



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

A P P E A R A N C E S

FOR THE TEXAS HOUSE OF REPRESENTATIVES BOARD OF MANAGERS:

Mr. Rusty Hardin  
Ms. Lara Hudgins Hollingsworth  
Ms. Jennifer Brevorka  
Ms. Megan Moore  
Mr. Daniel Dutko  
Ms. Leah M. Graham  
Mr. Armstead Lewis  
Ms. Aisha Dennis  
RUSTY HARDIN & ASSOCIATES, LLP  
1401 McKinney Street, Suite 2250  
Houston, Texas 77010  
(713) 652-9000  
rhardin@rustyhardin.com

Mr. Dick DeGuerin  
Mr. Mark White, III  
DEGUERIN AND DICKSON  
1018 Preston  
Houston, Texas 77002  
(713) 223-5959  
ddeguerin@aol.com

Ms. Harriet O'Neill  
LAW OFFICE OF HARRIET O'NEILL, PC  
919 Congress Avenue, Suite 1400  
Austin, Texas 78701  
honeill@harrietonelllaw.com

Ms. Erin M. Epley  
EPLEY LAW FIRM, LLC  
1207 South Shepherd Drive  
Houston, Texas 77019-3611  
erin@epley-law.com

Mr. Mark E. Donnelly  
PARKER, SANCHEZ & DONNELLY, PLLC  
700 Louisiana, Suite 2700  
Houston, Texas 77002  
mark@psd.law

Ms. Terese Buess  
buesster@gmail.com

1 Ms. Donna Cameron  
2 State Bar No. 03675050

3 Mr. Brian Benken  
4 BENKEN LAW  
5 1545 Heights Blvd., Suite 900  
6 Houston, Texas 77008  
7 (713) 223-4051

8 Mr. Ross Garber  
9 THE GARBER GROUP LLC  
10 1300 I Street, N.W., Suite 400E  
11 Washington, D.C. 20005  
12 rgarber@thegarbergroup.com

13 Ms. Lisa Bowlin Hobbs  
14 KUHN HOBBS PLLC  
15 3307 Northland Drive, Suite 310  
16 Austin, Texas 78731  
17 lisa@kuhnhobbs.com

18 ALSO PRESENT:

19 HOUSE BOARD OF MANAGERS:

20 Representative Andrew Murr  
21 Representative Ann Johnson  
22 Representative Briscoe Cain  
23 Representative Terry Canales  
24 Representative Erin Gamez  
25 Representative Charlie Geren  
Representative Jeff Leach  
Representative Oscar Longoria  
Representative Morgan Meyer  
Representative Joe Moody  
Representative David Spiller  
Representative Cody Vasut

1 FOR THE ATTORNEY GENERAL:

2 Mr. Tony Buzbee  
3 Mr. Anthony Dolcefino  
4 Mr. Colby Holler  
5 THE BUZBEE LAW FIRM  
6 JP Morgan Chase Tower  
7 600 Travis Street, Suite 7500  
8 Houston, Texas 77002  
9 tbuzbee@txattorneys.com

10 Mr. Dan Cogdell  
11 Mr. Anthony Osso  
12 COGDELL LAW FIRM  
13 1000 Main Street, Suite 2300  
14 Houston, Texas 77002  
15 dan@cogdell-law.com

16 Mr. Judd E. Stone, II  
17 Mr. Christopher D. Hilton  
18 Ms. Allison M. Collins  
19 Ms. Amy S. Hilton  
20 Ms. Kateland R. Jackson  
21 Mr. Joseph N. Mazzara  
22 STONE|HILTON PLLC  
23 1115 West Slaughter Lane  
24 Austin, Texas 78748  
25 (737) 465-3897  
judd.e.stone@proton.me  
christopher.d.hilton@proton.me

Mr. J. Mitchell Little  
SCHEEF & STONE, LLP  
2600 Network Blvd., Suite 400  
Frisco, Texas 75034  
(214) 472-2140  
mitch.little@solidcounsel.com

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

VOLUME 1 -- PM SESSION  
SENATE IMPEACHMENT TRIAL

SEPTEMBER 5, 2023				<u>PAGE</u>	<u>VOL.</u>
PROCEEDINGS .....				6	1
HOUSE BOARD OF MANAGERS' OPENING STATEMENT BY MR. MURR .....				10	1
ATTORNEY GENERAL KEN PAXTON'S OPENING STATEMENT BY MR. BUZBEE .....				21	1
ATTORNEY GENERAL KEN PAXTON'S OPENING STATEMENT BY MR. COGDELL .....				44	1
<u>HBOM WITNESSES:</u>	<u>Direct</u>	<u>Cross</u>	<u>Voir Dire</u>		<u>Vol.</u>
JEFFREY "JEFF" MATEER BY MR. HARDIN	65	--	--		1
ADJOURNMENT .....				130	1
REPORTER'S CERTIFICATE .....				131	1

P R O C E E D I N G S

TUESDAY, SEPTEMBER 5, 2023

(1:02 p.m.)

1  
2  
3  
4 THE BAILIFF: All rise. The Court of  
5 Impeachment of the Texas Senate is now in session. The  
6 Honorable Lieutenant Governor and President of the  
7 Senate, Dan Patrick, now presiding.

8 PRESIDING OFFICER: You may be seated.

9 Mr. Hardin, I am going to take your  
10 suggestion into consideration on exhibits, if time is  
11 spent from your side.

12 MR. HARDIN: Thank you very much.

13 PRESIDING OFFICER: At this time, opening  
14 statement by the Managers.

15 MR. STONE: Mr. Presiding Officer, the  
16 attorney general would like to be heard on one  
17 housekeeping matter before that.

18 PRESIDING OFFICER: Yes.

19 MR. STONE: The attorney general seeks a  
20 ruling from this Court that to the extent privileges --  
21 attorney-client privilege, executive privilege,  
22 et cetera -- may apply, those are held by the attorney  
23 general.

24 Now, we're not asking the Court to rule  
25 that any particular statement or any particular document

1 is privileged at this time. But for purposes of the  
2 Manager's opening statement and going forward in this  
3 case, we ask that this Court rule that those privileges,  
4 which all attached during the time at which the attorney  
5 general was the actual acting serving duly-elected  
6 attorney general attached to him, or conversations he  
7 had with his subordinates, conversations involved with  
8 other parties where he was the client seeking legal  
9 advice from subordinates and essentially directing his  
10 official functions. And to the extent that those are  
11 implicated, we seek a ruling from this Court initially  
12 that those privileges, if they exist at all, belong to  
13 the attorney general.

14 PRESIDING OFFICER: Mr. Hardin, do you  
15 have a response?

16 MR. HARDIN: Yes, Your Honor.

17 I do want the record to reflect in light  
18 of the Court's earlier analogy to a criminal case, I  
19 want the record to reflect that the attorney general  
20 apparently is not here. Maybe he's coming at some time  
21 today, but I think if we're going to talk about this  
22 analogously being a criminal case, that the -- the  
23 defendant ought to be ordered to appear throughout this,  
24 just as everyone else. That's number one.

25 But number two is we're prepared to

1 address this issue. There is a motion to -- I think one  
2 of the third parties had a motion on the attorney-client  
3 issue that they were trying to raise. But I would have  
4 thought we would have dealt with this before now, just  
5 as we were getting ready to do opening statements.  
6 They've known they had this issue all along.

7 If the Court wants to hear argument on it  
8 now, Mr. Garber was always prepared to do it on our  
9 side. We'll be glad to engage in argument, but I think  
10 it's totally discretionary with the Court as you are  
11 ready to proceed.

12 PRESIDING OFFICER: And under the Rule,  
13 Attorney General Paxton was required to be here,  
14 addressing that first point, throughout the trial.

15 I'm still thinking of your motion.

16 I want to clarify under -- I believe it  
17 was Resolution 36, he was required to be here at 9:00  
18 but not all day, so I want to clarify that.

19 Yes?

20 MR. BUZBEE: I'm sorry about that. As  
21 per the rule, he was here at 9:00 as required. I didn't  
22 see anything else on the rule that required him to be  
23 here at any other time.

24 PRESIDING OFFICER: You're right,  
25 correct.



1                   Mr. Hardin, Mr. Murr, please come to the  
2 bench. Please approach.

3                   We have asked, for the record, the Paxton  
4 team counselors to come forward.

5                   (At the bench, off the record)

6                   PRESIDING OFFICER: I will address --  
7 and, Members, let me just remind -- not remind you, but  
8 when we're meeting at the bench, the jurors may not come  
9 up to the conversation.

10                  I'll rule on your motion as they come up.

11                  And, Members of the Jury, I want to  
12 remind you that statements made in the opening statement  
13 is not evidence, and it's an outline of what they're  
14 going to present.

15                  With that, Mr. Murr.

16                  SENATOR SPRINGER: Mr. President?

17                  PRESIDING OFFICER: Yes.

18                  SENATOR SPRINGER: If you can remind --  
19 several of us are having a hard time hearing. Those  
20 mics are low, and I don't think they were intended maybe  
21 for them to be standing at the table talking. So that  
22 if you could make sure that for those of us who have a  
23 hard time hearing in this chamber, that they try to be  
24 closer to the microphone.

25                  PRESIDING OFFICER: Yes, Senator. The

1 requirement was to be sitting at the mics at the table,  
2 not standing. So when you come to the podium, you can  
3 stand, but be sure you get into the mic because it is --  
4 the echoes in here are very difficult. Thank you.

5 Mr. Murr, you have 60 minutes.

6 HOUSE BOARD OF MANAGERS' OPENING STATEMENT BY MR. MURR

7 MR. MURR: Mr. President, Senators, today  
8 is an important day. On this day in 1836, Sam Houston,  
9 whose Bible you used for your oaths today, was elected  
10 president of the Republic of Texas.

11 Today is also an important day because we  
12 begin this impeachment trial. While impeachment is  
13 rare, the drafters of our state constitution recognized  
14 that there are times when this extraordinary remedy is  
15 needed to protect the state and its citizens from a  
16 public officeholder who has abused the power of his  
17 office by putting self-interest above that of the people  
18 of Texas.

19 The drafters concluded that this great  
20 deliberative body, the Texas Senate, is best positioned  
21 to determine what -- when this remedy is appropriate.

22 Earlier this year, Mr. Paxton came to the  
23 Legislature seeking \$3.3 million in taxpayer money to  
24 settle a whistleblower lawsuit. Mr. Paxton would not  
25 answer any questions about the underlying claims. He

1 had successfully blocked any discovery in the case for  
2 almost two years, and he refused to justify the  
3 settlement.

4 The House investigated the serious  
5 allegations raised by the whistleblowers. The House  
6 uncovered egregious misconduct and abuse of office by  
7 the Attorney General of the State of Texas and voted  
8 overwhelmingly to proffer Articles of Impeachment to the  
9 Senate.

10 This is why we are here.

11 The allegations in the articles reveal  
12 that the State's top lawyer engaged in conduct designed  
13 to advance the economic interests and legal positions of  
14 a friend and donor to the detriment of innocent Texans.

15 Mr. Paxton turned the keys of the Office  
16 of Attorney General over to Nate Paul so that Mr. Paul  
17 could use the awesome power of the people's law firm to  
18 punish and harass perceived enemies.

19 I was raised in rural Texas where a  
20 person's honor is more important than money, where  
21 integrity matters, and by a family deeply affected by  
22 political corruption. This is precisely the type of  
23 grave official wrong that our Texas Supreme Court has  
24 said warrants impeachment.

25 My grandfather, who was privileged to

1 serve the State of Texas for many years, had a favorite  
2 quote from Abraham Lincoln: Nearly all men can stand  
3 adversity, but if you really want to test a man's  
4 character, give him power.

5 Mr. Paxton has been entrusted with great  
6 power. Unfortunately, rather than rise to the occasion,  
7 he's revealed his true character. And as the  
8 overwhelming evidence will show, he is not fit to be the  
9 attorney general for the State of Texas.

10 Mr. Paxton argues that the Senate should  
11 not exercise its constitutional duty to decide whether  
12 his conduct merits impeachment because voters were aware  
13 of the allegations and still reelected him.

14 He claims that the Senate should abide by  
15 the alleged will of the voters. However, this ignores  
16 the intent of our framers of the Constitution.

17 Impeachment was included in the Constitution after the  
18 Founding Fathers debated and rejected the idea that  
19 elections could singularly protect the public against  
20 abusive officeholders.

21 In other words, drafters agreed that  
22 impeachment was and is necessary to protect against  
23 abusive officials because it was simply too easy for  
24 them to use the powers of their office to conceal the  
25 truth until after the next election.

1           The concept of the forgiveness doctrine  
2 is not in our constitution. It does not apply here.  
3 The courts have made that very clear. And even if it  
4 did, the doctrine presumes that voters know all the  
5 facts. The voters did not and do not know the whole  
6 truth.

7           Mr. Paxton went to great lengths to hide  
8 his misconduct from the public. The evidence will show  
9 that he used massive resources of his office to prepare  
10 and issue a sham report that allegedly exonerated him.  
11 The evidence will show that this report contains false  
12 and misleading information about the allegations against  
13 him and about the whistleblowers themselves.

14           And he also lied about the independent  
15 nature of this investigation. Documents will show that  
16 he played a key role in drafting that report.

17           The Constitution says the Senate has the  
18 power and the duty to decide this case and to protect  
19 the people of Texas from someone who has violated his  
20 oath and has shown he does not respect the law. The  
21 witnesses and the evidence will show you that  
22 Mr. Paxton's conduct merits the exercise of that power.  
23 And the witnesses and the evidence will show and prove  
24 beyond a reasonable doubt that he should be removed from  
25 office and prevented from ever holding a position of

1 trust in the State of Texas again.

2 Mr. Paxton argues that the articles do  
3 not allege impeachable conduct because they do not  
4 allege that he committed a crime. We do allege that he  
5 committed crimes. We have detailed that Mr. Paxton  
6 received favors, including home renovations and help in  
7 concealing and continuing an extramarital affair, in  
8 exchange for the Office of Attorney General punishing  
9 Nate Paul's enemies.

10 However, we don't have to show some type  
11 of quid pro quo to establish that his conduct should  
12 result in impeachment.

13 As the Texas Supreme Court made clear  
14 regarding the impeachment of Governor Ferguson 106 years  
15 ago, wrongs justifying impeachment don't have to be  
16 crimes. Wrongs justifying impeachment are broader than  
17 that because they have the purpose of protecting the  
18 State, not punishing the offender.

19 Mr. Paxton should be removed from office  
20 because he failed to protect the State, and instead used  
21 the power of his elected office for his own benefit, and  
22 this was wrong. The oath of office that we all took to  
23 protect the citizens of the state and to uphold the laws  
24 of this state and this constitution mean something. It  
25 isn't just words on paper. It's literally an oath to

1 God.

2           And Mr. Paxton had an obligation not to  
3 abuse his office for his own benefit. He betrayed his  
4 constituents and the sacred public trust that's been  
5 given him. And in Texas we require more from our public  
6 officials than to merely avoid being a criminal.

7           The witnesses you will hear from are  
8 remarkable people. Until they refused to follow  
9 Mr. Paxton's wrongful demands, they were his most  
10 trusted handpicked advisers, and they believed in his  
11 conservative mission for the Office of the Attorney  
12 General.

13           The problem isn't that their commitment  
14 to conservative governance changed, it is at the end of  
15 the day, Mr. Paxton wasn't the man they thought he was  
16 and he wasn't the man he publically proclaimed to be.

17           His trusted advisers are not RINOs or  
18 part of some deep state storyline, they are movement  
19 conservatives guided by their faith. These witnesses  
20 will explain step by step how they discovered that  
21 Mr. Paxton grew increasingly intent and passionate about  
22 helping his partner, Nate Paul, escape civil and  
23 criminal legal troubles that he was facing.

24           They will describe in chilling detail  
25 when they connected the dots of Mr. Paxton's slow creep

1 of corruption. The senior staff were outraged when they  
2 discovered that Mr. Paxton had directed a young,  
3 inexperienced outside attorney to obtain grand jury  
4 subpoenas to harass and interfere with an ongoing  
5 criminal investigation; subpoenas that had been  
6 improperly issued to DPS officers, a federal judge,  
7 attorneys involved in a civil lawsuit against Nate Paul,  
8 and even court staff. And the subpoenas sought  
9 intensely personal information, including cell phone and  
10 e-mail records.

11 Now, I'm not going to detail in this  
12 opening all the allegations against Mr. Paxton. You're  
13 aware of many of them. You sit as a unique jury, having  
14 known Mr. Paxton and familiar with some of the facts.  
15 But even a quick summary of some of the evidence that  
16 you're going to hear is shocking.

17 One of Mr. Paxton's many acts of deceit  
18 involved a member of this chamber at a time when the  
19 policy of the State was Texas is open for business  
20 during COVID. Mr. Paxton directed his staff to issue a  
21 legal opinion advising that statewide forfeiture  
22 sales -- excuse me -- statewide foreclosure sales not  
23 move forward.

24 Mr. Paxton was adamant that the opinion,  
25 which came to be known as the midnight opinion, be



1 issued before the end of the weekend, just in time for  
2 Nate Paul to use it to avoid a foreclosure sale the  
3 following Tuesday. This conduct benefited Nate Paul and  
4 it harmed businesses and people impacted by foreclosure.

5 Mr. Paxton also used the power of this  
6 office to harm a charity solely to benefit Nate Paul.  
7 The Office of the Attorney General is charged with the  
8 responsibility of intervening in lawsuits when it's  
9 necessary to assist a charitable organization.

10 As you'll hear, the first and only  
11 charitable case Mr. Paxton took a personal interest in  
12 was the Mitte Foundation's lawsuit against Nate Paul's  
13 entities as an investor.

14 The evidence will show that Mr. Paxton  
15 directed his office to intervene in the lawsuit, to stay  
16 the case, and allow the AG's office the opportunity to  
17 pressure this charity to accept a lowball settlement  
18 offer.

19 This would have saved Nate Paul millions  
20 of dollars. The creep of corruption continued when  
21 Nate Paul wanted access to confidential investigation  
22 materials related to police raids on his home and  
23 businesses. In an attempt to learn what the police knew  
24 and how they knew it, Mr. Paul submitted multiple open  
25 records requests seeking the full police file. Even

1     though no police file may be disclosed due to the  
2     well-established law enforcement exception, Mr. Paxton  
3     pressured his deputies to authorize the release of this  
4     information.

5             Had he succeeded, Mr. Paxton would have  
6     created precedent allowing any person under criminal  
7     investigation, whether for a violent felony or a sex  
8     offense, to obtain confidential information about the  
9     investigations of their conduct. Mr. Paxton simply did  
10    not care that his request to release information to  
11    Nate Paul would have put police and victims across the  
12    state at risk.

13            Unfortunately, the House investigation  
14    revealed that Mr. Paxton's relationship with Mr. Paul  
15    was far more extensive than even his closest advisers  
16    knew. Over the course of three months, Mr. Paxton  
17    personally met with Nate Paul more than 20 times. Many  
18    times Mr. Paxton would ditch his security detail. And  
19    Nate Paul even set up a secret Uber account that allowed  
20    Mr. Paxton to secretly visit Nate Paul and others.

21            To conceal his efforts, Mr. Paxton  
22    communicated in off-the-book ways, using burner phones,  
23    encrypted messaging apps, and secret e-mail addresses.

24            Mr. Paxton's brazen abuse of the criminal  
25    justice division at the Office of Attorney General is

1 finally what caused eight of his senior staff to report  
2 him to the police. The question that haunts them and  
3 should frighten all of us is what would have happened if  
4 they had not reported him? How far would Mr. Paxton  
5 have gone in using the power of the attorney general's  
6 office to harass and punish his and Nate Paul's  
7 perceived enemies and hurt innocent Texans?

8 Mr. Paxton tries to defend his actions by  
9 isolating each event and claiming that standing alone  
10 they can't support impeachment. You cannot and should  
11 not view each act in a vacuum. The evidence will show  
12 that they're all connected. They're all connected by  
13 Mr. Paxton and his desire to deliver for his partner,  
14 Nate Paul.

15 Mr. Paxton will also argue that the acts  
16 represent differences of opinion on policy or efforts to  
17 help a constituent. But the witnesses will explain to  
18 you that Mr. Paxton's actions have nothing to do with  
19 implementing conservative policy and, in fact, his  
20 efforts violated those very principles.

21 Mr. Paxton's senior advisers were fully  
22 aware of the dire consequences of reporting him to law  
23 enforcement. They knew retribution would be swift and  
24 vicious. The choice they made to report him to the  
25 police was one of the hardest of their lives, but they

1 will tell you that there really wasn't a choice at all.

2 Sam Houston, who, on this day in 1836,  
3 was elected president of a new and free republic,  
4 reminded Texans: Do right and risk the consequences.  
5 Do right and risk the consequences.

6 Doing the right thing is sometimes not  
7 easy. Sometimes we must do the right thing in the face  
8 of enormous pressure to remain silent. The witnesses  
9 felt this pressure, the House felt this pressure, and  
10 the Senate is feeling this pressure.

11 It's unfair and it's wrong. But despite  
12 the forces that seek to intimidate the Senate, you have  
13 taken the first steps toward the truth by giving the  
14 people who did the right thing a chance to testify.  
15 Despite the attacks that they know will continue to  
16 come, the witnesses will do the right thing once more,  
17 and they will take this witness stand and they will  
18 provide the clarity that the Senate needs and that the  
19 public deserves to find out what was really happening  
20 behind closed doors.

21 As Chair, I resolutely give this  
22 statement with the support of, and on behalf of, the  
23 Board of Managers and on behalf of the Texas House.  
24 You-all provided us with an hour to make an opening  
25 statement, but we prefer to yield back the rest of that

1 time to the most important folks that will show up in  
2 this room: The witnesses. The same witnesses that  
3 Mr. Paxton has been so desperate to discredit and  
4 intimidate into silence.

5 We are honored to be able to give them  
6 their day in this honored and rare court, but we simply  
7 seek justice on behalf of the people of Texas.

8 Thank you, Mr. President.

9 PRESIDING OFFICER: Does the defense wish  
10 to make an opening statement?

11 MR. BUZBEE: We do, Your Honor. I think  
12 we have 15 minutes to break. Is that the rules?

13 PRESIDING OFFICER: No. You're -- you're  
14 up right now.

15 ATTORNEY GENERAL PAXTON'S OPENING STATEMENT

16 BY MR. BUZBEE

17 MR. BUZBEE: May it please the Court.

18 I stand in this hallowed chamber in this  
19 historic proceeding on behalf of the duly elected  
20 Attorney General of the State of Texas.

21 The prosecution and the press, and I'm  
22 sure here, will tell a whopping story. It's a tale full  
23 of sound and fury. It signifies nothing. And you may  
24 wonder why I say that. Because when we are done, I  
25 believe that no matter your party affiliation, and no

1 matter where you stand now, you will conclude what I  
2 have concluded: That there is nothing to this.  
3 Ken Paxton gave nothing of significance to Nate Paul.  
4 Nate Paul received nothing of significance from  
5 Ken Paxton. This whole case is a whole lot of nothing.

6 I make my living trying cases to Texas  
7 juries. Cases are supposed to be decided only upon the  
8 evidence. But I do wonder are we really going to get a  
9 fair trial here? Have you already decided based on what  
10 is politically expedient or what is best for you  
11 personally?

12 Or is it even possible to get a fair  
13 hearing? Especially after this case has been tried in  
14 the press, Ken Paxton has been convicted in the press  
15 based on ignorance, innuendo, and outright lies.

16 So the question is: Will you decide  
17 based only on the evidence? Because that's your oath.  
18 That's what you swore to do no matter the consequences,  
19 and I urge you to do your duty and do it without fear.

20 They say this is the impeachment of a  
21 lifetime. But is it? Because depending on what you do  
22 here, maybe it will become commonplace. What happens  
23 here will have consequences no matter how it turns out.  
24 Let's be clear. If this misguided effort is successful,  
25 which I feel confident it will not be, the precedent it

1 would set will be perilous for any elected official in  
2 the state of Texas.

3           What is being attempted here hasn't  
4 happened in our state in 100 years. And unlike other  
5 efforts of the past like this one, this scheme was  
6 rushed, it was secretive, it was poorly planned, and was  
7 wholly unsupported by evidence.

8           Indeed, despite the social media frenzy,  
9 the misinformed commentators, the reporters with an  
10 agenda, at the end of this you will come to know what I  
11 know: That despite all of us being told that the  
12 evidence in this matter is 10 times worse than the  
13 public knows, it is instead 100 times less.

14           There is nothing here to support  
15 impeachment. Nothing.

16           Now, there's been a gag order in this  
17 case. That gag order put our team at a distinct  
18 disadvantage. That gag order prevented us from  
19 rebutting this false narrative created by a frenzied  
20 press. The gag order, of course, didn't stop those  
21 media members with agendas or those media outlets  
22 aligned with the House Managers, and they were calling  
23 for Ken Paxton's head.

24           We've heard in the media about burner  
25 phones. There are no burner phones, but we couldn't

1 respond.

2 We've heard about secret e-mail  
3 addresses. So secret that every person on Ken Paxton's  
4 staff used the same type of e-mail address because they  
5 were traveling to China. There's no secret e-mail  
6 address. But we couldn't respond.

7 We've heard about Uber rides for  
8 Ken Paxton in Vegas, Chicago, or to even nightclubs.  
9 Those are manufactured lies. But we couldn't respond.

10 We've even heard from the press about  
11 cakes from HEB, stolen pens, pilfered sport coats.  
12 Outright foolishness. But we couldn't respond.

13 We heard about house renovations  
14 supposedly paid for by the manipulating boogeyman,  
15 Nate Paul. That never happened. Ken Paxton and  
16 Angela Paxton paid for their house renovations, and I'm  
17 going to show that absolutely 100 percent. They know  
18 it, but yet they still stood up here and repeated that  
19 lie.

20 Let's talk a little bit about some  
21 background. 2015 Ken Paxton ran against the anointed  
22 candidate for attorney general, Dan Branch. Branch  
23 represented Highland Park and the political elites.  
24 Dan Branch was the establishment candidate. Ken Paxton  
25 beat him soundly.



1                   Almost immediately after that win,  
2 Ken Paxton was on the receiving end of a clearly  
3 political indictment at the hands of rivals within his  
4 own party. That saga continues to this day with a pair  
5 of unelected special prosecutors nudging it forward year  
6 after year, with the expectation and hope that some day  
7 they will get paid.

8                   Nevertheless, despite being indicted and  
9 despite a very public lawsuit that makes the exact same  
10 allegations that are being made here, Ken Paxton easily  
11 won his last primary, as he has in every election. In  
12 fact, Ken Paxton thumped the establishment candidate,  
13 who this last time happened to be a Bush. And it wasn't  
14 even close. Ken Paxton won 68 percent to 32 percent in  
15 the primary.

16                   Now, think about that. General Paxton  
17 trounced the establishment candidate, a member of the  
18 Bush dynasty, and beat him badly. And incidentally, as  
19 an aside, did you realize that the day before the vote  
20 for this impeachment was had, that that same Bush  
21 applied to renew his law license?

22                   Let's put this proceeding in context.  
23 Almost 30 million people live in the state of Texas.  
24 Texans chose at the voting booth who they wanted to be  
25 their attorney general, despite the same baseless

1 allegations that are being made here. But because of  
2 what this House has done, only 30 people out of almost  
3 30 million will decide whether Ken Paxton is allowed to  
4 serve in the office he was voted into.

5 That's not how it's supposed to work.  
6 That's not democratic. What could be less democratic  
7 than 30 people deciding who serves as the Attorney  
8 General of Texas instead of the 4.2 million people who  
9 voted to put him there?

10 Every election season we hear your vote  
11 is your voice. It's important to go vote to be a good  
12 member of society. We hear about the sanctity of the  
13 right to vote. We hear that people fought and died for  
14 the right to vote. We hear every vote should count.

15 Yet to get here, Texas House took away  
16 the votes of over 4 million Texans who voted for  
17 Ken Paxton, and they did it in only a four-hour hearing.  
18 There is a right way for Texas voters to remove someone  
19 from office. It's called vote against them.

20 Who the people want, who the people voted  
21 for should matter. Let me give you some names.

22 George P. Bush, Eva Guzman,  
23 Louie Gohmert, Dan Branch, Barry Smitherman,  
24 Joe Jaworski, Rochelle Garza, Justin Nelson. Those are  
25 just some of the people that Texans decided they did not

1 want to be their attorney general.

2 The people chose General Paxton. Do  
3 their votes matter? People are watching. The will of  
4 those Texans should not be subverted.

5 And people of Texas, let me say this: I  
6 am very happy that these proceedings are being  
7 live-streamed. I think it is good that Texas voters can  
8 hear every bit of evidence, or the complete lack of  
9 evidence, that supports this from both sides. I'm sure  
10 that the more than 4.2 million people who voted for  
11 Ken Paxton will want to hear why, will want to hear why  
12 30 people are deciding his fate.

13 And through all this, we must not forget.  
14 Ken Paxton for the last eight years has operated the  
15 most aggressive, effective litigation apparatus of any  
16 attorney general's office in the country. According to  
17 the pundits, Ken Paxton was never supposed to be serving  
18 in statewide office.

19 Ken Paxton is very much serving. Look at  
20 his record. Under his leadership, the AG's office has  
21 won major cases for Texas on immigration, the lives of  
22 the unborn, religious freedom, and the continuous  
23 overreach by the federal government on our everyday  
24 lives. Under his direction the AG's office has sued the  
25 Obama and Biden administrations more than any other AG

1 office in the country. Even CNN has called Texas a  
2 legal graveyard for Biden's policies. And under his  
3 watch, and with his personal involvement, the attorney  
4 general -- the attorney general's office has recovered  
5 billions of dollars for Texas taxpayers, including  
6 \$3 billion against big pharma as a result of the opioid  
7 crisis. It has been said, but I think it's worth  
8 repeating: Ken Paxton is the best attorney general in  
9 the country, period.

10 All of this, of course, begs the most  
11 pressing question: If Ken Paxton is so good at his job  
12 and routinely defeats his political opponents at the  
13 ballot box, then what the devil are we doing here?

14 We know this entire process took less  
15 than two months with fewer than 15 witnesses, none of  
16 which were ever put under oath. Shouldn't this  
17 investigation, if done right, have taken a whole lot  
18 longer?

19 After all, this historic procedure took  
20 an entire year the last time it was used, with sworn  
21 testimony taken by the committee, in open hearings,  
22 giving the respondent an opportunity to be heard, to  
23 confront his accusers. So why was it so short this  
24 time? Why did it happen when it did? What was the  
25 rush?

1           Because if they had taken their time and  
2 done it right, we wouldn't be here. We wouldn't hear  
3 about burner phones. We wouldn't hear about house  
4 renovations. We wouldn't hear about secret Uber rides.  
5 We wouldn't hear any of that foolishness because they  
6 would have delved into it and saw that it was all false.  
7 So why? I'll tell you why.

8           May 19th, 2023, Speaker Dade Phelan was  
9 so drunk while running House business he could barely  
10 even hold the gavel. And that drunkenness was on video  
11 and it was on the Internet for the entire world to see.  
12 I'm sure you've seen the video as well. Four days  
13 later, on May 23rd, Ken Paxton issued a statement and  
14 called for Dade Phelan to resign.

15           In response, the committee heard and met  
16 the very next day, conducted a four-hour hearing, and  
17 recommended impeachment the day after that. Because of  
18 the rush, the House didn't bother to vet this  
19 foolishness. And now they put it right in your lap for  
20 you to do the work that they failed to do.

21           This impeachment was the perfect marriage  
22 of a group of representatives fueled by a powerful  
23 lobbyist and led by a drunken speaker seeking political  
24 vengeance. It was also a result of a group of  
25 uninformed civil litigants and their attorneys who are

1 motivated by money.

2 The House's General Investigating  
3 Committee proceeded in a rush in secret. So secret, in  
4 fact, that the only people who could have testified and  
5 brought actual evidence and exonerated Ken Paxton were  
6 not even called.

7 I hope you will look at the evidence. I  
8 hope you'll really look at the evidence. I have faith  
9 in this body that you will actually see the evidence.  
10 Make an informed decision.

11 I want to focus just on a few of the  
12 impeachment articles. There's so many of them, I  
13 wouldn't have time to go through every one. But I think  
14 one that you might be interested in is Article X.  
15 That's the article where the House Managers have argued  
16 that Ken Paxton's house renovations were paid for by  
17 Nate Paul.

18 And you've heard that lie repeated over  
19 and over and over again in the press, and it's false.  
20 The House Managers adopted this lie about a nonexistent  
21 bribe and repeated it with no evidence, nothing. The  
22 news media innocently amplified this lie without ever  
23 documenting it. And then it's been repeated over and  
24 over, and even repeated by my colleague today.

25 Hear this press corps: Ken Paxton and

1 Angela Paxton paid for their house renovations, period.

2           You will see in this case a Steam Team  
3 estimate. The Paxton's house in Tarrytown had some  
4 water damage. Steam Team came out to correct the water  
5 damage. We're going to show you those documents where a  
6 USAA claim was made to pay for that. You will see that  
7 the Paxtons had fits with the insurance company, just  
8 like all of us have at one time or another, trying to  
9 get that claim paid.

10           You will see that Angela Paxton  
11 specifically was involved in talking through some of the  
12 repairs they were going to do as a part of that process.  
13 They were going to do some upgrades. And you'll see  
14 mind-numbing pictures of Angela and Ken Paxton at Home  
15 Depot, at Lowe's, pricing stoves, pricing countertops,  
16 trying to get the best buy, and ultimately deciding that  
17 despite what you hear about granite, with all due  
18 respect, Senator Paxton, their countertops are just old,  
19 ratty tile. And they didn't get a new stove. And they  
20 didn't get to change out their cabinets.

21           But that's not what you've heard in the  
22 press. I'm going to show you the USAA docs. I'm going  
23 to show you in September 16th of 2020 USAA made its  
24 final determination of what they would pay. They paid  
25 for Steam Clean, the original contractor.

1                   And the second contractor was Cupertino  
2 Builders. And you've heard, oh, that's a foul. Buzbee,  
3 in the press conference, he showed -- he showed  
4 Cupertino Builders' invoice, that company didn't exist.  
5 Well, guess what? It did. It absolutely did. I'm  
6 going to show you the documents and you're going to see  
7 that this article is false, just like every other one.

8                   You're going to see the USAA  
9 determination. You're going to see that USAA knew that  
10 they had another contractor. You're going to see a text  
11 from -- from the trustee back and forth between  
12 Ken Paxton where Ken Paxton says, I have this invoice.  
13 I have to pay it.

14                   You're going to see all of that. And  
15 you're going to see the wire come from the Paxtons' bank  
16 account and go into Cupertino Builders' bank account.  
17 You're going to see the front side of the transaction  
18 and the back side of the transaction. And you're going  
19 to conclude, like I've concluded, and like everybody has  
20 to conclude, that these folks were pinching pennies.  
21 They were trying to update and renovate their house, and  
22 there were a lot of things they just couldn't afford.

23                   I'm going to show you pictures ad nauseam  
24 of their house and you will conclude what I've concluded  
25 is the Paxtons have been defamed over and over in the



1 press and by the House.

2 Now, the second so-called bribe,  
3 Nate Paul. The boogeyman, Nate Paul, gave Ken Paxton  
4 \$25,000. Oh, goodness gracious. You know when he gave  
5 that money? October 2018, years before any of these  
6 allegations ever existed. Years before any of the acts  
7 allegedly that occurred ever occurred.

8 Think about their theory. Their theory  
9 is Nate Paul in October of 2018 was thinking -- he was  
10 so manipulative and so smart that he knew at some time,  
11 sometime years in the future, he may be needing  
12 something from Ken Paxton. Here's the problem with  
13 that. He gave money to people in this very chamber as  
14 well.

15 Ken Paxton wasn't the only recipient of a  
16 campaign donation. But let's focus on campaign  
17 donations. Incidentally, in 2018 Ken Paxton raised  
18 millions upon millions of dollars. A \$25,000 donation,  
19 although it sounds like a lot of money, Ken Paxton is a  
20 great fundraiser. He raises a lot of money. And that  
21 donation ain't even a blip on the radar screen.

22 And let's think about that. Campaign  
23 donations can't be bribes. They are not bribes. Do any  
24 of us believe that a campaign donation in here is a  
25 bribe? Do you know how often I get calls for campaign

1 donations? A lot.

2 Are those bribes? No. If campaign  
3 donations were bribes, everybody in this town would be  
4 impeached. Just line up. Once we finish Ken Paxton,  
5 we'll start impeaching everybody else.

6 I want to shift our focus for the time I  
7 have and address what could be the elephant in the room.  
8 There's been some salacious allegations made about  
9 Ken Paxton. The argument is, is that Nate Paul provided  
10 a job for a woman named Laura Olson. It doesn't hold  
11 any water.

12 Laura Olson applied for a job.  
13 Laura Olson got a job. You're going to see the  
14 employment contract. You're going to see what her  
15 salary was. You're going to see her paystubs. You're  
16 going to hear about the work that she did. And you're  
17 also going to hear that she continues to do that work  
18 today. Today. That was not a bribe. That was a job  
19 sought out and received, and she's doing real work  
20 today. You'll see the paystubs and you'll see the  
21 employment application.

22 Now, you've heard so much -- my colleague  
23 talked about how Ken Paxton turned over the keys to the  
24 AG's office to Nate Paul. Remember hearing that?  
25 Totally false.

1           One of the things you're going to see in  
2 this case is that Ken Paxton got nothing from Nate Paul  
3 and Nate Paul got nothing from Ken Paxton.

4           Let's look at what Nate Paul got from the  
5 AG's office. Nate Paul believed that the feds had  
6 targeted him. He believed that the feds had violated  
7 his civil rights. He believed that an affidavit, a  
8 warrant for the search of his home and businesses, had  
9 been altered. He believed it. Still believes it today.

10          He didn't know where to go. He went to  
11 Ken Paxton. Ken Paxton sent him to the Travis County  
12 District Attorney's Office, who then turned around and  
13 referred it back because of conflicts. There were  
14 conflicts. But what did Nate Paul get from that? No  
15 bankruptcies were averted. No foreclosures were  
16 stopped. No FB agents were indicted. No FB agents had  
17 to respond to any subpoena. Nothing. Nate Paul got  
18 nothing.

19          If that was an attempt to bribe, that was  
20 the least effective one in the history of the United  
21 States. You're going to see Nate Paul got nothing.

22          In fact, you will also see e-mail after  
23 e-mail after e-mail of Nate Paul and his lawyers sending  
24 letters to the AG's office, madder than a hornet's nest.  
25 You're not doing what -- you're not doing your job.

1 You're not doing your job. You're not doing what you're  
2 supposed to do. We're going to sue the AG's office.

3 Does that sound like somebody who has the  
4 keys to the AG's office? It sounds like somebody who  
5 might be a little entitled and thinks that public  
6 officials should jump when he says jump. Maybe jump and  
7 hope he jumps high enough.

8 But one thing is clear: Nate Paul got  
9 nothing and he was very unhappy about it. He did not  
10 think the AG's office was doing its job, and he sent  
11 e-mail after e-mail, letter after letter, culminating in  
12 a letter where he threatened a lawsuit against the AG's  
13 office.

14 You never saw those e-mails, did you?  
15 You never saw those letters, did you? You never even  
16 heard about them. The press knows about them. They  
17 didn't report that, did they?

18 This idea that the AG's office harmed the  
19 Mitte Foundation -- do you know who the Mitte Foundation  
20 is? Do you know their history? Do you know who the  
21 first AG was that had issue with the Mitte Foundation?  
22 Greg Abbott. Greg Abbott.

23 Greg Abbott sued the Mitte Foundation for  
24 all kinds of foolishness. They had one person indicted.  
25 They had another person who allegedly beat their wife

1 and child. There was, like, a lot of turnover. And in  
2 this particular instance, you will see why the AG's  
3 office decided to intervene.

4 There's a memo, a memo that lays out the  
5 tortured history of the Mitte Foundation and the  
6 decision-making matrix. And every single person in the  
7 chain of command signed off, including the so-called  
8 whistleblowers, to intervene in the Mitte Foundation  
9 case. Not to protect charity -- see, this is the  
10 misconception.

11 The AG's office is not there to protect  
12 charities, as has been alleged. The AG's office is  
13 there to protect -- to protect the public's interest in  
14 charity. In other words, those are donated funds, and  
15 the charity better take care of its Ps and Qs. And the  
16 Mitte Foundation was not.

17 And Nate Paul was so mad that the AG's  
18 office wasn't doing more. The AG's office intervened.  
19 The intervention lasted three months, and the AG's  
20 office dropped the case once they saw what was going on.

21 And remember this. You'll see the memo  
22 where not only did the entire chain of command decide to  
23 intervene in the Mitte Foundation litigation but also  
24 decided to open an investigation of the Mitte  
25 Foundation. Have you heard that in the press?

1           This is what we're up against. We are  
2 trying a case not here in front of you, Honorable  
3 Members. We're trying a case where we're getting  
4 prosecuted in the press. And so here we are, the  
5 baseless allegations thrown at us, shotgun approach,  
6 throw it against the wall and see what will stick, and  
7 make them respond. That's what this is. That's what  
8 this is and that's what it has been. There's a reason  
9 my colleague did not go through any facts to support  
10 this, because there are no facts to support this.

11           And let's also talk briefly about this  
12 so-called midnight opinion. Again, utter foolishness.  
13 Did you know on the very day that the informal guidance  
14 was issued, they issued another one, the very same time  
15 frame, like the very same day? Do you want to know how  
16 many foreclosures were stopped by the informal guidance?  
17 Zero. They didn't report that either, did they? And  
18 you didn't hear that either, did you?

19           Many of these articles I would -- I would  
20 respectfully suggest, if you look at what's alleged and  
21 you look at the evidence, you'll dismiss it out of hand.

22           This is a good one. They claim that this  
23 was an AG's opinion, this so-called midnight opinion.  
24 On the very face of the document, it says, This is  
25 informal guidance. It's not a 402 legal opinion. That

1 should have been the reason that should have been  
2 dismissed. But we will show that to you. We will prove  
3 that to you and that article should be disposed of in  
4 short work.

5 Now, finally let me talk about these  
6 ex-employees. One of the facts that I find to be the  
7 most egregious with regard to these ex-employees is that  
8 they made assumptions about their boss, but they did not  
9 raise those assumptions with their boss. Many of the  
10 issues in this particular case, most of those so-called  
11 whistleblowers participated in and signed off on.

12 You know what the genesis of all of this  
13 is? Remember when I talked about the referral to the --  
14 from the District Attorney's Office to the AG's office?  
15 They were unaware that the District Attorney's Office  
16 had done a second referral. That did not go through the  
17 AG's office. It went directly to this young man,  
18 Brandon Cammack.

19 And so when they saw that Brandon Cammack  
20 had gotten subpoenas that went to some financial  
21 institutions, they just -- they -- their heads almost  
22 exploded. And rather than asking the questions calling  
23 the DA's office, finding out what was going on, they  
24 just assumed that this young man, this young lawyer who  
25 was being paid 300 bucks an hour, because that's -- that

1 was the rate and that's why we got somebody like  
2 Brandon Cammack. But they assumed that he was off doing  
3 something untoward.

4 And they never asked the questions, why  
5 would you be subpoenaing a financial institution? It's  
6 because it was a second referral from the DA's office, a  
7 second referral that gave him the authority to  
8 investigate bid rigging. We all know there was bid  
9 rigging going around -- going on in Austin. That was  
10 what the DA referred to the AG's office to investigate.  
11 Not prosecute, investigate.

12 They assumed. They assumed the worst.  
13 Instead of asking their boss, you know what they did  
14 instead? They sent a letter to the FBI saying that  
15 Brandon Cammack had appeared in front of a grand jury.  
16 He never appeared in front of any grand jury.

17 The subpoenas were prepared by the DA's  
18 office. All he did was DocuSign them. They sent that  
19 letter to the -- to the FBI. They came and met with  
20 some of the governor's staff. They came and may have  
21 met with some of you even, instead of meeting with their  
22 boss that they claim they were loyal to.

23 And you know what -- do you want to know  
24 what is most egregious? They sent letters and they took  
25 Ken Paxton's name off the letterhead. Now, you think



1 about that for a minute.

2 Oh, these people were retaliated against  
3 and fired. Ken Paxton was trying to hide something.  
4 Let me -- let me just ask you point-blank. If one of  
5 your staff, your chief of staff, decided that he  
6 disagreed or she disagreed with one of your actions, and  
7 decided when you were out of the office in Ohio trying  
8 to put together the Google case with a bunch of other  
9 AGs to recover money for the State of Texas while you're  
10 gone, they get together, they send everybody home, and  
11 eight of them meet and they take Ken Paxton's name off  
12 the letterhead and start sending correspondence without  
13 his name. Imagine if your chief of staff did that. You  
14 would fire them on the spot.

15 If you're a subordinate and you disagree  
16 with your boss' course of action, you raise it with her  
17 or him, and if there's still a disagreement, you resign.  
18 That's how it works.

19 What you don't do is try to highjack the  
20 office, wage a coup, or all the other things they did.  
21 Sabotage grants. You know, they tried to sabotage the  
22 grants that the AG's office would receive. Millions of  
23 dollars in grants. They tried to sabotage the office.  
24 You're going to hear a much different story when you  
25 hear the evidence, a much different story.

1                   And let me finish with this. There's a  
2 young man named Drew Wicker. He's been all over the  
3 news. Do you remember who I'm talking about? I think  
4 my colleague made it clear. And we all know that you  
5 guys read. I mean, obviously, you pay attention to what  
6 is going on. That's part of your job.

7                   There's a young man named Drew Wicker, a  
8 good young man. He was interviewed by the House  
9 investigators. I want you to watch and listen to that  
10 interview because they asked him, Did you ever deliver  
11 anything to Nate Paul? No. Never. Never happened.

12                   They came back five minutes later. When  
13 you delivered things to Nate Paul, how many things did  
14 you deliver?

15                   This is how they did this young man, who  
16 feels like he's in between a rock and a hard place.  
17 He's friends with some of the people that quit or were  
18 fired, and he still says that Angela and Ken Paxton are  
19 like family to him.

20                   They squeezed him and they squeezed him.  
21 He's the one, you may recall, that said, I was there in  
22 the kitchen, and Angela had expressed that she wanted  
23 granite countertops. And Ken Paxton was there with me.  
24 And Kevin Wood, the contractor, says, Let me check with  
25 Nate.

1                   And then we heard about \$20,000 granite  
2                   countertops. I don't know where those are,  
3                   Senator Paxton. I don't know where those are.

4                   What you'll see instead is I have the  
5                   samples that they went -- when they went to Home Depot  
6                   and Lowe's, and they sampled and they priced it, and  
7                   they decided they couldn't afford it. Nate Paul had  
8                   nothing whatever to do with it, and Drew Wicker knows  
9                   that is true as well.

10                   We look forward to putting on this case.  
11                   And we hope, we hope you'll listen to all the evidence.  
12                   We hope that you'll make a decision, not based on  
13                   political expediency, but based on the evidence you're  
14                   going to hear.

15                   And remember, the burden of proof is not  
16                   we throw out allegations and you say, Oh, that sounds  
17                   sexy, I'm voting for impeachment. They have to prove  
18                   their case by the numbers, by the numbers, beyond a  
19                   reasonable doubt. They won't be able to do that.

20                   And on that point, I'm going to turn it  
21                   over to my colleague for my time remaining, Dan Cogdell,  
22                   who has some points he would like to make.

23                   Dan.

24                   MR. COGDELL: Is there a monitor up  
25                   there?

1 MR. BUZBEE: No, we didn't have any. I  
2 just had to go off the cuff.

3 MR. COGDELL: May I deliver from here,  
4 Your Honor?

5 PRESIDING OFFICER: Yes, you may.

6 MR. COGDELL: I'm sorry for the format,  
7 but can I at least see off of this?

8 Good afternoon. My name --

9 PRESIDING OFFICER: Counsel, you are  
10 going to have to stay at the mic.

11 MR. COGDELL: Yes, sir. I'll do my best.

12 ATTORNEY GENERAL PAXTON'S OPENING STATEMENT

13 BY MR. COGDELL

14 MR. COGDELL: Good afternoon. My name  
15 is -- whoa. I'm getting off to a great start. My name  
16 is Dan Cogdell. Anthony Osso and I are two of the  
17 lawyers that are helping Ken Paxton.

18 You know, when you get ready for a case  
19 like this, there's some things that you know and there's  
20 some things that you don't know. Well, in this case,  
21 when I was preparing, I knew I was going to know most of  
22 the lawyers. I know my opposing counsel. I've known  
23 him most of my life. They're friends. I'm not going to  
24 say anything negative about them.

25 It should give you some pause, though,

1 because if they're friends with me, you know their  
2 judgment is a little bit askew. That having been said,  
3 I know some of the witnesses. I know Mr. Penley. I  
4 know Mr. Maxwell. Most of these people are good people.  
5 I have no problem with their character, generally  
6 speaking. I have a big problem with some of the things  
7 that they did.

8 I don't mind sharing with you that my  
9 wife is going through a significant medical issue and it  
10 wasn't the best time for me to come here, but she said,  
11 No. You go. This is bigger than me. This is bigger  
12 than you, and this is bigger than Ken Paxton.

13 No offense, Ken. She's not your biggest  
14 fan.

15 But what she meant by that is we are  
16 living on the wet end of democracy right now. Is it up  
17 to the voters or is it up to politicians to see who  
18 stays in office?

19 Your -- your decision is much bigger than  
20 Ken Paxton. Your decision is literally about democracy  
21 in this state. I appreciate Mr. Murr's comments. I  
22 also appreciate the focus on the bigger picture than  
23 what is happening in here.

24 One of the things that's intimidating,  
25 even -- I've been doing this for a long time, 42 years.

1 Sometimes I don't recognize that dude in the mirror when  
2 I walk in, in the mornings.

3 But I wonder to myself, how do I begin a  
4 case like this? This is a case of enormous  
5 consequences. I wanted the press. I wanted the sound  
6 bites. I wanted the cute things, right?

7 As a side note, this may be one moment I  
8 get to relish because I'm not automatically the biggest  
9 ego of the lawyers involved. Not automatically. I have  
10 some competition.

11 The significance of this case is titanic,  
12 as I mentioned. And I wondered, What am I going to do?  
13 What am I going to say? Oh, my God. I need the hook.  
14 I need the line. I need -- I need the pop. And it  
15 occurred to me I don't need that. It occurred to me  
16 that I have the truth. It occurred to me that the  
17 reason we're here -- how did we get here?

18 This is the very room where  
19 General Paxton has been sworn in again and again. This  
20 is the very room, as I understand it, where one of his  
21 daughters got married. How do we go from that to here?  
22 I'll tell you how. Because people assumed things that  
23 weren't true.

24 They assumed that Paxton was involved in  
25 an illegal relationship with Nate Paul. They assumed

1 that Paxton's actions were intended to get the records  
2 to Nate Paul. They assumed that Paxton gave the DPS  
3 records to Nate Paul. They assumed that Paxton hired  
4 Cammack illegally. All of those things are false. All  
5 of those things are false.

6 Even Einstein said assumptions are made  
7 and most assumptions are wrong. A man much lesser,  
8 perhaps, than Einstein but he's important to me, my dad.  
9 He told me when I was a young kid, You know, son, how  
10 do -- you can't spell assume without making an ass out  
11 of you and me. And he's right. And that's exactly what  
12 happened in this case.

13 The reality is this is not a trial where  
14 you can assume anything. This is a trial that requires  
15 proof beyond a reasonable doubt. Spoiler alert: It's  
16 the same amount of proof that's required in a death  
17 penalty case.

18 I'm a visual learner. I like to see  
19 things to help me learn, so I'm going to offer these  
20 next slides to you. Just -- they're not the law, but  
21 they're an explanation. We deal with different  
22 standards. A lot of you are lawyers. A lot of you know  
23 these things, but a lot of you have never dealt with  
24 proof beyond a reasonable doubt.

25 So let me suggest probable cause. If

1 probable cause were a house, probable cause might look  
2 like that. Probable cause is the same standard by which  
3 the House had to, quote, indict or return the Articles  
4 of Impeachment. That is the quantum of proof that was  
5 required.

6 Preponderance of the evidence, that is --  
7 that is the standard that Mr. Buzbee uses in his -- in  
8 his cases. Those 50 versus -- 50 and a half versus --  
9 any slight more, any -- a little bit more. That's the  
10 preponderance.

11 Clear and convincing evidence, that is  
12 the same quantum of proof that is required in a -- in a  
13 situation where CPS wants to take your child away.

14 Proof beyond a reasonable doubt, if it  
15 was a house, it would look like that. It would look  
16 like Mr. DeGuerin's house. It would look like a big  
17 house.

18 Sorry, Dick.

19 My point is a pretty simple one. There  
20 is a huge difference between the quantum of proof that  
21 the House based its decision on and what you are  
22 required by law to base your decision on. It's night  
23 and day. I'm going to go through the articles quickly.

24 Judge, how much time do I have left?

25 PRESIDING OFFICER: Twenty-one minutes.



1 MR. COGDELL: Oh, good.

2 PRESIDING OFFICER: Twenty-one minutes.

3 MR. COGDELL: I may give a couple of  
4 those back. We'll see. Here's the allegation.

5 That Paxton directed employees at his  
6 office to act contrary to law by refusing to render a  
7 proper decision relating to a public information request  
8 for records held by the DPS, by issuing a decision  
9 involving another public information request, which is a  
10 mouthful, that was contrary to law and applicable legal  
11 precedent. That's the allegation.

12 Here are the facts. Fact Number 1 is  
13 that Paxton is the attorney general. Paxton, as the  
14 attorney general, can decide how his office responds to  
15 these inquiries. He's the attorney general.

16 Fact Number 2: Paxton did not order the  
17 release of the records. That's kind of been lost in the  
18 wash here. There's all of these suggestions that Paxton  
19 ordered the release of the records that ostensibly were  
20 favorable to Nate Paul. No, he didn't. He did not  
21 order the release of those records. Period. Full stop.

22 What he did was, had his office take no  
23 position on whether or not the records should be  
24 released. That's a different color of horse.

25 Fact Number 4, that no records were

1 released to Nate Paul as a result of the actions of  
2 Ken Paxton. Let me repeat that. Nate Paul got not a  
3 single record based upon the action of Ken Paxton.

4 Fact 5: There were other records that  
5 were released to Nate Paul and his lawyers, but they had  
6 nothing to do with any action by Ken Paxton. Do you  
7 follow me? Other records were released, but not at  
8 Paxton's direction, suggestion, interference, what have  
9 you.

10 Misuse of official information. The  
11 allegation: Specifically, Paxton improperly obtained  
12 access to information held by his office that had not  
13 been properly disclosed for the purpose of providing  
14 that information to the benefit of Nate Paul. That's  
15 the allegation.

16 The facts are a little different. Fact  
17 Number 1: Paxton did not illegally access any records.  
18 Let me repeat that. Despite what the allegation is, he  
19 never accessed any record illegally. It didn't happen.

20 As the attorney general, Paxton had every  
21 right legally to access those records.

22 Fact 3: There's no evidence that Paxton  
23 copied those records. I'm kind of getting -- getting  
24 into the weeds with you here, but bear with me.

25 There's a fellow named Vassar that you'll

1 hear about. He had the file and is responsible for  
2 maintaining that file. He gave those files to  
3 Mr. Wicker, who Mr. Buzbee talked to you about.  
4 Mr. Wicker is an aide that works with -- with Ken.

5 Wicker says he was never asked to copy  
6 the file. I think the evidence is going to be pretty  
7 overwhelmingly that Ken Paxton may be more  
8 technologically challenged than me. So if anybody was  
9 going to copy those files, it wouldn't be Ken Paxton.  
10 I'm not even sure he had the code to the copy machine.

11 Paxton gives the file back to Wicker  
12 after Wicker gave it to him. Wicker gives it back to  
13 Vassar.

14 And there's no evidence that Paxton gave  
15 those documents to Mr. Paul. There's this big  
16 kerfuffle. And look, you're going to hear from a fellow  
17 by the name of Dave Maxwell. Dave is 6-foot-6 without  
18 the Stetson. You call Central Casting and ask them to  
19 send you a Texas Ranger, and by God, they send you  
20 Dave Maxwell. I'm a fan of Dave Maxwell generally  
21 speaking, but Dave Maxwell did some things and said some  
22 things that weren't true.

23 While he was being interviewed by the  
24 House, he said, and I quote, Ken Paxton -- Ken Paxton  
25 gave the file to Drew Wicker and he delivered it to

1 Nate Paxton (sic) in an alley in the dark of the night.

2 That's absolutely false. Maybe Dave was  
3 just comfortable in his own skin and thought he could  
4 stretch out his credibility. It's either a mistake or a  
5 lie. I don't care. Whatever it was, was wrong. That  
6 never happened.

7 Months later, Wicker gives an envelope to  
8 Nate Paul. An envelope. But there's no evidence that  
9 that envelope contained these celebrated documents. And  
10 I suggest to you that these documents would have been  
11 several inches thick, not two or three pages.

12 And it was -- I'll skip past that.

13 But at the time -- or really after the  
14 time when the Board of Managers is claiming that  
15 Nate Paul surreptitiously had these documents, his  
16 lawyers are still suing in court to get the documents.  
17 That makes no sense. Why would his lawyers still be  
18 pursuing civil remedies, which they're entitled to do to  
19 get these documents, if he already had the documents and  
20 if he had gotten those documents from Ken Paxton?

21 That is dumber than a bucket of hair. It  
22 makes no sense. They're just wrong. Maybe they had  
23 good intentions. Maybe this was their belief for the  
24 moment. But they're wrong.

25 Fifth allegation: Disregard of official

1 duty, the engagement of Brandon Cammack. It is: While  
2 holding as office as attorney general, Ken Paxton  
3 misused his official powers by violating the laws  
4 governing the appointment of prosecuting attorneys pro  
5 term -- or pro tem. We'll get into that. And Paxton  
6 engaged Brandon Cammack, a licensed attorney, to conduct  
7 an investigation into a baseless complaint -- that's the  
8 allegation -- during which Cammack issued more than 30  
9 grand jury subpoenas in an effort to benefit Nate Paul.  
10 Whatever.

11 Here are the facts. Fact Number 1 is  
12 Paxton has every legal right to hire Brandon Cammack.  
13 We're going to get into the why, but he's got that right  
14 under the Government Code.

15 You're going to hear a bunch of kerfuffle  
16 about one of my favorite terms, the EAM, the executive  
17 action memorandum. I'm sorry, but only in State  
18 government could we come up with a phrase like the  
19 executive action memorandum. What it really is, it's  
20 policy. It's not the law. It's an internal policy  
21 within the attorney general's office. It is not the  
22 law.

23 Fact 2: Cammack was not an attorney pro  
24 tem. Maybe that's a distinction without a difference,  
25 but that's what they've alleged. And you would think

1 that these lawyers -- and the investigative committee  
2 and the committee are full of lawyers, most of which, or  
3 many of which, are ex-DAs -- an attorney pro tem is  
4 appointed when the entire office has been disqualified.  
5 This had nothing to do with that.

6           Brandon Cammack was hired, as the  
7 documents say, as an outside counsel, but they've  
8 alleged in their complaint he was an attorney pro tem.  
9 He was not.

10           Fact 3, a baseless complaint. Here's the  
11 funny thing about being a baseless complaint. They  
12 forgot to tell Brandon Cammack about that. And we've  
13 got a lot of people that have been hurt by these  
14 allegations and the investigations. And I guess it  
15 depends on your viewfinder on whose ox is getting gored  
16 and whether you like Brandon Cammack or not. He got  
17 absolutely skewered from the press. He was vilified by  
18 the press. He was just taken to the woodshed. He was  
19 beat like a rented mule by the press.

20           And all that young man was trying to do  
21 was doing an investigation that the people who worked  
22 for Ken Paxton wouldn't do. And guess what? No one  
23 bothered to tell Mr. Cammack that it's a baseless  
24 investigation. In fact, he was told by Ken Paxton the  
25 same thing that Mark Penley was told by Ken Paxton, who,

1     parenthetically, I know and I like, but he didn't do  
2     anything. But more importantly, the direction given to  
3     Penley, the direction given to Cammack was the same:  
4     Find the truth.

5                     Let me repeat that. The direction that  
6     Paxton gave him in this corrupt, invasive, corrosive,  
7     bribery, kickback, horrible scheme, the direction he  
8     gave Mark Penley who worked for him was exactly the same  
9     direction he gave Brandon Cammack: Find the truth.

10                    We're going to impeach a sitting attorney  
11     general for giving the direction, Find the truth? Not  
12     one person, not one piece of evidence will you hear  
13     where they say lie -- where Ken Paxton told him to lie,  
14     cheat, steal, shade, do whatever it takes. I just --  
15     that didn't happen. That didn't happen.

16                    And yet here we sit with 31 of you, with  
17     15 of us and 15 or more of them, here we sit when the  
18     allegation -- when the allegation is it's a corrupt --  
19     when the truth is he said, Go find the truth. For God's  
20     sakes, what are we doing here?

21                    Oh, yeah, this baseless complaint that  
22     Mr. Murr -- nice to meet you, sir -- that Mr. Murr  
23     referred to, it wasn't a baseless complaint. The Travis  
24     County DA's Office referred it to the AG's office, and  
25     ultimately a second one to Brandon Cammack. It may not

1 be the greatest, sexiest complaint ever, but it wasn't  
2 baseless.

3 Fact 4: No one bothered to tell  
4 Brandon Cammack -- I think I've got a bit histrionical  
5 about that.

6 And another one of my friends,  
7 Johnny Sutton, former United States attorney, worked  
8 under W, great lawyer, fine fellow. But these same  
9 folks, the whistleblowers that are carping so much about  
10 Ken Paxton and going outside counsel and doing all of  
11 these ultra vires things, went to hire another lawyer.  
12 They were trying to hire Johnny Sutton who, last I  
13 checked, was an outside lawyer.

14 Now, you've got to be asking yourself:  
15 Why is it that Paxton hired Cammack? Number 1, Paxton  
16 believed in good faith that there had been misconduct.

17 Number 2, he asked his deputies to  
18 investigate it. His -- his direction was simple: Seek  
19 the truth. His staff did little to nothing in terms of  
20 an actual investigation. He asked again; nothing really  
21 happened. No one seemed to be interested in it at -- at  
22 any of it. For two months it just sat there.

23 The one time where Ken Paxton comes to  
24 Mark Penley and says, Hey, man, I would like you to look  
25 at this, he does nothing. He does absolutely nothing.



1 Frustrated, he interviews outside lawyers and decided on  
2 Cammack.

3           And, again, he gave Cammack the same  
4 investigation -- or same instruction he gave  
5 Mark Penley: Find the truth. At no time did Paxton  
6 ever seek to impede, impair, obstruct.

7           Here is one of my favorite vignettes that  
8 you're going to see. Dave Maxwell, this 6-foot-6 Texas  
9 Ranger, iconic figure, he's going to come in and say he  
10 was asked to participate in an illegal investigation.  
11 Really, Ranger? It's an illegal investigation.

12           And on video, according to you, if you're  
13 world right -- if your world view is right, they ask you  
14 right there on videotape to participate in an illegal  
15 investigation, and you just sat there like a bump on a  
16 log. You didn't arrest anybody. You didn't make a  
17 note. You didn't cause anything to be filed. It was  
18 illegal, and you were asked to participate in it, and  
19 literally there you sat? This is our legendary one  
20 riot, one Ranger in action doing nothing? Really?

21           Paxton just wanted it investigated.

22           Mr. Buzbee stole a little bit of my  
23 thunder on these -- these letterhead issues, but the  
24 point might be worth stating again.

25           Who in the world do these people think

1 they are? Honest to God, if your chief of staff came in  
2 and scraped your name off the letterhead and sent it  
3 out, how long -- how much longer do you think they would  
4 be working for you? They wouldn't be, and they  
5 shouldn't be.

6 Who in the world gave these people that  
7 idea? Who in the world told these people it was -- it  
8 was going to be okay? I bet you the evidence is no one.  
9 They took it upon themselves. They deputized themselves  
10 into some sort of Power Ranger team where they could  
11 just do whatever they wanted, scrape Ken Paxton's name  
12 off the -- off the letterhead and send these letters  
13 out.

14 Mr. Buzbee also talked to you about  
15 Michael Wynne's letter to Paxton, but I think it bears  
16 repeating. Under their world view, Wynne, who  
17 represents Nate Paul, writes a letter to Ken Paxton, his  
18 supposed co-conspirator, threatens to sue his  
19 co-conspirator, threatens to sue the Office of the  
20 Attorney General, alleging false statements made by  
21 Ken Paxton damaging Mr. Paul's reputation, claiming  
22 inappropriate coordination to undermine the  
23 investigation, alleging obstruction to present -- to  
24 prevent the Mitte Foundation investigation.

25 Literally bringing suit against one of

1 his -- what in the real world would be a co-conspirator.  
2 What's next? A hired hit man suing for breach of  
3 contract when he doesn't get paid for the kill? Are you  
4 kidding me?

5 This makes absolutely no sense. None.  
6 And the reason it makes no sense is because there was no  
7 illegal relationship between Paxton and Paul.

8 Look, I get it. I understand why there's  
9 some eye rolls about Paxton doing things that most of  
10 you would think, I don't know about that. I don't know  
11 about that. But here is why Paxton was a little  
12 different.

13 These claims with Ken Paxton that make --  
14 Nate Paul was making, they resonated with him. I hear  
15 you. They very well may not have resonated with you,  
16 but I'll suggest to you, luckily, you haven't gone  
17 through what Ken Paxton has gone through for the last  
18 eight years. Let me repeat that: Eight years.

19 How do I know eight years? Because I  
20 have been by his side on that Texas State Securities  
21 fraud case. In that case, Paxton believed he had been  
22 the target of a wrongful prosecution, and here is why.

23 Number 1, it had been pending for six  
24 years at that point, back in 2020 when all of the fur  
25 was hitting the fan.

1                   PRESIDING OFFICER: Counselor, you have  
2 four minutes left.

3                   MR. COGDELL: Yes, sir. Thank you.

4                   Number 2, the judge that presided over  
5 the --

6                   MR. HARDIN: Excuse me. Excuse me.  
7 Objection. I believe -- I believe the Court has said  
8 all four of those, counselor, out of this trial. He  
9 doesn't get to start talking about the merits of it.

10                  MR. COGDELL: No. I get to talk about  
11 his mindset.

12                  MR. HARDIN: My objection is he shouldn't  
13 be talking about this at all based on the Court's ruling  
14 in the past.

15                  MR. COGDELL: I'm talking about his --

16                  MR. HARDIN: We are not -- we're not  
17 allowed to talk about it. How can he get up there in  
18 opening and give his version of it?

19                  MR. COGDELL: I'm talking about General  
20 Paxton's mindset as to why these claims were resonating  
21 with him.

22                  MR. HARDIN: He started talking about it,  
23 Judge. He's talking about the facts. I object.

24                  PRESIDING OFFICER: Sustained.

25                  Continue.

1 MR. COGDELL: Let me put it this way:  
2 Ken Paxton was viewing things from a much different  
3 viewfinder than you or I might have been viewing those  
4 things through. And there's a reason why he was viewing  
5 things differently through a different viewfinder than  
6 you and I, because of what he had experienced. And it  
7 wasn't what you and I have experienced for the last  
8 eight years.

9 Let me get this through so I don't offend  
10 Mr. Hardin any further. Sorry, Rusty.

11 Here is the difference between what the  
12 House did and what you have to do. What you cannot do  
13 is assume anything. What you must do is look through  
14 the viewfinder of beyond a reasonable doubt.

15 Again, that is a much different process  
16 than what the House did. Is there proof beyond all  
17 reasonable doubt for you to convict Ken Paxton? And I  
18 suggest to you it is crystal clear that there is not  
19 evidence beyond a reasonable doubt.

20 I have one simple ask: Do the right  
21 thing. I think the Senator that led us in prayer asked  
22 for the Lord's help on that. Literally, do the right  
23 thing. And the right thing is to vote not guilty.

24 Thank y'all for your time.

25 PRESIDING OFFICER: For the record, House

1 Managers, you have 42 minutes and 34 seconds returned to  
2 you.

3 And you have 1 minute and 17 seconds  
4 returned to you.

5 Managers, before you call your first  
6 witness, we need to deal with this motion with  
7 Johnny Sutton.

8 Bailiff, will you bring Johnny Sutton  
9 forward?

10 Members, we will resolve this motion, and  
11 we'll take a short break after that.

12 Members, jurors, I'm going to let you  
13 take your break now while we're handling this motion.  
14 Be back at ten minutes before the hour of 3:00, 2:50.

15 Parties, I may be calling you to the  
16 bench in a moment. I may be calling you to the bench  
17 with Mr. Sutton in a moment.

18 Can we have silence? While you're moving  
19 about is fine, if you can be silent, please.

20 (At the bench, off the record.)

21 (Recess from 2:36 p.m. to 3:15 p.m.)

22 PRESIDING OFFICER: Is Mr. Sutton still  
23 here?

24 Bailiff, can you bring Mr. Sutton back?

25 (Mr. Sutton entered the chambers.)

1                   PRESIDING OFFICER: You can stop there.  
2 I just wanted you to be in the room.

3                   Counselor, Members, the Court received a  
4 motion to quash a subpoena recently received by  
5 Mr. Johnny Sutton, an attorney who represents several  
6 potential witnesses in the case. Mr. Sutton filed a  
7 motion to quash the subpoena so he may fulfill his legal  
8 duties as an attorney representing the clients.

9                   After considering the motion and  
10 conferring with counsel for both parties, the Court  
11 believes at this time Mr. Sutton's representation of his  
12 clients would not prejudice his testimony, if any,  
13 should he later be called a witness. Therefore, his  
14 motion to quash is granted.

15                  However, Mr. Sutton, the Court hereby  
16 orders you to make a diligent search for any  
17 non-privileged documents thorough, within the scope of  
18 what was subpoenaed by the Attorney General to produce  
19 those, if any. And the Court will want a response to  
20 that search.

21                  MR. SUTTON: Yes, Your Honor.

22                  PRESIDING OFFICER: The Court will allow  
23 a limited, limited, exception to the Rule, to the extent  
24 necessary to represent your clients, including appearing  
25 in the chamber during their testimony. You asked to be

1 excluded from the Rule, but that would take a vote by  
2 the entire body.

3           Though you may be present in the  
4 courtroom for testimony of your clients, you may not  
5 share information between clients. You may take your  
6 designated seat.

7           Managers, please, call your first  
8 witness.

9           MR. HARDIN: Your Honor, we call Mr. Jeff  
10 Mateer.

11           PRESIDING OFFICER: Please bring  
12 Mr. Mateer in.

13           (The witness entered the chambers.)

14           PRESIDING OFFICER: Mr. Mateer, I'll  
15 remind you you're still under the oath you took earlier.  
16 And to help the court reporters, clear yes and nos. No  
17 head nods or uh-huh.

18           THE WITNESS: I'll do my best, sir.

19           PRESIDING OFFICER: Mr. Hardin, your  
20 witness.

21           MR. HARDIN: Thank you.

22           Your Honor, before I start, could I ask  
23 if it's permissible to ask the back of the room if they  
24 can hear me? Since we've all had all these microphone  
25 issues here, I want to make sure that -- that if I'm



1 speaking into the microphone like this, can the rear of  
2 the room hear me?

3 PRESIDING OFFICER: Can you hear,  
4 Senators, jurors? Everyone can hear. Hands up.  
5 They hear you clearly.

6 MR. HARDIN: All right. Thank you very  
7 much.

8 JEFFREY "JEFF" MATEER,  
9 having been first duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. HARDIN:

12 Q. State your name, please, sir.

13 A. I'm Jeff Mateer.

14 Q. Mr. Mateer, how old a man are you?

15 PRESIDING OFFICER: Hold on. That mic is  
16 not on. You have to hit that button right there.

17 THE WITNESS: All right. Jeff Mateer.  
18 Oh, gosh. I'm sorry. I apologize.

19 PRESIDING OFFICER: We heard you the  
20 first and second time.

21 Go ahead.

22 A. I am 57.

23 Q. (BY MR. HARDIN) All right. Mr. Mateer,  
24 you're somewhat a victim of my warning you to try to  
25 speak up when we're talking privately. So I think the

1 microphones have taken care of that. Okay?

2 A. Yes.

3 Q. And where do you live now?

4 A. I live in Rockwall.

5 Q. I'm going to ask you, in the interest of time,  
6 if you would just give us maybe a minute and a half or  
7 so, a little bit about your background, where you grew  
8 up, family, professional career to where you got.

9 A. I actually grew up in central Pennsylvania.  
10 And then I met a girl from Fort Worth and we were in DC  
11 together when I was working on the Hill --

12 Q. You can go down a little bit, I think.

13 A. I'll pull back a little bit. How is that?

14 Q. That's good. All right.

15 A. We work -- I was working on the Hill for --  
16 for first Tom DeLay and then Dick Armey. Met my wife.  
17 She -- if we -- our relationship was going to continue,  
18 it made it clear that our relationship was going to  
19 continue in Texas. And so I went to SMU Law School. I  
20 graduated from SMU Law School, and then after law  
21 school, I went to Carrington Coleman for the first part  
22 of my career.

23 Q. Carrington Coleman is a Dallas law firm; is  
24 that right?

25 A. It's a large Dallas law firm, about 100

1 lawyers when I was there, and that was approximately --  
2 well, not approximately -- it was 1990.

3 Q. Stop there, and then I'll try to do a question  
4 and answer now.

5 When you were at Carrington Coleman, were  
6 you also involved in any kind of outside activities at  
7 that time?

8 A. Yeah. I'd always -- since college, I'd always  
9 been involved in Republican politics. And so I  
10 started -- you know, did that in college. I was vice  
11 president and treasurer of College Republicans. And  
12 then even though -- I mean, anyone who's been an  
13 associate at a law firm knows, at a large law firm, you  
14 don't have a lot of time, especially if you have a  
15 family, because I had a young family, but I still stayed  
16 involved. And then I began to volunteer on religious  
17 liberty cases.

18 Q. All right. Now, I'm going to ask you, we're  
19 going to try to do kind of short answers. And I'll try  
20 to jump in.

21 You're aware, as every witness is, that  
22 we're working on a time clock here.

23 A. Okay. I'll do my best.

24 Q. That's -- that's just my fault. It's my job.  
25 Don't you worry about it.

1 A. Yeah.

2 Q. So any particular organizations from the time  
3 of college or law school on that you belonged to?

4 A. Yeah. I was a member of Christian Legal  
5 Society, starting in law school. And then in law school  
6 also became a member of the Federalist Society.

7 Q. And very briefly, Federalist Society, how  
8 would you describe it and what it is?

9 A. Federalist Society is predominantly  
10 conservative and libertarian lawyers or -- or law  
11 students who care about the rule of law and conservative  
12 and libertarian policies.

13 Q. In addition to your political views on legal  
14 issues and others, without getting into much detail  
15 about it, how would you describe your -- your life and  
16 your religion?

17 A. I mean, I -- I would describe myself as an  
18 evangelical Christian.

19 Q. All right. And do you belong to a particular  
20 domination?

21 A. I'm a member of a Baptist church.

22 Q. Okay. Are you a RINO?

23 A. Am I a RINO?

24 Q. Are you? Are you a RINO? Do you know --  
25 wait, slow down.

1                   You understand the term, do you not?

2           A.    Republican in Name Only, is the term.

3           Q.    Yes.  Would you give the jury a benefit of  
4 your background of your political views?

5           A.    Well, I mean I'm certainly far from right of  
6 center.  I was nominated by President Trump to be a  
7 federal judge that --

8           Q.    And your nomination wasn't --

9           A.    My nomination was not successful after --  
10 there was opposition from -- well, some liberal  
11 Republicans and all Democrats.

12          Q.    And the relevance here, I want to ask you  
13 about, have you heard the suggestion that this  
14 impeachment is really the product of RINOs, Liberals,  
15 Democrats, people that are opposed to the true  
16 conservative views?  You've heard that, have you not?

17          A.    I've heard that said, yes.

18          Q.    All right.  How would you apply that  
19 description to yourself?

20          A.    I mean, that doesn't describe the men and  
21 women that I worked with on the eighth floor at the  
22 Office of Attorney General.

23          Q.    We're going to get to that in a moment.  But  
24 as far as you, yourself, are concerned, was one of the  
25 issues that defeated your nomination comments, whether

1 you made or didn't make, that had to do with transgender  
2 politics?

3 A. Yeah. And I mean the comments involved me  
4 speaking at a Baptist assembly in which I was alleged to  
5 make comments that -- that people on the left perceived  
6 to be anti-transgender.

7 Q. All right. Now, at the --

8 A. Now, I should say I didn't make the comments  
9 that they said that I made, but that was the allegation.

10 Q. Well, what I really am asking you, Mr. Mateer,  
11 in your life, how would you -- when you went to the  
12 attorney general's office, how would you describe what  
13 you believed in your politics, the mission of the  
14 attorney general's office, and the profession you had  
15 chosen?

16 A. Well, look, I've always been, since law school  
17 and throughout my career, I believe wholeheartedly in  
18 the rule of law. I mean, that's something that the  
19 Federalist Society I think instills in people who are  
20 members. But I believe in the rule of law, and I  
21 believe in conservative policies and conservative  
22 practice.

23 Q. And have you always been conservative, without  
24 going into specific this issue or that issue, have you  
25 viewed yourself very conservative on church?

1 A. My -- my faith --

2 Q. You have to let me finish. You have to let me  
3 finish.

4 A. Sorry.

5 Q. That's okay. It's not often that people like  
6 me get a chance to --

7 A. Well, I'm in a different --

8 Q. Wait a second. You have to wait.

9 It's not often people like myself get a  
10 chance to correct people who have been a chief of staff  
11 of some organization, so I'm taking liberties with it.  
12 Okay? And I'll stop you if you volunteer. Just let me  
13 finish, and I'll try to let you finish.

14 I'm really -- in terms of social issues  
15 in the political world of the day, on a scale of 1 to  
16 10, how would you rank yourself?

17 A. Ten or 11.

18 Q. Okay. Now, after you -- did you go somewhere  
19 else after Carrington Coleman in Dallas?

20 A. Yes. After Carrington Coleman a group of us  
21 who were Carrington Coleman lawyers formed our law firm  
22 called Rosenthal, Reynolds, Mateer & Shaffer.

23 Q. Where are you practicing now?

24 A. It -- where am I practicing now? First  
25 Liberty Institute.

1 Q. And what is First Liberty Institute?

2 A. It's a national religious liberty law firm.  
3 It's actually the largest religious liberty law firm  
4 in -- in America that's dedicated to defending religious  
5 liberty.

6 Q. And indeed have y'all since -- at some time  
7 recently, have you participated in several Supreme Court  
8 cases?

9 A. Yes. Since I've been back, I came back in  
10 October of 2020, we've had four Supreme Court cases,  
11 including three very important precedent-setting cases.

12 Q. Well, were all -- were all of those cases  
13 oriented to what one might say the religious right?

14 A. Yeah, I mean, the -- probably the most  
15 infamous or famous one is Coach Joe Kennedy, the praying  
16 football coach, who the school district up in Washington  
17 fired him because he was kneeling at the 50-yard line  
18 after a game. That case took eight -- eight years. We  
19 just celebrated him returning to the football field this  
20 last Friday.

21 Q. Now, I want to ask you why did you -- and were  
22 you at First Liberty at the time you joined the attorney  
23 general's office?

24 A. I was. I started at First Liberty in 2010. I  
25 started at the Office of Attorney General in March of



1 2016.

2 Q. What was your job when you started with the  
3 attorney general's office?

4 A. I was First Assistant Attorney General.

5 Q. Have you heard -- have -- when did you first  
6 meet Ken Paxton?

7 A. I was trying to -- you know, in thinking about  
8 that, I -- I would have met Mr. Paxton sometime prior to  
9 probably starting at First Liberty. And I would have  
10 been introduced by Kelly Shackelford.

11 Q. And at the time that you began with the  
12 office, what time of year was it?

13 A. What time of year?

14 Q. What year?

15 A. That was March of 2016.

16 Q. And by that time, how long had you known  
17 Mr. Paxton before you began?

18 A. I would guess it would have been probably  
19 almost 10 years, certainly of him. I didn't know him  
20 well, but I would have known of him those 10 years.

21 Q. Who hired you?

22 A. Mr. Paxton.

23 Q. In what way? Did you meet with him? Did he  
24 call you? How did it happen?

25 A. He -- he actually approached me a few months

1 before March and had asked me if I would consider coming  
2 to -- to Austin. I told him I -- I didn't want to come  
3 to Austin. Quite frankly I -- I had my dream job being  
4 general counsel at First Liberty. Today I have my dream  
5 job.

6 Q. So is the answer you -- he asked you to join  
7 him in Austin?

8 A. He did.

9 Q. Okay.

10 A. Well, and we -- you know, I went home and --  
11 and I agreed. He asked me to pray about it. And my  
12 wife and I did pray about it. And we felt like we were  
13 supposed to come down here.

14 Q. All right. And then have you ever heard him  
15 suggest in public announcements and descriptions and  
16 defenses of his -- of his charges or so that he hardly  
17 knew you guys?

18 A. That he what?

19 Q. That he hardly knew you.

20 A. That he --

21 Q. If we were to say that he hardly knew you,  
22 would that be accurate?

23 A. I think --

24 Q. You always, always, always have to let me  
25 finish.

1 A. I'm sorry.

2 Q. That's okay.

3 Would that be accurate or inaccurate?

4 A. It would be inaccurate.

5 Q. All right.

6 A. I think he knew me very well.

7 Q. All right. Now, after he hired you, when you  
8 went on, I want to talk to you about the senior staff at  
9 the attorney general's office. Okay? And I have a  
10 diagram here I want to put up, and I want to try to do  
11 this briefly. And that is a diagram of the --

12 MR. HARDIN: Would you put the exhibit up  
13 for me, please? Thank you. I'll give it to the other  
14 side. Thank you.

15 Q. (BY MR. HARDIN) Now, I'm going to try to go  
16 briefly, real quickly through this.

17 PRESIDING OFFICER: Counselor?

18 Q. (BY MR. HARDIN) But what I'm after here is --

19 PRESIDING OFFICER: Counselor?

20 MR. HARDIN: Excuse me.

21 PRESIDING OFFICER: Are you offering this  
22 as an exhibit to put in evidence --

23 MR. HARDIN: As a demonstrative --

24 PRESIDING OFFICER: -- to put in  
25 evidence?

1 MR. HARDIN: Excuse me. Just as a  
2 demonstrative exhibit for him to just talk about.

3 PRESIDING OFFICER: Okay.

4 Q. (BY MR. HARDIN) If you could, would you tell  
5 the jury -- and I want to try to do this briefly and  
6 move pretty quickly. Okay?

7 If you could tell -- tell the jury how  
8 this describes what the roles of each were. I want to  
9 go -- for instance, your immediate below you was who?

10 A. Well, below -- below me, not to the side?

11 Q. Right.

12 A. Below me are the deputies.

13 Q. Yes.

14 A. So the way the Office of Attorney General was  
15 organized when I was there and when I came in is there  
16 were divisions. So it starts on the left with Ruth  
17 Anne Thornton, who would have been director of child  
18 support. And it goes all the way across to  
19 Darren McCarty, who would have been the deputy attorney  
20 general for civil litigation. And everybody in between,  
21 Lacey Mase, deputy for administration; Mark Penley,  
22 deputy for criminal justice.

23 Q. I think it will be important to understand  
24 your testimony as we go along.

25 Do each of these division heads have

1 particular responsibilities of their own?

2 A. They do. I mean, they -- they run a division  
3 in the attorney general -- the attorney general's office  
4 is 4,200 employees, approximately 800 lawyers. And so  
5 spread out on this chart that's before us are the  
6 various divisions of the office.

7 Q. All right. Thank you.

8 So over -- over to the right, or your  
9 left as we look at this chart, but to the right on the  
10 chart, Mr. Bangert, what was his responsibility?

11 A. So Ryan Bangert was the deputy first  
12 assistant, so he --

13 Q. Now, let me ask you this: If one were to  
14 describe where he comes down on the political scale --  
15 liberal, moderate, conservative -- obviously each of  
16 these are Republican, are they not?

17 A. As far as I know, each of them are  
18 Republicans, yes.

19 Q. All right. And Mr. Bangert, how would you  
20 describe his background and his views in terms of the  
21 way he dealt with issues that affect people in this  
22 country?

23 A. Mr. Bangert has similar views to mine.

24 Q. All right.

25 A. A person of faith who is also a very, very

1 good lawyer. He worked for Josh Hawley in Missouri. He  
2 had been a partner at Baker Botts. That very much  
3 aligns with me and, quite frankly, all of our  
4 leadership.

5 Q. And then if you go to your -- to the right of  
6 you on the chart, to the left of us as we look at it,  
7 who is that?

8 A. That's Missy Cary, and she -- she is a career  
9 OAG. Actually her father was a deputy attorney general.  
10 And she -- the joke was Missy grew up at the Office of  
11 Attorney General.

12 Q. Do you have any evidence that she's a member  
13 of the deep state?

14 A. She's not a member of the deep state. She  
15 cares deeply about the Office of Attorney General and  
16 the State of Texas.

17 Q. Now, if we look at -- if we look at the  
18 different persons here, there's been a lot of talk about  
19 the whistleblowers, obviously. You would be one, are  
20 you not?

21 A. I'm one of the eight who signed the letter.

22 Q. However, when we hear about the whistleblower  
23 lawsuit, did you file a lawsuit?

24 A. I did not file a lawsuit.

25 Q. So as you sit there now, do you have any

1 litigation pending against the attorney general's  
2 office?

3 A. I do not.

4 Q. Okay. Do you know whether Mr. Bangert filed a  
5 lawsuit?

6 A. He did not.

7 Q. Are both of you among the eight that sent a  
8 letter to the attorney general announcing what you had  
9 done, and after you had been to the FBI on September  
10 the 30th of 2020 -- 2020?

11 A. Yes.

12 Q. Pardon me?

13 A. Yes.

14 Q. Okay. Now, as we go forward real quick,  
15 what's the background of Mr. Brickman?

16 A. Yeah. So Mr. Brickman, he served as Deputy AG  
17 for policy and strategic initiatives. The attorney  
18 general and I recruited him into the office. He had  
19 been chief of staff for Governor Bevin, who is the  
20 Republican governor in Kentucky. And he had lost --

21 Q. And excuse me, and widely known as a very  
22 conservative governor of Kentucky?

23 A. Governor Bevin was one of the most  
24 conservative governors in the country.

25 Q. All right. Go ahead.

1           A.     And I had met Blake the first time at -- I had  
2 mentioned Federalist Society. One of the things that  
3 Federalist Society did is they brought together  
4 leadership from governors' offices and AG offices.

5           Q.     And, Mr. Mateer, were each of you very active,  
6 not just in your states, but nationally, in conservative  
7 Republican politics, many of which considered the  
8 evangelical movement?

9           A.     Yes, we were.

10          Q.     All right. And then who hired Mr. Brickman?

11          A.     Well, ultimately the attorney general hired  
12 Mr. Brickman, but on my recommendation.

13          Q.     All right. And then if we go further, we have  
14 Mr. Maxwell there. Mr. Maxwell was there when you got  
15 there, correct?

16          A.     Yeah. Mr. Maxwell -- the way deputies is on  
17 the eighth floor, there's a conference room.  
18 Mr. Maxwell would sit to my right. He was the director  
19 of law enforcement.

20          Q.     And he -- and he actually had been there quite  
21 some time and had a career before you ever arrived,  
22 correct?

23          A.     Yeah. I think he approaches 50 years of law  
24 enforcement. He's actually in the Texas Ranger Hall of  
25 Fame.



1 Q. Mark Penley, who is he?

2 A. So Mark Penley came in after I came in. We  
3 had an opening for deputy attorney general of criminal,  
4 and we -- we -- interviewed several people. Mr. Penley  
5 had known Mr. Paxton for years. I think they had been  
6 friends for over 20 years. They actually practiced  
7 together at a Dallas law firm known as Strasburger &  
8 Price.

9 Q. Excuse me. Mr. Penley was also a career  
10 federal prosecutor?

11 A. He was, after he was -- I think he was an  
12 associate at Strasburger & Price, and then he went to  
13 the U.S. Attorney's Office in Dallas.

14 Q. On the scale of -- of 1 to 10, where would you  
15 yourself write Mr. Penley in terms of conservative  
16 versus moderate?

17 A. Again, I put him with as the same as me and  
18 Bangert. I mean, he's at the end of the spectrum.

19 Q. Mr. Maxwell, who we talked about, is one of  
20 the ones who filed a lawsuit, correct?

21 A. Right.

22 Q. And then Mr. Penley is one who did file a  
23 lawsuit, correct?

24 A. That's my understanding, yes.

25 Q. So -- so thus far -- and Mr. Brickman filed a

1 lawsuit, right?

2 A. Yes.

3 Q. We've talked about five of the whistleblowers  
4 so far. Two who had not -- did not file a lawsuit and  
5 three who did; is that correct?

6 A. That's correct.

7 Q. And then to the right of Mr. Penley, who is  
8 that?

9 A. That's my left, your right, Ryan Vassar.

10 Q. All right.

11 A. And --

12 Q. What do you know about the background of  
13 Mr. Vassar?

14 A. Ryan Vassar was a protege of Brantley Starr,  
15 now Judge Brantley Starr. Mr. Vassar had clerked for  
16 Don Willett and came to the Office of Attorney General  
17 after his clerkship. And he really, Brantley --  
18 Judge Starr took him under his wing. And he quickly  
19 established himself as one of the smartest go-to  
20 hardworking young lawyers in the agency.

21 Q. And then Lacey Mase?

22 A. Yeah. Lacey is another person. She actually,  
23 I think, started as an elementary schoolteacher and then  
24 went to law school. She was identified by the former  
25 deputy for civil litigation, Jim Davis, as a rising

1 star.

2 Q. And she had -- she had -- also did not join  
3 the lawsuit?

4 A. She did not file a lawsuit, no.

5 Q. All right.

6 A. She's currently deputy attorney general of  
7 Tennessee.

8 Q. She's the number two person in the State of  
9 Tennessee now, is she not, in the Tennessee Attorney  
10 General's Office?

11 A. She is sir, yes.

12 Q. Okay. After this is all over, were you aware  
13 she could not find a job anywhere in government in -- in  
14 Texas?

15 A. I had heard that, yes.

16 Q. All right. So to finish up with this  
17 particular subject. Now that we've looked at who  
18 everyone was, to your knowledge when each of these  
19 people joined the attorney general's office here in the  
20 State of Texas, how did they -- what would -- what  
21 would -- how would you describe their mission in terms  
22 of their devotion to the same things the attorney  
23 general spoke very broadly or widely about?

24 A. Yeah. What all of these individuals have in  
25 common -- again, I told you, I'm a Baptist. So I try --

1 I think of three Cs. Okay. And the three Cs are  
2 calling, character, and competence.

3 Q. And what is calling? What do you mean by  
4 that?

5 A. Calling, and I know that --

6 Q. Wait. I actually had just --

7 A. I'm sorry.

8 Q. -- two more words, if you just waited another  
9 few seconds.

10 All right. But what do you mean by  
11 "calling"?

12 A. Okay. I know calling sounds like a spiritual  
13 term, but for me it's really mission. And it's  
14 commitment to the mission. And so when you're looking  
15 for people, certainly in leadership positions, whether  
16 it's at the Office of Attorney General or my current job  
17 at First Liberty, the first thing I want in someone is  
18 someone committed to the -- committed to the -- to the  
19 mission. They're passionate about the mission.

20 Q. And what were you committed to about  
21 serving -- serving as the first assistant for  
22 Ken Paxton's attorney general's office?

23 A. We were committed to the rule of law and to  
24 conservative governance.

25 Q. What's the second C?

1           A.    The -- the second C is competence.  So it's  
2 one thing to be passionate.  Like, I'm passionate about  
3 baseball, but I could never have played in the major  
4 leagues.  All right.  But I'm passionate about it, but  
5 I'm not competent.  So in addition to having passion,  
6 you've got to have competence.  You've got to be the  
7 best.  And I always felt like, whether it's at First  
8 Liberty, I want the best at the Office of Attorney  
9 General.  In senior leadership, you want lawyers who are  
10 skilled.  People who are the best in their profession.

11           Q.    So the third C?

12           A.    Is character.  Because of the  
13 responsibilities, you have to have men and women who  
14 have integrity.  And I actually would share this with  
15 new employees at the office because this is what -- this  
16 is what we wanted.  You know, in someone at the Office  
17 of Attorney General, you wanted -- you wanted passion.  
18 You wanted competence, excel -- and you wanted  
19 character.

20           Q.    Mr. Mateer, in 2015, when you joined the Texas  
21 Attorney General's Office, 2017, 2018, did you feel that  
22 office was in sync with the views you've just been  
23 expressing?

24           A.    I think that -- I think it was.

25           Q.    And in 2018 and 2019, did you think that

1 office was in sync with the values that you've been  
2 describing?

3 A. I believe so, yes.

4 Q. All right. At that time did you believe in  
5 Ken Paxton and all he was saying?

6 A. Absolutely. And I believed that  
7 General Paxton also possessed these characteristics. I  
8 wouldn't have come to Austin had I not believed he was a  
9 true believer.

10 Q. All right. Did you ultimately change your  
11 opinion? And all I want is a yes or no.

12 A. I did.

13 Q. All right. Let's take you on that road.

14 When is the first time that you ever  
15 met -- and you will find me doing that a lot. I'm not  
16 used to it, but I'm going to do it a lot.

17 When is the first time you met Nate Paul?

18 A. I've never met Nate Paul.

19 Q. Oh, never?

20 A. Never.

21 Q. When is the first time you heard his name?

22 A. I've been trying to think about that. It had  
23 to have been sometime in 2020.

24 Q. Do you have any reason to believe when it was?

25 A. Well, I -- I've recently seen an e-mail

1 highlighting a public information request that I believe  
2 was sent at the end of 2019. It's possible that in  
3 early 2020, I heard the name the first time. But  
4 sitting here, my best recollection is I don't recall  
5 hearing his name until probably sometime in the  
6 spring --

7 Q. All right.

8 A. -- of 2020.

9 Q. So there was a -- I think no one is going to  
10 quarrel with the idea that on August the 14th, 2019,  
11 this man that you still never met, Nate Paul, had a -- a  
12 search warrant executed on his house and business, four  
13 different locations, by a combined task force of -- of  
14 different agencies: Department of Public Safety,  
15 Securities, FBI, all on his house.

16 I don't think the -- there's going to be  
17 any question that he strongly objected and vociferously  
18 opposed what had happened and what he continued was the  
19 way. Do you have any -- or did you have any memory of  
20 noticing anything about that in the year 2019?

21 A. I -- I do not remember noticing that, no, sir.

22 Q. So let's go, then, to the circumstance in  
23 which you would have first --

24 MR. HARDIN: If I could, let me -- if I  
25 could, I -- I move to introduce Exhibit 628.

1           Do you have the ability to show it to the  
2 president and the legal advisor? If not, you'll give a  
3 hard copy?

4           Before I move to introduce it, I'm going  
5 to ask if -- if you would look at it and see -- yeah,  
6 you don't have it, so I'm going to move it to you.

7           May I give him a copy of this, Your  
8 Honor, for him to look at?

9           PRESIDING OFFICER: Yes.

10          MR. HARDIN: A hard copy. I'm trying not  
11 to put it on the screen for him.

12          MR. BUZBEE: I would like to have a copy.

13          PRESIDING OFFICER: Any objection?

14          MR. BUZBEE: I haven't seen it.

15          Q. (BY MR. HARDIN) I have -- I want you to look  
16 at it and see, do you -- you receive fundraising e-mails  
17 from the attorney general?

18          A. You know, I actually am on -- I think my  
19 personal e-mail does get e-mails from Mr. Paxton.

20          Q. I want you to look at this very quickly and  
21 see if you have received a fundraiser e-mail like this.

22          A. I believe I have, yes.

23          MR. HARDIN: I move -- I move to  
24 introduce 628, Your Honor.

25          MR. BUZBEE: Objection. Relevance. This



1 appears to be from June 23 -- Your Honor, this is a --  
2 it appears to be an e-mail from Ken Paxton in June of  
3 2023, which would have no relevance to this proceeding.

4 MR. HARDIN: Oh, I -- I think we're now  
5 into the month of September, so it's in the past. And  
6 it's relevant as to who he says is behind all of why we  
7 are right here, right this moment. And I just simply  
8 want to ask this witness if he feels that he -- if this  
9 would accurately describe him as somebody that is here  
10 testifying about the attorney general.

11 MR. BUZBEE: Again, Your Honor, this man  
12 left the office in October of 2020. This is years  
13 later. Has no relevance.

14 PRESIDING OFFICER: Sustained.

15 MR. HARDIN: Excuse me?

16 PRESIDING OFFICER: I sustained his  
17 objection.

18 MR. HARDIN: Okay.

19 Q. (BY MR. HARDIN) You can put that aside.  
20 Thank you.

21 Now, let me ask you this: Are you  
22 opposed to a radical transgender agenda?

23 MR. BUZBEE: Your Honor, objection from  
24 reading from a document you just said was not to go into  
25 evidence.

1 MR. HARDIN: I'm just simply asking about  
2 a phrase. It is free -- I got it from him, but I can  
3 put this down and do it.

4 PRESIDING OFFICER: It's best you put it  
5 down.

6 MR. HARDIN: Thank you very much.

7 Q. (BY MR. HARDIN) Do you find yourself an  
8 advocate -- an advocate one way or the other of a  
9 radical transgender?

10 A. Transgender -- I mean, we represented people  
11 at First Liberty who have been persecuted because they  
12 had views that are described as being anti-transgender.

13 Q. All right. Now, at the end of that, I want to  
14 go to January of 2020. Did you receive at that time --

15 MR. HARDIN: I want to show Exhibit 559,  
16 I move to introduce.

17 MR. BUZBEE: Your Honor, I think this  
18 tees up the privilege issue right here. We're going to  
19 have to decide it at some point.

20 MR. HARDIN: I have no idea what that  
21 objection meant.

22 MR. BUZBEE: Objection. Privilege. I  
23 mean, this is communications in the office between  
24 lawyers, and the privilege is held by the attorney  
25 general.

1 MR. HARDIN: I would suggest it has  
2 nothing to do with legal advice in any way. It doesn't  
3 become magically a privilege just by the fact that two  
4 lawyers are on the e-mail.

5 MR. BUZBEE: Actually, Your Honor, if you  
6 look -- if you look carefully at the document, it's  
7 absolutely related to the legal advice reconsideration  
8 of -- of some sort of opinion.

9 MR. HARDIN: Your Honor --

10 MR. BUZBEE: That's right in the strike  
11 zone of what legal advice is.

12 MR. HARDIN: Excuse me. Is he tendering  
13 an objection, if I may ask, on behalf of the attorney  
14 general's office? This is an exhibit submitted to us by  
15 them.

16 PRESIDING OFFICER: Objection overruled.  
17 Continue.

18 Q. (BY MR. HARDIN) All right. Now, if you  
19 would, tell -- tell the Court real quickly what this is.  
20 It should be on.

21 A. I'm not seeing it -- oh, now I see it.

22 Q. Yes.

23 A. This is an e-mail that was sent from me to  
24 Ryan Bangert unfortunately on January 1st, 2020, at  
25 9:01 a.m.

1 Q. Yeah. Is that y'all's normal practice there,  
2 when you were there to be working on the first day of  
3 the year at 9:00 in the morning?

4 A. You know --

5 Q. Yes or no?

6 A. Yes.

7 Q. Okay. Now, did he have a little bit more  
8 restraint and wait to respond to you the next day?

9 A. Yes.

10 Q. Okay. Now, in this particular -- in this  
11 particular e-mail, did you do anything with this  
12 afterwards? Did you just simply forward it to him and  
13 that was it?

14 A. The issue apparently was highlighted to me,  
15 something we need to take a look at, and I would have  
16 sent it on to Mr. Bangert for him to -- to deal with.

17 Q. Do you know now from looking at it what the  
18 issue was?

19 A. I mean, I do know the issue had to do with the  
20 public information request made by Mr. Paul and/or his  
21 attorneys.

22 Q. All right. And so do you -- but had you been  
23 involved in that at all or -- hold on.

24 Would Mr. Bangert be the better person to  
25 discuss that with?

1 A. Mr. Bangert would be the better person.

2 Q. As you sit there now, was this something at  
3 that time that you got involved in one way or the other?

4 A. It was not on -- no.

5 Q. Had the issue of the public information  
6 request having to do with law enforcement exceptions,  
7 had that worked its way to your desk yet at that time?

8 A. Not that I recall. I think this was the first  
9 time.

10 Q. All right. So who would be -- at that time  
11 who would have been responsible in the attorney  
12 general's office for the issue of public information  
13 requests?

14 A. Justin Gordon.

15 Q. Pardon me, Justin Gordon?

16 A. Justin Gordon.

17 Q. And then if we went up the chain, who was  
18 above him? Do you recall?

19 A. Above him would have been -- I believe it goes  
20 to -- memory test. I believe it goes to -- for me, it  
21 would have been Ryan Bangert ultimately who is  
22 overseeing it.

23 Q. And indeed so when you got that request, when  
24 it says Aaron Borden, were you able to determine --  
25 determine who that was, in terms of her position or

1 context of why you sent the e-mail?

2 A. Well, what I saw was Meadows Collier. And  
3 based on upon the statement that I made, we've been  
4 asked to take a closer look at this one. That means  
5 someone asked me to take a closer look at this one.

6 Q. All right. And did you ultimately determine  
7 it had to do with a public information request by  
8 attorneys on behalf of Mr. Paul, Nate Paul?

9 A. Yeah.

10 Q. All right. Now, is all you did was just send  
11 it on to Ryan Bangert? Was that all you did with it?

12 A. That's all I did.

13 Q. Does that help explain in your mind why you  
14 don't really remember anything about it?

15 A. Until seeing this and getting ready for today,  
16 I don't recall.

17 Q. Okay. All right. Now, when is the next time  
18 that you remember ever hearing the name Nate Paul?

19 A. I really think it was June of 2020.

20 Q. All right. So we are in June of 2020, are we?  
21 And what was the circumstance in which you did that?

22 A. I think that's when -- is -- is the first time  
23 I was introduced to an entity called the Mitte  
24 Foundation. I think that's the name, Mitte Foundation.

25 Q. All right.

1 MR. HARDIN: Now, I'm going to move to  
2 introduce at this time, Your Honor, Exhibit 62.

3 PRESIDING OFFICER: Before you do that, I  
4 want to admit Exhibit 559 that I ruled on into evidence.

5 MR. HARDIN: Thank you very much.

6 MR. BUZBEE: No objection to this  
7 document.

8 PRESIDING OFFICER: It will be admitted  
9 into evidence.

10 (HBOM Exhibit 559 admitted.)

11 MR. HARDIN: Thank you, Your Honor.

12 Q. (BY MR. HARDIN) What would you -- what do  
13 you -- could you tell the jury very briefly what this  
14 document is?

15 A. Okay. This is an executive approval memo  
16 regarding -- and I think -- I can't move it. But I  
17 think it's regarding a -- there we go. It's regarding a  
18 request to intervene into a legal matter.

19 Q. All right. Now, let's -- I'm going to try to  
20 move this -- through this quickly. If we -- can you  
21 very briefly describe the process for a particular --  
22 that would call for a litigation memorandum like this?

23 A. Yes. So anytime we're going to approve some  
24 sort of action, if it's filing a lawsuit or it's  
25 intervening into a lawsuit, we had in place a process in

1 which the -- a lawyer in a division -- so in this case  
2 it looks like Mary Henderson, who it's from, would  
3 request an action. And in this action we want to  
4 intervene into this lawsuit.

5 So this memo sets forth the reasons why  
6 the Office of Attorney General should intervene into a  
7 matter. It then goes up the chain of command. So it  
8 goes up to her division chief, which in this case would  
9 have been Josh Godbey, who was chief of -- I think it  
10 was financial trust and -- or financial transactions and  
11 charitable trusts.

12 Q. And then it goes up to who?

13 A. And then it goes up to the deputy over civil  
14 litigation, who is over all the -- the divisions of  
15 litigation, and then ultimately would go up to me.

16 And the way the DocuSign system works is,  
17 if Mary signs it, then it goes to Mr. Godbey. If  
18 Mr. Godbey doesn't sign it, Mr. McCarty doesn't see it.  
19 Once Mr. Godbey signs it, it goes to McCarty. Once  
20 McCarty signs it, it would come to me.

21 Q. All right. So this is important, Mr. Mateer.  
22 I want it because there would be another occasion for  
23 this same process. How is the decision made as to who  
24 all is on this executive -- this executive memorandum?

25 A. We actually have a signature matrix, and



1 depending on what the issue was --

2 Q. Okay.

3 A. -- we -- we had -- and these were in place  
4 when I came in. And I -- and my understanding is they  
5 date back to at least when Governor Abbott was attorney  
6 general, maybe even further back.

7 Q. All right. Just this process that requires  
8 everybody in the division and then up to you to pass off  
9 on it, is designed to do what?

10 A. Well, I mean the policies and procedures are  
11 there to actually protect us all, and ultimately protect  
12 the agency, and also protect the attorney general.

13 Q. All right. So in this particular case,  
14 Ms. Henderson is recommending the intervention in a  
15 lawsuit; is that right?

16 A. That's correct.

17 Q. And what -- and the lawsuit says the public  
18 interests in a charity, correct?

19 A. That's right.

20 Q. In that recommendation, what would have  
21 happened if Joshua Godbey, the person right above her in  
22 the DocuSign matrix, if he said no, does that kill it?

23 A. If he says no, it kills it. And I would only  
24 hear about it if someone brought it to me.

25 Q. So are we to understand that if Mary Henderson

1 sent this recommendation above and it got to  
2 Joshua Godbey, and if he said yes, then it would go to  
3 Mr. McCarty. But if he said no, that's it?

4 A. That's correct.

5 Q. Okay. So in some actions that are being  
6 recommended, how many people is your -- was your system  
7 designed to work through before it got to you for  
8 approval?

9 A. Well, in this case, three. In some other  
10 situations, it's even more people.

11 Q. Okay. We're going to get to one that has to  
12 do with hiring outside counsel in a while. That had a  
13 lot more people that had to go through here, correct?

14 A. That's correct, because we were spending  
15 money.

16 Q. All right. That's adding people?

17 A. Yes. One of the reasons, yes.

18 Q. And it would also add people across two  
19 different divisions' jurisdiction?

20 A. Correct.

21 Q. All right. So here on this one, at the time  
22 of this one, you signed off and approved it, did you  
23 not?

24 A. I did.

25 Q. So you approved -- put your approval on here

1 meant, though, your people were given permission to do  
2 what in a lawsuit involving this charity?

3 A. It gave permission for them to intervene in  
4 that lawsuit on behalf of the charity.

5 Q. At this moment on June 6th -- or is that 8? I  
6 didn't put my glasses on. Is that 6/8?

7 A. I think it's -- it looks like the 8th.

8 Q. All right. At that time on June 8th of 2020,  
9 what was the extent of your knowledge about the  
10 particular issuing lawsuit that you were approving an  
11 intervention on?

12 A. It is possible that Mr. McCarty had told me  
13 about it, that -- and sometimes deputies would give me  
14 heads-up that something was coming. And so I -- what  
15 I -- what -- the best recollection is I probably  
16 would've gotten that heads-up -- yeah, I would have  
17 gotten the heads-up.

18 Q. Would you be aware that the line people in the  
19 past had waived intervention and made an affirmative  
20 decision not to intervene in that lawsuit?

21 A. I don't think I was aware of that at this  
22 time.

23 Q. All right. Were you aware that the lawsuit  
24 was a lawsuit between the charity and an entity  
25 controlled by Nate Paul?

1           A.    You know, I don't know if I -- I don't  
2 remember.

3           Q.    At this time, in June of 2020, had you become  
4 aware at any level of consciousness in your mind of  
5 Nate Paul?

6           A.    Not in early June. I don't think so.

7           Q.    All right. So we can safely rest assured that  
8 whatever you're going to tell this jury today is based  
9 on information that you got after June 8th of 2020?

10          A.    I think -- that's correct, sir.

11          Q.    All right. So were you aware of any issue at  
12 the time you approved the intervention yourself at this  
13 time that would have clued you to how strongly opposed  
14 to this intervention the people who represented the  
15 charity were?

16          A.    I -- I don't recall any of that, no.

17          Q.    All right. Now, you see that this -- I don't  
18 want to go into it, but you'll see there are multipages  
19 here. Do you recall you would have -- whether or not  
20 you would have read through these, or would you have  
21 simply relied on the line worker that recommended it?

22          A.    Well, actually two answers. I would have  
23 relied on the people, but I also did read it.

24          Q.    Okay. Now, what did you think that y'all were  
25 doing in this and why you were intervening in this

1 lawsuit?

2 A. I thought, based upon Ms. Henderson,  
3 Mr. Godbey, and Mr. McCarty's recommendation, this was  
4 in the interest of the State of Texas to intervene into  
5 this lawsuit.

6 Q. Did you have any idea at that time whether  
7 Mr. McCarty thought it was a good idea?

8 A. I assumed since he sent this memo he did.

9 Q. Were you aware one way or the other as to  
10 whether Mr. Paxton had any input in this decision?

11 A. I was not aware, no. And that wouldn't be  
12 uncommon.

13 Q. It wouldn't be. That would what?

14 A. It would not be -- because the Office of  
15 Attorney General, when I was there it was over 30,000  
16 litigation matters, cases, civil matters.

17 Q. Mr. --

18 A. I didn't know about every one, and there's no  
19 way the attorney general could.

20 Q. So let me ask you: At this time were you  
21 aware one way or the other whether Mr. Paxton was in  
22 contact with both Mr. Godbey and Mr. McCarty urging this  
23 intervention?

24 A. In June I don't think I was aware of that.

25 Q. Okay. Did you later become aware --

1 A. In July, I became aware of that.

2 Q. All right. But at this time no, correct?

3 A. Not in -- not in early June, no, I don't  
4 believe so.

5 Q. All right. Now, are you aware -- have you  
6 ever dealt with a charitable trust to understand what  
7 the obligation of the attorney general's office was  
8 towards a charitable trust?

9 A. I mean, I came to learn of it, yes.

10 Q. But you had not --

11 A. I am not a charitable trust lawyer.

12 Q. Okay. And at June 6th or June 8th of 2020,  
13 were you familiar with the Mitte Foundation one way or  
14 the other?

15 A. I don't think so.

16 MR. HARDIN: Okay. Now, let's go, if we  
17 can, to Exhibit 67.

18 I move to introduce Exhibit 67, Your  
19 Honor.

20 MR. BUZBEE: No objection.

21 Q. (BY MR. HARDIN) Can you tell us what this is,  
22 please?

23 PRESIDING OFFICER: It's admitted into  
24 evidence.

25 (HBOM Exhibit 67 admitted.)

1 MR. HARDIN: Excuse me. I'm sorry. I  
2 apologize. I jumped the gun.

3 PRESIDING OFFICER: No problem.

4 Q. (BY MR. HARDIN) Can you tell us what this  
5 exhibit is, please?

6 A. It is another executive approval memorandum  
7 for civil litigation. And this one is a request to  
8 investigate, not -- so contrary -- not the same as  
9 intervening, but to investigate a -- a charitable trust,  
10 the Mitte Foundation.

11 Q. Do you have any personal memory or anything  
12 about this event or why this one was done?

13 A. Other than it has my initials on it, I do not.

14 Q. And it's a little later, is it not?

15 A. That's correct. It's, I think, the next day,  
16 June 9th --

17 Q. Looks like --

18 A. -- and I signed it on June 11th.

19 Q. Okay. Now, did you ultimately -- I want to  
20 go, if I can.

21 Were you having contact -- but you've  
22 talked about Darren McCarty. We have Joshua Godbey.  
23 Were you at this time having any contact with the line  
24 lawyers on this case?

25 A. Not with the line lawyers. My contacts would

1 have been with Mr. McCarty. He had a one-on-one every  
2 week with me.

3 Q. All right. Now, what was Mr. McCarty's  
4 primary duties at this time in the overall scheme of the  
5 office?

6 A. He was in charge of all the civil litigation.  
7 So all of those 30,000 cases, they would be at Darren.  
8 However, his number one job in addition to leading that  
9 was -- we had two major pieces of litigation. One  
10 against Google, and one -- well, one, that was a big  
11 litigation against the opioid manufacturers and  
12 distributors.

13 Q. All right. And how many -- how much money  
14 potentially was involved in that?

15 A. Oh, billions of dollars.

16 Q. All right. So let me ask you this:  
17 Mr. McCarty, how much of his time would you estimate he  
18 was spending on the Google case?

19 A. I mean, a fair amount of his time. I would  
20 say over 50 percent, because that was a major piece of  
21 litigation for the office.

22 Q. Ordinarily would he be pulled in to -- to  
23 managing or doing anything of a lawsuit this size?

24 A. You -- you -- we have 30,000 cases. I can't  
25 be involved in every case. The deputy for civil



1 litigation, one that is not -- I mean, obviously  
2 significant to the parties, but in the scheme of things  
3 for the State of Texas, that's very unusual.

4 Q. Did you have any idea at that time why  
5 Mr. McCarty kept getting -- getting involved in this  
6 case?

7 A. In June, no.

8 Q. All right. When did you become aware?

9 A. Mid-July.

10 Q. All right. At this time we've got -- we  
11 haven't really mentioned the fact that we're talking  
12 about the era of COVID, are we not?

13 A. We are. And --

14 Q. We're in -- we're in the month of June. COVID  
15 is roughly -- as far as the governor's proclamation and  
16 everybody running around on it trying to figure out  
17 policy, that was the middle of March, right?

18 A. Yeah. I mean, COVID took up -- I mean, the  
19 whole COVID effort took a lot of my time and  
20 Mr. Bangert's time and Mr. Vassar's time, quite frankly.

21 Q. Do you have any explanation as to why people  
22 such as he and y'all were being involved in this kind of  
23 case?

24 A. I mean, we just normally wouldn't have been  
25 involved in this type of case.

1 MR. HARDIN: All right. Now, I want to,  
2 if I can, to go to Exhibit 147.

3 PRESIDING OFFICER: Any objection?

4 MR. HARDIN: I move to introduce it. I'm  
5 sorry, Your Honor.

6 MR. BUZBEE: No objection.

7 MR. HARDIN: All right.

8 PRESIDING OFFICER: Admit Exhibit 147  
9 into evidence.

10 (HBOM Exhibit 147 admitted.)

11 Q. (BY MR. HARDIN) It's up on your screen now.  
12 What is this?

13 A. This is an e-mail exchange between me and  
14 Mr. Nate Paul.

15 Q. Well, how did it come about that you and  
16 Mr. Nate Paul were having e-mail exchanges about --

17 A. I don't know because it came -- for me, it  
18 came out of the blue. He's -- in this e-mail he's  
19 asking to meet with me in person. As I testified to  
20 earlier, I had never met Mr. Paul. I've never talked to  
21 him on the phone.

22 At some point in July, I became aware of  
23 him. That must have been through the attorney general,  
24 who would have alerted me about -- about him.

25 Q. All right. So now this is dated on July the

1 17th, is it not?

2 A. It is.

3 Q. Do you have any idea why Mr. Paul would feel  
4 so -- so comfy asking you for an appointment that he's  
5 calling you "Jeff," if neither one of you have ever met  
6 each other?

7 A. I -- I can only speculate.

8 Q. Were you aware by that time he was friends  
9 with the attorney general?

10 A. I don't know if I knew what the extent of the  
11 relationship was. I knew they had a relationship by  
12 then, I think.

13 Q. And so this -- this idea that he would -- you  
14 would talk to him on the 17th, what was your three or  
15 four words -- three-word answer?

16 A. I'm a Baptist, so I'm not available.

17 Q. All right. And why did you say you were not  
18 available?

19 A. Well, I knew at this time that there was  
20 litigation involving Mr. Paul. I mean, I -- I would  
21 have known that. And it would not be my practice to  
22 meet with someone who is represented by counsel who  
23 is -- I mean, they're not -- it's an opposing party.  
24 It's just -- they're involved in litigation that the  
25 State is involved in. That would just -- I mean, beyond

1 that as a lawyer, that's -- I mean, you just don't do  
2 things like that.

3 Q. But put another way, you guys were in  
4 litigation with Mr. Paul as one of the parties. Would  
5 you ever meet with him without his lawyer?

6 A. We had intervened into the lawsuit.

7 Q. Right.

8 A. And so we were -- I mean, we were in the  
9 middle of the V, so to speak.

10 Q. All right. So is that why you showed -- told  
11 him you would not talk to him?

12 A. That is right.

13 Q. All right. Now, I want -- if I can, I'm going  
14 to -- well, let's -- let's go now, if we can, to  
15 Exhibit 87. This last one we just looked at was July  
16 the 18th, right? Do you remember that?

17 A. July 17th and 18th, correct.

18 PRESIDING OFFICER: Any objection?

19 MR. BUZBEE: Hearsay, Your Honor. This  
20 document is hearsay.

21 MR. HARDIN: I wasn't finished with the  
22 question. Let's just -- I haven't asked him -- I  
23 haven't asked to admit it yet. I will.

24 MR. BUZBEE: I just thought he had  
25 forgotten, but it's hearsay.

1 Q. (BY MR. HARDIN) So the two documents, one is  
2 July 18th, and the one you're being shown now is  
3 July 22nd; is that correct?

4 A. I'm not seeing it yet, but I do know I got it  
5 in the file on July 22nd.

6 Q. All right. Let me just walk up with you, show  
7 you the hard copy to identify it. It's not in evidence  
8 yet so don't testify from it.

9 A. Okay.

10 Q. Without -- without testifying to the contents,  
11 can you tell me whether you recognize that as a memo of  
12 yours?

13 PRESIDING OFFICER: Mr. Hardin, give me a  
14 moment. I want to look through this. Just one second.

15 MR. HARDIN: Sir?

16 PRESIDING OFFICER: Give me a moment. I  
17 want to read through this on his objection.

18 Are you submitting it?

19 MR. HARDIN: Not yet.

20 PRESIDING OFFICER: Okay.

21 MR. HARDIN: I will, but not yet, if  
22 that's okay.

23 Did -- did the Court have something on  
24 your mind you wanted to --

25 PRESIDING OFFICER: Move on.

1 MR. HARDIN: Thank you.

2 Q. (BY MR. HARDIN) That -- I want to ask you  
3 now, back on that earlier e-mail, Mr. -- Mr. Paul asked  
4 you for a meeting on a particular date, did he not?

5 A. Right. I think he wanted to meet the  
6 following week, that -- that Monday.

7 Q. Well, let's do -- let's do -- for the record  
8 and the Court real quickly, July 17th --

9 MR. HARDIN: Let's go back if we could to  
10 147, Stacey.

11 A. Yeah. I've seen it.

12 Q. (BY MR. HARDIN) The memo says, does it not --  
13 go ahead and read it out loud for the jury.

14 A. It says, I hope all is well. Are you  
15 available for an in-person meeting on Monday?

16 Q. Oh.

17 A. Which would have been the 20th, I believe.

18 Q. Let's -- yes. That's what I want to do.

19 Let's figure out the dates for the jury.  
20 Up above we know when you said, I'm not available, it  
21 was July 18th on Saturday, correct?

22 So Monday would have been the 20th of  
23 July; is that correct?

24 A. That is correct.

25 Q. Did you later discover there was any

1 significance to meeting on Monday in terms of anything  
2 else that was supposed to happen that week?

3 A. Well, I found out on the morning of July 22nd  
4 that there was a hearing involving the Mitte Foundation  
5 case.

6 Q. And on July the 22nd, that would have been a  
7 Wednesday, would it not?

8 A. That would have been Wednesday, yes, sir.

9 Q. What time that day did you find out that there  
10 was a hearing scheduled for that day?

11 A. It must have been pretty early because I  
12 normally arrived at the office 7:00, 7:15. And I got a  
13 call that morning before I left for the office from  
14 Darren McCarty.

15 Q. Did -- did you later go back, Mr. Mateer, and  
16 figure out that the meeting Mr. Paul wanted on Monday  
17 the 20th concerned this hearing on -- on the 22nd?

18 A. I -- I believe that was the case.

19 Q. All right. But not having met with him on the  
20 20th, until you got to the office that morning, or  
21 whenever you were contacted, were you aware before the  
22 morning of the 22nd that there was a hearing scheduled  
23 for that day?

24 A. I was not aware.

25 Q. How did you become aware of that hearing?

1           A.     Mr. McCarty, the deputy for civil litigation,  
2     called me.  And I remember being at my condo in downtown  
3     Austin.  Again, it had to have been sometime -- the  
4     6:00 o'clock hour.  And he had advised me --

5                     MR. BUZBEE:  Objection.  Hearsay.

6                     MR. HARDIN:  Yeah.  He's right.  It is.

7                     PRESIDING OFFICER:  Sustained.

8           Q.     (BY MR. HARDIN)  So after -- did you and --  
9     and the others become concerned about what was about to  
10    happen -- what was about to be proposed that morning?

11          A.     I was concerned that the attorney general was  
12    going to appear in Travis County District Court and  
13    argue a motion on behalf of the Office of Attorney  
14    General.

15          Q.     Well, why would that concern you?

16          A.     Well, I mean at the time I couldn't remember a  
17    sitting attorney general actually going in to a district  
18    court to argue anything.  I mean, the last one was  
19    probably Dan Morales.

20          Q.     What was your fear?

21          A.     My fear -- I mean, General Paxton has some  
22    wonderful qualities, but he is not a litigator.  And --  
23    and to think that he would go into court arguing a  
24    motion just made absolutely no sense.  And especially on  
25    a matter -- I mean, this isn't the Google case.  This



1 wasn't a Supreme Court argument. This was, with all  
2 respect to those who practice in Travis County District  
3 Court, it was Travis County District Court.

4 Q. All right. Mr. Mateer, as a result of your  
5 concern, did you organize a meeting?

6 A. I -- I did organize a meeting that morning.

7 Q. That's all I'm asking right now.

8 All right. And who all did you have at  
9 that meeting?

10 A. Well, I had Mr. Paxton, and I had  
11 Blake Brickman, and I had Marc Rylander, who was the  
12 deputy of communications.

13 Q. Okay. And at that meeting --

14 A. Director of communications.

15 Q. -- what was your intent for that meeting  
16 initially?

17 A. I mean, I wanted to find out what Mr. Paxton  
18 was thinking, because, I mean, just -- it was  
19 inconceivable to me that he would want to go to district  
20 court to argue something.

21 Q. Did you know at that time on whose behalf the  
22 argument would have in effect been?

23 A. I think Mr. McCarty -- I would have -- yes, I  
24 would have known.

25 Q. And who was that?

1           A.     Well, it would have been -- it would have been  
2     in the Mitte Foundation at the urging of Mr. Paul.

3           Q.     All right.  And when you -- when you had the  
4     meeting, before you started talking about other things  
5     with the attorney general, what did you discover in  
6     terms of whether somebody had changed his mind?

7           A.     Well, I did learn that actually Mr. Paxton --  
8     that Mr. McCarty was successful in having the attorney  
9     general not go to that hearing.  He -- he was persuaded  
10    not to go.

11          Q.     So then what did you -- what did you move --  
12    that meeting of July the 22nd, what subject did you move  
13    it to?

14          A.     Well, it had to involve Nate Paul.  I mean,  
15    just that the attorney general being involved in matters  
16    like the Mitte Foundation, things, again, that were not  
17    significant litigation matters at the Office of Attorney  
18    General.

19          Q.     By that time, by talking to other deputies and  
20    information, had you become concerned about the attorney  
21    general's relationship with Nate Paul?

22          A.     I was starting to become concerned.

23          Q.     So during that meeting, did you take any  
24    position and urge him in any way concerning Nate Paul?

25                   MR. BUZBEE:  Objection.  Hearsay.  And

1 also it's privileged, Your Honor.

2 MR. HARDIN: I think we're about --

3 PRESIDING OFFICER: Sustained.

4 MR. HARDIN: Yes.

5 PRESIDING OFFICER: Move on.

6 MR. HARDIN: What I'm about to offer,  
7 Your Honor, is party -- admissions by a party opponent,  
8 comments that Mr. Paxton made at that meeting is the  
9 reason for it. I think that comes in under admission by  
10 the party opponent.

11 PRESIDING OFFICER: Move on.

12 MR. HARDIN: Sure. You say, Move on?

13 PRESIDING OFFICER: Move on.

14 Q. (BY MR. HARDIN) Okay. Now, in that meeting,  
15 did you, yourself, make any particular urging of the  
16 attorney general?

17 MR. BUZBEE: Objection. Hearsay. And  
18 also privilege.

19 MR. HARDIN: I object on both grounds. I  
20 haven't asked him for --

21 PRESIDING OFFICER: Overruled.

22 MR. HARDIN: Thank you.

23 Q. (BY MR. HARDIN) Did you?

24 A. I did.

25 Q. And what did you urge him as it regarding

1 Nate Paul?

2 MR. BUZBEE: Again, Your Honor, this is  
3 hearsay. And also it's him advising the attorney  
4 general, which is privileged communication.

5 MR. HARDIN: First of all, the attorney  
6 general is not here, and he doesn't have the right to  
7 claim an attorney-client privilege. There is no  
8 personal attorney-client privilege for him on this. The  
9 only question would be as to whether the attorney  
10 general's office had the right to invoke it, and I  
11 respectfully suggest they do not.

12 PRESIDING OFFICER: Overruled.

13 Move along.

14 MR. HARDIN: Thank you.

15 Q. (BY MR. HARDIN) So what did you urge him?

16 A. I urged him not to have any further dealings  
17 with Nate Paul; to let the lawyers, the professionals in  
18 the Office of Attorney General, handle these matters as  
19 they saw fit.

20 Q. What was the Attorney General's response?

21 A. He committed to the --

22 MR. BUZBEE: Objection. Hearsay. Also  
23 it's a communication, Your Honor.

24 MR. HARDIN: And I think this comes out  
25 of the party admission, Your Honor. This is, I think,

1 clearly admissible in terms of the attorney general.  
2 He's a party, and this is an admission being offered as  
3 an admission by him.

4 PRESIDING OFFICER: Overruled.

5 Q. (BY MR. HARDIN) Go ahead.

6 A. The -- the attorney general committed to me,  
7 with Mr. Rylander and Mr. Brickman in the room, that he  
8 would have no further dealings, that he would allow the  
9 office -- the professionals in the office to handle the  
10 matter.

11 Q. How long was this meeting that y'all were in?

12 A. I guess 30 minutes or so. Maybe 45 minutes.

13 Q. Now, I'm asking you demeanor and manner as  
14 opposed to actual words. How would you describe how  
15 insistent you were in your urging of him to have minimal  
16 contact with Mr. Paul?

17 A. It was very troubling to me that the attorney  
18 general would be willing to appear in Travis County  
19 District Court. So I -- I was very concerned that why  
20 he would want to do that, when we have, again, 800  
21 attorneys at the Office of Attorney General who are very  
22 capable.

23 Q. My question is: How insistent were you?

24 A. I was pretty insistent.

25 Q. Obviously you recognized he had the right to

1 talk to anybody or help anybody you thought, right?

2 A. Well, and I wanted in this meeting -- that's  
3 why I had Marc Rylander there. Because Marc Rylander,  
4 his title was director of communications, but the joke  
5 in the office was I was first assistant and he was first  
6 friend.

7 Q. All right. So in this meeting how would you  
8 describe the demeanor or earnestness or lack of or  
9 whatever the attorney general's outward response when he  
10 told you he would not do it anymore?

11 A. He seemed sincere to me.

12 Q. When you left that meeting, what did you  
13 believe in terms of the attorney general's conduct in  
14 the future or contact or attempts to help Mr. Paul?

15 A. I was hopeful that he would allow the  
16 professionals in the Office of Attorney General to do  
17 their jobs, and he wouldn't be involved anymore.

18 Q. All right. Were you surprised to discover  
19 later that the very next day he's contacting other  
20 assistants on other matters to help Mr. Paul?

21 A. Surprised and disappointed, yes.

22 Q. All right. During the time from July  
23 the 22nd, from then on after his assurance that he would  
24 have nothing more to do with Mr. Paul, did you become  
25 aware that his contacts with Mr. Paul had become even

1 more frequent?

2 A. I did.

3 Q. Did you become aware that those contacts that  
4 were much more frequent also touched a broader variety  
5 of activities --

6 A. I did.

7 Q. -- than just charity?

8 A. Yes.

9 MR. HARDIN: At this time, Your Honor, I  
10 will move to introduce what my number was. I don't have  
11 it here. Do you remember the last exhibit number?

12 PRESIDING OFFICER: Is that Exhibit  
13 No. 87?

14 MR. HARDIN: Thank you so much.

15 PRESIDING OFFICER: Exhibit 87 admitted.

16 (HBOM Exhibit 87 admitted.)

17 MR. HARDIN: I move to introduce  
18 Exhibit 87, Your Honor.

19 MR. BUZBEE: We object. First off,  
20 hearsay, Your Honor.

21 Second off, it's clearly he's -- he even  
22 expressed concern for the attorney general, that was his  
23 client. This talks about communications between client  
24 and lawyer. This is a privileged issue, square and  
25 away.

1                   PRESIDING OFFICER: I already admitted --  
2 I already admitted 87. Overruled.

3           Q.     (BY MR. HARDIN) Now, if I could, I want to  
4 ask you to move on to another exhibit. But let me ask  
5 you something before I go there.

6                   That meeting was on the 22nd, and I  
7 apologize. I think when you and I were talking, I may  
8 be dropping my voice some here. I'm hoping people in  
9 the back can still hear, but let me -- let me make sure  
10 they can at this tone of voice.

11                   And I -- did you ultimately respond to --  
12 back when you and I were before, to anyone about the  
13 particular request that had been made of you by Mr. Paul  
14 to meet back on that Monday? Remember on the 17th he  
15 asked to meet you on the 20th, correct?

16           A.     I think -- I think at some point Mr. Paul's  
17 lawyers sent me either a letter or an e-mail, which I  
18 respond to, again, I think by e-mail.

19           Q.     All right. What I want to do is let me -- if  
20 I may step over briefly, if I may have your permission  
21 to get the number.

22                   THE WITNESS: Exhibit 161.

23           Q.     (BY MR. HARDIN) I asked you -- I'm going to  
24 come up and give you a copy of it so that you can look  
25 to see what I mean when I ask you a question before I



1 offer to introduce it.

2 I've been corrected by somebody who knows  
3 much more than I. I really should be talking about 161.  
4 It's the same document, but I gave it the wrong number  
5 in my questions. Now --

6 PRESIDING OFFICER: Do you have it?

7 MR. HARDIN: Stella, Stella, did we --  
8 Stella, excuse me. Did we give him a copy?

9 If we can just find one in another book.  
10 I'll give him mine until we get it.

11 A. Mr. Hardin, if you want to look at it.

12 Q. (BY MR. HARDIN) You don't need it.

13 What I'm asking you, now that you've had  
14 a chance to look at 161, does that refresh your memory  
15 as to when you then responded to his request to have met  
16 back on the 20th?

17 A. Yes, it does.

18 Q. All right. And when did you -- we've gone  
19 through the meeting on July 22nd. You've had the  
20 conversation we heard about with the attorney general.  
21 And then now you've moved back to July 24th, two days  
22 after the meeting with the attorney general, correct?

23 A. Correct.

24 Q. And so then did you sit down and draft a  
25 memo -- and respond, rather, to whom?

1           A.     Well, to Mr. Paul's lawyers. And actually I  
2     didn't really know who they were at this time. And so I  
3     was asking for information so I could adequately  
4     respond.

5                     MR. HARDIN: Yeah, I got it. I got it.  
6     Yeah.

7           Q.     (BY MR. HARDIN) All right. So here's what I  
8     want to do. The reason I stopped without giving the  
9     name, I wanted you to give it.

10                    At the time you received a letter from  
11    Mr. Paul, did you even know who his lawyer was?

12           A.     I did not, or didn't remember.

13           Q.     All right. So then when you checked around,  
14    did you become familiar with whom you were going to be  
15    talking to?

16           A.     I did.

17           Q.     And who was that?

18           A.     I probably -- sitting here, I don't remember.  
19    I know Mr. Wynne was one of his lawyers.

20           Q.     All right. Well, actually let me just ask you  
21    to focus on that.

22                    Did you become aware that a Mr. Michael  
23    Wynne was representing him in some matters?

24           A.     I did during that time period, yes.

25           Q.     And -- and regardless of who he was, had you

1 by the time of the 24th looked at the history of  
2 correspondence with Mr. Paul in terms of the way he  
3 talked to your people?

4 A. I mean, he attached in -- in his e-mail to me,  
5 he attached --

6 Q. Is this -- excuse me.

7 Is this the e-mail back on the 17th?

8 A. I think it's a later e-mail.

9 Q. All right. And what did he attach for you?

10 A. He attached correspondence that he had with  
11 primarily Mr. Godbey, in -- in which he's complaining to  
12 Mr. Godbey.

13 Q. What -- exactly.

14 Was he complaining about the treatment he  
15 was getting in the Mitte Foundation lawsuit from  
16 Mr. Godbey?

17 A. Yes.

18 Q. Was he complaining that he kept writing  
19 Mr. Godbey -- he, the party -- writing the lawyer for  
20 the other side, was he complaining in constant e-mails  
21 about Mr. Godbey?

22 A. That's exactly what he was doing, yes, sir.

23 Q. And Mr. Godbey, because he's not supposed to  
24 talk to a representative person, had done what?

25 A. He -- he had not responded, which would be

1 what any lawyer would do. You don't respond to the  
2 client or -- of the potential opposing party. You  
3 respond to their lawyers.

4 Q. When you looked at the letter -- or actually  
5 when you were getting ready to write him on the 24th,  
6 did you have occasion to review that -- that  
7 correspondence?

8 A. I did, yes.

9 MR. HARDIN: And that's why I moved if I  
10 could, Your Honor, to 161. I move to introduce 161.

11 PRESIDING OFFICER: Any objection?

12 MR. BUZBEE: Yes, Your Honor. This  
13 privilege issue keeps coming up. As you can see on the  
14 document itself, it says, This is attorney work product  
15 communication regarding a pending litigation matter.  
16 It's labeled as such.

17 And I would suggest to the Court that all  
18 of these types of e-mails are, in fact, work product or  
19 attorney-client privilege communications. And the only  
20 individual in that office who holds that privilege and  
21 who can waive that privilege is the elected attorney  
22 general.

23 MR. HARDIN: I have to -- I'm sorry for  
24 laughing. I have to -- so this is when -- sometimes we  
25 might take positions that come back to bite us. This is

1 actually his exhibit that we agreed to pre-admit, and so  
2 I am offering an exhibit that was pre-admitted by us to  
3 him because it was one of his exhibits.

4 MR. BUZBEE: Well --

5 MR. HARDIN: Well, hold on. I'm not --  
6 I'm not quite sure how he can now turn around and make a  
7 bunch of objections to an exhibit that he agreed to  
8 pre-admit -- that we agree to pre-admit and he accepted.  
9 It's his pre-admitted exhibit.

10 It's in evidence is my point.

11 MR. BUZBEE: I'm -- I'm very confused.  
12 That was very confusing, but I would suggest this to the  
13 Court. They marked -- they put 161 on this as if it was  
14 their exhibit and moved it into evidence, and you asked  
15 for my objection.

16 PRESIDING OFFICER: Yes.

17 MR. BUZBEE: 161 on their exhibit list is  
18 not this.

19 MR. HARDIN: Oh.

20 MR. BUZBEE: So I mean, I'm trying --  
21 first, I guess we need to figure out what exhibit he's  
22 actually trying to offer. And if he's really trying to  
23 offer this, it ain't the right number. And if it's --  
24 he's offering something that's already in evidence, then  
25 obviously I wouldn't object to it. But I'm very

1 confused about what he's trying to do.

2 PRESIDING OFFICER: The Court is very  
3 confused too.

4 MR. HARDIN: I was -- I was -- I still --  
5 I suggest he talk -- like I did, talk to someone on his  
6 side that knows more than he does about this. If he  
7 notices, that exhibit that we introduced is AG 161.  
8 That's the Attorney General 161.

9 I think if he checks with his people,  
10 he's going to find that's their exhibit that we agreed  
11 to pre-admit.

12 MR. BUZBEE: I didn't have any  
13 discussions with Mr. Hardin. I mean, I know he's  
14 accused me of being recalcitrant. I haven't had any  
15 discussions about the exhibits, but my colleague,  
16 Dan Cogdell, has. As I understood it, they weren't  
17 going to object to any exhibits that we offered. They  
18 have no objections.

19 But we certainly -- we had exhibits on  
20 our list that we may not offer. So I think that's  
21 probably the dilemma we have. But I'm going to turn it,  
22 if you don't mind, since I didn't talk to Mr. Hardin  
23 personally, maybe Mr. Cogdell can -- can enlighten me.

24 MR. HARDIN: I, again, suggest he talks  
25 to someone that knows something about the subject. I've

1 just been handed by Ms. Jares, and I'll be glad to  
2 tender it to the Court, where they have written down  
3 their exhibit number on this of 161.

4 MR. BUZBEE: That might be true, but you  
5 need to let us know you're offering our exhibit. I  
6 mean, when you say 161, that presupposes you're offering  
7 your Exhibit 161. That's why we looked on your list,  
8 and this ain't your Exhibit 161.

9 Now, with regard to whether these were  
10 pre-admitted or not, I would turn it over to  
11 Mr. Cogdell.

12 MR. HARDIN: In light of him objecting to  
13 us at this extended time, this may be the first time I'm  
14 asking the Court to take that into consideration.  
15 They've been objecting to their own exhibit.

16 PRESIDING OFFICER: Mr. Cogdell?

17 MR. COGDELL: In my conversations with  
18 Ms. Brevorka, both --

19 PRESIDING OFFICER: Speak into the  
20 microphone, please.

21 MR. COGDELL: Yes, sir.

22 In my conversations -- and I understand  
23 Mr. Hardin's heartburn that he didn't object to ours and  
24 we're objecting to his, I get that. That  
25 notwithstanding, in my conversations, both orally and in

1 e-mail exchanges with Ms. Brevorka, I very clearly  
2 stated that while I appreciate they're not objecting  
3 all -- we did not intend to offer all of our exhibits.

4 Many of our exhibits were marked for  
5 identification purposes only, for impeachment or  
6 whatever. So I never said just because you didn't  
7 object to them, we want to offer them all. That never  
8 happened.

9 MR. HARDIN: Okay. I think we may be  
10 raising gamesmanship to a new level. The fact is, it is  
11 their exhibit. They asked if we would agree to  
12 pre-admit. We agreed to pre-admit. That put it in  
13 evidence. It's just simple as that.

14 MR. COGDELL: No, it doesn't. Just  
15 because they didn't object to it, somebody has to offer  
16 it. We never said all of our exhibits that we marked  
17 are coming in. We never said that. I never said that.

18 I get his heartburn, but I never -- I'm  
19 happy to pull the e-mail up in my exchange with  
20 Ms. Brevorka, but I clearly said in there we do not  
21 intend to offer all of our exhibits that have been  
22 marked.

23 MR. HARDIN: I'm glad we don't have to  
24 poll the kids in the -- in the -- upstairs as to what  
25 they think about this exchange. We've now used about



1 eight or nine minutes, I think, on them objecting to  
2 their own exhibit. I tender 161.

3 MR. COGDELL: I'm sorry. I couldn't  
4 hear, Mr. Hardin. I couldn't hear the last part.

5 MR. HARDIN: I'm sorry. I said I'm glad  
6 that we do not have to poll the kids in the balcony as  
7 to whether this exchange makes any sense. I think we've  
8 taken about eight or nine minutes now on something that  
9 where y'all are objecting to your own pre-admitted  
10 exhibit.

11 MR. COGDELL: Again, they're not  
12 pre-admitted. They haven't been offered. We never said  
13 if y'all don't object to them, we're offering all of  
14 them. To the contrary.

15 PRESIDING OFFICER: I'll take a  
16 five-minute break.

17 MR. HARDIN: Thank you.

18 (Recess from 4:30 p.m. to 4:55 p.m.)

19 PRESIDING OFFICER: Members, we're going  
20 to go over a couple of issues to deal with. We've  
21 worked with both parties. They're going to work on the  
22 exhibits this evening, and then we're going to deal with  
23 the privilege issue -- privilege issue in the morning  
24 before we start trial. So we're going to adjourn for  
25 the day now. You're to be back here at 9:00 a.m.

1 tomorrow morning, which means in the dining room at  
2 8:45, ready to walk out at 8:55.

3 (Proceedings adjourned at 4:55 p.m.)

4 \*-\*-\*-\*-\*-\*-\*-\*-\*-\*-\*-\*-\*-\*-\*

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

C E R T I F I C A T E

STATE OF TEXAS            )

COUNTY OF TRAVIS        )

I, MARY ORALIA BERRY, Certified Shorthand Reporter in and for the State of Texas, Registered Diplomat Reporter, Certified Realtime Reporter, and Certified Realtime Captioner, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this 5th day of September, 2023.

/s/ *Mary Oralia Berry*

Mary Oralia Berry, Texas CSR #2963  
Texas Certified Shorthand Reporter  
CSR No. 2963 - Expires 10/31/24  
email: maryoberry@gmail.com