

1 Any redirect?

2 MR. KAPTAN: None, Your Honor.

3 THE COURT: Okay.

4 All right, sir, you may step down. Thank
5 you.

6 MR. KAPTAN: Your Honor, Mr. Bohensteriel
7 is the only witness that I have present, but I would
8 like to call Mr. Sutton to the stand since he is
9 present in the courtroom.

10 THE COURT: Okay. Mr. Sutton.

11

12 **JOHN F. SUTTON, III**, a named Defendant,
13 having been first duly sworn, and being called on
14 behalf of the Plaintiff as an adverse witness, was
15 examined and testified as follows:

16

17 **DIRECT EXAMINATION**

18

19 BY MR. KAPTAN:

20 Q. Good morning, Mr. Sutton. My name is
21 John Kaptan. I'm an attorney with Cornerstone Law.
22 I'm representing Mr. Bohensteriel here.

23 Mr. Sutton, do you mind stating your name
24 and occupation for the Court?

25 A. My name is John F. Sutton, and I am a

1 retired school administrator.

2 Q. And at some point did you decide you
3 wanted to run for the school board?

4 A. I did.

5 Q. Why did you want to run for the school
6 board?

7 A. Quite frankly, it was a -- the last ten
8 years I spent as the coordinator of intergovernmental
9 affairs for the school division, and it was a natural
10 progression for me to -- after retirement to stay
11 involved with the school division that I've grown to
12 love.

13 Q. And so you feel that your background has
14 qualified you --

15 A. I am -- yes, I do.

16 Q. What did you --

17 A. But that's for others to decide.

18 Q. Certainly.

19 Had -- what did you do when you decided
20 that you were going to run for the District 3 Board
21 position this year, 2024?

22 A. What does that mean? What did I decide
23 to do?

24 Q. How did you -- how did you pursue the
25 candidacy?

1 You decided you wanted to run for the
2 board. What did you do next?

3 A. Oh, sure. I -- just like Mr. Bohensteriel,
4 I walked into the -- I consulted with friends and my
5 family to determine whether it was something that they
6 were willing to support, and I went -- just like
7 probably everybody else, went to the Voter Registrar
8 and got the packet and did some research online and --
9 and filled out the information.

10 Q. And are you aware of the number of
11 qualified voter signatures you need to be a candidate?

12 A. I am.

13 Q. What is that number?

14 A. I believe it's 125.

15 Q. And what did you do to go about getting
16 those signatures?

17 A. I enlisted -- I, myself, knocked on doors
18 just like most candidates probably do. And I enlisted
19 the support of a former student and two of his friends
20 from -- UVA students.

21 Q. All right. Can you describe how they --
22 how did you instruct them to help you out? You said
23 you enlisted their support. Can you describe what --
24 what did you do to enlist that support?

25 A. Sure. The morning that -- the morning

1 that we were going to collect signatures, we talked a
2 little bit about things, like, how to be nice, how to
3 knock on doors, how to -- how to -- how to approach a
4 citizen in a -- in a pleasant way, don't be intrusive,
5 don't -- don't fill out anything -- don't fill out
6 anything other than -- other than the date and the --
7 and get the signature of the individual who was
8 signing.

9 Q. Do you remember the names of your -- your
10 UVA students that you enlisted?

11 A. Well, Colin Fogerty is a -- is my former
12 student. His two fraternity brothers I would have
13 to -- I would have to look at a piece of paper to
14 remember them.

15 Q. Would you recognize their names if I
16 showed you?

17 A. Oh, sure. Absolutely.

18 MR. KAPTAN: I'm going to approach the
19 witness, with the Court's permission, with what has
20 been submitted as Exhibit 1 to the complaint.

21

22 BY MR. KAPTAN:

23 Q. Will you take a look at those?

24 A. What am I looking at? I mean, what do
25 you want me to look at?

1 Q. So those appear to be the petitioner
2 qualified signatures. Do you recognize those?

3 A. Yes, I do.

4 Q. And they are labeled 1A, 1B, then 2A, 2B?

5 A. I do see that, yes.

6 Q. The first ten appear to have your
7 signature. Do you mind just identifying and verifying
8 whether that's your signature?

9 A. That is my signature.

10 Q. And then in the 11 through 16, you have
11 the -- the three, you know, students. The first one, I
12 believe, is Colin Fogerty, and then his -- his two
13 friends?

14 A. (The witness looked through the
15 documents.)

16 Bennett and Tucker. Yes.

17 Q. And do you mind saying their first name,
18 last name?

19 A. Tucker Meeks and Bennett, forgive me,
20 Bennett Aliabadi.

21 Q. And those are the three young men --
22 students --

23 A. Yes.

24 Q. -- that assisted you?

25 Now, what are the dates of their

1 signatures on those -- on those petition forms?

2 A. The dates of their signature -- like,
3 where the notary is?

4 Q. Yeah. That's right.

5 A. That is February 22nd.

6 Q. So where is -- I'm sorry. Where is the
7 date of their signature? It appears in the Circulator
8 Affidavit just above that.

9 A. I'm not quite sure what I'm looking for
10 here.

11 Q. So above the notary --

12 A. Can you show me?

13 Q. Above -- it should be right there. Right
14 above the notary block there's a spot that says
15 Circulator Affidavit.

16 A. Oh. It says "the foregoing instrument
17 was subscribed and sworn to me on the 22nd of
18 February."

19 Q. So that's the -- the notary block.
20 Again, there's a Circulator Affidavit
21 form. I think --

22 A. Oh. I'm sorry. I'm sorry. Forgive me.
23 The 3rd.

24 Q. And isn't that the date that they came
25 and visited and were knocking on the doors?

1 A. It is.

2 Q. And didn't they sign that in your house
3 that evening?

4 A. Did they sign what?

5 Q. The Circulator Affidavit?

6 A. You mean at the bottom where the notary
7 was?

8 Q. I mean the Circulator Affidavit. It says
9 Circulator Affidavit and they signed their names. And
10 you just read that it was dated February 3rd. And I'm
11 asking you, didn't they sign it at your home when they
12 were there that day knocking on the doors?

13 A. Oh, I see what you're saying. Yeah.
14 I -- I'm assuming. Yes.

15 Q. Okay.

16 A. It's dated the 3rd, so I'm assuming yes.

17 Q. Can you -- can you read for the Court,
18 where would -- did the notarization take place?

19 A. The notary -- the notarization took place
20 in Charlottesville at the -- near the University of
21 Virginia.

22 Q. And what was the date on the --

23 A. It was on the 22nd.

24 MR. KAPTAN: Absent objection, I'm going
25 to move for admission as Plaintiff's 2, the --

1 MR. BOYNTON: I have no objection. I
2 just want to clarify where we are procedurally.

3 My understanding is that we are still
4 within the Plaintiff's case-in-chief --

5 THE COURT: Yes.

6 MR. BOYNTON: -- and he has called this
7 as -- this man, Mr. Sutton, as his witness? Thank you,
8 Your Honor.

9 THE COURT: Yes.

10 MR. KAPTAN: I'll move for admission as
11 Plaintiff's Exhibit 2.

12 THE COURT: That will be Plaintiff's
13 Exhibit 2.

14
15 (The documents were marked for
16 identification and admitted into evidence
17 as Plaintiff's Exhibit No. 2.)

18
19 MR. KAPTAN: Actually, I don't have
20 another copy for -- for the witness. There are other
21 question --

22 THE COURT: Okay. I'm going to give this
23 back to you.

24 Are you going to ask more questions about
25 this exhibit?

1 MR. KAPTAN: I -- I am, Your Honor.

2 THE COURT: You are?

3 MR. KAPTAN: Yes, Your Honor.

4 THE COURT: All right. Let me make this
5 official. All right.

6 All right, Mr. Kaptan, You can just use
7 that.

8 MR. KAPTAN: Thank you, Your Honor.

9

10 BY MR. KAPTAN:

11 Q. Mr. Sutton, I'm going to ask you just a
12 few questions about the -- just the petition
13 circulation -- petitions labeled 1 through 10, the ones
14 that you signed.

15 Would you please identify what dates on
16 which you signed those?

17 A. Would that be the Circulator Affidavit?

18 Q. That's correct.

19 A. The 3rd.

20 Q. Is that for all of them?

21 A. No. Some I signed on the 5th.

22 Q. Are there any that show the 4th?

23 A. I don't see any.

24 Q. Okay.

25 On petition --

1 A. Oh. Yes, there are.

2 Q. Okay. Thank you, sir.

3 On Petition 1, did you date that February
4 3rd?

5 A. That's 1A

6 Q. 1A and 1B. I believe it's a two-sided --
7 Just for clarity for the Court, when you
8 got these, Mr. Sutton, weren't they two-sided petition
9 sheets?

10 A. They are two-sided. Yes.

11 Q. And when they are copied, you got, you
12 know, 1A and 1B? In the original they were two --
13 two-sided?

14 A. I would concur with that.

15 Q. Thank you.

16 So petition 1 that has 1A and 1B, you
17 signed that on February 3rd; isn't that right?

18 A. I signed them at the date of circulation,
19 yes.

20 Q. Okay.

21 And aren't there signatures that are
22 dated by the actual voters that appear as both 2-3 and
23 2-4?

24 A. I said -- I signed them at the date of
25 circulation, yes.

1 Q. Okay.

2 Are there signatures of the voters that
3 are dated 2-4?

4 A. Apparently so. Yes.

5 Q. And you signed it 2-3; isn't that
6 correct?

7 A. I did. I signed it the date of
8 circulation.

9 Q. Thank you.

10 And on petition number 10, you signed
11 that one February 3; correct?

12 A. Is that 2 -- which one is 10?

13 Q. It should be labeled 10A and 10B.

14 A. Thank you. Forgive me. 10A?

15 Q. 10A has voter signatures 1 through 6, and
16 I believe 10B has your signature; isn't that right?

17 A. 10B does. Yes.

18 Q. And you signed that 2-4; correct?

19 A. Signed that --

20 Q. I'm sorry. You signed that 2-3?

21 A. I did.

22 Q. And the voter signatures on 10A are 2-4;
23 isn't that right?

24 A. That is correct.

25 MR. KAPTAN: Thank you. I have no

1 further questions. I'm certain counsel will have some.

2 THE WITNESS: Thank you.

3 THE COURT: All right. Can I -- can I
4 get that back, please, since it's an exhibit.

5 Counsel, the exhibit is up here if you
6 guys want to -- if you need it.

7 MR. STEIN: Thank you.

8

9 **CROSS-EXAMINATION**

10

11 BY MR. STEIN:

12 Q. Mr. Sutton, I -- have you ever testified
13 before?

14 A. Never.

15 Q. So this is -- this is probably -- so this
16 is probably fairly nerve-wracking?

17 A. Horribly.

18 Q. Especially when the -- you know, it's
19 your campaign on the line?

20 A. My integrity.

21 Q. So -- so opposing counsel asked you --
22 called you up as an adverse witness in his
23 case-in-chief. He -- he asked you if you signed under
24 the Circulator Affidavit, in what's been admitted as
25 Exhibit 1, and I'm going --

1 MR. STEIN: You Honor, may I approach?

2 THE COURT: Yes.

3

4 BY MR. STEIN:

5 Q. So what I'm showing him right now is --
6 is -- start with 1A.

7 So he asked you if you signed -- and you
8 got the right glasses on?

9 A. Yes, I do.

10 Q. Okay.

11 He asked you if you signed -- you put
12 your signature here --

13 A. Oh. Oh, I see.

14 Q. -- on the date of 2-3. Is that accurate?

15 A. Well, I didn't sign anything except in
16 the presence of the notary. But I --

17 Q. So -- so, essentially, you were asked
18 did -- you put that date there (indicating)?

19 A. Yes.

20 Q. And you said that was the date of
21 circulation?

22 A. Yes.

23 Q. Did you actually sign it on the day --

24 A. Oh. I'm sorry. Yeah.

25 Q. -- you circulated it?

1 A. No, no, no, no, no. I was looking --
2 I'm -- I was looking down here. I was looking down
3 here and thinking that was my -- no. I get what you're
4 saying now.

5 Q. Okay. So you --

6 A. Yes, I --

7 Q. -- you've got the right glasses. You --

8 A. Yes. I -- I -- feel --

9

10 (The court reporter interjected.)

11

12 THE WITNESS: Sorry. Forgive me.

13 MR. STEIN: My apologizes.

14 THE WITNESS: I -- I -- I get what you're
15 saying now. No. The answer is absolutely not.

16

17 BY MR. STEIN:

18 Q. And, so, what date did you actually sign
19 the -- the petitions?

20 A. I signed the petitions on -- that would
21 be -- that would be the date when the notary signed it.

22 Q. Okay. Do you remember --

23 A. That would be -- that would be -- I'm
24 assuming it's that date right there (indicating).

25 Q. And you were in the presence of a notary?

1 A. Oh, 100 percent. Yes.

2 Q. Okay.

3 A. No signature was on any of my forms prior
4 to --

5 MR. KAPTAN: Objection. No question has
6 been asked.

7 THE WITNESS: -- the 19th.

8 THE COURT: All right.

9 THE WITNESS: Forgive me.

10 THE COURT: I'll overrule the objection.
11 That's fine.

12 All right. Your -- your statement was
13 your signature was not on --

14 THE WITNESS: That is correct, Your
15 Honor. I apologize.

16 THE COURT: Now, that's just another way
17 of saying what you just said earlier?

18 THE WITNESS: Yes.

19 I was confusing the notary with the
20 circulator -- I was -- I was confused. I apologize.

21

22 BY MR. STEIN:

23 Q. Okay. And, then -- I'm now going to
24 present --

25 A. Sure.

1 Q. -- the -- still part of that Exhibit 1
2 that's already been admitted, plaintiff exhibits.
3 These are the petitions that were circulated by the --
4 the student volunteers --

5 A. Yes.

6 Q. -- correct?

7 A. That's correct.

8 Q. Now, you -- I think there was also some
9 confusion on this one. Did you -- did they sign those
10 in front of you?

11 A. No.

12 Q. No.

13 And -- did you see them sign it?

14 A. What do you mean?

15 Q. Did you see them sign this -- this
16 Circulator Affidavit here (indicating)? Did you
17 actually, physically --

18 A. No, I --

19 Q. -- witness them sign it?

20 A. -- did not physically see them sign it.

21 Q. It appears that they have -- that they
22 have a different date of notary date?

23 A. Yes.

24 Q. What date is that?

25 A. It's the 22nd.

1 Q. Now, yours was the 19th, correct?

2 A. Yes. Mm-hm.

3 Q. Okay. And yours was in, what, the city
4 of Virginia Beach?

5 A. Mine was in the city of Virginia Beach,
6 yes.

7 Q. And theirs is in the city of
8 Charlottesville?

9 A. It is.

10 Q. Can you explain how that's -- what --

11 A. Sure.

12 I -- I brought them -- I brought all the
13 blank -- I brought all the petitions after they -- the
14 students had returned to UVA. I brought them to
15 Mr. Fogerty to have -- make sure that he and his -- he
16 and his helpers, his fraternity brothers, went to a
17 notary and had them signed.

18 Q. So when you returned them to him, they
19 were not notarized?

20 A. They were not notarized.

21 Q. And what date was that that you returned
22 them to him?

23 A. That was, I believe, February 22nd.

24 Q. And -- and then how did you get them
25 back?

1 A. Mr. Fogerty was returning to Virginia
2 Beach to judge a, I believe a debate tournament at
3 First Colonial High School, and I met him on, I
4 believe, if I'm not mistaken, it was the 27th or the --
5 yeah, I think it was the 27th or the 28th and got them
6 back.

7 Q. Okay. And so just to be --

8 A. I think it was the 28th.

9 Q. And just -- so just to be clear --

10 A. Yes.

11 Q. -- you did not sign it on the date --

12 A. No.

13 Q. -- that is written on that Circulator
14 Affidavit?

15 A. Yes. Now that it was explained clearly,
16 yes, no.

17 Q. Can you -- can you explain why that date
18 is there and then in -- with a different notary date?

19 A. I'm not sure I'm --

20 Q. Okay. So -- so if you look -- let's look
21 at 1A and B --

22 A. Okay.

23 Q. -- just as a starter.

24 If you -- if you look, you have a date
25 here of 2-3 --

1 A. Yes.

2 Q. -- '24, and then you have the notary
3 date.

4 Can you explain --

5 A. Yes. I -- I filled out -- I filled out
6 that at the time of circulation. I put the date -- I
7 put the date down that indicates the day that I went
8 out and collected signatures.

9 Q. Okay. And so -- and so -- and let's go
10 through the rest of yours --

11 A. It was --

12 Q. -- just real quick.

13 Did you -- for 2A and 2B, you -- what
14 date did you use there?

15 A. This right here (indicating)?

16 Q. Yes.

17 A. That's the 5th.

18 Q. And so that was -- and that was the day
19 you circulated it?

20 A. That is correct.

21 Q. Okay. And then what is the date of the
22 notary?

23 A. The notary is February 19th.

24 Q. Okay.

25 Same thing here. I'm just going to go

1 ahead and hand you the whole stack.

2 A. Sure.

3 Q. You tell me -- read the name -- the
4 number, then what the -- and then what the date that
5 you put next to the signature lines.

6 A. Lots of papers.

7 Q. Yes.

8 A. 3A -- excuse me. Pardon me. 3B, the
9 date is the 3rd and the notary is the 19th.

10 Q. So I'm not going to make you go through
11 this whole thing. But just for the record, every
12 petition that you circulated, you signed in the
13 presence of a notary?

14 A. A hundred percent.

15 Q. And that date that is on the -- that is
16 next to your signature is -- was -- was the day that
17 you actually started circulating, not the date you
18 signed?

19 A. That is correct.

20 Q. Okay. Thank you.

21 A. Forgive the confusion. Really.

22 Q. That's quite okay.

23 Let's see if I have any other questions
24 for you.

25 When did you submit your petition to the

1 general registrar?

2 A. On what date?

3 Q. Yeah. On or about?

4 A. I believe it was sometime in June. I
5 can't recall.

6 Q. And -- and were you confident that
7 everything was -- was fine with your petitions?

8 A. I was confident with the registrar. I --
9 I was -- I was a little taken aback when I received a
10 phone call on July 4th from an individual who's a --
11 who was at a holiday party who indicated that
12 Mr. Bohienstiel and another individual were looking
13 into -- or trying to determine the legitimacy of my
14 signatures.

15 Q. But you -- but you felt confident in --

16 A. A hundred percent.

17 MR. STEIN: Okay. I have no further
18 questions.

19 THE COURT: Okay.

20 Mr. Rosen, did you -- do you have any
21 questions?

22 MR. ROSEN: No. No, Your Honor.

23 THE COURT: Mr. Boynton?

24 MR. BOYNTON: No questions.

25 THE COURT: Any redirect?

1 MR. KAPTAN: Yes, Your Honor.

2 THE WITNESS: Do I need these?

3 MR. KAPTAN: No.

4 THE COURT: Just -- actually -- yes.

5 THE WITNESS: Okay. They are out of
6 order. I apologize.

7

8 **REDIRECT EXAMINATION**

9

10 BY MR. KAPTAN:

11 Q. Mr. Sutton, I would like to clarify
12 because it sounds like there are some -- some
13 significant discrepancies between your testimony on
14 direct and on cross.

15 A. Okay. Hit me.

16 Q. I asked you, specifically, when did you
17 sign the Circulator Affidavit and you said "on the day
18 that I circulated it." Isn't that what you said on
19 direct examination?

20 A. I did, but I was misunderstanding your
21 question. I apologize.

22 Q. Okay. I also asked you --

23 A. I thought we were talking about the date,
24 not necessarily the signature.

25 Q. Okay. I also asked you, directly, isn't

1 it true that Colin Fogerty, Bennett Aliabadi, and
2 Tucker Meeks signed the petitions the day they walked
3 the -- the neighborhood with you in your living room,
4 and you said, yes.

5 A. I -- I mis -- that's not -- that's not --
6 I believe I misunderstood your question. I apologize.

7 THE COURT: Can -- can you tell me --

8 THE WITNESS: Sure, Your Honor.

9 THE COURT: And I'm sorry, Mr. Kaptan.

10 Can you tell me what question you thought
11 was being asked when you gave that answer?

12 THE WITNESS: I -- I -- I was under -- I
13 was in my mind because I'm extremely nervous. I've
14 never been on the stand before in a court of law.

15 I was -- I don't know what I was
16 thinking. I was thinking that the -- I had in my head
17 the date of circulation, Your Honor, and I had
18 circulated -- Circulator Affidavit. I wasn't
19 processing that he was asking me if they were blank or
20 if I -- if I -- if I signed them before -- or excuse
21 me, if anybody signed them not in the presence of a
22 notary. So that's where my mind was. It was -- I
23 assure you, there was no skullduggery involved.

24

25

1 BY MR. KAPTAN:

2 Q. So -- and, again, I can't ask you to
3 speculate, but if Tucker Meeks and Bennett Aliabadi and
4 Colin Fogerty were here, and they were testifying under
5 oath, they would testify that they didn't sign it in
6 your living room in front of you on February 3rd?

7 A. I -- I can't make that assumption, but
8 I'm going -- I'm going to say, in my mind, yes, that's
9 true.

10 Q. And it's your testimony here today that
11 when you drove those petitions back --

12 A. They were blank. Yes.

13 Q. -- to Charlottesville, they were not
14 signed?

15 A. They were not signed. That is -- that
16 is -- I -- that's how I recall it. Yes.

17 Q. Thank you, Mr. -- so would it surprise
18 you if Mr. Nardi had a different recollection?

19 A. You would have to talk to him. I'm not
20 sure.

21 MR. KAPTAN: Thank you. I have no
22 further questions. Thank you, Your Honor.

23 THE COURT: Do you have recross or --
24 yeah, that is recross. Thank you.

25 Mr. Stein, do you have another question?

1 MR. STEIN: I do, Your Honor.

2 I -- I may call him back at a later time.

3 THE COURT: Well, let me ask.

4

5

EXAMINATION

6

7 BY THE COURT:

8 Q. Mr. Sutton, can you -- well, let's just
9 stick with 1B

10 A. Yes.

11 Q. So I just want to make sure I understand.

12 A. Let me find it.

13 THE COURT: And just for the court
14 reporter and everybody else, let's not talk over each
15 other. Okay?

16

17 BY THE COURT:

18 Q. So when Mr. Kaptan was asking you the
19 questions, everyone in the courtroom heard you say that
20 you signed this on February 3rd. And now you're
21 telling me that you misunderstood the question --

22 A. I --

23 THE COURT: Hold. Hold on.

24 THE WITNESS: Okay.

25 THE COURT: I'm not done yet.

1 THE WITNESS: I'm sorry. I'm looking for
2 1B. I apologize.

3 THE COURT: It's right in front. Don't
4 you have --

5 THE WITNESS: No. They're out of order
6 because he asked me some more questions.

7 THE COURT: Find 1B.

8 MR. KAPTAN: Your Honor, I have another
9 copy if you want it.

10 THE COURT: Okay.

11 THE WITNESS: Your Honor, please.

12

13 BY THE COURT:

14 Q. Okay. All right. So the question was
15 asked did you sign that on February 3rd, and your
16 answer was yes.

17 A. The answer was no.

18 Q. No. I know. But on direct
19 examination --

20 A. Oh, I'm sorry.

21 Q. -- when Mr. Kaptan asked you the
22 question, the question was, did you sign on February
23 3rd, and your answer was yes.

24 I understand you clarified it after your
25 attorney asked you questions.

1 So I just want to make sure I understand
2 what exactly happened on February 3rd. Okay?

3 So on February 3rd you wrote down on the
4 date here, February 3rd. Right?

5 A. Yes.

6 Q. I'm assuming that.

7 A. Yes.

8 Q. And then did you write down -- did you
9 print your name on February 3rd?

10 A. What I did was I -- I pre-filled out
11 the -- I pre-filled out the Circulator Affidavit on --
12 on the day -- what I consider the date of circulation.

13 Q. Okay. So the answer to my question --

14 A. The answer is, I pre-filled it out for
15 just for housekeeping purposes. I used that date as
16 the date of circulation on -- on all my paperwork, but
17 I did not sign it. I signed it in the presence of the
18 notary.

19 Q. Mr. Sutton, I just want to make sure you
20 understand my question because you've already changed
21 your testimony regarding something. So just make sure
22 you understand what I am asking you.

23 A. Okay.

24 Q. Here's my question: On -- when you
25 wrote -- printed your name "John F. Sutton," what --

1 date was that? Not sign. You wrote -- print -- you
2 know, it says here, "I print full name." Do you see
3 that in parentheses?

4 A. Oh, I see what you're -- I see what
5 you're asking me, now. Again. Sorry about the
6 confusion.

7 I dated all -- I -- I filled every --
8 I -- sorry.

9 THE COURT: Mr. Sutton.

10 THE WITNESS: It's very overwhelming.

11 THE COURT: This is the last time I'm
12 going to ask this question.

13 THE WITNESS: I know. The date --

14 THE COURT: Stop.

15 THE WITNESS: Go ahead. Sorry.

16 THE COURT: Stop. Stop.

17

18 BY THE COURT:

19 Q. Here's my question --

20 A. Yes.

21 Q. -- for the third time. Okay?

22 A. Yes.

23 Q. "John F. Sutton," what date -- what date
24 did you put that on there?

25 A. In front of the notary. I believe.

1 Q. Okay. Your address, "Admiration Drive,"
2 what date did you put that on there?

3 A. I believe, if I remember correctly, it
4 was in front of a notary. I believe.

5 Q. Okay. So that would be February 19th?

6 A. Yes.

7 Q. Okay.

8 A. But if I remember correctly, I pre-dated
9 the -- I pre-dated the --

10 Q. So the only thing that you wrote on
11 February 3rd --

12 A. -- is the date.

13 Q. -- is the February 3rd date?

14 A. Yes.

15 Q. The print -- printing your name, the
16 address, and then the signature, all that happened on
17 February 19th in front of the notary?

18 A. If I remember correctly.

19 Q. Okay. Well, when you say "remember
20 correctly," what do you mean?

21 A. That -- that's how -- that's how I
22 remember it happening, yes, Your Honor.

23 Q. Okay. And when you say, "that's how I
24 remember it," you're talking about the printing of the
25 name and your address, right?

1 A. Yes.

2 Q. Okay. On the signature you gave us sort
3 of a different answer. You're 100 percent sure --

4 A. A hundred percent.

5 Q. -- that you signed --

6 A. Yes.

7 Q. Okay. That's the only thing a hundred
8 percent sure, and the February 3rd you're a hundred
9 percent sure?

10 A. Yes.

11 Q. The printing of your name --

12 A. Yes.

13 Q. -- and the address --

14 A. Yes.

15 Q. -- your -- your -- that's how you
16 remember it? Okay. All right.

17 And then -- so you -- you're telling me
18 that the date of the circulation is February 3rd
19 because that's what you put down on there. And that
20 was your understanding -- you did not understand, I'm
21 assuming, again, infer from the testimony, that that
22 date is supposed to be the date that you actually
23 signed it, right? I'm assuming that's what you're
24 going to tell me?

25 A. Oh, yea -- yes, Your Honor. I -- I

1 didn't realize that that was the date. I -- there's
2 nothing -- there was nothing in this that indicated to
3 me that there had to be a specific date on there other
4 than --

5 Q. Okay. So you wrote down February 3rd on
6 the date that you circulated because you thought that's
7 what you -- that's what that was for?

8 A. Yes. That's correct.

9 Q. And did you -- did you read that
10 paragraph right above?

11 A. I -- I did, Your Honor because I
12 remember -- I remember realizing that -- this is why I
13 thought it had to be on the date of circulation because
14 I'm attesting -- I read that, and you know, I'm not an
15 attorney, but I'm attesting through that paragraph that
16 that is the date that I'm saying that I started to
17 witness all of those signatures.

18 Q. Gotcha. Gotcha. Gotcha.

19 And, then, Mr. Kaptan asked you about
20 this, and then you see that some of the signatures --
21 actually a lot of them -- are actually after February
22 3rd. Correct?

23 A. Yes. That was -- that -- to me that --
24 that -- yes. The answer is yes.

25 Q. So I guess --

1 A. Because if I didn't fill out the form I
2 just used the same from.

3 Q. All right. I think I understand what you
4 are saying, but let me clarify.

5 A. Sure.

6 Q. Your testimony is that you put the date
7 on the day of the circulation?

8 A. Yes.

9 Q. And then we have the signatures that are
10 after the date of the circulation --

11 A. Yes.

12 Q. -- at least according to you.

13 So can you just tell me why, if the date
14 of circulation is February 3rd, why do these
15 individuals have February 4th and February 5th? Tell
16 me -- can you explain that to me?

17 A. Sure. I'm going to -- I'm going to make
18 the assumption that I -- can I use 1A as an example?

19 Q. Yes. That's good.

20 A. If I'm looking at 1A and I say 2-3-24,
21 and that's Kathy Roark Conner -- let's say it's four --
22 number four, I got some quick signatures and then
23 stopped for the day. And then followed up, the next
24 one, five and six, the next day, used the same -- the
25 same sheet.

1 There was no indication that I couldn't
2 use the same sheet for multiple days.

3 THE COURT: Okay. Gotcha. All right.
4 Thanks, sir.

5 All right. Any questions as a result of
6 my questions?

7 MR. KAPTAN: Not from me, no.

8 THE COURT: Mr. Stein?

9

10 **RE-CROSS-EXAMINATION**

11

12 BY MR. STEIN:

13 Q. Just to clarify, you -- you wrote down
14 the -- like, for example, on the 1A, 2-3 as your date
15 of cert --

16 A. Yes.

17 Q. -- of circulation. But the dates that
18 you got it signed in front of the notary was -- was the
19 19th?

20 A. The 19th. Yes.

21 Q. Okay. So that was when you actually
22 signed it in front of the notary and --

23 A. Yes.

24 Q. -- this was a multi-day process of
25 getting the petitions --