaker's transition  
22 but Ryan Smith would have been the Speaker at this time.

23 **Q.** Okay. What did you know about the candidates for Speaker  
24 at this time?

25 **A.** At this time, what I knew about Speaker Householder was

1 that he had a close political relationship with the parent  
2 company. Apparently, he had been Speaker before. He was a  
3 very sophisticated politician, a very good negotiator, knew  
4 how to count votes. Was very, very good on our issue. He  
5 was the preferred winner in this race, obviously, and  
6 someone who we wanted to support.

7 Ryan Smith was a little bit of an unknown commodity.  
8 He had replaced a prior Speaker of the House and did not  
9 have a lot of experience and wasn't really there long enough  
10 to make an impact where I would have enough to say about  
11 him.

12 **Q.** How likely did you believe at the time that the  
13 legislation would be passed before the November 2018 election?

14 **A.** I had little faith in that. I knew that would not  
15 happen. I mean, I definitely spoke to as many people as  
16 possible to get a gauge on if that was something that there  
17 was appetite for and, in fact, there was no appetite for  
18 that.

19 **Q.** All right. So starting this role, who were you answering  
20 to at FirstEnergy Solutions?

21 **A.** In this role when I first started, I was answering to  
22 the director of government relations, a gentleman named Dave  
23 Griffing, and also, to a lesser extent, the president, Don  
24 Maul.

25 **Q.** And did the person that you answered to, did that change

1 as you moved forward under the contract?

2 **A.** It did. It did. Our president was replaced with a new  
3 presidency by the name of John Judge and we also had a  
4 change in our executive structure on our board of directors,  
5 which caused me to report to additional members of that team  
6 as well.

7 **Q.** And can you describe whether or not FirstEnergy Corp.,  
8 the parent company, and FirstEnergy Solutions, the subsidiary,  
9 were coordinating their efforts relating to the passage of the  
10 nuclear legislation?

11 **A.** Yeah, I can speak to it, of course. There was a lot of  
12 coordination when I was first hired. We did a conference  
13 call that included members of both teams. I will say from  
14 an information sharing perspective, we were expected to  
15 share our information, our resources and report sort of back  
16 to the parent company, if you will. Whereas they did not  
17 share much information with us. So I feel like the  
18 communication flow was a bit one sided, but it was  
19 absolutely coordinated.

20 **Q.** And you mentioned that the individuals that you reported  
21 to changed over time. Was there another individual that you  
22 reported to during your time at FirstEnergy Solutions?

23 **A.** Yes. I initially reported to John Kiani, who is the  
24 executive chairman of FirstEnergy Solutions. He was  
25 introduced, you know, as somebody that I would report to at

1 a later date obviously.

2 **Q.** And what was Mr. Kiani's background?

3 **A.** Mr. Kiani actually managed and owns a hedge fund by the  
4 name of Cove Key. It's a very sophisticated energy hedge  
5 fund. He's operated for a number of years. Has an energy  
6 background dating back to his days working for Enron.  
7 Through his hedge fund specifically what he would do is he  
8 would accept individual investments or corporate investments  
9 and manage it with his energy strategy obviously.

10 **Q.** Can you explain to the jury what a hedge fund is?

11 **A.** Yes. A hedge fund basically is, it's a pool of assets,  
12 right. It's a fund and you raise money from individuals or  
13 corporations, and then they allow you to trade and manage  
14 that money as they will.

15 In this case, the owner/operator is an energy  
16 professional who had significant energy experience. So he  
17 would make trades on commodities which would then usually  
18 return profits for those investors year over year.

19 **Q.** And how is it that Mr. Kiani became involved in  
20 FirstEnergy Solutions?

21 **A.** Mr. Kiani became involved as a sort of activist  
22 investor. He invested money into the subsidiary with  
23 others, and then he was given a board seat on our board of  
24 directors where he had oversight in management of the  
25 professional team.

1 Q. Can you explain whether you know whether the bailout was  
2 important to FirstEnergy Solutions?

3 A. The bailout was very, very much important for  
4 FirstEnergy Solutions. It was the only way that the two  
5 nuclear power plants could remain competitive and profitable  
6 going forward. So the bailout to FirstEnergy was important  
7 because they wanted to rid themselves of the nuclear power  
8 plants, but it was especially important to the investors who  
9 were coming into FirstEnergy Solutions because it would make  
10 the company much more profitable.

11 Q. Did Mr. Kiani ever tell you what his plans were should  
12 the legislation relating to the nuclear power plants pass?

13 A. Yes, he did. Obviously --

14 MR. BRADLEY: Objection, Your Honor.

15 THE COURT: Excuse me. There is an objection.

16 Basis?

17 MR. BRADLEY: Hearsay.

18 MR. SINGER: Co-conspiracy statement, Your Honor.

19 THE COURT: Co-conspiracy statement? The Court's  
20 already ruled on that. Objection's overruled.

21 A. May I continue?

22 Q. Yes.

23 A. May you restate the question?

24 Q. Yes. Did Mr. Kiani ever tell you what his plans were if  
25 the nuclear legislations were to pass?

1     **A.**     Yes, he did.  Obviously, as an investor and as someone  
2     who was a resident of Texas, his plan wasn't to remain in  
3     Ohio long term.  He was someone who came in, you know, lead  
4     an organization out, made changes, made it profitable, and  
5     would sell.  So his long-term plan was to sell the asset  
6     after the subsidy was secured.  But the sale of the asset or  
7     the opportunity to sell came much sooner than he had  
8     expected.

9     **Q.**     Now, what kind of a boss was Mr. Kiani?

10    **A.**     Mr. Kiani was a very, very hands-on boss.  He was very,  
11    very intelligent, very smart, very demanding.  Extremely  
12    demanding of not only himself but his employees.

13             He was someone who had a, just a very strong motor.  He  
14    worked 24/7, and it was -- it was not unlikely to get a call  
15    from him wee hours of the morning or super late at night.  I  
16    mean, he was a very, very aggressive boss.

17    **Q.**     All right.  So let's talk about your experience at the  
18    time.  Can you describe your experience in politics at the  
19    time you were hired by FirstEnergy Solutions in 2018?

20    **A.**     At that time, my experience in politics was that I had  
21    owned and operated my lobbying firm since 2006.  I also had  
22    a consulting firm that I had started a little bit later,  
23    which I solely owned.  The reason I did that was because my  
24    consulting firm actually had, I had one business partner in  
25    the consulting firm and I wanted to have another firm that



1 was just me if other work was needed.

2 At that point, I primarily was an executive lobbyist,  
3 meaning that I really focused on the executive agencies and  
4 contract work for companies. So I did not up until this  
5 point in time have any legislative clients or represent  
6 anybody in the legislature.

7 **Q.** Can you describe other projects that you had worked on  
8 that was similar to what you were doing, what you were hired  
9 to do for FirstEnergy?

10 **A.** Not similar to what I did for FirstEnergy, no.

11 **Q.** And can you describe any other clients that you worked  
12 for that were similarly situated as FirstEnergy Solutions?

13 **A.** FirstEnergy and FirstEnergy Solutions were really the,  
14 I mean, from the standpoint of being a publicly-traded  
15 company and the scope and size, I did not have anybody else  
16 in my portfolio nearly that robust.

17 **Q.** And can you describe whether you worked on any  
18 legislation that was similar in scope to the nuclear  
19 legislation that you are describing right now?

20 **A.** I did not.

21 **Q.** Can you describe how you felt when you were hired by  
22 FirstEnergy Solutions to work on this project?

23 **A.** I was extremely excited. You know, I felt very, very  
24 fortunate for me. It was a major opportunity to build sort  
25 of a new book of business. As I said, I was focused on

1 executive government. This was working with the marquee  
2 client in the legislative arena. So if I would have had  
3 success with this particular client, it would lead to a lot  
4 more work in that respect. So it was -- it was a wonderful  
5 opportunity for me.

6 **Q.** And can you explain whether you felt any pressure in this  
7 new role?

8 **A.** Yes, yes, of course. There was a significant amount of  
9 pressure to get this legislation done and, you know, really  
10 not only for my -- not only for my employee/boss  
11 relationship but also just with the magnitude of the bill  
12 was, you know, trying to preserve the nuclear power plants  
13 obviously. The context that I had at the time regarding  
14 everything from job loss to, you know, sustainability, and  
15 so forth.

16 **Q.** Now, after entering your agreement with FirstEnergy  
17 Solutions, did you have a plan for how you wanted to get this  
18 legislation passed?

19 **A.** Well, it became obvious to me very quickly was having  
20 success in the upcoming elections to get new leadership was  
21 most vital to us being successful. I did not have a  
22 legislative plan, per se, from the standpoint that I am not  
23 an energy professional, but what I did do and what I do  
24 understand is the relationships and how things become easier  
25 to accomplish if you have a buy-in from leadership. So my

1 first order of business was trying to do everything I could  
2 to help the company put people in place that would be  
3 helpful to us.

4 Q. And how did you do that?

5 A. Primarily by the way of political contributions.

6 Q. Okay. Let's --

7 MR. SINGER: Your Honor, may we please publish  
8 what's been admitted as Government's Exhibit 322D?

9 THE COURT: Yes.

10 Q. Mr. Cespedes, do you recognize this?

11 A. I do recognize this.

12 Q. And what is it?

13 A. What this is is a list of candidates running for  
14 office. These are general -- these are general election  
15 candidates, and this document on the left shows candidates  
16 that were -- would vote for Householder if they were elected  
17 as Speaker and candidates on the right showed who would vote  
18 for Ryan Smith as Speaker.

19 On the bottom, the unopposed primary candidates  
20 referenced those people who would also vote for Householder  
21 as Speaker if elected.

22 Q. And who drafted this document?

23 A. This was a document that I received from a consulting  
24 firm that I was working with at the time.

25 Q. And why did you have this document?

1       **A.**     I had this document because we obviously were tracking  
2       these races, and we were analyzing who needed support and  
3       how to support them.

4       **Q.**     And which races were of particular importance to you?

5       **A.**     They were all important.  At the time this was a very  
6       competitive race between the two Speaker candidates, and  
7       every single race would have a major impact on the amount of  
8       votes needed in that next general assembly.  So all of these  
9       races were crucial.  And for us trying to support the  
10      candidates that were on Team Householder was our goal.

11      **Q.**     And so can you describe how or just can you describe  
12      whether this document played any role in your plan going  
13      forward?

14      **A.**     Yes.  You know, this document played a role in our  
15      plan, what we would -- we would have to strategize obviously  
16      was how to support these candidates, being a subsidiary of  
17      the parent company, and not necessarily having control of  
18      our PAC.  Supporting these candidates provided a bit of a  
19      challenge initially through the managed bankruptcy.

20             We obviously found the solution, but the solution to  
21      our issue was to support these candidates.

22      **Q.**     And which candidates were you supporting?

23      **A.**     All the Householder candidates.

24      **Q.**     All right.  Do you --

25      **A.**     On the left.

1 Q. Do you recall having any meetings with Mr. Householder  
2 after you were hired by FirstEnergy?

3 A. Yes, I had multiple meetings with Mr. Householder.

4 MR. SINGER: Can we please publish what's been  
5 admitted as Government's Exhibit 322A?

6 THE COURT: Yes.

7 Q. Do you recognize this document?

8 A. I do.

9 Q. And what is it?

10 A. This is a document of my calendar for the day August  
11 1st, 2018, created by myself.

12 Q. I am sorry. What year did you say?

13 A. I believe this is 2018.

14 Q. Okay. You said you created this document?

15 A. I did.

16 Q. Drawing your attention to the 11 a.m., what does that  
17 indicate?

18 A. That indicates a meeting between myself,  
19 Mr. Householder, a fellow consultant that was working with  
20 me on the issue, and also in attendance that day was the  
21 president of my company, Don Maul, and the director of  
22 government relations, Dave Griffing, who I both reported to.

23 Q. Can you identify the person listed on this document that  
24 is not you?

25 A. Meaning Bob Klaffky or --

1 Q. The individual you just referenced.

2 A. Yeah, Bob Klaffky.

3 Q. Who is Bob Klaffky?

4 A. Bob Klaffky is a, also a political consultant. He owns  
5 and operates a separate firm, and I had recommended that he  
6 be hired to assist me in this process due to his  
7 relationships.

8 Q. Do you recall this meeting?

9 A. I do recall that meeting.

10 Q. What do you recall about the meeting?

11 A. This was an opportunity for us really for the first  
12 time as FirstEnergy Solutions to sit down with  
13 Mr. Householder and explain to him what our issues were.  
14 Obviously, with my president, with my director of government  
15 relations. During the course of the meeting, it was obvious  
16 that Mr. Householder had -- had heard about our issue, was  
17 obviously aware of some of the bullet points through  
18 previous conversations with the parent company. But this  
19 was really the first time that we were able to get granular  
20 and kind of provide him some information as far as more  
21 solid numbers and when this would be needed and just things  
22 that were a little bit more specific and precise than what  
23 he had previously been educated on by the parent company.

24 Q. And were you involved in any of the prior discussions  
25 that the parent company was involved in with Mr. Householder?

1       **A.**    No, I was not.

2       **Q.**    Do you recall whether or not fundraising was discussed at  
3       this meeting?

4       **A.**    So, at this particular meeting what we really focused  
5       on was the state of -- state of play with the races. We  
6       mostly talked about our issue. We did talk about the races.  
7       And then after this meeting, Mr. Householder and --

8               MR. BRADLEY:  Objection, Your Honor.  It's not  
9       responsive to the question.

10              THE COURT:  Well, let him finish his answer.

11       **A.**    What I was going to state was after the meeting,  
12       Mr. Householder, Mr. Klaffky discussed fundraising.  As far  
13       as what he was expecting from FirstEnergy Solutions going  
14       forward.

15       **Q.**    When you say "what he was expecting," what do you mean by  
16       that?

17       **A.**    They had a very quick conversation that was described  
18       by Mr. Klaffky.  Mr. Householder asked him for a multiple  
19       hundred thousand dollar contribution.  At the time  
20       Mr. Klaffky pushed back because neither he nor I had any  
21       idea of what our ability to contribute would be.  And we  
22       said, hey, this is a company in bankruptcy.  And  
23       Mr. Householder told them, well, they have to figure it out.

24              And that was the first conversation we had as it  
25       relates to fundraising.

1 Q. And you see the address next to location?

2 A. I do, 65 East State Street, Suite 2540.

3 Q. Do you recognize that address?

4 A. Yes. It's a building on the corner of Third and State,  
5 and that is where Generation Now is -- was headquartered.

6 Q. What is Generation Now?

7 A. Generation Now was a 501(c)(4) that was controlled by  
8 Jeff Longstreth and Speaker Householder.

9 Q. Did you know what Generation Now was at the time of this  
10 August 1st meeting?

11 A. I had not had firsthand dealings with Generation Now,  
12 but I was aware of what it was, yes.

13 Q. And who had offices at this 65 East State Street address?

14 A. There was a consulting, media consulting firm by the  
15 name of Success Group, and Generation Now both had offices  
16 at this location.

17 Q. Okay. And can you identify certain individuals who had  
18 offices?

19 A. Yes. Jeff Longstreth primarily worked out of there, as  
20 well as two employees that he had working for him, Anna  
21 Lippincott and Megan Fitzmartin.

22 MR. SINGER: May we, please, publish to the jury  
23 what has already been admitted as Government's Exhibit 32E?

24 THE COURT: Yes.

25 MR. SINGER: I'm sorry, 322E.



1 Q. Do you recognize this document?

2 A. I do.

3 Q. And what is it?

4 A. This document is what would be categorized as a whip  
5 list. What it is is it's a list of elected officials on the  
6 left-hand side. The first number is the seat that they  
7 hold, just to organize them in their districts. And the  
8 whip number basically signifies from one to five how likely  
9 they were to vote for our issue or not vote for our issue.

10 In this case, one being a very solid vote for us and  
11 five being somebody who is against us.

12 Q. Did you create this document?

13 A. I created this document with the help of a prior  
14 FirstEnergy consultant.

15 Q. And what did the red represent?

16 A. The red -- the red here represents open seats, meaning  
17 seats that were competitive between Democrats and  
18 Republicans where the current official wasn't returning to  
19 office.

20 Q. Okay. Drawing your attention, let's just look at one in  
21 the middle of the page. Do you see open seat district 19, or  
22 seat 19?

23 A. Yes.

24 Q. And then it says, under policy comments, do you see where  
25 it says, Householder person, Jim Barhorst likely winner. Do

1 you see that?

2 A. I do.

3 Q. Why does it say that?

4 A. This was information I was given by the prior  
5 consultant, Tim Barhorst being a Householder person and  
6 likely winner is why he was listed as a two to three because  
7 he was more favorable to our issue than not.

8 Q. And why were you specifically tracking individuals who  
9 were, quote, Householder -- a Householder person?

10 A. Well, we knew that those people obviously would first  
11 vote for Mr. Householder as Speaker, which we wanted, but we  
12 knew also, secondly, they would be likely to support our  
13 legislation.

14 Q. Now, you were working with FirstEnergy Solutions; is that  
15 correct?

16 A. That is correct.

17 Q. And as an outside consultant for FirstEnergy Solutions,  
18 can you explain whether you were aware of all the steps during  
19 this period that FirstEnergy Corp. was taking relating to the  
20 nuclear bailout legislation?

21 A. I was not. As I mentioned earlier, we shared all the  
22 information we had with them, but it was not true the other  
23 way around.

24 Q. Do you know who Chuck Jones is?

25 A. I do know who Chuck Jones is.

1 Q. And how do you know Chuck Jones?

2 A. Well, he is obviously the CEO of a publicly-traded  
3 company. He was someone who had a large reputation on Cap  
4 Square. He's basically a public figure.

5 Q. And were you present during any meetings between  
6 Mr. Householder and Mr. Jones?

7 A. I was not.

8 Q. Do you know who Mike Dowling is?

9 A. I do know who Mike Dowling is.

10 Q. How do you know who Mike Dowling is?

11 A. Mike Dowling is a someone that I have known for a  
12 number of years personally. He is obviously executive vice  
13 president at FirstEnergy parent company. He is someone that  
14 I worked with directly on our efforts, not only to pass  
15 legislation but to protect it.

16 Q. Were you present during any meetings between  
17 Mr. Householder and Mr. Dowling?

18 A. I was not.

19 Q. Can you describe any conversations you had with Mr. Kiani  
20 relating to communication with Mr. Householder?

21 A. Yes. Mr. Kiani, as I mentioned earlier, was someone  
22 who liked to follow up. He was -- he was an aggressive  
23 communicator. In his -- he was given Mr. Householder's cell  
24 phone number at one point to communicate on an issue, and he  
25 overused the number and I then received a call from Neil

1 Clark, who was a co-conspirator and also a consultant, who  
2 asked me why John was calling the Speaker directly. I told  
3 him I didn't know, and he reminded me that he was the  
4 Speaker's proxy and that John was only -- John and I were  
5 only to talk to him as it related to matters that dealt with  
6 the Speaker.

7 **Q.** Do you recall whether you met with Mr. Householder in  
8 person in the fall of 2018?

9 **A.** Yes, I did meet with Speaker Householder in the fall of  
10 2018.

11 MR. SINGER: May we please publish to the jury  
12 what's already been admitted as Government's Exhibit 291A?

13 THE COURT: Yes.

14 **Q.** Do you recognize this?

15 **A.** Yes, I do.

16 **Q.** And what is it?

17 **A.** This is a text message correspondence between myself  
18 and the members of another lobbying firm I was working with.  
19 Their names are Ben Kaiser, Bob Klaffky, and Mr. Zhdan.

20 **Q.** And can you describe who Mr. Kaiser is?

21 **A.** Mr. Kaiser is also a consultant who works for Bob  
22 Klaffky.

23 **Q.** And can you describe who Mr. Zhdan is?

24 **A.** Zhdan is an administrative assistant that works at the  
25 firm.

1 Q. All right. We're going to go through these messages.  
2 I'm going to read the blue message, and you read the green  
3 ones. Do you understand that?

4 A. I do.

5 MR. SINGER: Okay. Would you mind blowing that up,  
6 Ms. Terry?

7 Q. First message says, adding Nazar and Ben.

8 A. We will have a check for Householder tomorrow. Right  
9 now Griffing and I have a noon lunch scheduled and we have a  
10 4 p.m. with Obhof. I think that 2 or 3 might be best. Can  
11 you see what he has?

12 I then write, Bob, do you want to reach out to  
13 Householder directly or want me to check in with his staff?

14 Q. Mr. Cespedes, do you see where it says the "from" at the  
15 top of the first message?

16 A. I do.

17 Q. And what does it say?

18 A. From Bob Klaffky.

19 Q. Okay. What does this indicate?

20 A. He's adding a staff. I'm basically telling him what  
21 our availability is for a meeting with the Speaker, and he's  
22 trying to help me get the meeting set.

23 Q. So to be clear, is this top message a message from  
24 Mr. Klaffky?

25 A. This is a -- this is a text message from me that was

1 forwarded by Mr. Klaffky to his staff.

2 Q. Okay. But the message that's represented in this exhibit  
3 right here, is that a message from Mr. Klaffky?

4 A. It is.

5 Q. And then what is Mr. Klaffky doing in this message? I  
6 think you just described --

7 A. He's requesting that his staff set up a meeting between  
8 Speaker Householder and us.

9 Q. The content of that message, were you familiar with that  
10 message prior to it being sent by Mr. Klaffky here?

11 A. Yes.

12 Q. And how was it that you were familiar with it?

13 A. Because it -- because it was my own words. It was  
14 something I had sent him.

15 Q. So you sent this message to Mr. Klaffky?

16 A. Yes.

17 Q. And then he sent it along?

18 A. Yes.

19 Q. Is that what's --

20 A. Yes.

21 Q. -- going on here?

22 So I am going to read the next message from Mr. Zhdan,  
23 okay? Do you want to reach out to Householder directly or  
24 want me to check in with his staff?

25 MR. SINGER: Next message, please.

1 Q. All right. There is a series of responses. Do you see  
2 that?

3 A. I do. From Bob Klaffky, either. Just get it set.

4 From Nazar, okay.

5 From Nazar again, just spoke with Bryan Gray. Meeting  
6 set for 2 to 2:30 tomorrow. The only window Householder has  
7 between 2 and 4. Householder's office, 65 East State  
8 Street, Suite 2540, Columbus.

9 Juan, I let them know about all the attendees on our  
10 side.

11 Q. Okay. And then do you have a response at the bottom?

12 A. I responded, okay, great. Thanks.

13 Q. Now, what is the date on that message?

14 A. 10-9-2018.

15 Q. Okay.

16 MR. SINGER: And can we go back to the first  
17 message, please.

18 Q. Now, I think you just testified that you originally sent  
19 this first message to Mr. Klaffky; is that right?

20 A. Yes, yes.

21 Q. What did you understand "we will have a check for  
22 Householder tomorrow" to mean?

23 A. Well, my executive vice president was coming down for  
24 meetings the next day, and we previously had many conference  
25 calls with our team deciding on how we were going to support

1 Mr. Householder. And after we came to that decision, we  
2 decided that our first installment of that support would  
3 take place that next day and that Mr. Griffing would bring  
4 down a check to satisfy that.

5 Q. Do you recall whether there was a meeting with  
6 Mr. Householder on October 10, 2018?

7 A. Yes.

8 Q. And who attended that meeting?

9 A. That meeting was attended by Mr. Householder, myself,  
10 my executive vice president, Dave Griffing, Bob Klaffky, and  
11 another consultant by the name of Geoff Berhoff.

12 Q. Can you describe where the meeting took place?

13 A. Yes. The meeting took place at 65 East State Street,  
14 the offices of Generation Now. We, you know, we had -- we  
15 had the meeting that day. It took place in the conference  
16 room that services the suite of offices around it.

17 MR. SINGER: Before we get to the conference room  
18 and the meeting itself, can we please publish what's been  
19 admitted as Government's Exhibit 200?

20 THE COURT: Yes.

21 Q. Do you recognize this?

22 A. I do.

23 Q. And what is this?

24 A. That is 65 East State Street.

25 Q. Okay. And is this where the meeting took place?



1 A. It is.

2 Q. Okay.

3 MR. SINGER: May we, please, publish what's been  
4 previously marked as Government's Exhibit 201A?

5 THE COURT: Yes.

6 MR. SINGER: If we'd jump down to page 7.

7 Q. Do you recognize this layout?

8 A. I do.

9 Q. And what is this layout?

10 A. This layout is the office where the meeting took place.

11 Q. And how is it that you recognize it as such?

12 A. I recognize it because I had multiple meetings in this  
13 location, including the one October 10th.

14 MR. SINGER: Can the witness have the ability to  
15 mark on the exhibit?

16 Q. You can mark right on the screen where the October 10,  
17 2018, meeting took place.

18 A. (Witness complies.)

19 Q. And what type of room is this?

20 A. My recollection of this space is that there's an office  
21 with a conference room next to it. And my recollection, I  
22 believe this is the conference room where that meeting took  
23 place.

24 Q. All right. So --

25 MR. SINGER: You can take that down, Ms. Terry.

1 Q. Can you describe -- set the scene. Describe what  
2 happened when you entered this office space.

3 A. We entered the office space that day obviously with the  
4 gentleman that I had previously described, my executive  
5 director of government relations, a fellow consultant, Jeff  
6 Berhoff, Bob Klaffky, my partner lobbyist at the time on  
7 this particular project at the time, and myself. When we  
8 walked in, we had a check of support for Speaker  
9 Householder, and we were guided to the large conference  
10 room. It's a table that probably sits eight to ten people.  
11 Speaker Householder entered the room and sat at the end of  
12 the table. To his left was Bob Klaffky, one of our  
13 consultants. To his left was Dave Griffing, my executive  
14 vice president. To his left was myself, and to my left was  
15 Geoff Berhoff. So I made sure to keep Bob and my executive  
16 vice president very close to the Speaker so they could  
17 interact comfortably.

18 At the time, obviously, it was election season, and we  
19 started off by having conversations about the current races  
20 and just making general small talk about, you know, how  
21 things were going obviously.

22 Q. I don't mean to interrupt you. You mentioned the  
23 election season. How far off were you from the election  
24 season?

25 A. I mean, we were -- if it's October 10th, we were about

1 a month out. So it was -- it was crunch time. I mean, you  
2 know, things were heating up, and we would know the results  
3 of a lot of these races very soon. Money obviously at this  
4 point in a campaign is very, very important, you know, as  
5 you are trying to finish strong.

6 So we showed up that day with the intention of  
7 supporting Mr. Householder. We were having a good  
8 conversation about the races, state of the races, how they  
9 are going. This is of extreme importance to us.

10 During the course of the conversation, Bob Klaffky, who  
11 had a check in an envelope to support Mr. Householder,  
12 slides the check across the table and puts it underneath  
13 Mr. Householder's hand and he kind of infers that, you know,  
14 obviously, you know, we're here to support you.

15 Mr. Householder keeps talking about the races and  
16 actually doesn't -- other than acknowledging the envelope,  
17 does not open it or, you know, show interest in it. As he's  
18 talking, Mr. Klaffky nudges him a few more times to express  
19 the importance of the envelope. And he says to  
20 Mr. Householder, my clients care very much about our issue.

21 At that point, Mr. Householder opens the envelope.  
22 That envelope contains a \$400,000 check written out to  
23 Generation Now. I believe that contribution far exceeded  
24 what he expected --

25 MR. BRADLEY: Objection, Your Honor.

1       **A.**     -- based on private --

2                   THE COURT:  Sustained at this time.

3                   MR. SINGER:  I think he is going to describe.

4                   THE COURT:  Just take it again, start it again.

5       What is your question to this witness?  You are trying to

6       describe somebody else's?  What's your question,

7       Mr. Prosecutor?

8       **Q.**     So you were describing Mr. Householder's reaction --

9       **A.**     Right.

10      **Q.**     -- to the check.  Based on your understanding, what was

11     your impression of his reaction to the check?

12      **A.**     Well, after -- after Mr. Klaffky said our client cared

13     very much about our issue, he opened the check and stated,

14     well, yes, they do, because he saw a contribution amount

15     that far exceeded what he expected.

16      **Q.**     And had you previously discussed the bailout legislation

17     at the time?

18      **A.**     In -- in prior meetings we had.  At that point in that

19     meeting, we had not yet discussed the legislation, but after

20     he received the check, we then delved into the -- more of

21     the business part, you know, from our standpoint as far as

22     our needs and what we were looking for.

23      **Q.**     And can you describe that, please?

24      **A.**     Yes.  It was, it was a conversation between Dave

25     Griffing and him, very high level, about timing, you know,

1 money and sort of our needs, right, which we were trying to  
2 re-emphasize. We had met with him August 1st, which was our  
3 first time really introducing it. This provided another  
4 opportunity for us to kind of refresh him on the issue.

5 **Q.** Did Mr. Householder do anything with the check after you  
6 handed it to him?

7 **A.** Yes. He called Jeff Longstreth in the office and he  
8 handed Jeff Longstreth the check who then walked out of the  
9 office with it.

10 **Q.** After receiving the check, did Mr. Householder indicate  
11 whether he would be supportive of the issue you just  
12 described?

13 **A.** Yes.

14 MR. BRADLEY: Objection, Your Honor.

15 THE COURT: Basis?

16 MR. BRADLEY: Leading.

17 THE COURT: What's the basis of the objection?

18 MR. BRADLEY: Form, leading.

19 MR. SINGER: I asked him to describe a  
20 communication, Your Honor.

21 THE COURT: All right. It's overruled.

22 **A.** So I -- so to provide context as I mentioned -- sorry.

23 THE COURT: I overruled the objection.

24 MR. SINGER: I'm sorry, Your Honor.

25 **Q.** You may answer the question.

1 A. Can you repeat it?

2 Q. Absolutely. After receiving the check, did  
3 Mr. Householder indicate whether he would be supportive of the  
4 bailout legislation, the issue that you had discussed?

5 A. Yes.

6 Q. Can you describe that, please?

7 A. As I described, Bob Klaffky said, our client cares very  
8 much about this issue. He opened the check, looked at it,  
9 and said, well, yes, they do. He then went on to talk about  
10 the state of the races, you know, what -- if he was  
11 successful, you know, what we could do as far as committees  
12 and time were concerned. My government relations guy really  
13 took the lead of the conversation because he had more  
14 information to give Mr. Householder. But Mr. Householder  
15 was very affirmative to his support of our issue.

16 Q. And can you describe whether Mr. Klaffky's actions during  
17 this meeting were part of the plan going into the meeting?

18 A. They were.

19 Q. And can you describe that?

20 A. Yes. So in previous conference calls that we had with  
21 the parent company on the phone, we settled on a dollar  
22 amount which was half a million dollars. The parent company  
23 had suggested that we do more. It was decided after a group  
24 communication that 500,000 was the number.

25 Mr. Klaffky decided that in order to receive maximum

1 impact that we should split those contributions into one  
2 400,000 and one 100,000 to be given at a later date.

3 **Q.** And what was your understanding of the reason for maximum  
4 impact?

5 **A.** Well, obviously, this legislation was crucial. And the  
6 impact that this money would have is helping Speaker  
7 Householder get some of these candidates over the finish  
8 line toward the end of an election.

9 **Q.** Why would you split it up into two different checks,  
10 though?

11 **A.** Because we wanted another opportunity to get in front  
12 of him and show our support.

13 **Q.** And you could have wired the money, correct?

14 **A.** Yes, but that would not have had the same effect. You  
15 know, obviously our having the live audience, giving him a  
16 check and being able to talk about our issue, was extremely  
17 important to us.

18 MR. SINGER: Your Honor, may we please publish to  
19 the jury what's been previously admitted as Government's  
20 Exhibit 14B?

21 THE COURT: Yes.

22 MR. SINGER: And could you advance to page 138,  
23 please.

24 **Q.** Do you recognize this?

25 **A.** I do.

1 Q. And what is it?

2 A. This is a check from FirstEnergy to Generation Now,  
3 Incorporated, in the amount of \$400,000, dated 10-9-2018.

4 Q. Have you seen this check before?

5 A. I have.

6 Q. How have you seen this check before?

7 A. This check was given to me by my executive vice  
8 president Dave Griffing, and I then gave this check to Bob  
9 Klaffky, who then gave it to Larry Householder.

10 Q. And when was this check given to Mr. Householder?

11 A. On 10-10-2018.

12 Q. You mentioned it was written to Generation Now. Why was  
13 it written to Generation Now?

14 A. It was written to Generation Now because that was  
15 really the only way that we could support the Speaker with a  
16 contribution this large. You know, obviously, to try to  
17 support individual candidates, the contribution limits are  
18 much lower, somewhere in the neighborhood of \$13,000 per  
19 candidate. So this was a way to support the Speaker in a  
20 much larger way and allow him to decide how he wanted to  
21 spend it among six candidates.

22 Q. And who was this \$400,000 check supposed to benefit?

23 A. The \$400,000 check was supposed to benefit Speaker  
24 Householder.

25 Q. And what did you intend by discussing the bailout



1 legislation at the same time that you provided the \$400,000  
2 check?

3 **A.** Well, again, you know, the money coming in at this  
4 state of a race is extremely important. It's extremely  
5 vital and extremely helpful. And we just wanted to continue  
6 to reiterate that we needed this legislation and we knew  
7 that he wanted this help. So we were trying to establish  
8 the fact that, you know, our support was specifically tied  
9 to the legislation we were looking to enact.

10 **Q.** Do you know an individual named Matt Borges?

11 **A.** I do.

12 **Q.** How do you know Mr. Borges?

13 **A.** Mr. Borges is a long-time political and personal  
14 friend. We've known each other since 2006, approximately.

15 **Q.** Did you have any conversations with Mr. Borges about this  
16 meeting with Mr. Householder?

17 **A.** Yes. He and I -- he and I exchanged messages and kept  
18 in communication about this project early on. So he was  
19 aware of this.

20 MR. SINGER: Your Honor, may we please publish to  
21 the jury what's been previously admitted to the jury as  
22 Government's Exhibit 291B?

23 THE COURT: Yes.

24 **Q.** Do you recognize this?

25 **A.** I do.

1 Q. And what is it?

2 A. This is a text message between myself and Mr. Borges.

3 Q. And how do you recognize it as a text message between you  
4 and Mr. Borges?

5 A. Well, it's something that I sent and he responded to.

6 Q. And what do the blue messages represent?

7 A. The blue messages represent messages that I sent.

8 Q. And what do the green messages represent?

9 A. The responses from Mr. Borges.

10 Q. All right. Can you please read through these messages?

11 A. Yes. We had a good day yesterday and met with  
12 Householder, Obhof, and DeWine-Husted. All went well.

13 Q. How did Mr. Borges respond?

14 A. His response was, great! Well, except for Husted. But  
15 great!

16 Q. And your reference to "had a good day yesterday, met with  
17 Householder," what was that a reference to?

18 A. It was a reference to obviously the check was well  
19 received, and also the follow-up conversation regarding the  
20 legislation seemed to be making some progress.

21 Q. And what was the date on this message?

22 A. This message is dated 10-11.

23 Q. All right. So did you have other conversations with  
24 Mr. Borges about your efforts relating to the bailout  
25 legislation?

1       **A.**     Yes.  So the context of our conversations are that he's  
2       one of the few people I trusted on Cap Square.  It was a  
3       very, very large issue.  And I was in the process of on-  
4       boarding him, you know, attempting to on-board him onto our  
5       team.  So I was really keeping him abreast in realtime of  
6       what the movements were because I knew that at some point he  
7       would be, you know, part of what we were trying to  
8       accomplish.

9       **Q.**     And can you describe whether you discussed with him  
10      financial support that you were providing to Mr. Householder?

11      **A.**     I didn't leave anything out of my conversations.  You  
12      know, I -- again, he is one of the few people that I trust  
13      on Cap Square.  So I was trying to be pretty candid and keep  
14      him up to speed on what the realtime movements were.

15               MR. SINGER:  Your Honor, may we please publish to  
16      the jury what's been previously admitted as Government's  
17      Exhibit 14B?

18               THE COURT:  Yes.

19               MR. SINGER:  And can you please advance to page 178,  
20      please.

21      **Q.**     Do you recognize this?

22      **A.**     I do.

23      **Q.**     And what is it?

24      **A.**     This is a check written in the amount of \$100,000 from  
25      FirstEnergy to Generation Now, Incorporated, on 10-26-2018.

1 Q. And how do you recognize it as such?

2 A. I recognize this because this is a check that was sent  
3 to me, and I personally delivered it to Generation Now.

4 Q. Okay. And what is the -- do you recall when you provided  
5 this check to Generation Now?

6 A. Yeah. I believe it was towards the end of October of  
7 the same month where we provided the 400,000.

8 Q. Okay.

9 MR. SINGER: May we please publish to the jury  
10 what's been previously admitted as Government's Exhibit 298?

11 THE COURT: Yes.

12 Q. Do you recognize this?

13 A. I do.

14 Q. What is it?

15 A. This is a text exchange between myself and Jeff  
16 Longstreth.

17 Q. Okay. And how do you recognize it as such?

18 A. I recognize this because these are messages I sent with  
19 his responses.

20 Q. All right. What do the green boxes represent?

21 A. The green boxes represent my messages to Jeff.

22 Q. And what do the blue boxes represent?

23 A. His response back to me.

24 Q. Okay. And what is the date on the first message?

25 A. 10-28-18.

1 Q. All right. Can you read that first message, please?

2 A. Yes. It begins, it's Juan Cespedes. Is the Speaker  
3 available between 10 and 11:30 tomorrow at any point in his  
4 office?

5 Q. And how did Mr. Longstreth respond?

6 A. His response, hi, Juan. He is going to be on the road  
7 with our candidates most of the week. I'll be in the office  
8 if you'd like to chat. Thanks.

9 Q. Now, why did you ask whether the Speaker was available to  
10 meet?

11 A. Well, obviously, I wanted to get face time with the  
12 Speaker because the more we could remind him about the issue  
13 and tie the -- tie the contributions directly back to our  
14 issue, I thought the better off we'd be.

15 MR. SINGER: Ms. Terry, can you scroll down to the  
16 third page of this message?

17 Q. Do you see the last message that you send?

18 A. Yes, I do.

19 Q. What's the date on that message?

20 A. The date is November 1st, 2018.

21 Q. And can you read that for us, please?

22 A. It begins, please have Speaker call FES president to  
23 say thanks at his convenience if he hasn't done so already.  
24 I then list his name, Don Maul and his phone number.

25 Q. Again, who is Don Maul?

1 A. Don Maul is the president of FES.

2 Q. And why did you ask Mr. Longstreth to have the Speaker  
3 call the FES president to say thanks?

4 A. I wanted to make sure there was accountability there.  
5 I wanted to make sure that the Speaker understood where, in  
6 fact, the money was coming from. And I also thought it  
7 would be good just for our president to understand like what  
8 his -- what his contribution meant.

9 Q. And can you -- can you describe how you delivered that  
10 \$100,000 check?

11 A. Yes. I went to the same office where I delivered the  
12 400, the Generation Now offices. I sat in the same  
13 conference room but this time with Jeff Longstreth. I gave  
14 him the \$100,000 check. You know, we talked about the issue  
15 and also the races.

16 He said the Speaker was, you know, traveling that day.  
17 It was not a very long meeting. And we just -- you know, we  
18 adjourned shortly after.

19 Q. And when you say "the issue," what do you mean?

20 A. The nuclear subsidy issue.

21 Q. And who was that check written out to?

22 A. It was written to Generation Now.

23 Q. And who was the check intended to benefit?

24 A. The Speaker Householder and Generation Now.

25 MR. SINGER: Your Honor, would this be a time, a

1 good time for our afternoon break?

2 THE COURT: Yes. We can break for the mid  
3 afternoon. It's typically when we do it. It's about a  
4 quarter of. We will take a 20-minute break. During the  
5 break, take a break. Don't discuss the case even among  
6 yourselves or with anyone. No independent research. Stay  
7 away from the media. Continue to keep an open mind.

8 Out of respect for you, we will rise as you leave for a  
9 20-minute break.

10 THE COURTROOM DEPUTY: All rise for the jury.

11 (Jury exited the courtroom at 2:43 p.m.)

12 THE COURT: We'll try to get you back at 3:05.

13 The jury's left the room. As always, we'll stay here  
14 until we are advised they have cleared the floor.

15 The witness is advised not to discuss his testimony  
16 during the break. Do you understand, Mr. Cespedes?

17 THE WITNESS: I understand.

18 THE COURT: Very well. You can stand or be seated  
19 as you choose.

20 All clear. See you at 3:05.

21 THE COURTROOM DEPUTY: This court is in recess until  
22 3:05.

23 (Recess from 2:44 p.m. until 3:06 p.m.)

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

1 MR. SINGER: Yes, Your Honor.

2 THE COURT: Mr. Householder?

3 MR. BRADLEY: Yes, Judge.

4 THE COURT: Mr. Borges?

5 MR. SCHNEIDER: Yes.

6 THE COURT: Mr. Singer, you continue your  
7 examination. Where are we? Who's doing it?

8 Yes. Go ahead.

9 I guess you need the jury.

10 (Jury entered the courtroom at 3:07 p.m.)

11 THE COURT: You may all be seated. Thank you.

12 To the 14 Members of the Jury, welcome back. I hope  
13 you're not cold. We've increased the air flow, and we just  
14 wanted to make sure we are ready to hear more testimony.

15 Mr. Singer, the witness remains on the stand under oath.  
16 You may examine.

17 MR. SINGER: Thank you, Your Honor.

18 Your Honor, may we please publish to the jury what's been  
19 previously admitted into evidence as Government's Exhibit  
20 322C?

21 THE COURT: Yes.

22 Q. Do you recognize this document, Mr. Cespedes?

23 A. Yes, I do.

24 Q. And what is it?

25 A. This document is a timeline which I created. The



1 timeline is a, in an ideal situation, how our legislation  
2 will be passed.

3 **Q.** And do you recall around when in time this document was  
4 created?

5 **A.** Obviously, pre, pre December of 2018. I don't remember  
6 the exact date.

7 **Q.** Okay. And can you read the -- can you just read the  
8 title of the document?

9 **A.** Title begins, "Ohio FES Legislative Timeline."

10 **Q.** And let's walk through these, this first set of bullets.  
11 Can you read the first bullet and then the sub-bullet  
12 underneath it, please?

13 **A.** First bullet, leadership and key legislative meetings  
14 (pending final term sheets and draft language). First  
15 bullet, DeWine-Husted administration will be top priority  
16 post term sheet. Securing their public support is crucial.

17 **Q.** And can you explain to the jury what is meant by draft  
18 language in this document?

19 **A.** Draft language would be the initial revision or the  
20 initial draft of a bill that we would present to the  
21 legislature.

22 **Q.** And can you explain why you wrote that, the DeWine-Husted  
23 administration is a top priority?

24 **A.** Well, we knew that -- we knew obviously we'd have  
25 support in the House and that's where our efforts would be

1 led from. Having the governor's administration voice public  
2 support would just make the bill a little easier to pass  
3 obviously through both chambers.

4 **Q.** And I think you described this before, but can you  
5 explain -- can you explain how a bill would be passed? Like  
6 what level -- what different parts of government have to  
7 support legislation for it to pass?

8 **A.** Yes. In this case, the House would draft a bill. It  
9 would introduce legislation, would pass that legislation.  
10 That legislation would then be moved onto the Senate where  
11 it would be amended and passed again. It would be then  
12 fully ratified by the House before it moves to the governor  
13 for signature.

14 **Q.** Can you -- can you please read that second bullet now.

15 **A.** Second bullet begins, Obhof, dash, in an ideal  
16 situation, we are able to promote our agenda as something  
17 the DeWine administration supports. Obhof chambers  
18 typically don't take the lead on major items without knowing  
19 they have support from another chamber executive.

20 **Q.** And what did you mean by this?

21 **A.** This was simply, you know, a strategy directed at  
22 these -- at the Senate. You know, the Senate president was  
23 not known as a strong leader. He was someone who liked to,  
24 you know, if others supported things, he'd be more apt to do  
25 them but he was not something that typically let things out

1 of his chamber.

2 **Q.** Can you read the third bullet, please?

3 **A.** Third bullet, develop constituent member strategy that  
4 focuses on updating both Senate and House members while  
5 leadership battle in the House plays out.

6 **Q.** Can you describe what you meant by "leadership battle in  
7 the House plays out"?

8 **A.** The leadership battle in the House was that, what was a  
9 two-way race between the current Speaker Ryan Smith and  
10 Larry Householder. It was, you know, at this time I, I  
11 believe this was post election, and both sides were trying  
12 to figure out how many votes they had. And it was not -- it  
13 was not clear yet who was going to win that race.

14 **Q.** Can you move to the fourth bullet, please?

15 **A.** Yes. The fourth bullet is, Speaker's race clarity mid-  
16 December, but not guaranteed.

17 **Q.** What did you mean by that?

18 **A.** I meant I was hoping that we would know who the Speaker  
19 was by December 15th, but it may not happen based on the  
20 votes and where they were at that time.

21 **Q.** So is it fair to say at this time you had no idea who the  
22 Speaker was going to be?

23 **A.** No, I did not.

24 **Q.** Can you read the bullet directly under that fourth  
25 bullet?

1       **A.**    The next bullet reads, if Smith is successful, it will  
2       be important to quickly schedule a plant tour for him.  I am  
3       currently trying to set up times to meet with his staff.

4       **Q.**    All right.  So regardless of who became Speaker, can you  
5       describe whether you had planned to push forward with nuclear  
6       legislation for FirstEnergy Solutions?

7       **A.**    Absolutely.  We were going to push forward in any  
8       environment.  We just knew that our chances were  
9       significantly better if Householder were elected.

10      **Q.**    Can you read the bullet underneath?

11      **A.**    Next bullet reads, if Householder is successful the  
12      effort will likely be led from his chamber.  If not  
13      successful, we will need to meet with him to secure his  
14      votes for our efforts.

15      **Q.**    And why did you write this?

16      **A.**    Just so that, you know, just so the members who were  
17      reading this, you know, understood that, in fact, if Larry  
18      Householder was successful, the House would lead this effort  
19      and, you know, in the case that he wasn't successful he was  
20      still important because he controlled a number of votes of  
21      his candidates that would win election.

22      **Q.**    And what gave you confidence that Mr. Householder would  
23      lead the legislative effort out of the House?

24      **A.**    Our prior conversations were very helpful for me, as  
25      far as, you know, personal information and firsthand

1 knowledge. It was obviously -- it was obvious also from  
2 listening to Mr. Householder that he had a relationship with  
3 the parent company and he had had conversations prior to my  
4 involvement as well.

5 **Q.** And this broader timeline, what did it represent?

6 **A.** The broader timeline really is just a full, a full  
7 calendar from the introduction of the bill to when we would  
8 like it passed through both chambers and then signed by the  
9 governor. This was -- these assumptions were made on the  
10 dates of a prior general assembly.

11 **Q.** Now, who ultimately won the Speaker race?

12 **A.** Larry Householder was successful and became Speaker.

13 **Q.** And after he became Speaker, did you meet with  
14 Mr. Householder at all?

15 **A.** Yes. Yes, I met with Mr. Householder after he was  
16 elected Speaker.

17 **Q.** When do you recall meeting with Mr. Householder after the  
18 Speaker race?

19 **A.** We had multiple meetings, but I believe towards the end  
20 of January was the first time that we officially met after  
21 he was elected Speaker.

22 **MR. SINGER:** Your Honor, may we please publish for  
23 the jury what's been admitted as Government's Exhibit 291A?

24 **THE COURT:** Yes.

25 **MR. SINGER:** Can you scroll to the third page,

1 please?

2 **Q.** If you can take a look at that top message, does that  
3 refresh your recollection at all as to when you met with  
4 Mr. Householder?

5 **A.** Yeah, yes, it does.

6 **Q.** And what is the date on that message?

7 **A.** This message is dated January 29, 2019.

8 **Q.** And how does this refresh your recollection about that  
9 meeting?

10 **A.** It refreshes my recollection because this meeting was  
11 initially scheduled in the official office in the Riffe  
12 building. Obviously, at this time Nazar is taking the lead  
13 on scheduling. So he must have been informed that the  
14 meeting was moved to a nonofficial office. So he was  
15 transmitting that information to me.

16 **Q.** Okay. So who was at this meeting in late January of 2019  
17 that you recall?

18 **A.** The meeting in 2019 was attended by the Speaker,  
19 obviously. I was also in attendance. Bob Klaffky was in  
20 attendance, as well as Dave Griffing, our executive  
21 director -- or vice president of government relations.

22 **Q.** And what do you remember about that meeting?

23 **A.** This meeting was -- this meeting, we had more clarity  
24 in this meeting than we had had in prior meetings.  
25 Obviously, we were not guessing at this point who was going

1 to be Speaker. So Mr. Griffing actually brought some  
2 documents with him to help the Speaker kind of understand  
3 the issue.

4 We got a little bit more granular as far as timelines,  
5 amount of funds needed. The Speaker had a little bit more  
6 clarity for us on what committees could look like. He gave  
7 us -- he gave us some insight on who may be important for us  
8 to speak with.

9 And it just, it was a little bit more of a robust  
10 conversation about the legislation because we had clarity.  
11 We were discussing when it could be introduced. That was  
12 unclear yet. But we obviously were letting him know that we  
13 had a sense of urgency.

14 **Q.** What did you mean by the Speaker indicated other  
15 individuals you could talk to?

16 **A.** Well, what was unique about this -- this particular  
17 general assembly was the idea of creating a new subcommittee  
18 that would hear the bill. And there were members on that  
19 subcommittee that I think the Speaker was considering. So  
20 he let us know who they were and that way we could, you  
21 know, have some meetings ahead of -- ahead of that actually  
22 being put in place.

23 **Q.** Did Mr. Householder reference any specific member?

24 **A.** Dino Vitale was a member that he specifically  
25 referenced, and someone who eventually became the head of

1 one of those committees.

2 **Q.** Was Mr. Householder focused on anything particular during  
3 this meeting?

4 **A.** This particular meeting was really about us talking  
5 through the legislation and really trying to establish a  
6 timeline. Obviously, the election had taken place at this  
7 point. He was -- he was Speaker, so it really -- the  
8 attention really was sort of turned to what our -- what our  
9 issue, you know, was being a nuclear plant, you know, being  
10 subsidized.

11 **Q.** So at the time of this January 2019 meeting, how likely  
12 was it, did you believe, that Householder was going to  
13 introduce legislation for the nuclear power plant?

14 **A.** It was -- it was a matter of when, not if. I mean, we  
15 knew it would be introduced. We just -- we were just trying  
16 to work out the timing and the details.

17 **Q.** Do you recall any other meetings with Mr. Householder  
18 about the bailout legislation?

19 **A.** Yes. I believe we also had a meeting sometime maybe  
20 mid March of the same year that was -- took place in the  
21 official office. For that meeting, I had my newly elected  
22 executive chairman, John Kiani, attend. I also had another  
23 executive vice president named Stephen Burnazian attend.  
24 Dave Griffing was also at that meeting, in addition to  
25 myself. That took place in the Riffe Center in the



1 Speaker's official office, and it was at that meeting where  
2 we really began to go over what the specifics of the bill  
3 would look like.

4 There is a very large conference room in that office  
5 and he had a chalkboard up or a white board, I should say,  
6 that described in fairly good detail his thoughts on what  
7 the legislation would look like.

8 **Q.** And how -- how did you describe the legislation as it was  
9 provided at that meeting?

10 **A.** It was extremely complex and it was not something  
11 that -- it was unlike what we thought it would look like,  
12 you know, in our research as far as what my team had put  
13 together, they had looked at legislation that was very  
14 similar to ZEN. This accomplished what we needed but it  
15 accomplished it in different ways.

16 **Q.** How so?

17 **A.** In addition to -- in addition to having a rate hike  
18 component, this particular bill actually wiped out what we  
19 would consider our renewable subsidies that existed prior to  
20 the bill being introduced. And that was not something that  
21 was attempted with the prior legislation.

22 **Q.** What do you mean, renewable subsidies?

23 **A.** Green energy, just, you know, wind, solar, some of the  
24 subsidies that currently exist were going to be taken out by  
25 this bill and to free up money to subsidize the nuclear

1 plants. That was again not something that was visited in  
2 the prior legislation and it was not something that we had  
3 submitted. As an example of what legislature would look  
4 like. So we were surprised, but at the end of the day, it  
5 fulfilled the media, which was giving us the money for our  
6 nuclear plant. So we didn't mind.

7 **Q.** Who benefitted from the legislation?

8 **A.** FirstEnergy and FirstEnergy Solutions benefitted  
9 significantly.

10 **Q.** You said FirstEnergy and FirstEnergy Solutions. Can you  
11 explain that?

12 **A.** Well, FirstEnergy is the parent company. They  
13 obviously own the nuclear power plants. FirstEnergy as a  
14 subsidiary had a ownership of those plants as well. We were  
15 in the process through our managed bankruptcy of separating  
16 the companies. You know, at the time they still operated  
17 pretty unilaterally and had a lot of communication, but the  
18 goal was eventually to split them up so that FirstEnergy  
19 Solutions had the nuclear plants and FirstEnergy maintained  
20 the regular business.

21 **Q.** Was there any -- was there any language or provision in  
22 the legislation that you saw at that meeting that related  
23 specifically to FirstEnergy corporate?

24 **A.** Yes. Their -- at that particular meeting that I had in  
25 March, it wasn't clear that there was anything specific to

1 FirstEnergy outside of nuclear subsidies. But at a later  
2 date we realized that there were things for the parent  
3 company that were also in the bill.

4 **Q.** And what was that?

5 **A.** There was a mechanism called the coupling, which I  
6 don't understand in great detail. I apologize. But it is  
7 something that is worth somewhere near \$50 million a year to  
8 the parent company.

9 **Q.** And what was, what was the value of the subsidy as you  
10 understood it when the legislation was introduced?

11 **A.** Our subsidy was -- the grand total was well over a  
12 billion dollars, but the goal of the subsidy obviously was  
13 just to make the nuclear plants sustainable to the board of  
14 directors and the new team coming in so that they felt it  
15 was worthwhile to exit bankruptcy and run them on their own.

16 **Q.** And, again, were you aware of conversations that  
17 Mr. Householder was having from any FirstEnergy Corp.  
18 executives at this time?

19 **A.** I did not have insight into that, sir.

20 **Q.** Okay. So back to the subsidy. In the initial drafts of  
21 the legislation, how long was the subsidy in the initial  
22 drafts?

23 **A.** The initial draft of the subsidy would have gone for  
24 ten years.

25 **Q.** And how many years ended up in the legislation?

1     **A.**    The legislation ended up being a six-year legislation.

2     **Q.**    And can you explain to the jury how that happened?

3     **A.**    Yes.  So Dave Griffing, our executive vice president,  
4     he really had taken the lead on analyzing the legislation  
5     and working with the Speaker and the staff primarily on  
6     edits.  And the Speaker called him directly with his energy  
7     professional on the phone and asked him what the bare  
8     minimum it would talk to save the plants was.

9            Without consulting anyone, Griffing said he believed  
10    six years, that we may not need the additional four years of  
11    subsidy, and it was in very short order the bill was  
12    amended, drafted, and introduced.  It was not something that  
13    went over well with the company executives, but it was -- it  
14    was a decision that was made obviously by the Speaker after  
15    speaking with Dave.

16    **Q.**    And did anyone's -- did you have any conversations with  
17    Mr. Householder and his team about getting those four years  
18    back?

19    **A.**    Yes.  Not -- we tried, obviously, initially to reach  
20    back out to Pat Tully, who was the Speaker's energy  
21    director.  But by the time we reached out to try to change  
22    it, again, the bill was already amended and introduced, you  
23    know, awaiting introduction.  We had many conversations at  
24    later dates about trying to include the subsidy or the four  
25    years back into the bill, both in the House and in the

1 Senate as we went through committees.

2 **Q.** And did anyone from Mr. Householder's team represent that  
3 they were going to help you get those years back?

4 **A.** In the -- during the actual introduction of our  
5 legislation, which we know is House Bill 6, there were --  
6 there were other consultants who were a part of Generation  
7 Now who indeed were attempting to be helpful by adding those  
8 four years.

9 And, obviously, you know, it did not happen and those  
10 conversations continued even after legislation was  
11 introduced and passed.

12 **Q.** You mentioned an individual named Pat Tully. Who's  
13 Mr. Tully?

14 **A.** Pat Tully was the energy policy person for the Speaker  
15 of the House. He was hired by the Speaker's administration,  
16 and he was really the person from the government perspective  
17 who was spearheading the bill.

18 **Q.** And based on your understanding, who did Mr. Tully answer  
19 to in the House of Representatives?

20 **A.** He answered directly to the Speaker of the House, and  
21 more than likely the Speaker's chief of staff.

22 **Q.** Do you know whether -- or can you explain whether  
23 FirstEnergy Solutions was involved at all in the drafting of  
24 the legislation that you just described?

25 **A.** Yes, we were involved in the drafting of the

1 legislation.

2 MR. SINGER: Can we please publish to the jury  
3 what's previously been admitted as Government's Exhibit 432A?

4 THE COURT: Yes.

5 Q. Do you recognize this?

6 A. I do.

7 Q. And what is it?

8 A. This is a text message between Pat Tully and myself.

9 Q. And whose messages represent the blue bubbles?

10 A. The blue bubbles are Pat Tully.

11 Q. And the green bubbles?

12 A. Myself.

13 MR. SINGER: All right. Can we skip ahead to page  
14 12, please.

15 Q. Before we read this, did you meet in person with  
16 Mr. Tully at all --

17 A. I did.

18 Q. -- during this period?

19 A. I did.

20 Q. And can you describe that?

21 A. Yes. As we -- as we introduced the bill and as we as a  
22 company had an impact on the editing of the bill, Mr. Tully  
23 did not want to have an email or electronic trace of us  
24 sending the information back and forth. So I would actually  
25 walk over to the Riffe and pick hard copies up of the most

1 updated legislation. I would then take those hard copies  
2 and scan them, send them to my company executives, who would  
3 then edit, rewrite, and then I would again print that off  
4 and then go give it back to Pat. So it was an antiquated  
5 way of doing things but the purpose of it was obviously not  
6 to make it a publicly consumable document.

7 **Q.** Let's take a look at these messages. Your second  
8 message.

9 MR. SINGER: Can we blow that up, Ms. Terry, please,  
10 and all the way down to the bottom.

11 **Q.** Can you just read your message, please?

12 **A.** Yes. I state, I am on 10 now but I have a 2 p.m. at  
13 Roetzel.

14 **Q.** And can you read Mr. Tully's response?

15 **A.** I can meet you on 3 if you would like.

16 He then responds, I am free around 3 if that works as  
17 well.

18 **Q.** What is your understanding of what's going on in these  
19 messages?

20 **A.** These messages describe Pat and myself trying to meet  
21 in person to exchange hard copies of the legislation.

22 MR. SINGER: Can we go to the next page, please.

23 **Q.** And then the first two messages at the top. Can you read  
24 those?

25 **A.** I send an affirmative, yes.

1 I then send, I am free whenever. Please put in a  
2 folder as I am not carrying a bag today.

3 **Q.** And why did you write that second message?

4 **A.** Well, obviously it was a very large document. It was a  
5 thick piece of legislation, and I did not want to be  
6 carrying an edited version of a legislation through hallways  
7 where other people could see the document that I had. So I  
8 asked them to put it in a envelope or something that would  
9 conceal what it actually was. That way it would not be  
10 suspicious and no one would see what I had.

11 **Q.** Can you describe, what was your -- what was your  
12 impression of the manner in which you were trading drafts of  
13 the legislation back and forth?

14 **A.** My impression of it, that it was obviously, it was odd.  
15 You know, I said before, I don't have much legislative  
16 experience, but I found this to be extremely odd behavior.  
17 And I understood why, though. I mean, it was something that  
18 he had referenced to me that he did not want the electronic  
19 communication.

20 And we were -- we passed this document back a lot of  
21 times. I mean, our company had a lot of edits that we added  
22 and was -- we had significant changes that we made along the  
23 way. So this wasn't something that would have changed hands  
24 once or twice. I mean, it probably changed hands a dozen  
25 times.



1 Q. Was the legislation ultimately introduced?

2 A. It was.

3 Q. And what was the name of the legislation?

4 A. The legislation was titled "House Bill 6."

5 Q. And after its introduction, were you involved at all in  
6 the effort to get House Bill 6 passed?

7 A. Yes, of course.

8 Q. And can you describe what your role was?

9 A. Yeah. In the passage of House Bill 6, it was a time  
10 where we added a lot of consultants because we needed  
11 multiple people to do the work that was necessary, which was  
12 a lot. And I was basically the leader of the consultants.  
13 I quarterbacked in our daily meetings, our weekly goals, and  
14 I was generally responsible for them reporting to me on a  
15 daily basis.

16 Q. Are you familiar with a company by the name of Dewey  
17 Square?

18 A. I am.

19 Q. What is Dewey Square?

20 A. Dewey Square is a grassroots consulting company that  
21 does work in and around politics.

22 Q. And how is it that you are familiar with Dewey Square?

23 A. I am familiar with Dewey Square because we initially  
24 hired them to run the grassroots campaign to support our  
25 bill which was House Bill 6.

1 Q. So how would you characterize Dewey Square's involvement  
2 in the effort you were a part of up to the point that House  
3 Bill 6 was introduced?

4 A. Dewey was -- they are really responsible for sort of  
5 getting our media, shaping the issue of producing  
6 commercials and just generally, you know, trying to show the  
7 bill in a positive light to get citizens to not only  
8 understand what we were doing but like what we were doing.

9 They -- they had not gotten very far on the effort  
10 before they were -- before we fired them. But that was what  
11 they were intending to do.

12 Q. So you ended up firing Dewey Square; is that right?

13 A. We did.

14 Q. Can you describe what happened?

15 A. Yes. Very early on in the process, our bill was  
16 introduced in a subcommittee. And it was a very contentious  
17 subcommittee, which was filled with people who supported  
18 House Bill 6 and also supported the Speaker. But they were  
19 challenged by the audience and some of the opponents of the  
20 bill at that particular meeting as well as some elected  
21 officials who were on the committee and didn't support.

22 So it was a rough committee day. And after that  
23 committee day, I received communication from Jeff Longstreth  
24 of Generation Now, and that communication led to  
25 conversations in which he explained to me that we would have

1 to fire Dewey Square and we would have to take the resources  
2 that we were putting into Dewey Square and put them into  
3 Generation Now, you know, if we expected to, you know,  
4 obviously have continued support, you know, of our  
5 legislation.

6 **Q.** Do you recall when this conversation with Mr. Longstreth  
7 occurred?

8 **A.** I -- my memory -- my memory on this is that the bill  
9 was introduced sometime in early April, and I think it would  
10 have been shortly after that. So maybe mid to late April.

11 **Q.** So after you had this conversation with Mr. Longstreth,  
12 what happened next?

13 **A.** You know, I being somebody that was responsible for  
14 this large effort but now had a lot of consultants to manage  
15 and also multiple people to report to, you know, I was all  
16 about accountability. I mean, this was a very big decision  
17 where we were going to be firing someone that I didn't hire  
18 and replacing them obviously with someone who was  
19 recommended by Generation Now, but I wanted my boss to hear  
20 it directly. I didn't necessarily want to be the person  
21 fully responsible for this decision.

22 So I set up a meeting where my executive chairman, John  
23 Kiani, also Steve Burnazian, my executive vice president, my  
24 director of government relations, and myself all met with  
25 Generation Now to hear their explanation of why this was

1 necessary and also receive a pitch from them as to what  
2 their services would be.

3 **Q.** And who attended that meeting on behalf of Generation  
4 Now?

5 **A.** Jeff Longstreth and Neil Clark were both at that  
6 meeting.

7 **Q.** And where was this meeting held?

8 **A.** The meeting was held at the Generation Now offices,  
9 which at that point had moved from 65 East State Street to  
10 the old Huntington building, which is near High Street and  
11 Broad.

12 **Q.** Can you describe what happened at that meeting?

13 **A.** Yeah. At that meeting Jeff expressed to my executives  
14 how frustrated the Speaker was with our support of his  
15 elected officials, and he was very concerned about our  
16 ability to go forward. He said that we had to fire Dewey  
17 Square immediately, that we would hire Generation Now, and  
18 that they would immediately take over the entire media  
19 campaign; that that was responsible for supporting the House  
20 bill.

21 **Q.** Did Mr. Long -- Longstreth indicate whether he was  
22 speaking on behalf of anybody during the meeting?

23 **A.** Yes, he made it very clear that this was the Speaker's  
24 wishes and he was carrying them out.

25 **Q.** Did anyone else end up showing up at this meeting?

1       **A.**    Yes.  Toward -- at the end of the meeting, Jeff invited  
2       a lot of the committee members who were sitting on that  
3       initial committee, which led to this to come down to sort of  
4       meet our chairman, to meet my executive vice president and  
5       director of government relations, and I think it was  
6       really -- you know, the tone from us was kind of apologetic,  
7       that we would fix it, right.  You know, he wanted to -- just  
8       us to see that, you know, it was obviously important to  
9       them.  And I think he wanted that dual accountability, so  
10      that they knew that we were making the switch and empowering  
11      Generation Now to move forward with that.

12      **Q.**    Are you familiar with the term "cover"?

13      **A.**    Yes.

14      **Q.**    What does that mean?

15      **A.**    Cover typically in politics means that, in this  
16      instance, we're talking about grassroots.  If an elected  
17      official is forced to make a tough vote on something that  
18      maybe his constituents wouldn't like so much, occasionally a  
19      consultant will be engaged to run some media, run some ads  
20      to make the issue appear or just frame the issue in a way in  
21      which their constituents would be more favorable to it.  And  
22      this was one of the things that Generation Now said they  
23      would do as replacing Dewey.

24      **Q.**    What did you advise FirstEnergy Solutions to do?

25      **A.**    I advised them to do whatever Generation Now and the

1 Speaker said to do.

2 **Q.** Why?

3 **A.** Because ultimately they were the ones that were going  
4 to initiate, pass our legislation, and I didn't want to give  
5 anybody an excuse not to do that.

6 **Q.** Did Mr. Longstreth indicate what would happen if you did  
7 not use Generation Now for this effort?

8 **A.** He did not believe that Dewey was capable of supporting  
9 his members in the way that was going to lead this effort to  
10 be successful.

11 **Q.** And so did you feel like you had -- how did you feel?  
12 How did you feel after leaving this meeting?

13 **A.** We had -- we had no choice. It was either fire Dewey  
14 and hire Generation Now or our legislation would have had  
15 much more of an uphill battle, and it would have been much  
16 more difficult.

17 **Q.** Can you describe how -- can you describe whether any of  
18 the FirstEnergy Solutions executives reacted during this  
19 meeting?

20 **A.** Yeah. So my executive chairman and his right hand on  
21 the board of directors, they were both affirmative. I mean  
22 they do not have a political background, so they entrusted  
23 me but also, you know, were wise enough to leave the room  
24 and understand what's being told to them as businessmen. My  
25 executive vice president of government relations actually

1 stood up and he walked out of the meeting, he walked out of  
2 the office.

3 **Q.** And who was that?

4 **A.** His name was Dave Griffing.

5 MR. SINGER: May we please publish to the jury  
6 what's been previously admitted as Government's Exhibit 461B?

7 THE COURT: Yes.

8 **Q.** Do you recognize this?

9 **A.** I do.

10 **Q.** And what is it?

11 **A.** This is a text communication between myself and Jeff  
12 Longstreth.

13 **Q.** All right.

14 MR. SINGER: And can we jump to page 2, please.

15 **Q.** What is the date on your first message?

16 **A.** On page 2, the date of my first message is April 24,  
17 2019.

18 **Q.** And can you just read the first three messages in this  
19 exchange, please?

20 **A.** I write, thank you. I will get my side in motion ASAP.  
21 Please let me know skeleton budget ASAP so I can share with  
22 team.

23 Jeffrey responds, yep. I'll get it to you ASAP.

24 I then respond, I'm notifying Dewey today that  
25 Generation Now will be handling the media going forward.

1 Need to have a follow-up with you and if I could use TV,  
2 radio spots, or print that we have already paid for. Making  
3 this happen as quick as I can.

4 **Q.** All right. So what did you mean by, "please let me know  
5 the skeleton budget ASAP"?

6 **A.** Well, we sat in the meeting, Jeff and Neil both went  
7 over a number of things that they felt were necessary for us  
8 to be successful. One obviously was upping and creating a  
9 budget for TV to run ads in various -- in various places  
10 across the state. We -- we had discussed what needed to be  
11 done, but we did not get granular into exactly how much  
12 money it cost. So what I was simply asking was for a  
13 budget. That way I could go back to the company and secure  
14 the money necessary in order to fulfill it.

15 **Q.** Did you discuss how much Mr. Householder's team wanted  
16 you to pay Generation Now?

17 **A.** The budget that they created was a \$15 million budget.

18 **Q.** And did you believe you were getting anything in return  
19 for that \$15 million?

20 **A.** Well, yeah. I mean, for the -- for committing \$15  
21 million, we would get the full support of the Speaker and  
22 make sure this legislation was passed.

23 MR. SINGER: May we please publish to the jury  
24 what's been previously admitted as Government's Exhibit 462?

25 THE COURT: Yes.



1 MR. SINGER: Can we skip to page 2, please.

2 Q. First of all, do you recognize this document?

3 A. I do.

4 Q. And what is it?

5 A. It's a proposal from Generation Now.

6 MR. SINGER: And can you just blow up that first  
7 paragraph at the top.

8 Q. What does this indicate?

9 A. This indicates the length that we would likely take to  
10 pass a bill, and it also indicates the amount of money we  
11 would need for that length of time.

12 Q. All right. Did you have any say into how much money that  
13 FirstEnergy Solutions was going to pay Generation Now during  
14 this period?

15 A. No.

16 Q. And so how was this communicated to you?

17 A. It was communicated directly from Jeff to myself, and  
18 then I communicated it to my executives.

19 Q. And how did the payments work?

20 A. The payments for this particular process were on a  
21 weekly basis invoiced to me through email from Jeff. I  
22 would then take that email and I'd pass it along to my CEO,  
23 and then my CEO would approve it and then he would wire the  
24 money directly from FirstEnergy Solutions into a Generation  
25 Now account.

1 Q. All right. Can you describe what Dewey Square's role was  
2 after this meeting relating to the switch from Generation  
3 Now -- Dewey to Generation Now -- I'm sorry.

4 A. Dewey Square had really no role going forward. I mean,  
5 they were -- they were completely removed from the campaign.

6 Q. And do you know whether or not Dewey Square is a  
7 for-profit business?

8 A. It is a for-profit business. It's a national  
9 grassroots consulting firm.

10 Q. Okay. And do you know whether Generation Now had a  
11 staff?

12 A. They did have a staff.

13 Q. And who did you understand to be Generation Now's staff?

14 A. My understanding of the staff was that it was made up  
15 of three individuals, Jeff Longstreth, Anna Lippincott, and  
16 Megan Fitzmartin.

17 Q. And for whose benefit did you believe that staff was  
18 working?

19 A. They were all working for Speaker Householder.

20 Q. Why did you believe that?

21 A. I believe that because over the course of -- over the  
22 course of my relationship with FES in trying to pass this  
23 bill, I obviously met with many of these, you know, many of  
24 these people and we'd also discuss Speaker Householder,  
25 House Bill 6, and what we were trying to accomplish. It was

1 something that was extremely evident. You know, they were a  
2 team. They referred to themselves as Team Householder. The  
3 staff was always available to service and assist the  
4 Householder candidates, not just the Speaker himself. And  
5 they were very candid about it. So, I mean, I knew these  
6 people personally and that's when I made that determination.

7 **Q.** Was Mr. Borges involved at all in the effort to pass the  
8 House Bill 6 legislation?

9 **A.** We did retain Mr. Borges and his firm. He had three  
10 employees also that worked for him that were all retained to  
11 assist us in passing House Bill 6.

12 **Q.** And what was Mr. Borges' role?

13 **A.** Mr. Borges' role on House Bill 6, the passage of it,  
14 really was to sort of be a sounding board for myself.  
15 Again, this was one of the few people in politics that I  
16 trust. And, you know, we spoke every day about the bill.

17 He also was responsible for managing the staff  
18 underneath him, which consisted of three lobbyists, who all  
19 had separate relationships in the State House.

20 **Q.** Why was Mr. Borges involved? Why did you bring  
21 Mr. Borges on board to be involved in this effort?

22 **A.** Again, I trust him. He's a very, you know, a very,  
23 very intelligent individual, particularly when it comes to  
24 politics and campaign politics. And he also had extremely  
25 good relationships with people who I knew were going to be

1 impactful on our issue.

2 MR. SINGER: May we please publish to the jury  
3 what's been previously admitted as Government's Exhibit 461D?

4 THE COURT: Yes.

5 Q. Do you recognize this?

6 A. I do.

7 Q. And what is it?

8 A. It's a text message between Matt Borges and myself.

9 Q. And what do the green boxes represent?

10 A. Those are my text messages.

11 Q. And what do the blue boxes represent?

12 A. Those are Matt's responses.

13 Q. Okay. This is a fairly long exchange. We are going to  
14 go through some of these and kind of jump around a little bit.

15 MR. SINGER: But can we start at page 2, please.

16 Q. Can you read Mr. Borges' message at the top.

17 A. Message starts, if it's very important, yes. We have  
18 an 11 a.m. in the Speaker's office and our client is  
19 testifying right after. I could hand her off and come to  
20 lunch if it's critical.

21 Q. And your response?

22 A. My response, don't worry about it. Just want you to  
23 meet chairman and CEO. They will be at Roetzel for part of  
24 the afternoon.

25 Q. And who did you mean by chairman and CEO?

1       **A.**     At that time it would have been John Kiani and John  
2       Judge who was the chairman of our board and John Judge --  
3       I'm sorry, it would have been a reference to John Kiani,  
4       chairman and CEO, not the president.

5       **Q.**     And then what's the reference to Roetzel?

6       **A.**     Roetzel is the law firm where Matt worked at the time,  
7       and they -- after hiring them, they provided us with space  
8       in their office for us to work out of. They were very  
9       conveniently located right across the street from the State  
10      House, and they had significant conference room space, you  
11      know, which I otherwise didn't have. So we used their  
12      office very often to sort of set up as a headquarter.

13      **Q.**     And during what period did you use the Roetzel offices  
14      for this purpose?

15      **A.**     For this purpose, it was while legislation was being  
16      passed through chambers.

17                   MR. SINGER:    Could we go to page three, please.

18      **Q.**     And could you read your message at the top.

19      **A.**     It begins, Juan, want you to spend some time talking to  
20      the media funding plan with Griffing also.

21      **Q.**     And what did you mean by that?

22      **A.**     My, you know -- Matt is an extremely capable campaign  
23      operative and had much more experience with some of the  
24      campaigning than I did, particularly the funding. So I  
25      really was always trying to have accountability between my

1 executives and what they were spending and understanding  
2 what they were doing.

3 And so I just asked him to help my executive vice  
4 president understand where our money was going towards in  
5 this particular effort.

6 **Q.** And when you say "money" in this particular effort, what  
7 are you talking about?

8 **A.** This was the money that I was coordinating to go from  
9 FirstEnergy Solutions into Generation Now.

10 **Q.** Okay. You see at the bottom of the page, you ask the  
11 question, you here?

12 **A.** I do.

13 **Q.** And what does that represent?

14 **A.** I believe -- I believe that would be a reference to me  
15 maybe being in the office, in the Roetzel office that day.

16 **Q.** Okay.

17 MR. SINGER: Can you go down to the next page,  
18 please. All right.

19 **Q.** And can you start reading from the top?

20 **A.** Matt responds, yes.

21 I respond, come over.

22 I then respond, with the CEO.

23 Matt then responds, you know, that when you guys left,  
24 I went back to my office. I just did one lap and then  
25 followed you on the elevator, right?

1           And I respond with LOL, just laughing out loud.

2           MR. SINGER: The next page, please.

3   **A.**   Matt begins, but I was prepared, period. If you had  
4   been standing there talking when I came back around, I was  
5   going to just do another lap.

6           I respond, amazing.

7           I then respond, that was helpful. Just want him to  
8   know what he is spending his money on. Let's have ditto,  
9   tomorrow.

10   **Q.**   What did you mean by "that was helpful"? Just wanted him  
11   to know what he was spending his money on?

12   **A.**   In addition, in addition to me bringing the CEO and  
13   chairman from Generation Now to get an understanding of what  
14   was asked of them, I thought it would be helpful if Matt  
15   could help from his, you know, perspective as somebody on  
16   our payroll. Also, you know, give them an explanation of  
17   what was being done that way.

18           They just -- they felt like they were better with it.  
19   They felt like they had somebody on their team who was  
20   giving, you know, an honest read and just making them feel  
21   more comfortable with the money they were budgeting.

22   **Q.**   Can you please continue reading.

23   **A.**   Matt responds, okay.

24           Matt then responds, cable buy increased to 260,000.

25           MR. SINGER: Next page, please.

1       **A.**    I respond, we just transferred 1.5 million today to  
2       spend this week.

3               Matt responds, that's more.

4               I respond, I don't think they were ready for it. Rex's  
5       stuff is nasty too.

6       **Q.**    What did you mean by "Rex's stuff is nasty too"?

7       **A.**    The commercials that we produced were very hard-  
8       hitting, you know, very -- they were made to be very  
9       impactful. Our media consultant has a reputation for  
10      putting out very impactful negative ads, and these -- that  
11      describes this.

12      **Q.**    And the message at the top, we just transferred 1.5  
13      million today. What is that a reference to?

14      **A.**    That's a reference of money going from FirstEnergy  
15      Solutions to Generation Now.

16      **Q.**    Can you continue reading, please.

17      **A.**    Yes. Matt responds, of course.

18               I then respond, I know that oil and gas have more  
19      resources than us but if we spend 15 million in the next  
20      eight weeks, don't you think we get to a point of  
21      saturation? Like how much more can you spend in eight  
22      weeks?

23               MR. SINGER: Next page, please.

24      **A.**    I continue, that's not his question. I don't know the  
25      answer.



1 Matt responds yes -- or yeah. But it can be done.

2 Just ask Rex!

3 I respond, LOL.

4 I then respond, your point is very valid. Their buy is  
5 a mistake. It allows us to say they punch first and we are  
6 simply protecting members.

7 I then finish this page by saying, and we have more  
8 money to spend than they think. Who would ever assume a  
9 bankrupt company is willing to spend 15 million. What a  
10 joke? LOL.

11 **Q.** What did you mean by that last message?

12 **A.** Well, you know, what had been communicated to us  
13 obviously is that, you know, we're going through a managed  
14 bankruptcy. We're trying to exit this bankruptcy, and just  
15 by the words "bankruptcy" you wouldn't assume that there is  
16 \$15 million of discretionary money that we would have the  
17 ability to spend. So it was something that I wondered  
18 about. I mean, it was kind of contrary to what our message  
19 was when we were asking for money. And then obviously  
20 spending this type of money. So at this point I didn't have  
21 full clarity as to the finances and funding behind what was  
22 going on.

23 **Q.** So prior to your arrangement with Generation Now, did you  
24 plan to have FirstEnergy Solutions spend \$15 million to help  
25 pass legislation?

1 A. Absolutely not.

2 Q. Do you know -- how much did you anticipate spending with  
3 Dewey Square?

4 A. I would have assumed less than a million.

5 Q. So what changed?

6 A. What changed was we were told to let Dewey go. We put  
7 the -- we put the effort in Generation Now's hands and they  
8 dictated to us what the terms of that arrangement would be.

9 Q. Now, prior to this -- what's the date on this email?

10 A. The date of this email is April 30th, 2019.

11 Q. Prior to this email, had you discussed the \$15 million  
12 that FirstEnergy Solutions was paying to Generation Now with  
13 Mr. Borges?

14 A. Yes. Matt would have been aware of that at this point,  
15 absolutely.

16 Q. And can you explain why that is?

17 A. At this point, he was on board and obviously as a  
18 consultant, and, again, he was the most trusted person I had  
19 on my team. And I shared all information with him.

20 Q. Did you discuss with Mr. Borges the circumstances  
21 surrounding the switch from Dewey to Generation Now?

22 A. Yes. And he was aware because Mr. Borges also was a  
23 subcontract of Dewey Square. They were providing him a  
24 monthly stipend to serve as a Republican operative to help  
25 them structure their grassroots, so he was very well aware

1 of when that transition happened.

2 Q. And did you discuss with Mr. Borges Mr. Householder's  
3 relationship with Generation Now?

4 A. Yes. That was something that was discussed, but also  
5 it was something that was pretty widely known by this time.

6 Q. And did you discuss with Mr. Borges what you previously  
7 testified that you essentially felt like you didn't have a  
8 choice relating to the payments?

9 A. Yes. That was -- that was something where in our  
10 conversations, again, I'm accountable and it was my effort,  
11 and I was managing a number of consultants, but he was a  
12 valuable resource to me because of his experience and as a  
13 sounding board. So those things were discussed by us, yes.

14 Q. Did House Bill 6 ultimately pass through the House?

15 A. It did.

16 Q. Okay.

17 MR. SINGER: Can we please publish to the jury  
18 what's been previously admitted as Government's Exhibit 493B?

19 THE COURT: Yes.

20 Q. Do you recognize this?

21 A. I do.

22 Q. And what is it?

23 A. This is a text message string between Jeff Longstreth  
24 and myself.

25 Q. And what do the green bubbles represent?

1       **A.**    The green bubbles represent Jeff's messages, and the  
2       blue represent mine.

3       **Q.**    And what is the date on this message?

4       **A.**    The date is 5-29-2019.

5       **Q.**    Can you just read the first three messages, please?

6       **A.**    Yes.  Jeff writes, going to Mitchell's at 7 with some  
7       yes votes.

8                I respond, awesome.  I'll meet up.

9                Jeffrey responds, we have a private room.

10               I respond, okay, cool.

11       **Q.**    And do you recall going to Mitchell's --

12       **A.**    I do.

13       **Q.**    -- as described in these messages?

14       **A.**    I do.

15       **Q.**    And can you tell the jury what happened?

16       **A.**    This would have been when the bill was voted out of the  
17       House successfully.  Jeff reached out to me with this time  
18       to meet at Mitchell's with yes votes, which are people who  
19       voted yes for our bill.

20               When I showed up there, there were a number of state  
21       representatives there, Speaker Householder was there.  There  
22       were multiple consultants from FirstEnergy, the parent  
23       company, who were there.  I was -- I was invited, you know,  
24       day of, obviously.  So I don't know how planned it was, but  
25       everybody in the room was either a yes vote or a FirstEnergy

1 affiliate.

2 MR. SINGER: Can we move to page 5, please.

3 Q. All right. Can you start reading at the top.

4 A. Yes. From Jeff Longstreth, Speaker has asked me to  
5 pull together the whole HB 6 team on Monday. Are you  
6 available?

7 My response, I am sorry that I missed this earlier  
8 text. I have been absolutely slammed all day. Red called  
9 me two times today also.

10 I then add, I am good for the 1:30 meeting. Feel free  
11 to reach out beforehand so we can get on same page. Rex  
12 inquired about Steiner and Terry Casey.

13 Jeff responds, Speaker's on a rampage. That's why Rex  
14 called.

15 I respond, understood. Just let me know what I should  
16 be prepared for. I want to make sure I have answers and do  
17 not want the Speaker's rage directed at me. LOL.

18 He then responds, yep, he was pissed about  
19 Cleveland.com article and at me.

20 Q. Do you recall the meeting that's referenced in this  
21 message?

22 A. I do.

23 Q. What happened at this meeting?

24 A. This meeting was a meeting amongst Generation Now and  
25 their consultants. The onus was obviously our issue was not

1 getting favorable press, and that was something that was  
2 upsetting the Speaker and mainly because it was upsetting  
3 the fellow representatives. And it really was a meeting to  
4 get everybody on the same page, to really ramp up our media  
5 effort, and to make all of our consultants accountable for  
6 the work that they were doing.

7 And in my case, obviously that was just continuing to  
8 fund this work. So my presence was requested for that  
9 matter -- for that reason.

10 MR. SINGER: Can you go to the next page, please?

11 **Q.** And can you read just the first two messages at the top.

12 **A.** Sure. I write, Obhof, sorry to hear that. I've got  
13 your back. You've been great. Let's just regroup and get  
14 the rest of this deal done.

15 Jeffrey responds, we're good.

16 **Q.** What did you mean by get the rest of the deal done?

17 **A.** Well, obviously, the bill's passage and getting it  
18 enacted into law was the goal, and we had made it fairly far  
19 at this point. You know, the fact that it's almost June, if  
20 my memory serves me right, means that we would have  
21 obviously been in maybe the Senate process or getting geared  
22 up for the Senate. So getting the rest of the deal done was  
23 simply a reference to getting House Bill 6 completed.

24 MR. SINGER: Can you turn to page 8, please.

25 **Q.** And the first message at the top, can you just read that,

1 please?

2 **A.** Yes. It's a message from myself. It says, will need  
3 this week invoice. Out latest tomorrow 8 a.m. dot dot dot,  
4 thanks.

5 **Q.** And what's the reference to the invoice?

6 **A.** The invoice is what I would receive from Jeff  
7 Longstreth on a weekly basis so that I would then fund  
8 Generation Now with enough money to cover their expense that  
9 week.

10 **Q.** So you mention that the bill was in the Senate. Can you  
11 describe the effort to pass the House Bill 6 legislation while  
12 it was in the Senate?

13 **A.** Yes, I can. We still -- we still ran ads directed at,  
14 you know, supporting, educating senators who were favorable  
15 to the bill. They are obviously in the Senate as former  
16 members of the House that we also reached out to.

17 We utilized Pat Tully and other government officials to  
18 reach out to the Senate energy policy person. We had  
19 multiple meetings with the Senate president and the effort  
20 was very similar to the effort we ran in the House, except  
21 it wasn't as leadership driven. It was -- it was really  
22 driven through the committees and some of the allies that we  
23 had in the Senate.

24 **Q.** And can you describe whether Mr. Householder had any role  
25 while the legislation was in the Senate?

1       **A.**     Mr. Householder always maintained a presence, you know,  
2       in the State House during those times. He obviously reached  
3       out to members of the Senate that he had good relationships  
4       with, and he also helped us strategize with other reps who  
5       had good relationships in the Senate who could also be  
6       helpful.

7             Being that it's not his chamber, I think he was very  
8       careful not to push too hard. So he was very strategic  
9       about how he was helpful in that aspect, but he did continue  
10      to lead the effort with Generation Now with funding, our  
11      weekly spend. So that's probably the most significant way  
12      he contributed.

13      **Q.**     And can you explain whether any other member of  
14      Mr. Householder's team was actively involved in the Senate  
15      effort?

16      **A.**     Neil Clark, who was one of the members of our effort,  
17      he had -- he had unique relationship with the Senate, and he  
18      was somebody who was -- who was helpful to our efforts in  
19      that chamber.

20      **Q.**     And who is Mr. Clark?

21      **A.**     Mr. Clark is a -- or was a consultant and a  
22      co-conspirator of mine, a very respected consultant,  
23      lobbyist who definitely was of assistance in the Senate.

24      **Q.**     And can you describe Mr. Glickman's relationship with  
25      Mr. Householder?



1       **A.**     Mr. Clark for the purposes of House Bill 6 in the  
2       efforts that supported House Bill 6 served as Speaker  
3       Householder's proxy, meaning that he was a person that we  
4       were told to engage with and to speak with if we want to get  
5       a message through the Speaker, and vice-versa.  If Neil said  
6       something, it was the Speaker saying it.

7       **Q.**     Why did you use the word "proxy"?

8       **A.**     I think I use the word "proxy" because it's the word  
9       that Neil used to describe himself first and foremost.  But  
10      it also, it also is a good characterization or description  
11      of what he was.  I mean, this was a very complicated effort  
12      that took a lot of time, a lot of effort.  And I think for  
13      someone like a Speaker of the House, it would require way  
14      too much time to always be at attention for phone calls and  
15      conference calls and whatnot.

16             So the ability to streamline through Neil and be able  
17      to have Neil as a direct report to handle things, you know,  
18      would be much better on time.

19             MR. SINGER:  May we please publish to the jury  
20      what's been previously admitted as Government's Exhibit 451A?

21             THE COURT:  Yes.

22      **Q.**     Do you recognize this?

23      **A.**     Yes.

24      **Q.**     What is it?

25      **A.**     This is a text message exchange between myself and Matt

1       Borges.

2       **Q.**     And what do the green boxes represent?

3       **A.**     The green boxes are my text messages and the blue are  
4       his.

5       **Q.**     And what is the date on the first message?

6       **A.**     June 3, 2019.

7                   MR. SINGER:  Can we please turn to page 7.

8       **Q.**     And so what's the -- can you read the date on the first  
9       message at the top of page 7?

10      **A.**     That's June 4th, 2019.

11      **Q.**     And then what's the date on the second message?

12      **A.**     June 7, 2019.

13      **Q.**     And what does the difference in these dates indicate to  
14      you?  Or are these two unrelated messages?

15      **A.**     I would need to see the prior page maybe.

16      **Q.**     Sure.

17      **A.**     To understand that.

18                   MR. SINGER:  Move up to page 6, please.

19      **A.**     Can you please flip back to 7.

20                   I see these as being unrelated.

21      **Q.**     Okay.  And can you read that second -- the second message  
22      from Mr. Borges?

23      **A.**     Yes.  It states, dash, immediate expenditure, dash,  
24      levies and tax, dash, has an emergency clause.  Those three  
25      legislature types cannot be referred to the ballot by

1 citizen initiative.

2 **Q.** And the next message, please?

3 **A.** Next message is, so to protect ourselves we want to  
4 work with Strigari or someone to figure out how to craft  
5 final language to make it referendum proof.

6 **Q.** All right. So what did you understand the purpose of  
7 Mr. Borges' message to you to be?

8 **A.** The purpose of this message was to describe the ways  
9 that we can make a piece of legislation referendum proof.  
10 It was something that was of a concern, that a referendum  
11 could be raised at a later date and we wanted to prevent  
12 that if possible.

13 **Q.** And this is -- what is the date on this message again?

14 **A.** June 7, 2019.

15 **Q.** So as of June 7, 2019, can you describe whether or not a  
16 ballot referendum was a concern?

17 **A.** It was -- it was definitely something that was a  
18 concern. Again, Matt is extremely talented when it comes to  
19 campaign elections. It's one of the major reasons he was on  
20 the team. So I think he was more versed and ahead of this  
21 than we were. It was -- it was a very, very big concern,  
22 but it was something that we weren't completely focused on  
23 yet because we were still, I believe, fighting the  
24 legislation out.

25 **Q.** And did you do anything with this information from

1 Mr. Borges?

2 **A.** Oh, yes. This is something I would have absolutely  
3 passed on, and not only made sure that the Speaker's team  
4 and Generation Now had knowledge of this but also my  
5 executive team.

6 MR. SINGER: May we please publish to the jury  
7 what's been previously admitted as Government Exhibit 451C?

8 THE COURT: Yes.

9 **Q.** Do you recognize this?

10 **A.** I do.

11 **Q.** And what is it?

12 **A.** This is a text message exchange between myself and Matt  
13 Borges.

14 **Q.** And what is the date on this, these exchange -- this  
15 exchange?

16 **A.** The date is June 26, 2020 -- or 2019. Excuse me.

17 **Q.** And what do the blue messages represent?

18 **A.** The blue messages are Matt's messages to me and the  
19 green is my response.

20 **Q.** Can you start reading at the top?

21 **A.** Yes, from Matt. Had dinner with Yost and put the  
22 referendum issue on his radar. He is sympathetic but wants  
23 to go back and look at the law to make sure referendum proof  
24 language is sound. Also, API guys now believe the bill is  
25 going to pass, so they've moved on to focusing on ballot

1 measure. They're interviewing consultants. Not sure if  
2 they've hired anybody -- anyone.

3 I respond, when you say sympathetic, sympathetic  
4 towards us or them? Who would they be interviewing?

5 MR. SINGER: And the next page, please.

6 **A.** I continue, we need to have the Speaker lean on  
7 favorable consultants in the meantime if possible.

8 I continue, API guys are more comfortable than I am.

9 LOL.

10 **Q.** And the last message, please.

11 **A.** Matt responds, us. Don't repeat this, but he said, in  
12 quotes, "I would be up front opposing this if it weren't for  
13 FE's support and your involvement," end quote.

14 He thinks the issue is bad policy but he wants to be  
15 supportive. If there is any way the law will allow him to  
16 reject the language, he will do it.

17 MR. SINGER: All right. Can we go back up to the  
18 first page.

19 **Q.** And that first message from Mr. Borges, there is a  
20 reference to Yost. Who is Yost?

21 **A.** Dave Yost is the current sitting Attorney General of  
22 Ohio.

23 **Q.** And what did you understand the reference to  
24 referendum-proof language to be?

25 **A.** The reference to referendum-proof language is creating

1 a piece of legislation that cannot be challenged after it's  
2 enacted.

3 **Q.** And why couldn't it be challenged?

4 **A.** Because if it meets the thresholds defined there, those  
5 are not, those are not things that a citizen initiative can  
6 put on the ballot.

7 **Q.** And was one of those ways that it could be referendum  
8 proof relative to your efforts?

9 **A.** We were trying to make it such.

10 **Q.** And can you explain that, please?

11 **A.** Yeah. What we -- what we really were focused on is  
12 trying to get the bill to be interpreted as a tax, not  
13 something that legislators want to do obviously for obvious  
14 reasons. It's not something that they want their  
15 constituents to -- it's tough for their constituents to  
16 accept, but we really wanted this to be interpreted as a  
17 tax, and we were trying to shape the language to make that  
18 happen.

19 **Q.** Did you have any discussions with Mr. Borges about his  
20 relationship with Attorney General Yost?

21 **A.** Yeah. I mean, we communicated very often. His  
22 relationship with the Attorney General is again widely  
23 known. And it's something that I am very well aware of.

24 **Q.** And did you consider at all Mr. Borges' relationship with  
25 Attorney General Yost when determining your plan for the House

1 Bill 6?

2 **A.** Yeah, absolutely.

3 **Q.** And can you describe that, please?

4 **A.** Well, you know, Mr. Borges had previously run a  
5 statewide campaign for the Attorney General. He was one if  
6 not his closest political consultant. He's someone that I  
7 know the AG's very fond of. And knowing that the Attorney  
8 General would have impact potentially on this issue, I  
9 wanted somebody on my team who had that relationship.

10 **Q.** All right. And then your message in response, you say  
11 "When you say sympathetic, sympathetic towards us or them."  
12 What did you mean by that?

13 **A.** I think, I think in the previous message Matt describes  
14 Yost as being sympathetic but I didn't realize if he meant  
15 sympathetic towards our issue or our opponent's stance.

16 MR. SINGER: And page 2, please.

17 **Q.** And then Mr. Borges' response starting with us, what did  
18 you understand that to mean?

19 **A.** I think it's pretty clear what's stated. It didn't  
20 seem like the Attorney General really was excited about the  
21 legislation, but he was obviously willing to support it  
22 because of his long-standing history with the company and  
23 also his personal relationship with Matt.

24 **Q.** And did this impact at all your strategy for getting the  
25 legislation enacted?

1 A. Well, knowing that we had an Attorney General, you  
2 know, who would interpret it, you know, as a tax if we were  
3 able to, it definitely caused us to put a lot of effort into  
4 trying to make that happen.

5 MR. SINGER: May we please publish to the jury  
6 what's been previously admitted as Government's Exhibit 511?

7 THE COURT: Yes.

8 Q. Do you recognize this?

9 A. Yes, I do.

10 Q. And what is it?

11 A. This is a text message exchange between myself and John  
12 Kiani.

13 Q. And what do the green messages represent?

14 A. The green messages are my messages.

15 Q. And what do the blue messages represent?

16 A. Those are Mr. Kiani.

17 Q. And can you explain to the jury again who Mr. Kiani is?

18 A. John Kiani was executive chairman and head of our board  
19 of directors.

20 Q. And what's the date on these messages?

21 A. This is -- it appears to be 7-8-2019.

22 Q. And where is the legislation at this point?

23 A. At this point, the legislation, I believe is in the  
24 Senate.

25 Q. Okay.



1 MR. SINGER: Can you turn to page 2, please.

2 Q. And can you read your first two messages at the top?

3 A. Yes. I write, it's very easy to use. Thank you again!  
4 I know you are very worried and stressed right now, but we  
5 still have good momentum and the right people are on our  
6 side.

7 I then continue, let's just get through this week. I  
8 remind the Speaker's team every day about the importance of  
9 the audit and the ten years. Then they and the governor are  
10 aware of our issues.

11 Q. What did you mean by the right people are on our side?

12 A. What I meant was first and foremost, you know, the  
13 Speaker was with us. He was very supportive. But also I  
14 strategically put together a group of consultants that had  
15 very unique relationships that tied to our leadership that I  
16 believe gave us a very good opportunity to be successful.

17 Q. In the next message you reference you reminding the  
18 Speaker's team about the importance of the audit and the ten  
19 years. What did you mean by the audit?

20 A. So the audit was something that was introduced in the  
21 Senate after the bill passed the House. And what happened  
22 was the Senate wanted a mechanism in the bill for  
23 accountability. They really wanted to make sure the company  
24 needed the money that they were being awarded. So they put  
25 a provision in the bill which required the company to, I

1 believe, every year have an audit where they would have to  
2 explain how and why they spent the money. That was  
3 obviously something the company did not want to do, nor  
4 would they accept the bill that had that type of language.

5 So one of my jobs was to try to get that language  
6 pulled out of the bill so that it would be amenable to the  
7 company.

8 **Q.** And was that language ultimately in the final bill?

9 **A.** It was not in the final bill. It was removed.

10 **Q.** And what was the reference to ten years?

11 **A.** Ten years is revisiting what I discussed earlier which  
12 is that we had a ten-year subsidy that we were trying to  
13 pursue, but it was ultimately knocked down to six, and I was  
14 trying to make sure that leaders knew that we really needed  
15 ten and that we were trying to get those four years back.

16 **Q.** Ultimately, was House Bill 6 signed into law?

17 **A.** It was ultimately signed into law, correct.

18 **Q.** And did it take effect at that time?

19 **A.** It needed to -- it needed to wait 90 days before it  
20 went into effect. It was signed by the governor the same  
21 day it passed the Senate.

22 **Q.** And why did it need to wait 90 days?

23 **A.** To see if there would be a referendum challenge. And  
24 there was.

25 **Q.** Okay. Can you describe that?

1       **A.**    Yes.  Very shortly after we passed the bill out of the  
2       Senate, there was really no time to celebrate.  The opposite  
3       had rallied around an initiative to overturn the legislation  
4       through a signature campaign.  Which would have been  
5       extremely detrimental to us.  It would have undone all the  
6       work that we had completed up to this point in time.

7                So our objective switched from passing legislation to  
8       now defending legislation.

9       **Q.**    Who was in charge of this effort to defeat the ballot  
10      campaign?

11      **A.**    The ballot campaign effort was also run by Generation  
12      Now, just as the legislative effort had been run.  And it  
13      was funded in a similar manner.

14      **Q.**    And who was in charge of the effort on the FirstEnergy  
15      Solutions' side?

16      **A.**    On the FirstEnergy Solutions' side, it really -- it  
17      lied with me.  I mean, I was the person who handled all  
18      communication from FirstEnergy Solutions to Generation Now.

19                MR. SINGER:  May we please publish to the jury  
20      what's been previously admitted as Government's Exhibit 603?

21                THE COURT:  Yes.

22      **Q.**    Do you recognize this?

23      **A.**    I do.

24      **Q.**    And what is it?

25      **A.**    This is a text message between myself and John Kiani.

1 Q. And what do the green messages represent?

2 A. The green messages represent my message.

3 Q. And the blue messages?

4 A. Those are John Kiani.

5 Q. And what is the date?

6 A. The date here is July 29th of 2019.

7 Q. And can you read the three messages on this page?

8 A. Yes. My message states, what time are you available to  
9 talk to the Speaker today?

10 Mr. Kiani responds, after 4 Eastern Time.

11 I then respond, okay, thanks.

12 Q. Do you recall whether you had a call with Mr. Householder  
13 on July 29, 2019?

14 A. I did.

15 Q. And can you describe the July 29th call with  
16 Mr. Householder?

17 A. Yes. The July 29th call was unique because myself,  
18 John, the Speaker, were in three different locations. The  
19 Speaker was traveling that day on 71, John was in Texas, and  
20 I actually was out of the country.

21 The call was -- it took place in two batches because  
22 midway through we got disconnected. The call was basically  
23 about the referendum, and John Kiani, the man I described,  
24 was extremely worried about us not having success in  
25 defending the referendum and our business basically going by

1 the wayside. The Speaker on this call reassured John that,  
2 obviously, he would do everything in his power to help  
3 defeat the referendum. That we were in good hands obviously  
4 with Generation Now. And that if anything were to go wrong,  
5 that he would be prepared to introduce new legislation. So  
6 that was the gist of the discussion that day.

7 **Q.** Can you describe what you mean by additional legislation?

8 **A.** Yes. Obviously, if the opposition was successful in  
9 defeating our legislation through a referendum, we would  
10 need a new bill to be drafted quickly that could be then  
11 passed to save the plants. So one of the things that was  
12 discussed strategically was potentially introducing a bill  
13 or introducing our solution in multiple bills. That way it  
14 would be much, much more difficult to challenge all the  
15 pieces of the legislation.

16 **Q.** And did you discuss this plan with Mr. Householder  
17 directly?

18 **A.** Yes, I did.

19 **Q.** Can you describe that?

20 **A.** We had a conversation, actually a conference call, with  
21 myself, John Kiani, the Speaker, and Stephen Burnazian, and  
22 that was obviously an idea the Speaker had. It was  
23 something he came up with and it was something that he had  
24 told us that he was planning on initiating if the time and  
25 need came up.

1 Q. And during that July 29th call, was there any discussion  
2 about funding the effort to defeat the ballot campaign?

3 A. Yes, there was. It was unclear of what the effort  
4 would cost, but what we had decided was that we were going  
5 to continue to operate the way we had been on the previous  
6 eight-week campaign that was passed in the legislation.

7 Q. During the call with Mr. Householder, did Mr. Householder  
8 and Mr. Kiani discuss at all the effort to get House Bill 6  
9 passed?

10 A. On the July 29th call?

11 Q. Was there any reference to the effort to get the  
12 legislation passed?

13 A. Oh, yeah, yeah, of course. It was from Mr. Kiani's  
14 standpoint, he was very thankful of everything the Speaker  
15 had done up to this point. He acknowledged and recognized  
16 that we would not have had success had it not been for how  
17 solid and how much work the Speaker put into this. So he  
18 was -- it was an exchange of pleasantries and then ended the  
19 call.

20 Q. Can you describe what the plan was for how the ballot  
21 referendum campaign was to be defeated?

22 A. Yeah. There was a multi-prong approach for us to try  
23 to defeat the ballot referendum. The idea or the gist of it  
24 is the opposition had people with petitions who were  
25 gathering signatures, and everything that we had planned was

1 an effort to try to thwart that or try to combat that.  
2 There were many different strategies that we used. They  
3 ranged from using private investigators to follow petition  
4 gatherers all the way to getting lists of people, you know,  
5 who had signed up with the opposition so that we could do  
6 background checks on them and use that information at a  
7 later date.

8 We had programs in place to take people who were  
9 working for the opposition and actually get them to work on  
10 a separate petition that we had created as a way to eat into  
11 their workforce.

12 There were many, many different ways we planned to stop  
13 their effort.

14 **Q.** And do you recall how much -- around how much money  
15 FirstEnergy paid to Generation Now during the ballot campaign?

16 **A.** Yes. It was over \$35 million, I believe.

17 **THE COURT:** Is this a good break point or not?

18 **MR. SINGER:** Your Honor, I probably have maybe three  
19 minutes.

20 **THE COURT:** Go ahead.

21 **Q.** Based on your knowledge at the time, was Mr. Householder  
22 an expert in defeating ballot campaigns?

23 **A.** No, I would not say that.

24 **Q.** Based on your knowledge at the time, was Generation Now  
25 in the business of defeating ballot campaigns?

1       **A.**     No.

2       **Q.**     To your knowledge, were members of Householder's team  
3       experts in defeating ballot campaigns?

4       **A.**     Not to my knowledge, no.

5       **Q.**     Could FirstEnergy Solutions have hired a company with  
6       expertise in defeating ballot campaigns to work on the effort?

7       **A.**     Yes.

8       **Q.**     Why didn't you recommend that your client do so?

9       **A.**     That wasn't an option. Well, much like the  
10      legislation, the relationship between Generation Now and  
11      FirstEnergy Solutions, where we were at that point in the  
12      process, you know, we were going to finish with the same  
13      arrangement. It was a -- it was presented to us after the  
14      legislation that Generation Now would also handle the  
15      referendum, the conversations were much more informal. Neil  
16      and Jeff and the Speaker at a later date participated in all  
17      those conversations, but we were -- we had to make decisions  
18      very quickly. We had apparatuses in place to exchange and  
19      contribute money, and it was going to stay that way for the  
20      remainder of the process.

21      **Q.**     And did you advise FirstEnergy Solutions, your client, to  
22      pay money to Householder through Generation Now to defeat the  
23      ballot campaign?

24      **A.**     Absolutely.

25      **Q.**     And why did you do so?



1       **A.**     Because I felt that it was the best option for us at  
2       the time, not only to potentially beat the ballot initiative  
3       but even if we were not successful, showing the Speaker that  
4       we were continuing -- we continued to be willing to work  
5       with him, was going to help provide new legislation or some  
6       other need if necessary.

7       **Q.**     And do you believe you would have advised your client to  
8       pay the money into Generation Now relating to the ballot  
9       effort if Mr. Householder was not the Speaker?

10      **A.**     No, absolutely not.

11      **Q.**     And why?

12      **A.**     I mean, the premise of us, you know, being supportive  
13      was because we knew the Speaker and Jeff controlled  
14      Generation Now.  And if he was not in that role or  
15      affiliated with them, it would not have made sense for us to  
16      use them.

17               MR. SINGER:  I think this would be a good time to  
18      stop, Your Honor.

19               THE COURT:  Very well.  We have reached our break  
20      for the day.  I have been watching.  You are on it.  Quite a  
21      team.  We appreciate your work.  Tonight I want you to take a  
22      break, go home.  Don't discuss the case among yourselves or  
23      with anyone else.  No independent research.  No media  
24      searches.  Continue to keep an open mind.  We will look for  
25      you at 9:15 at your place after having self tested.  God

1 speed.

2 Out of respect for you, we will rise as you leave for the  
3 day.

4 THE COURTROOM DEPUTY: All rise for the jury.

5 (Jury was excused for the day.)

6 THE COURT: Jury's left the room. The door is  
7 closing. As always, we'll wait until we are notified they  
8 have cleared the floor, and then we will break for the day.  
9 You can remain seated or standing as you choose.

10 Mr. Singer, when you said you had three more minutes, did  
11 you mean in that chunk or total?

12 MR. SINGER: I meant in that chunk.

13 THE COURT: I thought you did. Very well.

14 All clear. Head home and have a good evening. We're in  
15 recess. The witness is not to discuss his testimony with  
16 anyone during the break.

17 THE WITNESS: Yes, sir.

18 MR. SCHNEIDER: Judge, can we get the next witness?

19 THE COURT: Do you want the batting order? That is  
20 the phrase you used, wasn't it?

21 MR. SCHNEIDER: I asked for the next witness in  
22 line.

23 MS. GAFFNEY-PAINTER: Is Megan Fitzmartin and then  
24 Nathan Holbrook.

25 THE COURTROOM DEPUTY: All rise. Court is in

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recess.

(Proceedings continued in progress at 4:30 p.m.)

CERTIFICATE OF REPORTER

I, Mary A. Schweinhagen, Federal Official Realtime Court Reporter, in and for the United States District Court for the Southern District of Ohio, do hereby certify that pursuant to Section 753, Title 28, United States Code that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

s/Mary A. Schweinhagen

15th of February, 2023

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MARY A. SCHWEINHAGEN, RDR, CRR  
FEDERAL OFFICIAL COURT REPORTER

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I N D E X

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