

EXHIBIT 1

1
2 UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK

4 THE AUTHORS GUILD, et al.,)
5)
6 Plaintiffs,)
7 vs.) Civil Action No.
8) 25-cv-3923
9 NATIONAL ENDOWMENT FOR THE)
HUMANITIES, et al.,)
Defendants.)
_____)

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13
14 VIDEO-RECORDED DEPOSITION OF
15 JUSTIN FOX
16 New York, New York
17 Wednesday, January 28, 2026
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21
22

23 Reported Stenographically By:
24 PATRICIA A. BIDONDE
25 Registered Professional Reporter
Realtime Certified Reporter
JOB#: 2026-1011068

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2
3 January 28, 2026
4 9:59 a.m.
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6 Videoconference Video-Recorded
7 Deposition of JUSTIN FOX, held
8 at the offices of Schindler, Cohen
9 & Hochman, 100 Wall Street, New York,
10 New York, before Patricia A. Bidonde,
11 Stenographer, Registered Professional
12 Reporter, Realtime Certified Reporter,
13 Certified eDepoze Court Reporter, Notary
14 Public of the States of New York, New
15 Jersey, and Connecticut.
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25 Via Videoconference:
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27 ---

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1
2 ---
3 P R O C E E D I N G S
4 ---
5 THE VIDEOGRAPHER: We are now
6 on the record. The time is
7 9:59 a.m. on January 28, 2026.
8 Audio and video recording will
9 continue to take place until all
10 parties agree to go off the record.
11 Please note that microphones are
12 sensitive and may pick up whispering
13 and private conversations.
14 This is the video-recorded
15 deposition of Justin Fox in the
16 matter of The Authors Guild, et al.,
17 plaintiffs, versus National
18 Endowment for the Humanities, et
19 al., defendants. This deposition is
20 being held at Schindler, Cohen &
21 Hochman, LLP, New York, New York.
22 My name is Christian Bidonde.
23 I am the legal video specialist.
24 The certified stenographer is
25 Patricia Bidonde on behalf of

10	<p>1 J. Fox</p> <p>2 A. I'm not sure.</p> <p>3 Q. What's your understanding of your</p> <p>4 relationship with Ms. Doud?</p> <p>5 A. She's representing DOJ and</p> <p>6 assisting me with the deposition today.</p> <p>7 Q. Okay. Great. So when you say</p> <p>8 assisting you, I'll ask you some questions</p> <p>9 about that. Have you met with Ms. Doud before</p> <p>10 today?</p> <p>11 A. Yes.</p> <p>12 Q. When was that?</p> <p>13 A. Yesterday.</p> <p>14 Q. Any time besides that?</p> <p>15 A. Not in person but a few phone</p> <p>16 calls.</p> <p>17 Q. Okay. I'll ask about the phone</p> <p>18 calls in a second. But yesterday, you said,</p> <p>19 you met with her?</p> <p>20 A. Mm-hmm.</p> <p>21 Q. And of course she might speak up</p> <p>22 then and mention that there's some privilege</p> <p>23 concerns, but -- so I'd advise you to</p> <p>24 obviously listen to her representations.</p> <p>25 But how long did you two meet</p>	12	<p>1 J. Fox</p> <p>2 color there. E-mails about what?</p> <p>3 A. Yeah, e-mails about NEH, my</p> <p>4 relationship with Mike, sort of, timeline</p> <p>5 procedurally our interaction with Mike and</p> <p>6 NEH. And by "our," I mean Nate and myself.</p> <p>7 Q. So Nate -- documents, kind of,</p> <p>8 showing communications between you, Nate</p> <p>9 Cavanaugh, Mike McDonald and others?</p> <p>10 A. Yes.</p> <p>11 Q. During your time at NEH?</p> <p>12 A. Yes.</p> <p>13 Q. Did you see any spreadsheets</p> <p>14 yesterday?</p> <p>15 A. Yes.</p> <p>16 Q. Could you describe generally what</p> <p>17 those spreadsheets were?</p> <p>18 A. Coordinating feedback on grants</p> <p>19 primarily, if not exclusively.</p> <p>20 Q. And those were NEH grants?</p> <p>21 A. Mm-hmm.</p> <p>22 Q. Have you talked to anyone besides</p> <p>23 Rachael, Marie Ellen, and the other attorney</p> <p>24 about this deposition?</p> <p>25 A. No.</p>
11	<p>1 J. Fox</p> <p>2 yesterday?</p> <p>3 A. Four hours.</p> <p>4 Q. And where was that?</p> <p>5 A. Chambers Street, 86 Chambers</p> <p>6 Street at their offices.</p> <p>7 Q. Okay. Was anyone else in that</p> <p>8 meeting?</p> <p>9 A. For the entirety, no. I met Mary</p> <p>10 Ellen and one other lady.</p> <p>11 Q. Okay. Do you remember the other</p> <p>12 one's name?</p> <p>13 A. I don't.</p> <p>14 Q. Okay. And you said that was</p> <p>15 around four hours?</p> <p>16 Did you review any documents</p> <p>17 during that meeting?</p> <p>18 A. Mm-hmm.</p> <p>19 Q. Did those documents help to</p> <p>20 refresh your recollection?</p> <p>21 A. They helped.</p> <p>22 Q. They helped. Okay. What kinds of</p> <p>23 documents did you review?</p> <p>24 A. E-mails, communication mostly.</p> <p>25 Q. Sorry. Can you give me some more</p>	13	<p>1 J. Fox</p> <p>2 Q. And I want to make a distinction.</p> <p>3 I asked what -- how you prepared with them.</p> <p>4 Now I'm asking if you've talked about it</p> <p>5 generally with anyone.</p> <p>6 A. I told my mom this morning. And I</p> <p>7 know Nate got deposed or was here last Friday.</p> <p>8 That's the extent of that.</p> <p>9 Q. How do you know Nate was here last</p> <p>10 Friday?</p> <p>11 A. We work together and he was</p> <p>12 out of -- he was held up here for the day.</p> <p>13 Q. How do you know he was here?</p> <p>14 A. Well, we work together, so he said</p> <p>15 he got deposed, we're in the same case.</p> <p>16 Q. Yeah, I'm just.</p> <p>17 A. Yeah.</p> <p>18 Q. Not every time someone doesn't</p> <p>19 show up to work it means they're being</p> <p>20 deposed.</p> <p>21 MS. DOUD: Objection.</p> <p>22 A. Yeah.</p> <p>23 Q. How did he tell you that he was</p> <p>24 being deposed?</p> <p>25 A. I don't remember, honestly.</p>

14	<p>1 J. Fox</p> <p>2 Q. Did he tell you in person?</p> <p>3 A. Yeah.</p> <p>4 Q. Did you text about it?</p> <p>5 A. No.</p> <p>6 Q. Did you communicate about it via</p> <p>7 any mediums, Signal, WhatsApp, Telegram?</p> <p>8 A. No, we work together so we're in</p> <p>9 person every day.</p> <p>10 Q. Do you remember what he said in</p> <p>11 person to you?</p> <p>12 A. No, something close to, I'm</p> <p>13 getting deposed.</p> <p>14 Q. Okay.</p> <p>15 A. Yeah.</p> <p>16 Q. Sorry. These are pro forma</p> <p>17 questions. So --</p> <p>18 A. What do you mean by "pro forma</p> <p>19 questions"?</p> <p>20 Q. I just mean that, you know, these</p> <p>21 are questions that are, kind of, are usually</p> <p>22 asked in a deposition.</p> <p>23 MS. DOUD: Objection.</p> <p>24 Q. So I'm just saying I'm not trying</p> <p>25 to be invasive. I'm just asking you about</p>	16	<p>1 J. Fox</p> <p>2 Q. Did you gather any documents for</p> <p>3 this case?</p> <p>4 MS. DOUD: Objection.</p> <p>5 Q. You can still answer the question.</p> <p>6 MS. DOUD: You can answer.</p> <p>7 A. Personally?</p> <p>8 Q. Yes.</p> <p>9 A. So did I gather documents for the</p> <p>10 binder that you guys have and we're going to</p> <p>11 be walking through? That's the question?</p> <p>12 Q. I'm asking whether you engaged in</p> <p>13 any searches and the gathering of documents</p> <p>14 for production in this lawsuit?</p> <p>15 A. No. I don't have my laptop, and</p> <p>16 all of my equipment is turned in. I'm no</p> <p>17 longer an employee in the government, so I</p> <p>18 don't have access to anything.</p> <p>19 Q. So dating back to the commencement</p> <p>20 of this lawsuit, you never engaged in the</p> <p>21 search for documents related to this case?</p> <p>22 A. Not that I'm aware of.</p> <p>23 Q. Did you search anything on your</p> <p>24 personal phone, for instance, in relation to</p> <p>25 this case?</p>
15	<p>1 J. Fox</p> <p>2 that.</p> <p>3 A. Okay.</p> <p>4 Q. So when -- do you remember</p> <p>5 generally when that was?</p> <p>6 A. No.</p> <p>7 Q. Have you talked to him since</p> <p>8 Friday?</p> <p>9 A. Yeah.</p> <p>10 Q. Okay. Did you talk to him about</p> <p>11 his deposition on Friday?</p> <p>12 A. No.</p> <p>13 Q. Do you have any engagement letter</p> <p>14 or any formal agreement with Ms. Doud or any</p> <p>15 other attorneys that you met with?</p> <p>16 A. Not that I'm aware of.</p> <p>17 Q. Okay. So I assume you're aware</p> <p>18 that you helped to gather documents in</p> <p>19 relation to this case. Is that right?</p> <p>20 MS. DOUD: Objection.</p> <p>21 Q. You can answer.</p> <p>22 A. I don't know, honestly.</p> <p>23 Q. Did you -- I guess, let me ask the</p> <p>24 question straightforward.</p> <p>25 A. Yeah.</p>	17	<p>1 J. Fox</p> <p>2 A. I didn't need to.</p> <p>3 Q. Did you search anything on your</p> <p>4 laptop or laptops in relation to this case?</p> <p>5 A. I don't have access to my laptops</p> <p>6 anymore.</p> <p>7 Q. Okay. And when you say your</p> <p>8 laptops, you mean -- what do you mean?</p> <p>9 A. NEH and GSA laptops.</p> <p>10 Q. Do you have a personal laptop?</p> <p>11 A. Yeah.</p> <p>12 Q. Would those -- would that laptop</p> <p>13 have ever stored documents related to your</p> <p>14 time at NEH?</p> <p>15 A. No.</p> <p>16 Q. So you turned over -- excuse me --</p> <p>17 you gave back your work phone after leaving</p> <p>18 NEH?</p> <p>19 Approximately when was --</p> <p>20 A. Yes.</p> <p>21 Q. Sorry. Go ahead.</p> <p>22 A. That's it. Yes. I just wanted to</p> <p>23 verbally respond.</p> <p>24 Q. I appreciate that.</p> <p>25 A. Yeah.</p>

18	1 J. Fox 2 Q. And you turned over your work 3 laptop as well upon leaving? 4 A. Yes. 5 Q. Did you ever use your personal 6 phone to do any work or talk about any of your 7 work related to NEH? 8 A. Related to NEH work, no. 9 Q. What about related to any of your 10 work with any DOGE teams or GSA? 11 A. Coordinating locations and meeting 12 in person, yes. 13 Q. But you never searched that phone 14 for communications related to this case? 15 A. There was nothing on my personal. 16 I had experience previously in finance. 17 Everything needed to be kept on a separate 18 phone. All of the tangible work-related 19 communications were done over my GSA. 20 Q. So you didn't turn over any 21 documents, any communications in relation to 22 this case? 23 A. There was nothing on there. 24 Q. Did anyone ask you to do that? 25 MS. DOUD: Objection.	20	1 J. Fox 2 DOCUMENT TECH: Yes. 3 MR. ONAYEMI: Great. If you 4 could pull up Tab 1-A for 5 presentation. 6 DOCUMENT TECH: Is this 7 Exhibit 1 or Exhibit 1A? 8 MR. ONAYEMI: It's Exhibit 1. 9 It's called Tab 1-A in the folder. 10 And we'll call this Fox Exhibit 1. 11 (Fox Exhibit 1, Subpoena for 12 Justin Fox, marked for 13 identification, as of this date.) 14 BY MR. ONAYEMI: 15 Q. The text is a little small. Can 16 you see that? 17 MR. ONAYEMI: I think Jacob 18 could probably figure it out. I see 19 it up there. It's okay. I think if 20 he just zooms in, we'll be okay. 21 Q. Can you guys see it? 22 A. Yeah, for the most part. 23 MR. ONAYEMI: I think we can 24 probably do a few more clicks on the 25 plus, and then we'll be perfect.
19	1 J. Fox 2 A. I don't remember. 3 Q. Sorry? 4 A. I don't remember. 5 Q. You don't remember if anyone asked 6 you to turn over documents and communications? 7 MS. DOUD: Objection. 8 A. Yeah, I don't remember. 9 Q. Did Ms. Doud ask you to turn over 10 any communications or documents in relation to 11 this case? 12 A. I remember her asking if I had 13 documents to turn over, of which I have 14 nothing. 15 Q. Okay. And you told her no? 16 A. I have nothing. 17 Q. Did you search when she asked you 18 that question? 19 A. I don't have anything on my 20 personal because I never used my personal 21 for -- 22 Q. Okay. I understand. 23 MR. ONAYEMI: I forget his 24 name. 25 Jacob, are you still there?	21	1 J. Fox 2 Nice. There we go. I think that's 3 okay. We can see that. We 4 appreciate it. 5 Q. Can you see that? 6 A. Yeah. 7 Q. Okay. Can you read the text? 8 That's what's important. 9 A. Yes. 10 Q. Yes? Okay. 11 Have you seen this document 12 before? I can scroll through it if you'd like 13 to see more of it. There's several pages. 14 A. Yeah, I don't know honestly. 15 MR. ONAYEMI: Jacob, could 16 you, like, toggle downwards a little 17 bit and just, kind of, show some 18 more pages of the document for the 19 witness. You can keep going faster 20 than that. There's -- are a lot of 21 pages. 22 A. (Document review.) 23 Q. Does this look familiar? 24 A. Yeah, I think so. 25 Q. So you can -- would you say that

22

1 J. Fox
 2 you've seen this document before?
 3 A. Yes.
 4 MR. ONAYEMI: Okay. Thank
 5 you.
 6 Q. Who showed you this document?
 7 A. Rachael had sent it to me.
 8 MR. ONAYEMI: You can stop
 9 there, Jacob. Thank you. So if you
 10 could go up, Jacob, just to, maybe,
 11 yeah, scroll up a little bit.
 12 A. What is Exhibit A? It said -- if
 13 you scroll down, it says "see attached Exhibit
 14 A." Is that?
 15 MR. ONAYEMI: Yeah, right
 16 here. You can stop there, Jacob.
 17 Thanks. That's good. So yeah, if
 18 you just scroll down a little bit
 19 more Jacob, we're going to go to
 20 page 3. Actually keep going, like,
 21 maybe page 4. Great. Okay. So you
 22 can stop there.
 23 Q. "Instructions." Great.
 24 So you see this instructions
 25 section? Have you seen this before?

23

1 J. Fox
 2 A. Yes.
 3 MR. ONAYEMI: And if you could
 4 keep scrolling down, Jacob, to the
 5 part -- just scroll down and I'll
 6 tell you when to stop.
 7 Q. Okay. "Relevant time period,"
 8 right here. All right. So this says:
 9 "Relevant time period, unless
 10 otherwise noted in the body of a
 11 request, the relevant time period
 12 for these requests is November 1,
 13 2024, through the present. These
 14 requests seek all responsive
 15 documents created or generated
 16 during the relevant time period as
 17 well as responsive documents created
 18 or generated outside the relevant
 19 time period, but which contain
 20 information concerning the relevant
 21 time period."
 22 So when Ms. Doud asked you to
 23 search for documents and communications
 24 related to your time at NEH, did you search
 25 documents and communications dating back to

24

1 J. Fox
 2 November 1, 2024?
 3 MS. DOUD: Objection.
 4 A. I didn't have any government
 5 laptop or computer, and there was nothing in
 6 my personal.
 7 Q. Okay. How do you know there was
 8 nothing on your personal, did you look?
 9 A. I never used it.
 10 Q. You noted earlier that you spoke
 11 with some of your DOGE and GSA colleagues via
 12 your personal phone.
 13 Did you search those
 14 communications for relevant information?
 15 A. There's nothing on my personal
 16 related to NEH communication. I had no need
 17 to search my personal.
 18 Q. How do you know there was nothing
 19 on your personal related to NEH?
 20 A. I never used it for NEH purposes.
 21 Q. Okay. But you used it for DOGE
 22 purposes?
 23 A. For coordinating where people
 24 were, meeting in person, yes.
 25 Q. So we're going to run through the

25

1 J. Fox
 2 request for production really quickly. So can
 3 you see that there's the first bullet there?
 4 It says:
 5 "All documents and
 6 communications relating to your
 7 deployment to NEH and any
 8 assignments or instructions given to
 9 you relating to your work at NEH."
 10 Do you see that?
 11 A. Mm-hmm.
 12 Q. Okay. Is it your testimony that
 13 you don't have any documents in your
 14 possession that are responsive to Subject
 15 Number 1?
 16 A. Yes.
 17 Q. Okay.
 18 MR. ONAYEMI: You can scroll
 19 down, Jacob, to just, yeah, so 2 is
 20 at the top. Thanks. Okay.
 21 Q. This is searching -- asking for
 22 documents related to the mass terminations
 23 and -- with respect to NEH. None of those
 24 communications on your phone or laptop?
 25 MS. DOUD: Objection.

26	<p>1 J. Fox 2 A. (Document review.) 3 Could you repeat the question. 4 Q. I can change the question. Did 5 you do anything to search for anything related 6 to these subjects under Number 2 in 7 particular? 8 A. I had no need to. 9 Q. Okay. 10 MR. ONAYEMI: Let's go down to 11 number 3, Jacob. 12 Q. So Number 3 and 4, those are both 13 with respect to NEH. Did you do anything to 14 search for those documents? 15 A. (Document review.) 16 Number 3? 17 Q. And Number 4. 18 A. (Document review.) 19 Again, there was no work I was 20 doing with NEH on my personal. 21 Q. That's okay. Number 6 is about 22 DOGE. Did you do anything to search for any 23 documents related to Request Number 6? 24 A. (Document review.) 25 The mass termination, I presume</p>	28	<p>1 J. Fox 2 THE WITNESS: Okay. 3 MS. DOUD: So just allow a 4 little bit of time for me to object, 5 but then you just answer. 6 THE WITNESS: Okay. 7 A. Could you repeat the question. 8 Q. Did you do anything to search for 9 documents or communications responsive to 10 requests Number 8, 9, and 10? 11 A. (Document review.) 12 Okay. One more time. I'm sorry. 13 I just read through those bullets. Could you 14 repeat the question. 15 Q. Did you undergo any efforts to 16 identify, gather, or produce documents that 17 would have been responsive to Requests 8, 9, 18 and 10? 19 A. My personal phone was used for no 20 NEH communication work. Yeah. 21 Q. I want to talk a little bit about 22 the extent of your conversations with DOGE 23 people on your personal phone. 24 Who would you have been 25 communicating with on your personal phone at</p>
27	<p>1 J. Fox 2 this is NEH. Is that right? It says -- 3 Q. I think that's correct. 4 A. -- "execution of mass 5 termination." All of that communication was 6 done via my GSA laptop, phone. 7 Q. Okay. Thanks. All right. 8 MR. ONAYEMI: If you could 9 slowly scroll down, Jacob, just to 10 the end. I think the last one is 11 Number 10, Request Number 10. Okay. 12 Q. And is it fair to say, looking at 13 this, and given that NEH is listed in 8, 9, 14 and 10, that your response to those would be 15 the same as the prior responses with respect 16 to your communications and searching for them? 17 MS. DOUD: Objection. 18 A. Could I clarify, when Rachael says 19 "objection"? 20 MS. DOUD: You still answer, 21 unless -- yeah. You generally still 22 answer. 23 THE WITNESS: Okay. 24 MS. DOUD: So you can -- 25 that's for the record.</p>	29	<p>1 J. Fox 2 DOGE or GSA? 3 A. Nate, the team members on my team, 4 Ethan Shaotran, Justin Aimonetti, a few 5 others. 6 Q. Michael McDonald? 7 A. No. 8 Q. Did you ever call him from your 9 personal phone? 10 A. No. 11 Q. Never text him from your personal 12 phone? 13 A. No. 14 Q. Okay. Do you remember when you 15 were given a government phone, a work phone? 16 A. My first day. 17 Q. Before your first day, were you in 18 touch with anyone from DOGE or the government? 19 A. Yeah. 20 Q. How did you communicate with them 21 before you got your government phone? 22 A. Signal. 23 Q. Anything else? 24 A. No. 25 Q. And who was it that you were</p>

30	1 J. Fox 2 communicating with before you were issued a 3 government phone? 4 A. Anthony Armstrong, Josh Gruenbaum, 5 Nate Cavanaugh. 6 Q. Anyone else? 7 A. Ethan Shaotran. 8 Q. Who were the first two people? 9 A. Anthony Armstrong. 10 Q. Who is that? 11 A. One of the leadership within DOGE 12 that I initially communicated with. 13 Q. Okay. And who is the second name? 14 A. Josh Gruenbaum. 15 Q. Who is that? 16 A. Head of federal acquisition 17 services for GSA. 18 Q. Okay. Thank you. And how -- you 19 said you were communicating with them via 20 Signal? 21 A. Signal. 22 Q. And nothing else besides Signal? 23 A. No. 24 Q. Was that group chat or were they 25 individual communications with each one of	32	1 J. Fox 2 Q. The Signal platform, can you tell 3 me a little bit about it. You mentioned auto 4 delete, can you explain what you mean. 5 MS. DOUD: Objection. 6 A. It's a messaging and calling 7 platform that everybody was using that I 8 downloaded to communicate with Nate, Josh, 9 Anthony. 10 Q. Okay. Did you download it 11 specifically to communicate with those people? 12 How did they tell you to download Signal? 13 A. Download Signal and call me there. 14 Q. Okay. But did they tell you that 15 in person? 16 A. Anthony Armstrong, I had -- he was 17 a mentor of mine. And he said, Download 18 Signal, I want to talk to you about 19 potentially joining. So all of our 20 communications were on Signal. 21 Q. Okay. How did Mr. Armstrong tell 22 you that? 23 A. In person. 24 Q. In person. Okay. Were you 25 sharing text messages with Mr. Armstrong
31	1 J. Fox 2 them? 3 A. Some group chat, some individual. 4 Q. Okay. And then once you were 5 hired by the government, did you migrate all 6 of those communications to your government 7 phone? 8 MS. DOUD: Objection. 9 A. With those individuals, no. 10 Q. Okay. So you were still 11 communicating with Nate Cavanaugh, Ethan 12 Shaotran, and the other two on your personal 13 phone after being hired. Is that right? 14 A. Yes. 15 Q. Okay. And did you do anything to 16 search those communications in response to any 17 of those requests that we've gone through from 18 your subpoena? 19 A. They were all deleted 20 automatically. That's the default setting in 21 Signal. 22 Q. And you don't think that you ever 23 spoke to them on any other service beyond 24 Signal, including Nate, for instance? 25 A. No.	33	1 J. Fox 2 before you downloaded Signal? 3 A. Yes. 4 Q. Ever about DOGE? 5 A. No. 6 Q. Did you search those texts to come 7 to the understanding that you never texted him 8 about DOGE? 9 A. I remember him being very focused 10 on switching to Signal to talk about anything. 11 Q. Okay. Thank you. I appreciate 12 that. So stepping back from all these 13 communications. 14 MR. ONAYEMI: And we can pull 15 down Exhibit 1, thank you, Jacob. 16 Q. Did you bring any documents with 17 you today to the deposition? 18 A. No. 19 Q. When did you first become aware of 20 this lawsuit? 21 A. At some point in government. I 22 don't remember when exactly. 23 Q. Do you remember how you became 24 aware of it? 25 A. Like, a letter came addressed to

<p style="text-align: right;">34</p> <p>1 J. Fox 2 me and Nate. I don't remember when, but it 3 was printed out, physical form. 4 Q. Okay. Great. And was that sent, 5 you said while you were at government, I 6 think. You were still working for the 7 government when you received that? 8 A. Which one? 9 Q. Sorry. When you received the -- 10 when you learned, I presume through the 11 complaint, that there was a lawsuit that had 12 your name on it. 13 MS. DOUD: Objection. 14 A. Yes. 15 Q. Have you read the complaint? 16 A. Yes. 17 Q. Okay. Do you understand the 18 nature of the allegations in the complaint? 19 A. I think so. 20 Q. What's your understanding of the 21 allegations? 22 A. I honestly could not articulate. 23 It's -- there are a few. So you'd have to be 24 specific about which one. 25 Q. So let's start with the Authors</p>	<p style="text-align: right;">36</p> <p>1 J. Fox 2 witness. 3 (Record read by the certified 4 stenographer as follows: 5 "QUESTION: Could you describe 6 your understanding of those 7 allegations?") 8 A. Grants were terminated by Michael 9 at the same time we were working with him. 10 And Authors Guild disagrees with the method 11 and reason these grants were terminated, and 12 they want to learn more -- 13 Q. Sure. 14 A. -- about the process. And that's 15 my understanding. 16 Q. Thank you. Is that your 17 understanding of the nature of the ACLS 18 complaint as well? 19 A. That would be my understanding. 20 Q. Okay. Thanks. Are you currently 21 employed? 22 A. Yes. 23 Q. Who is your employer? 24 A. A company that Nate and I started. 25 Q. What's it called?</p>
<p style="text-align: right;">35</p> <p>1 J. Fox 2 Guild's complaint. Do you -- are you aware of 3 that complaint? 4 A. I'm aware of it, yeah. 5 Q. Do you understand the nature of 6 the allegations in it? 7 MS. DOUD: Objection. 8 A. Not -- not to the level that you 9 might. But yes, for the most part. 10 Q. Could you describe your 11 understanding of those allegations? 12 MS. DOUD: And I'm just going 13 to caution that if your 14 understanding is informed by things 15 that attorneys told you -- 16 THE WITNESS: Yes. 17 MS. DOUD: -- to be aware of 18 that, and to not reveal privileged 19 communications. 20 THE WITNESS: Okay. 21 MS. DOUD: But otherwise you 22 can answer. 23 A. Could you repeat the question. 24 MR. ONAYEMI: Do you mind 25 reading back the question for the</p>	<p style="text-align: right;">37</p> <p>1 J. Fox 2 A. Special. 3 Q. Special? Since when have you been 4 at Special? 5 A. October 1. 6 Q. 2025? 7 A. 2025. 8 Q. And you said you and Nate started 9 it. Is that right? 10 A. Yes. 11 Q. So are you like a co-founder of 12 the company? 13 A. Yes. 14 Q. What's your role within the 15 company? 16 A. Co-founder. 17 Q. What do you do as the co-founder? 18 A. Anything that needs to be done. 19 That's hard to -- 20 Q. It's okay. I'll ask more pointed 21 questions. 22 What's the nature of the service 23 that Special provides? 24 A. We are buying businesses in senior 25 care, adopting technology to pay the nurses</p>

38	1 J. Fox 2 and caregivers more so that the aging 3 population has enough nurses to meet demand. 4 Q. Okay. And sorry, when did you say 5 that you started there? October 2025? Is 6 that right? 7 A. Yes. 8 Q. And where were you employed prior 9 to that? 10 A. GSA. 11 Q. GSA. When did you start at GSA? 12 A. March 3, I believe. 13 Q. That's 2025? 14 A. 2025. 15 Q. And how long did you stay at GSA? 16 Sorry, strike that. Better question. 17 When did you leave GSA? 18 A. Mid September. 19 Q. Okay. 2025? 20 A. Yes. 21 Q. So give or take six months at GSA? 22 A. Yes. 23 Q. What was your job title, official 24 title at GSA? 25 A. Senior advisor to Stephen Ehikian.	40	1 J. Fox 2 there groups? Specialties within private 3 equity? Were you doing anything in 4 particular? 5 A. Sometimes there are groups. I was 6 generalist, meaning no specific group. 7 Q. And roughly what was your income 8 at Nexus Capital? 9 A. I don't remember. 10 Q. Ballpark? 11 A. 130,000. 12 Q. Okay. Is that prebonus? 13 A. Prebonus. 14 Q. And then with the bonus, generally 15 what would be added to that? 16 A. Anywhere from zero to 100. 17 Q. And before then you were an 18 investment banking analyst at Jefferies. Is 19 that right? 20 A. Yes. 21 Q. Sorry. When did you start at 22 Nexus? Do you remember that? 23 A. 2023. 24 Q. Okay. And before that you were at 25 Jefferies?
39	1 J. Fox 2 Q. To who? 3 A. Stephen Ehikian, head of GSA at 4 the time. 5 Q. Okay. We'll come back to that. 6 And before March 3, 2025, where 7 were you employed? 8 A. Financial firm in Los Angeles. 9 Q. Was that Nexus Capital? 10 A. That's right. 11 Q. That's a private equity firm? 12 A. Yes. 13 Q. And that was based in Los Angeles? 14 A. Yes. 15 Q. What was your title there? 16 A. Associate. 17 Q. Okay. And when did you leave 18 Nexus? 19 A. The end of September, the Friday 20 before I started at GSA. 21 Q. Okay. So left on Friday, joined 22 GSA Monday. Is that fair to say? 23 A. Yes. 24 Q. Okay. Honestly, I'm not too 25 familiar with how private equity works. Are	41	1 J. Fox 2 A. Yes. 3 Q. Okay. And I'm skipping back to 4 GSA very quickly. Do you remember your salary 5 at GSA? 6 A. 150. 7 Q. Okay. So you were making more in 8 base rate for GSA than you were for your 9 private equity firm? 10 A. I believe so. 11 Q. Okay. Thank you. 12 You attended University of 13 Virginia. Right? 14 A. Yes. 15 Q. When did you graduate from there? 16 A. 2020. 17 Q. What was your major? 18 A. Commerce. 19 Q. Did you have any minors while you 20 were at UVA? 21 A. German. 22 Q. German, okay. Commerce major, 23 German minor? All right. And graduated in 24 2020. 25 Did you belong to any clubs at

42	<p>1 J. Fox</p> <p>2 UVA?</p> <p>3 A. Yeah.</p> <p>4 Q. Which ones?</p> <p>5 A. An investment club. A community</p> <p>6 service club called Lions Club. TEDx club.</p> <p>7 (Stenographer clarification.)</p> <p>8 A. TEDx, like Ted talks. Yeah,</p> <p>9 that's it.</p> <p>10 Q. Any clubs or organizations outside</p> <p>11 of UVA that you were a part of while you were</p> <p>12 studying there?</p> <p>13 A. No.</p> <p>14 Q. Any internships while you were</p> <p>15 there?</p> <p>16 A. Yes.</p> <p>17 Q. Was one with Jefferies?</p> <p>18 A. No.</p> <p>19 Q. Can you briefly tell us what --</p> <p>20 where you interned while you were at UVA?</p> <p>21 A. In Arlington doing wealth</p> <p>22 management at Morgan Stanley, and then in</p> <p>23 Atlanta at VRA Partners, and then full time</p> <p>24 started at Jefferies.</p> <p>25 Q. Okay. Great. Do you have any</p>
43	<p>1 J. Fox</p> <p>2 graduate degrees?</p> <p>3 A. No.</p> <p>4 Q. And no PhDs, doctorates, anything</p> <p>5 like that?</p> <p>6 A. No.</p> <p>7 Q. Before joining the government in,</p> <p>8 I think it was March of 2025, did you have any</p> <p>9 experience in government?</p> <p>10 A. No.</p> <p>11 Q. Okay. Were you ever part of any</p> <p>12 political campaigns?</p> <p>13 A. No.</p> <p>14 Q. Did you ever engage in any public</p> <p>15 grant administration before you joined</p> <p>16 government?</p> <p>17 A. No.</p> <p>18 Q. Private grant administration?</p> <p>19 A. No.</p> <p>20 Q. Had you ever engaged in anything</p> <p>21 that required you to review scholarship for</p> <p>22 scholarly merit before you joined the</p> <p>23 government?</p> <p>24 A. I can't remember. There may have</p> <p>25 been a few scholarship grants that we awarded</p>
44	<p>1 J. Fox</p> <p>2 at, for example, TEDx.</p> <p>3 Q. Did you ever review any humanities</p> <p>4 projects for scholarly merit prior to joining</p> <p>5 the government?</p> <p>6 A. No.</p> <p>7 Q. Did you ever have any relation or</p> <p>8 involvement with the National Endowment for</p> <p>9 the Humanities before joining government in</p> <p>10 March of 2025?</p> <p>11 A. No.</p> <p>12 Q. Were you familiar with the NEH</p> <p>13 before you joined the government?</p> <p>14 A. No.</p> <p>15 Q. Were you familiar with the</p> <p>16 Administrative Procedures Act before you</p> <p>17 joined the government?</p> <p>18 A. No.</p> <p>19 Q. So let's switch gears to the</p> <p>20 process of you joining the government.</p> <p>21 You noted that you had a</p> <p>22 conversation with someone that you knew.</p> <p>23 Could you remind me of that name?</p> <p>24 A. Anthony Armstrong.</p> <p>25 Q. Anthony Armstrong. And you</p>
45	<p>1 J. Fox</p> <p>2 testified that Anthony Armstrong told you to</p> <p>3 download Signal. Is that right?</p> <p>4 A. Yes.</p> <p>5 Q. And that was to discuss an</p> <p>6 opportunity in joining the government. Is</p> <p>7 that right?</p> <p>8 A. Yes.</p> <p>9 Q. Prior to that, had you had any</p> <p>10 conversations with anyone about joining the</p> <p>11 government?</p> <p>12 A. No.</p> <p>13 Q. Okay. How did you know Anthony</p> <p>14 Armstrong?</p> <p>15 A. He's the father of one of my</p> <p>16 friends.</p> <p>17 Q. Okay.</p> <p>18 A. We worked in the same field. He</p> <p>19 was a mentor to me.</p> <p>20 Q. What field is that?</p> <p>21 A. Investment banking.</p> <p>22 Q. Okay. Did you work with him</p> <p>23 actually?</p> <p>24 A. No.</p> <p>25 Q. Where did he work?</p>

46	1 J. Fox 2 A. Morgan Stanley. 3 Q. And so he told you to download 4 Signal. And why did he tell you to download 5 Signal? 6 MS. DOUD: Objection. 7 Q. Strike that. Sorry. 8 Do you have an understanding of 9 why he asked you to download Signal? 10 A. No. 11 Q. But he asked you to download 12 Signal to communicate about government work. 13 Right? 14 MS. DOUD: Objection. 15 A. About an opportunity for me to 16 join the government, yes. 17 Q. And can you describe what that 18 opportunity was? 19 A. They were recruiting for 20 hardworking individuals to join GSA and find 21 government efficiencies. My background suited 22 well. Move as soon as you can. That was the 23 scope of it. 24 Q. Did he tell you anything else in 25 those conversations about the nature of the	48	1 J. Fox 2 Q. Fair enough. Anything else? 3 A. An opportunity to work with other 4 hardworking people and address the spending 5 deficit. 6 Q. Was that something that you were 7 particularly interested in, the spending 8 deficit? 9 A. Not until Anthony reached out had 10 I – that I dug into it, really, and yes, it 11 seemed like a very pressing issue. 12 Q. What made you feel like it was a 13 pressing issue or – strike that. 14 Prior to you digging in, while you 15 were digging in, what did you see that made 16 you think that it was a pressing issue? 17 A. There's a spending deficit of 18 \$2 trillion. Part of that is related to 19 government spending in excess of the income 20 that it's generating, and government spend has 21 done nothing but go up to the right, and it's 22 the most controllable piece of the equation, 23 in my opinion, of the spending deficit, and 24 the group that was being recruited for this 25 was meant to address that problem. And I felt
47	1 J. Fox 2 role? 3 A. Just that it was going to be a lot 4 of really hard work, and that was – he 5 honestly was not sure where I would go, but to 6 talk with Josh Gruenbaum, see if there's a fit 7 with his team. And that was when I spoke with 8 Josh. But no, otherwise, the nature of the 9 work, no. 10 Q. Okay. 11 Do you have any understanding of 12 how Mr. Armstrong knew Mr. Gruenbaum? 13 A. No. 14 Q. Okay. How did he put you in touch 15 with him? 16 A. Signal. 17 Q. Through, like, a group chat or 18 something? 19 A. Yes. 20 Q. How did you feel being reached out 21 to about joining the government while you were 22 at Nexus Capital? 23 A. Interested. 24 Q. What made you interested in that? 25 A. I hated private equity.	49	1 J. Fox 2 compelled to help. 3 Q. Okay. Do you feel that you've 4 succeeded, looking back now, in achieving that 5 goal? 6 A. In some ways, yes. 7 Q. Did the deficit go down during 8 your tenure at the government? 9 A. In other ways, no. I think having 10 somebody check to see where taxpayer dollars 11 were going that was an unbiased third-party 12 auditor of commonsense approach to spending 13 has never happened before in the history of 14 the government, and now we've established that 15 it's possible. 16 I do feel it was a success in the 17 sense that people will be more understanding 18 that these aren't just numbers on a page, that 19 they add up into something that's bigger than 20 what they're working on. And I think that, in 21 that way it was successful. 22 Q. So we'll review some of the 23 methods that your team used to attempt to 24 reduce the deficit later in the deposition. 25 But for now, let's stick on, kind

<p style="text-align: right;">50</p> <p>1 J. Fox 2 of, how you joined GSA and how you got 3 involved with DOGE. 4 So Mr. Armstrong reached out, and 5 this was specifically about the GSA. Is that 6 right? 7 MS. DOUD: Objection. 8 A. I don't remember. 9 Q. Did he mention DOGE at any point 10 during these conversations? 11 A. Yes. 12 Q. What did he say about DOGE? 13 A. A group of people being onboarded 14 into agencies to partner with leaders and find 15 efficiencies. 16 Q. And how did you understand the 17 relationship between GSA and DOGE while you 18 were in these conversations with 19 Mr. Armstrong? 20 A. I didn't give it much thought. 21 Q. Understandable. So you were still 22 at Nexus and looking at government, and it 23 all, kind of, blended together. 24 Is that fair to say? 25 MS. DOUD: Objection.</p>	<p style="text-align: right;">52</p> <p>1 J. Fox 2 that you were talking to about government 3 work? 4 A. Not that I can remember. 5 Q. Did you learn anything from 6 Mr. Gruenbaum that Mr. Armstrong hadn't told 7 you? 8 A. Yes, about federal acquisition 9 services, but I'm also remembering that Mike, 10 the head of GSA buildings, I also spoke with. 11 I forget his last name. But he's -- I think 12 he's still the head of GSA buildings. But 13 that was another short conversation. 14 Q. Who is this person? 15 A. Mike is the head of buildings at 16 GSA. 17 Q. Okay. 18 A. And forgive me, I don't remember 19 his last name. 20 Q. How were you communicating with 21 Mike? 22 A. Again, another group chat in 23 Signal. 24 Q. Okay. 25 A. After that, Ryan Leppert began my</p>
<p style="text-align: right;">51</p> <p>1 J. Fox 2 A. No, I had known about the distinct 3 parts of government. I knew that GSA was the 4 closest to a business side focused on 5 contracts and government services, yeah. 6 Q. And so after Mr. Armstrong 7 introduced you to Mr. Gruenbaum, did you 8 continue communicating with Mr. Armstrong 9 about GSA and DOGE issues? 10 A. No, not about GSA. Josh connected 11 me with the White House liaison for GSA that 12 I'm blanking on the name for, Ryan -- Ryan 13 Leppert. 14 Q. So at this point, Mr. Armstrong 15 was your first point of contact into the 16 government. Is that right? 17 A. Yes. 18 Q. And then he introduced you to 19 Mr. Gruenbaum -- 20 A. Yup -- 21 Q. -- is that right? And 22 Mr. Gruenbaum introduced you to Mr. Ryan 23 Leppert. Is that right? 24 A. Yes. 25 Q. Was there anyone else at the time</p>	<p style="text-align: right;">53</p> <p>1 J. Fox 2 onboarding forms. 3 Q. Okay. 4 A. And Ryan was over e-mail. 5 Q. Over e-mail? 6 A. Yes. 7 Q. So that was not over Signal? 8 A. Yes. 9 Q. Did you do anything to search for 10 those communications in preparation for this 11 litigation? 12 A. Yes, although none related into my 13 NEH work. 14 Q. Okay. So just so I understand, 15 you were looking at your e-mails and making a 16 call on your own about what related and what 17 didn't relate to the nature of the litigation? 18 MS. DOUD: Objection. 19 A. Could you repeat. 20 Q. I can ask it differently. 21 How were you assessing what was 22 responsive to what was being requested in this 23 litigation? 24 A. NEH-related directions and, sort 25 of, what brought me to NEH in the first place,</p>

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1 J. Fox
2 and the scope of that as opposed to GSA.
3 Q. Okay. So who is Mr. -- who is
4 Josh?
5 A. Josh Gruenbaum. GSA's head of
6 federal acquisition services.
7 Q. Okay.
8 A. He's one of the lead guys at GSA,
9 I think still.
10 Q. Did you have any formal
11 conversations and interviews -- strike that
12 actually.
13 Did you formally interview for
14 your role with GSA?
15 A. I don't remember. The answer is I
16 don't remember. There were others in GSA
17 security and background check individuals,
18 yeah, I don't remember.
19 Q. This was less than a year ago.
20 You don't remember if you had any interviews
21 to start working in government?
22 MS. DOUD: Objection.
23 A. I don't remember specifically. I
24 couldn't give you exactly one interview.
25 Q. You can give me many. Who are the

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1 J. Fox
2 people you talked to in the run-up to being
3 hired by GSA?
4 A. Ryan Leppert.
5 Q. Who else?
6 A. I don't remember the names.
7 Q. But you talked to other people?
8 A. I -- I don't remember exactly.
9 There were so many conversations going on then
10 that some of them may have been GSA, some of
11 them may have been affiliates of other
12 agencies.
13 Q. Like DOGE?
14 A. For example, like DOGE. But there
15 were many conversations.
16 Q. Okay.
17 A. A lot of onboarding, a lot of
18 background checks.
19 Q. Okay. So let's just take a step
20 back then. It sounds like what you're
21 describing is, kind of, chaotic. There were a
22 lot of background checks, lots of interviews.
23 That's what you're describing?
24 MS. DOUD: Objection.
25 Q. You can answer. I mean --

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1 J. Fox
2 A. It was chaotic personally, I was
3 leaving my existing job. I may be conflating
4 the conversations, like, the chaos that was
5 ensuing from moving across the country. I
6 don't remember is the honest answer.
7 Q. Okay.
8 A. It's been a year and change, now.
9 Q. Well, not a full year yet?
10 A. A year.
11 Q. I'm sorry. I just need to gather
12 some names. So Anthony Armstrong, Josh
13 Gruenbaum, Ryan Leppert.
14 A. Mm-hmm.
15 Q. You mentioned earlier that you
16 might have had conversations via Signal with
17 Nate Cavanaugh for instance.
18 Were you in conversations with him
19 before joining?
20 MS. DOUD: Objection.
21 A. No. Before joining GSA on
22 March 3?
23 Q. Yes.
24 A. Yes.
25 Q. And I'm sorry if you said this

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1 J. Fox
2 already, do you remember when Mr. Armstrong
3 actually reached out to you and asked you to
4 move on to Signal?
5 A. Some point in January.
6 Q. In January? Okay.
7 A. Yeah.
8 Q. Was this before the inauguration
9 on January 21?
10 A. Shortly thereafter, if not, all on
11 Jan 20.
12 Q. Okay. So he reached out to you on
13 January -- well, not reached out, but asked
14 you to move on to Signal on January 20 or
15 thereabouts. You ended up officially joining
16 GSA in March.
17 Talk to me about the time in
18 between. What was going on?
19 MS. DOUD: Objection.
20 A. I was still working at my existing
21 job and had a few conversations with the folks
22 that I already mentioned, Anthony Armstrong,
23 Josh Gruenbaum, Mike Sullivan I believe is the
24 name of the head of buildings for GSA.
25 Q. Okay.

58	1 J. Fox 2 A. All of them were looking for 3 hardworking individuals. I was still working 4 my existing job. So it was just a lot going 5 on. 6 Q. Okay. And would you have been 7 communicating with all of these individuals 8 with the exception of Ryan Leppert via Signal 9 exclusively? 10 A. Yes. 11 Q. Is there any possibility you spoke 12 with any of them off of Signal? 13 A. Possibility. I have Anthony's 14 personal number but we only spoke on Signal. 15 Q. Okay. Did you meet anyone that 16 might have been a higher up at DOGE in the 17 lead up to being hired by GSA? 18 A. Not that I can remember. Not that 19 I can remember. Those guys were leadership. 20 Q. So did you ever -- so upon 21 starting at GSA, what did you understand your 22 role was going to be with government? 23 A. To help Nate with whatever he was 24 working on. 25 Q. And that's Nate Cavanaugh?	60	1 J. Fox 2 A. Most of the DOGE affiliates, yeah. 3 Q. Tell me who these DOGE affiliates 4 were. 5 A. You've just listed them. 6 Q. Anyone else? 7 A. Not that I can remember, prior to 8 DOGE -- prior to joining, those were the 9 folks. 10 Q. Nate Cavanaugh? 11 A. Nate Cavanaugh, Ethan Shaotran, 12 Anthony Armstrong, Josh Gruenbaum, Mike 13 Sullivan, I believe is his last name, head of 14 GSA buildings. 15 Am I missing anybody? 16 Q. You tell me. This is your life. 17 A. I don't remember. These are the 18 names that I remember being early in the 19 conversations. After joining, you can imagine 20 it's a mess. 21 Q. Right. 22 A. But those are the folks that were 23 core communications. 24 Q. Okay. 25 MS. DOUD: Could we take a
59	1 J. Fox 2 A. Yes. 3 Q. Who told you that would be your 4 role with the government? 5 A. Anthony Armstrong. 6 Q. Anyone else? 7 A. Not that I can remember. 8 Q. Did you meet Steve Davis before 9 you joined the GSA on March 3rd? 10 A. No. 11 Q. Do you know who Steve Davis is? 12 A. Yes. 13 Q. Did you meet Amy Gleason before -- 14 A. No. 15 Q. -- joining GSA? 16 A. No. 17 Q. Okay. What about Ethan Shaotran? 18 A. Yes. 19 Q. How did you meet Ethan Shaotran? 20 A. Over Signal, the same as I'd met 21 with Nate. 22 Q. So was there -- it sounds like 23 you're meeting a lot of people via Signal at 24 this time. Is that right? 25 MS. DOUD: Objection.	61	1 J. Fox 2 quick break? 3 MR. ONAYEMI: Definitely. Why 4 don't we go off the record for a few 5 minutes. 6 THE VIDEOGRAPHER: The time is 7 11:07 a.m. This concludes Media 1. 8 Off the record. 9 (Recess taken from 11:07 a.m. 10 to 11:21 a.m.) 11 THE VIDEOGRAPHER: The time is 12 11:21 a.m. This begins Media 2. On 13 the record. 14 BY MR. ONAYEMI: 15 Q. Hi Justin. 16 A. Hey. 17 Q. Let's pick up where we left off. 18 Did you ever receive an official offer to join 19 government? 20 A. Yes. 21 Q. Okay. And what was the form of 22 that official offer? 23 A. A PDF document. 24 Q. Who sent that to you? 25 A. I don't remember.

62	<p>1 J. Fox</p> <p>2 Q. Was that sent to your personal</p> <p>3 e-mail address?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Do you remember generally</p> <p>6 what the offer said -- strike that.</p> <p>7 Do you remember what kind of</p> <p>8 details were on that PDF?</p> <p>9 A. Position, location of work, salary</p> <p>10 were effectively the things that stood out to</p> <p>11 me.</p> <p>12 Q. Okay. What was the position?</p> <p>13 A. Senior advisor to Stephen Ehikian.</p> <p>14 Q. What was the location of work?</p> <p>15 A. GSA.</p> <p>16 Q. And what was the salary?</p> <p>17 A. 150.</p> <p>18 Q. Were you ever paid -- were you</p> <p>19 ever paid anything beyond that 150 in relation</p> <p>20 to your work for DOGE or GSA?</p> <p>21 A. No.</p> <p>22 Q. By anyone?</p> <p>23 A. No.</p> <p>24 Q. Inside of government or outside of</p> <p>25 government?</p>	64	<p>1 J. Fox</p> <p>2 Q. So to understand the atmospherics,</p> <p>3 you understood your role to be with the GSA,</p> <p>4 and your, kind of, mission at GSA to be to</p> <p>5 help Nate with whatever he was doing.</p> <p>6 MS. DOUD: Objection.</p> <p>7 Q. Is that fair to say?</p> <p>8 A. Not exclusively Nate, no.</p> <p>9 Q. Okay. So what else did you</p> <p>10 interpret your mission to be?</p> <p>11 A. Stephen Ehikian was my boss, and</p> <p>12 it was my understanding that Nate was working</p> <p>13 with Steve -- or Stephen, and I was just meant</p> <p>14 to start with Nate.</p> <p>15 Q. Who did you communicate with more,</p> <p>16 Nate or Stephen?</p> <p>17 A. I sat very close to Stephen, but</p> <p>18 dialogue more so with Nate.</p> <p>19 Q. So when did you meet Nate</p> <p>20 Cavanaugh?</p> <p>21 A. March 3.</p> <p>22 Q. Was that in person?</p> <p>23 A. Yes.</p> <p>24 Q. Were you communicating with him,</p> <p>25 though, before March 3?</p>
63	<p>1 J. Fox</p> <p>2 A. Could you repeat the question</p> <p>3 again.</p> <p>4 Q. Were you ever paid anything on top</p> <p>5 of that \$150,000 by anyone inside or outside</p> <p>6 of government in relation to your work with</p> <p>7 the GSA?</p> <p>8 A. No.</p> <p>9 Q. What about with respect to your</p> <p>10 work for DOGE?</p> <p>11 A. No.</p> <p>12 Q. And the start date was March 3,</p> <p>13 2025. Is that right?</p> <p>14 A. Yes.</p> <p>15 Q. You noted before that you</p> <p>16 interpreted your role to be to help Nate with</p> <p>17 whatever he was working on.</p> <p>18 Do you remember testifying to</p> <p>19 that?</p> <p>20 A. Yeah.</p> <p>21 Q. Okay. Was that on the PDF that</p> <p>22 was sent to you?</p> <p>23 A. My role was senior advisor to</p> <p>24 Stephen Ehikian who was the head of GSA. And</p> <p>25 Nate was an employee of GSA.</p>	65	<p>1 J. Fox</p> <p>2 A. Yes. To coordinate what to do</p> <p>3 with the first day I showed up.</p> <p>4 Q. Okay. Do you remember when that</p> <p>5 conversation took place?</p> <p>6 A. The week before. So late</p> <p>7 February.</p> <p>8 Q. You're no longer employed by the</p> <p>9 GSA. Is that right?</p> <p>10 A. Yes.</p> <p>11 Q. Why did you leave?</p> <p>12 A. I just felt it was time.</p> <p>13 Q. What made you feel like it was</p> <p>14 time?</p> <p>15 A. There was more opportunity for me</p> <p>16 elsewhere.</p> <p>17 Q. After six months of work for the</p> <p>18 GSA?</p> <p>19 A. Yes. Stephen had been fired.</p> <p>20 Yeah.</p> <p>21 Q. And that affected your calculus</p> <p>22 in whether to stay in the GSA?</p> <p>23 A. Yes, it did.</p> <p>24 Q. Had Nate already left government</p> <p>25 when you left government?</p>

66	1 J. Fox 2 A. I think so. 3 Q. Was there any other reason that 4 you left GSA? 5 A. It was better for me 6 opportunistically to leave. That was the crux 7 of it. 8 Q. But I'm just, kind of, asking for 9 the atmosphere there. 10 A. Sure. 11 Q. What makes you say that? 12 A. Well, Nate had left. He was a 13 close friend at that point. And I felt my 14 time was better served leaving GSA. 15 Q. Okay. Do you feel like there was 16 mission misalignment at the time that you 17 decided to leave? 18 A. Misalignment, no. Anthony had 19 also left. I was working with him. 20 Q. Who? Sorry. 21 A. Anthony Armstrong. 22 Q. Anthony Armstrong. Okay. So a 23 lot of people you were working with previously 24 had left. 25 A. Yes.	68	1 J. Fox 2 were career employees. 3 Q. Okay. How would you describe that 4 different mission? 5 A. Find savings and optimization, 6 implement technology, streamline processes. 7 Q. So would it be fair to say that 8 you were a member of the DOGE team working 9 within GSA? 10 A. Yeah, that's fair. 11 Q. So tell me about this DOGE team. 12 Who else was on this DOGE team? 13 A. Everyone that I had mentioned 14 before, Josh, Nate, Ethan, Mike, Anthony, 15 Stephen. 16 Q. And when you say Stephen? 17 A. Ehikian. 18 Q. Okay. How did you gain an 19 understanding of the mission of DOGE, this 20 DOGE team or DOGE club as you described it 21 earlier? 22 A. I understood it as find the 23 savings, sorry. 24 Q. I just – 25 MS. DOUD: Just let him finish
67	1 J. Fox 2 Q. And so you decided it was time for 3 you to leave as well? 4 A. Yes. 5 Q. Were there culture changes 6 associated with your leave? 7 MS. DOUD: Objection. 8 A. Like you said, most of the folks 9 that I was working with had left. 10 Q. Yeah. But I guess I'm asking, 11 like, besides the people, was there a change 12 in direction that you saw at DOGE or GSA that 13 you didn't agree with? 14 A. No. 15 Q. So generally same mission, 16 different people, and you wanted to leave on 17 that basis? 18 A. Yes. 19 Q. So tell me about DOGE versus GSA, 20 because we've been talking about both of them. 21 How do you interpret them to be different? 22 MS. DOUD: Objection. 23 A. GSA was where I worked. And DOGE 24 felt more like a club of folks with a 25 different mission than traditional folks that	69	1 J. Fox 2 his answer, though. 3 Q. Sure. Yeah. 4 A. I understood it as find the 5 savings in the government that otherwise was 6 being overlooked, implement technology to 7 streamline processes so that the government 8 could be more efficient. And look out for the 9 direction of executive orders and make sure 10 that they're implemented. It was really a 11 broad mandate and I was working with Nate. 12 Q. And sorry, I think we, kind of, 13 walked past each other there. I meant how did 14 you gain that understanding, not what the 15 understanding was. 16 Did someone tell you that that was 17 your mission? 18 A. Yeah, in the interviews. 19 Q. Okay. What did they tell you? 20 A. Just that. Go in, find savings, 21 optimize where you can, introduce technology, 22 streamline processes. 23 Q. Who told you that in interviews? 24 A. Anthony, Josh, Mike. 25 Q. Anyone else?

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1 J. Fox
2 A. Maybe Ryan.
3 Q. Is that Ryan --
4 A. Ryan Leppert.
5 Q. Okay. Ryan interviewed you?
6 A. Yes.
7 Q. This is before you joined on
8 March 3?
9 A. Yes.
10 Q. Were these conversations that you
11 were having through which you gained an
12 understanding for DOGE's mission taking place
13 in person?
14 A. The interviewers, like I said,
15 were on Signal.
16 Q. The interviews were on Signal?
17 A. Yes.
18 Q. Through phones?
19 A. Yes.
20 Q. Right? I don't really know how
21 Signal works, through tech, like phone calls
22 through Signal?
23 A. Yes.
24 Q. FaceTimes, is that possible on
25 Signal?

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1 J. Fox
2 A. I think so.
3 Q. But were they phone calls without
4 visual?
5 A. If I remember correctly, yeah.
6 Q. Okay. Got it.
7 A. There may have been some video but
8 I don't remember.
9 Q. Who did you report to within the
10 DOGE team?
11 A. Josh, Stephen.
12 Q. And Nate?
13 A. Not as much as I viewed Josh and
14 Stephen.
15 Q. So you, kind of, viewed them as
16 your proper, kind of, bosses at DOGE?
17 A. Yes.
18 Q. And Nate was less of a boss in
19 that respect?
20 A. Yes, more of the same as you would
21 look to a colleague that's been on the job
22 longer.
23 Q. Okay. How often were you talking
24 to Steve and Josh?
25 A. Two-three times a week.

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1 J. Fox
2 Q. Okay. And so would they have been
3 aware of the kind of work you were doing for
4 DOGE at GSA?
5 A. Yes.
6 Q. Were they giving you direction at
7 DOGE and GSA?
8 A. Not that I remember.
9 Q. Okay. I mean, what kinds of
10 things would you talk about when you touched
11 base with them two or three times a week?
12 A. Contracts, grants.
13 Q. Okay. Who did you understand to
14 be the top people at DOGE at the time of your
15 employment?
16 A. Stephen, Josh, Anthony, yeah.
17 Q. Elon Musk?
18 A. Yes, although I had limited
19 interaction with him.
20 Q. But you interacted with him?
21 A. Only very briefly.
22 Q. Tell me about that.
23 A. There was meetings in EEOB to just
24 talk about initiatives and progress.
25 Q. These were meetings with several

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1 J. Fox
2 people or just you and Elon Musk?
3 A. 50 or 80 people. Yeah.
4 Q. So pretty sizable meetings?
5 A. Yes.
6 Q. And at these meetings you said you
7 were -- you would talk about progress. Is
8 this progress as it relates to savings, grant
9 terminations, things of that nature?
10 A. Yeah, streamlining, adopting new
11 tech.
12 Q. Right.
13 A. Yes, that is updates of the DOGE
14 leads at some of the biggest agencies.
15 Q. When you say DOGE leads, you mean
16 DOGE team members detailed to different
17 agencies?
18 A. Or onboarded through agencies that
19 they were hired into.
20 Q. Okay. So at these meetings, would
21 you talk about, let's say, the work that you
22 were doing at the National Labor Relations
23 Board for instance?
24 A. Our team, not as much, no. We
25 were very much a small team. And frankly the

74	<p>1 J. Fox</p> <p>2 government is very big and we were a small</p> <p>3 team.</p> <p>4 Q. Okay. Did anyone from your team</p> <p>5 ever present to this larger group -- strike</p> <p>6 that, actually.</p> <p>7 When you say "from our team," can</p> <p>8 you clarify what that means?</p> <p>9 A. Myself, Nate Cavanaugh, Ethan</p> <p>10 Shaotran, Marshall Wood, Jack Stein, Jonathan</p> <p>11 Mendelson.</p> <p>12 Q. And what was the purpose of that</p> <p>13 team or that group?</p> <p>14 A. There's a long tail of independent</p> <p>15 agencies that don't report into a bureau</p> <p>16 level, and every agency needed a DOGE lead.</p> <p>17 And our team was meant to be detailed on to</p> <p>18 every small agency to find optimization</p> <p>19 efforts, implement technology, streamline.</p> <p>20 Q. Did everyone on that team report</p> <p>21 to Steve and Josh like you did?</p> <p>22 A. Yes.</p> <p>23 Q. So they were overseeing your team.</p> <p>24 Is that fair to say?</p> <p>25 A. We reported back to them.</p>	76
75	<p>1 J. Fox</p> <p>2 Q. Okay.</p> <p>3 A. But our team was focused again on</p> <p>4 the 150 small agencies. So our progress was</p> <p>5 just more of an update. They weren't pointing</p> <p>6 and saying "go."</p> <p>7 Q. How did you determine as a group</p> <p>8 what agencies to work with?</p> <p>9 A. There's a long list of -- this is</p> <p>10 all publicly available. There's a long list</p> <p>11 of agencies and their spend, their annual</p> <p>12 spend and the congressional appropriated spend</p> <p>13 that do not report into a bureau-level agency,</p> <p>14 as in they don't have a DOGE lead yet.</p> <p>15 And so we went down the list by</p> <p>16 appropriation and onboarded to each one.</p> <p>17 Q. And how did you get a sense of</p> <p>18 that mission?</p> <p>19 A. Executive order dropped that said</p> <p>20 every agency needed a DOGE lead. Our team was</p> <p>21 focused on, again, the independents, because</p> <p>22 all the bureau-level agencies already had DOGE</p> <p>23 leads. So based on the executive order, our</p> <p>24 team onboarded to those agencies.</p> <p>25 Q. Who put the team together?</p>	77

78	1 J. Fox 2 DOCUMENT TECH: Yes. 3 MR. ONAYEMI: Can you pull up 4 Tab 2. This will be Exhibit 2. 5 (Fox Exhibit 2, E-mails 6 including Justin Fox, Bates Number 7 US-000061501, marked for 8 identification, as of this date.) 9 MR. ONAYEMI: And this is a 10 document Bates-stamped US-000061501. 11 BY MR. ONAYEMI: 12 Q. Can you see that? 13 THE WITNESS: Could you zoom 14 in a bit, Jacob? It's Jacob, right? 15 Thank you. 16 Q. That should be good. Can you see 17 that now? 18 A. Yes. 19 Q. Let's take it in and if you want 20 to have him scroll so you can read anything, 21 you know, feel free to do that. 22 Do you recognize this document? 23 A. It looks like I was on the e-mail 24 chain. 25 Q. Do you recognize the document?	80	1 J. Fox 2 first e-mail sent by Nate Cavanaugh to Ryan 3 Leppert. It says: 4 "Can you help draft three 5 detail agreements for Ethan, Justin, 6 and I for the below agencies? The 7 first four are priorities (tomorrow) 8 given an upcoming EO." 9 Did I read that correctly? 10 A. Yes. 11 Q. Okay. Can you describe what you 12 understand this to – well, strike that. 13 Do you understand what 14 Mr. Cavanaugh is saying here? 15 A. He's saying the first four 16 agencies, we would like detail agreements for 17 myself and Ethan. 18 Q. And detail agreements are what, in 19 your understanding? 20 A. To be onboarded as pseudo 21 employees under, just, contractual language 22 that we are GSA employees who are now under 23 the authority of whomever is countersigning on 24 the agency's behalf. 25 Q. Do you understand – do you have
79	1 J. Fox 2 A. Yeah. 3 Q. Okay. And this was that first 4 e-mail on March 10, Monday, was sent, it looks 5 like exactly a week after you joined the 6 government. Is that right? 7 A. Yup. 8 Q. Okay. And so at this point you 9 had met Mr. Cavanaugh. Right? 10 A. Yes. 11 MR. ONAYEMI: And could you 12 scroll up really quickly, Jacob. 13 Great. 14 Q. So if we look at the top e-mail, 15 it says from Nate Cavanaugh to Ryan Leppert. 16 It's cc'ing Ethan Shaotran and Justin Fox, 17 which is you. Right? 18 If we scroll down to the first 19 e-mail. That one there, yup. Okay. 20 Did you receive this entire chain 21 in the ordinary course of your work at GSA? 22 A. I don't remember. 23 Q. Does it appear to be authentic? 24 A. Yeah, it appears to be authentic. 25 Q. Okay. Great. So let me read the	81	1 J. Fox 2 an understanding for why the first four were 3 priorities here? 4 A. Nate says "given an upcoming EO." 5 Q. Okay. And do you have an 6 understanding of how you knew that an upcoming 7 EO was imminent? 8 MS. DOUD: Objection. 9 A. I didn't. Nate did. 10 Q. Okay. 11 A. Apparently. 12 Q. So you didn't know that there was 13 an upcoming EO upon receiving this e-mail? 14 A. Upon receiving this e-mail, I 15 wasn't on the initial one. We were following 16 EOs before this. The EO was to go to every 17 agency. 18 Q. Okay. To go to every? 19 A. Every small agency to be onboarded 20 as a DOGE lead. 21 Q. Okay. And the first four agencies 22 there are Institute of Museum and Library 23 Services, National Endowment for the 24 Humanities, National Endowment for the Arts, 25 and the Minority Business Development Agency."

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1 J. Fox
2 Did I read that correctly?
3 A. Yes.
4 Q. And do you understand that there
5 was something about those four agencies that
6 were specifically -- that made them
7 specifically attached to the upcoming EO that
8 Nate references?
9 MS. DOUD: I'm just going to
10 caution you to be aware of privilege
11 concerns and not answer in a way
12 that would reveal privileged
13 discussions.
14 THE WITNESS: Okay. Could you
15 quickly explain privilege to me
16 again like I'm --
17 MS. DOUD: Can we go off the
18 record.
19 MR. ONAYEMI: That's okay.
20 THE VIDEOGRAPHER: The time is
21 11:48 a.m. This concludes Media 2.
22 Off the record.
23 (Recess taken from 11:48 a.m.
24 to 11:51 a.m.)
25 THE VIDEOGRAPHER: The time

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1 J. Fox
2 now is 11:51 a.m. This begins Media
3 3. On the record.
4 BY MR. ONAYEMI:
5 Q. All right. We're back. What's
6 your understanding of privilege, Mr. Fox?
7 MS. DOUD: Objection.
8 I mean, you can attempt to
9 answer, but it seems to be directly
10 attempting to solicit what I just
11 said to you. So ...
12 MR. ONAYEMI: I don't see what
13 would be stopping him from answering
14 how he understands privilege.
15 A. There are certain things that I
16 have privilege or other parties have privilege
17 to that do not need to be discussed here.
18 Q. I guess you, kind of, used the
19 word "privilege" in defining "privilege."
20 A. Sure.
21 Q. What do you mean by that?
22 A. There are certain things that some
23 parties have the right to know related to
24 what's being discussed. And yeah, that's my
25 understanding. I mean --

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1 J. Fox
2 Q. Anything to do with attorneys,
3 communications with attorneys?
4 A. Sometimes.
5 MS. DOUD: Objection. That is
6 not a question.
7 Q. Is it your understanding that
8 privilege is triggered by your communications
9 with attorneys?
10 MS. DOUD: Objection.
11 A. Could you rephrase.
12 Q. Do you understand that -- strike
13 that.
14 Is it your understanding that a
15 communication with an attorney with whom you
16 have an attorney-client privilege is what
17 creates a privilege?
18 MS. DOUD: Objection.
19 A. Could you restate without using
20 "privilege," I guess.
21 Q. Well, I'm trying to define the
22 term, or at least get your understanding --
23 A. Sure.
24 Q. -- of your definition for the
25 term.

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1 J. Fox
2 Is it your understanding that
3 communications that don't have attorneys in
4 them are not protected by privilege?
5 MS. DOUD: Objection.
6 A. I'm not sure.
7 Q. Okay. So that's not something
8 Ms. Doud just told you?
9 MS. DOUD: Objection.
10 You should not be asking what
11 I have advised him.
12 MR. ONAYEMI: Excuse me. You
13 can instruct him not to answer. But
14 please don't instruct me what
15 questions to ask.
16 So are you instructing him not
17 to answer then?
18 MS. DOUD: Do not respond to
19 questions where the response is
20 things that I told you during a
21 privileged communication.
22 THE WITNESS: Okay.
23 MR. ONAYEMI: Great. Okay.
24 Well, I'll say for the record that
25 if your interpretation of privilege

86	<p>1 J. Fox</p> <p>2 is that you shouldn't be talking</p> <p>3 about conversations that had no</p> <p>4 attorneys present during the</p> <p>5 conversation, we're going to be in a</p> <p>6 place to challenge that privilege.</p> <p>7 We've discussed it with your counsel</p> <p>8 before, with Ms. Doud before, and if</p> <p>9 that's what she instructed you</p> <p>10 during the break, then I think</p> <p>11 that'll be a larger topic of</p> <p>12 discussion going forward in this</p> <p>13 case.</p> <p>14 MS. DOUD: And I'm just going</p> <p>15 to object to that, whatever you</p> <p>16 would call it that you just</p> <p>17 provided, that was not a question</p> <p>18 and some sort of strange statement</p> <p>19 that you made to the witness.</p> <p>20 MR. ONAYEMI: Okay. Thank</p> <p>21 you.</p> <p>22 BY MR. ONAYEMI:</p> <p>23 Q. So let's go back to this document.</p> <p>24 The first four entries on this list seem to be</p> <p>25 related to some sort of upcoming EO.</p>	88	<p>1 J. Fox</p> <p>2 Q. Do you know roughly how many</p> <p>3 agencies you were detailed to?</p> <p>4 A. Precisely, no. 20 to 40 is</p> <p>5 probably the band.</p> <p>6 Q. And what was your goal in being</p> <p>7 detailed to these agencies?</p> <p>8 MS. DOUD: Objection.</p> <p>9 A. Help the agency lead find</p> <p>10 efficiencies, savings via contracts.</p> <p>11 Q. Terminating grants?</p> <p>12 A. Terminating grants, insuring that</p> <p>13 they were aligned with the executive orders.</p> <p>14 Q. Okay. And that took place at</p> <p>15 somewhere between 20 and 40 agencies. Is that</p> <p>16 right?</p> <p>17 A. For me, yes.</p> <p>18 Q. For you, yeah. Thanks. Okay.</p> <p>19 Let's go to --</p> <p>20 MR. ONAYEMI: Jacob, let's go</p> <p>21 to Tab 3. Actually, sorry. Before</p> <p>22 we move on, can you scroll up all</p> <p>23 the way to the top.</p> <p>24 Q. And I just want to read this into</p> <p>25 the record. On March 14, 2025, Nate Cavanaugh</p>
87	<p>1 J. Fox</p> <p>2 Does that appear to be correct?</p> <p>3 A. That appears to be correct.</p> <p>4 Q. Okay. Do you know what EO that</p> <p>5 was in relation to?</p> <p>6 A. No.</p> <p>7 Q. Did you end up getting detailed to</p> <p>8 those four agencies?</p> <p>9 A. Yes, I believe so. I'm not</p> <p>10 certain about Minority Business Development</p> <p>11 Agency, but yes for the top three.</p> <p>12 Q. What about the bottom four, the</p> <p>13 Community Development Financial Institutions</p> <p>14 Fund, the Federal Mediation and Conciliation</p> <p>15 Service, the Woodrow Wilson International</p> <p>16 Center for Scholars, and the United States</p> <p>17 Interagency Council on Homelessness.</p> <p>18 Were you detailed to those four?</p> <p>19 A. Woodrow Wilson, yes. The other</p> <p>20 three, I'm not sure. I don't remember.</p> <p>21 Q. You don't remember whether you</p> <p>22 were detailed to those agencies or not?</p> <p>23 A. Yes, at one point our team was not</p> <p>24 all detailed into the same agency. And there</p> <p>25 are 150 or so. So I don't remember.</p>	89	<p>1 J. Fox</p> <p>2 sends to Ryan Leppert, cc'ing you and Ethan,</p> <p>3 an e-mail. He says:</p> <p>4 "Hi Ryan, can you send detail</p> <p>5 agreement for the three of us for</p> <p>6 IMLS? Keith Sonderling is the new</p> <p>7 director and will countersign on</p> <p>8 their behalf."</p> <p>9 Did I read that correctly?</p> <p>10 A. Yes.</p> <p>11 Q. Were you detailed to IMLS?</p> <p>12 A. Yes.</p> <p>13 Q. What do you understand Ryan</p> <p>14 Leppert's role to be in the government at this</p> <p>15 time?</p> <p>16 A. White House liaison for GSA.</p> <p>17 Q. Do you have an understanding of</p> <p>18 how Ryan was being directed at this time?</p> <p>19 A. No.</p> <p>20 Q. Okay. This was someone that you</p> <p>21 had met quite recently at this point. Is that</p> <p>22 fair to say?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know who he reported to?</p> <p>25 A. No.</p>

90	1 J. Fox 2 Q. But it appears that he had some 3 power to help you and other members of your 4 team get detailed to different agencies. Is 5 that fair? 6 MS. DOUD: Objection. 7 A. Yes. 8 Q. Was that yes? 9 A. Repeat the question again for me. 10 MR. ONAYEMI: Can you read 11 back the question, please. 12 (Record read by the certified 13 stenographer as follows: 14 "QUESTION: It appears that he 15 had some power to help you and other 16 members of your team get detailed to 17 different agencies. Is that fair?") 18 A. He countersigned all of the detail 19 agreements. 20 Q. So that's a yes? 21 A. That's fair. 22 MR. ONAYEMI: Okay. Let's get 23 Tab Number 3 up, Jacob. Thank you. 24 Okay. So Tab Number 3 is the 25 text for Executive Order 14238 of	92	1 J. Fox 2 A. It could have been. 3 Q. And we see some agencies listed. 4 MR. ONAYEMI: Can you maybe 5 zoom in a little bit Jacob, just so 6 the text is a little bigger. That's 7 good. Thank you. 8 Q. So we see here many of the same 9 agencies that were listed in that e-mail. Is 10 that fair to say? 11 A. That is fair to say. 12 Q. Were you detailed to any of these 13 agencies? 14 A. Woodrow Wilson, yes, IMLS, yes. 15 The other five, I'm not sure. 16 Q. Why are you not sure? 17 MS. DOUD: Objection. 18 A. There were 150 agencies. At some 19 point, we all split up and not all of us were 20 onboarded on to all of the same agencies. 21 Q. Okay. So you were -- so you don't 22 remember all of the agencies that you yourself 23 were detailed to. 24 Is that fair to say? 25 A. The ones that I worked with, I
91	1 J. Fox 2 March 14, 2025, called Continuing 3 the Reduction of the Federal 4 Bureaucracy. Under Section 2, it 5 names several agencies. 6 (Fox Exhibit 3, Executive 7 Order 14238, Continuing the 8 Reduction of the Federal 9 Bureaucracy, dated March 14, 2025, 10 marked for identification, as of 11 this date.) 12 BY MR. ONAYEMI: 13 Q. Is this the EO to your 14 understanding that Nate was referencing in 15 that e-mail? 16 CERTIFIED STENOGRAPHER: Is 17 this Exhibit 3 now? 18 MR. ONAYEMI: This is 19 Exhibit 3. Yes. 20 A. To my understanding based on what 21 you've showed me, yes. 22 Q. It's fair to say that based on 23 that e-mail and the substance of that e-mail, 24 that this could have been the EO that he was 25 referring to?	93	1 J. Fox 2 would remember. Hence why Woodrow Wilson, 3 IMLS, yes. But again, at some point we 4 stopped having all of us onboard. And so I 5 may have been onboarded to Community 6 Development Financial Institutions Fund, but I 7 didn't spend time with the team -- 8 Q. Got it. 9 A. -- at that agency, so ... 10 Q. I see. So there is a distinction 11 here between where you were, kind of, actually 12 detailed versus where you actually did work. 13 A. Spending time and doing work. 14 Q. Got it, okay. So when you say you 15 don't know, what you're saying is that you 16 don't know if you were officially detailed 17 there? 18 A. Yes, but I -- 19 Q. But you know that you did not do 20 work there? 21 A. Yes. 22 Q. Okay. Got it. That's helpful. 23 Okay. 24 So did you understand that this 25 EO -- did you understand this EO to be a

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1 J. Fox
2 direction for your team in particular?
3 A. These are independent agencies
4 that do not fall under a bureau-level agency,
5 so yes.
6 Q. Did you use this EO to understand
7 your mission to your smaller group at DOGE?
8 A. It certainly gave direct guidance
9 that these agencies were meant to be reduced,
10 and our team was the only one focused on
11 independent agencies.
12 Q. Did you talk to anyone about that
13 within your DOGE team?
14 A. About what?
15 Q. About this EO as a directive for
16 the work you were doing with that team?
17 A. Doing with which team?
18 Q. With your small agencies team?
19 A. With the small agencies team.
20 Yes.
21 Q. Who did you talk to on your team
22 about this EO?
23 A. Everyone on the team at the time,
24 Nate, Ethan, Justin Aimonetti.
25 Q. And who is Justin Aimonetti?

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1 J. Fox
2 A. DOGE legal.
3 Q. Was he advising the small agencies
4 team?
5 A. He was joining us for meetings
6 and, yeah, giving the legal backdrop for every
7 agency.
8 Q. And who were in these meetings
9 with Justin Aimonetti?
10 A. The leadership teams of the
11 agencies.
12 Q. Who were those?
13 A. NEH, IMLS, NEA, any agency that we
14 went to.
15 Q. So under Section 2, which is
16 titled "Reducing the Scope of the Federal
17 Bureaucracy."
18 It says:
19 "(a) Except as provided in
20 subsection (b) of this section, the
21 nonstatutory components and
22 functions of the following
23 governmental entities shall be
24 eliminated to the maximum extent
25 consistent with applicable law, and

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1 J. Fox
2 such entities shall reduce the
3 performance of their statutory
4 functions and associated personnel
5 to the minimum presence and function
6 required by law."
7 Q. Did I read that correctly?
8 A. Yes.
9 Q. Did you understand your goal at
10 the agencies that you were detailed to? To
11 comply with that directive in the executive
12 order?
13 MS. DOUD: Objection.
14 A. For these agencies, yes.
15 Q. And so this is what you would have
16 used to understand your work at the Woodrow
17 Wilson Center?
18 A. Yes.
19 Q. Do you know what the Woodrow
20 Wilson Center does?
21 A. Issue scholarship grants.
22 Q. Anything else?
23 A. That's my understanding, a
24 grant-making organization.
25 (Stenographer clarification.)

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1 J. Fox
2 Q. Did you do anything to understand
3 more than that before you were detailed there
4 to eliminate it to its statutory minimum?
5 A. Yes, we met with the board.
6 Q. Okay. And you said IMLS you were
7 also detailed to and worked with. Is that
8 right?
9 A. Yes.
10 Q. Okay. Do you understand the
11 function of IMLS?
12 A. Yes.
13 Q. What's that?
14 A. A grant-making organization
15 specifically for museum and library services.
16 Q. And did you -- you worked there as
17 well. Right?
18 A. I was detailed there.
19 Q. And did you succeed in
20 implementing this EO there?
21 A. I'm not sure.
22 Q. You don't remember?
23 A. I'm not sure if it's precisely
24 what's written in this EO.
25 Q. What did you do there?

98	1 J. Fox 2 A. Found optimization through 3 grant-making terminations and work-force 4 terminations, and overall worked with the 5 agency leads to comply with this EO. 6 Q. You also worked with the 7 inter-American foundation during your time at 8 the government. Was that right? 9 A. Yes. 10 Q. Do you have an understanding of 11 the mission of the Inter-American Foundation? 12 A. Yes. 13 Q. You also were working with the US 14 Institute of Peace. Is that right? 15 A. Yes. 16 Q. Do you have an understanding of 17 their mission? 18 A. Yes. 19 Q. How would you describe that? 20 A. A peace-keeping organization that 21 primarily does international affairs 22 involvement. 23 Q. Who did you work with on that 24 project? 25 A. Nate Cavanaugh, Ken Jackson,	100	1 J. Fox 2 A. Manage disputes between employers 3 and employees. 4 Q. Okay. Did you know that before 5 you were detailed there? 6 A. At a high level. We had many 7 meetings with their team. 8 Q. Okay. Who from the DOGE team did 9 you work with on that project? 10 A. Nate Cavanaugh, Justin Aimonetti, 11 and I believe that's it. 12 Q. Okay. And you were detailed and 13 worked with the National Endowment for the 14 Humanities as well. Right? 15 A. Yes. 16 Q. Do you have an understanding of 17 the mission of the NEH? 18 A. A grant-making organization for 19 humanities. 20 Q. Anything more than that? 21 A. Yeah, I mean, that's the highest 22 level, like, way to describe it. 23 Q. I guess, what kind of grants? You 24 said -- 25 A. Humanities grants.
99	1 J. Fox 2 Justin Aimonetti. I think that was it. 3 Q. And the Millennium Challenge 4 Corporation. You also worked there. Right? 5 A. Yes. 6 Q. What was your mission to your 7 understanding of your work with the Millennium 8 Challenge Corporation? 9 A. Be installed as the DOGE leads, 10 find efficiencies, eliminate wasteful spend. 11 Q. And who did you work with on that? 12 A. Nate Cavanaugh, Justin Aimonetti, 13 Jack Stein. I think that's all. 14 Q. Did you report to anyone during 15 your work with the MCC, US Institute of Peace, 16 and Inter-American Foundation? I guess let me 17 leave it there. Did you report to anyone? 18 A. Yes, the agency leads. 19 Q. And then you went to the National 20 Labor Relations Board. Is that right? 21 A. Yes. 22 Q. Do you have an understanding of 23 what they do? 24 A. Yes. 25 Q. What do they do?	101	1 J. Fox 2 Q. When were you detailed to the NEH? 3 A. Sometime around mid March. 4 Q. Okay. And just taking a quick 5 step back, during your detail and during your 6 work with these agencies that we've listed, 7 how were you communicating with the small 8 teams that you've listed? 9 MS. DOUD: Objection. 10 A. Which small teams? 11 Q. So for the Millennium Challenge 12 Corporation, you named some people that you 13 worked with on that project. 14 A. Mm-hmm. 15 Q. You can rename them if you -- 16 A. Sure. We were in person every 17 day. 18 Q. And did you speak on Signal as 19 well with these -- with this team? 20 A. About specifically those agencies? 21 Q. Yeah. 22 A. Signal was used to coordinate 23 where we were. The real work about each of 24 these agencies was done over e-mail or our GSA 25 phones.

102	<p>1 J. Fox</p> <p>2 Q. So how do you understand your</p> <p>3 mission during your detail to the NEH?</p> <p>4 A. Work with Mike to find</p> <p>5 optimization efforts through grants,</p> <p>6 contracts, and personnel.</p> <p>7 Q. Great. And how did you come to</p> <p>8 understand that as being the mission?</p> <p>9 A. That was the mission for all of</p> <p>10 our agencies we onboarded to, was find savings</p> <p>11 through contracts, grants, personnel.</p> <p>12 Q. And that directive was coming</p> <p>13 Steve and Josh?</p> <p>14 A. The executive order wrote a pretty</p> <p>15 clear mandate that every agency needed a DOGE</p> <p>16 lead, and we were focused on all of the small</p> <p>17 agencies, so that direction was clear.</p> <p>18 Q. So who would you, if you ever came</p> <p>19 upon a question that you needed to elevate to</p> <p>20 a superior, who would that superior be?</p> <p>21 A. A question about what?</p> <p>22 Q. About your work with relation to</p> <p>23 these agencies?</p> <p>24 A. Well, we always deferred to the</p> <p>25 head of the agencies.</p>
103	<p>1 J. Fox</p> <p>2 Q. I'm sorry. Let me repeat my</p> <p>3 question or ask my question differently.</p> <p>4 If you had a question that related</p> <p>5 to what the mandate of DOGE was during your</p> <p>6 detail to these agencies, who would you ask?</p> <p>7 A. I'm not sure I understand who I'm</p> <p>8 asking about what we're doing at these</p> <p>9 agencies. It was to find savings. So through</p> <p>10 contracts, grants, and personnel, we detailed</p> <p>11 to small agencies, the 150 or so, worked with</p> <p>12 the agency lead to execute on that executive</p> <p>13 order.</p> <p>14 Q. So I guess when I ask who you</p> <p>15 would go to with your questions, I'm trying to</p> <p>16 get a sense for who -- if there was anyone at</p> <p>17 the DOGE team that was helping you to</p> <p>18 understand what your role was as a part of</p> <p>19 DOGE as you were being detailed to these</p> <p>20 agencies?</p> <p>21 MS. DOUD: Objection.</p> <p>22 A. Me personally? No. I generally</p> <p>23 followed Nate.</p> <p>24 Q. Okay. So --</p> <p>25 A. And the mandate was clear. I</p>
104	<p>1 J. Fox</p> <p>2 mean, it was install as DOGE leads on</p> <p>3 independent agencies to find savings.</p> <p>4 Q. But if any question came up about</p> <p>5 the proper way to find savings, where to look</p> <p>6 for savings, what kind of projects would be</p> <p>7 continued versus cut, were you just using your</p> <p>8 own discretion based on your understanding of</p> <p>9 the EOs to do that?</p> <p>10 A. We worked with the agency leads.</p> <p>11 Q. So how did you end up on the team</p> <p>12 that got detailed to NEH in particular?</p> <p>13 A. I ended up on Nate's team per Josh</p> <p>14 Gruenbaum and Anthony telling me that I'm on</p> <p>15 Nate's team, which is the small agencies team</p> <p>16 which is focused on the independent agencies.</p> <p>17 Q. Right.</p> <p>18 A. So all independent agencies need a</p> <p>19 DOGE lead, so I worked with Nate and team to</p> <p>20 get onboarded on to those agencies, and work</p> <p>21 with the leads to find savings.</p> <p>22 Q. Right, but I guess why NEH and not</p> <p>23 some other small agency. Do you have an</p> <p>24 understanding of that?</p> <p>25 A. We had a list of 150. We probably</p>
105	<p>1 J. Fox</p> <p>2 onboarded to 120. That list was ordered by</p> <p>3 congressional appropriations. The common</p> <p>4 sense approach is to go to the ones that have</p> <p>5 the highest congressional appropriations that</p> <p>6 are independent. And so we onboarded to all</p> <p>7 of them.</p> <p>8 Q. Right, but why were you -- so you</p> <p>9 worked with the NEH. But, you know, perhaps</p> <p>10 not Marshall Wood, for instance.</p> <p>11 Why were you detailed to the NEH</p> <p>12 and why did you work with the NEH and not</p> <p>13 Marshall Wood?</p> <p>14 A. Well, at the time it was just</p> <p>15 myself, Nate, and Ethan.</p> <p>16 Q. In the small agencies?</p> <p>17 A. In the small agencies.</p> <p>18 Q. So Marshall Wood would have come</p> <p>19 later?</p> <p>20 A. He wasn't there, Jack Stein wasn't</p> <p>21 there, Jonathan Mendelson wasn't there. So it</p> <p>22 was just the three of us in this team.</p> <p>23 Q. So thank you for clarifying. The</p> <p>24 entire team, the entire small agencies team at</p> <p>25 the time of that detail to NEH went to NEH?</p>

106	<p>1 J. Fox</p> <p>2 A. Yes.</p> <p>3 Q. Is that fair to say?</p> <p>4 MS. DOUD: Objection.</p> <p>5 A. I think. Because I don't know if</p> <p>6 Ethan – Ethan didn't work with us. It was</p> <p>7 really Nate and myself.</p> <p>8 Q. Okay. So did you use any</p> <p>9 particular – strike that.</p> <p>10 So you noted that one of your</p> <p>11 goals in getting detailed to these agencies</p> <p>12 was to look for savings, terminate grants, et</p> <p>13 cetera, et cetera. Right?</p> <p>14 MS. DOUD: Objection.</p> <p>15 A. Could you rephrase.</p> <p>16 Q. One of the goals of getting</p> <p>17 detailed to these agencies was finding</p> <p>18 savings. Right?</p> <p>19 A. Work with agency leads.</p> <p>20 Q. Right.</p> <p>21 A. To find optimization through</p> <p>22 personnel, grants, contracts.</p> <p>23 Q. And part of that was through the</p> <p>24 termination of grants. Right?</p> <p>25 A. Part of that, yeah.</p>
107	<p>1 J. Fox</p> <p>2 Q. Okay. Did you use any particular</p> <p>3 methodology in assessing NEH grants for</p> <p>4 termination?</p> <p>5 A. There was an executive order that</p> <p>6 said to eliminate spend on DEI and other</p> <p>7 wasteful government spending, and that was the</p> <p>8 lens.</p> <p>9 Q. Okay. So DEI would have been one,</p> <p>10 kind of, guidepost for the grant's</p> <p>11 determinant?</p> <p>12 A. Yeah.</p> <p>13 Q. How do you interpret DEI?</p> <p>14 A. There was -- the EO explicitly</p> <p>15 laid out the details. I don't remember it off</p> <p>16 the top of my head.</p> <p>17 Q. That's okay. I'm asking for your</p> <p>18 understanding of it.</p> <p>19 A. Yeah, my understanding was exactly</p> <p>20 what was written in the EO.</p> <p>21 Q. So can you --</p> <p>22 A. I don't remember what was in the</p> <p>23 EO.</p> <p>24 Q. So right now do you have an</p> <p>25 understanding of what DEI is?</p>
108	<p>1 J. Fox</p> <p>2 A. Yeah.</p> <p>3 Q. So what's your understanding as</p> <p>4 you sit here today in this deposition?</p> <p>5 A. Well, it was exactly what was</p> <p>6 written in the EO. And so any time that we</p> <p>7 would look at a grant through the lens of</p> <p>8 complying with an executive order, we would</p> <p>9 just refer back to the EO and assess if this</p> <p>10 grant had relation to it.</p> <p>11 Q. Okay. But I guess I'm stepping</p> <p>12 back from --</p> <p>13 A. Yeah.</p> <p>14 Q. -- your methodology strictly in</p> <p>15 terminating the grants. Do you have an</p> <p>16 understanding as you sit here today of what</p> <p>17 DEI means?</p> <p>18 A. Yeah.</p> <p>19 Q. So what's your understanding of</p> <p>20 what it means?</p> <p>21 A. Well, it is exactly what was</p> <p>22 written in the EO.</p> <p>23 Q. Okay, so --</p> <p>24 A. And I don't have the EO in front</p> <p>25 of me, but that was -- we would always</p>
109	<p>1 J. Fox</p> <p>2 reference back to the EO and make sure that</p> <p>3 this grant was in compliance with the EO</p> <p>4 language.</p> <p>5 Q. Right. I understand that. Okay.</p> <p>6 But I'm not asking necessarily about what was</p> <p>7 in the EO. I am asking very specifically</p> <p>8 about your present understanding of what -- of</p> <p>9 DEI.</p> <p>10 Do you have a present</p> <p>11 understanding of DEI?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay. Can you explain what that</p> <p>14 present understanding is?</p> <p>15 A. Well, it's just easier for me to</p> <p>16 be referencing back to the EO.</p> <p>17 Q. Are you refusing to answer the</p> <p>18 question?</p> <p>19 A. I'm not refusing to answer the</p> <p>20 question.</p> <p>21 Q. Okay.</p> <p>22 A. I just feel that referencing back</p> <p>23 to the verbatim executive order was the best</p> <p>24 way for us to capture all the DEI language.</p> <p>25 And so I think giving a high-level overview of</p>

110	<p>1 J. Fox</p> <p>2 what I could relay as DEI is not going to do</p> <p>3 justice what was written in the EO.</p> <p>4 Q. And that's okay. We can look at</p> <p>5 the EO as well.</p> <p>6 A. Great.</p> <p>7 Q. But I'm asking you -- I mean, this</p> <p>8 is a deposition, I'm asking you questions,</p> <p>9 you're under oath.</p> <p>10 A. Yeah.</p> <p>11 Q. You're required to answer them.</p> <p>12 So what is your understanding of</p> <p>13 what DEI means?</p> <p>14 A. Well, I think I would say again,</p> <p>15 that I would go back to the EO to make sure</p> <p>16 I'm capturing enough. I don't feel</p> <p>17 comfortable saying a high-level overview</p> <p>18 because it's such a big bucket and there's</p> <p>19 just a lot of pieces of the puzzle.</p> <p>20 Q. What's a part of the bucket?</p> <p>21 A. Gender fluidity. Sort of,</p> <p>22 promoting, like, promoting subsets of LGBTQ</p> <p>23 plus that might alienate another part of the</p> <p>24 community. Again, it was just easier for us</p> <p>25 to reference back into the EO. And I don't</p>	112	<p>1 J. Fox</p> <p>2 Q. Okay. I understand.</p> <p>3 MR. ONAYEMI: Can we go to --</p> <p>4 actually.</p> <p>5 Q. So who did you work with</p> <p>6 internally at NEH? Were there people at NEH,</p> <p>7 kind of, embedded in NEH that you worked with</p> <p>8 during your detail there?</p> <p>9 MS. DOUD: Objection.</p> <p>10 A. When you say "embedded in NEH,"</p> <p>11 you mean just employees of NEH?</p> <p>12 Q. Yeah, that's what I mean.</p> <p>13 A. Mike McDonald, Adam Wolfson,</p> <p>14 Pranita -- I don't remember her last name --</p> <p>15 Brett Bobley. That's -- there are others, but</p> <p>16 the employees of NEH, yes.</p> <p>17 Q. Okay. And how did you communicate</p> <p>18 with those employees?</p> <p>19 A. E-mail.</p> <p>20 Q. Anything else?</p> <p>21 A. My GSA phone with Mike.</p> <p>22 Q. Anything else?</p> <p>23 A. No.</p> <p>24 MR. ONAYEMI: Jacob, can we</p> <p>25 pull up Tab 4. And this will be</p>
111	<p>1 J. Fox</p> <p>2 want to give you a broad overview because it's</p> <p>3 like, end of the day, it is capturing, it is</p> <p>4 all-encompassing in the EO. It's how we did</p> <p>5 our methodology.</p> <p>6 Q. Right. Do you always refer to EOs</p> <p>7 to gain an understanding of words used in your</p> <p>8 typical daily vernacular?</p> <p>9 MS. DOUD: Objection.</p> <p>10 A. What do you mean?</p> <p>11 Q. You say that you have an</p> <p>12 understanding of what DEI means, and when I</p> <p>13 ask you, you say you need to reference the EO.</p> <p>14 Do you need to reference EOs to</p> <p>15 define every word you use in your everyday</p> <p>16 life?</p> <p>17 MS. DOUD: Objection.</p> <p>18 A. No.</p> <p>19 Q. Okay. So what's stopping you from</p> <p>20 defining DEI to your understanding as you sit</p> <p>21 here today on January 28, 2026?</p> <p>22 A. It wouldn't be capturing enough of</p> <p>23 how big the topic is. DEI is a very broad</p> <p>24 structure. Giving my limited recall of what's</p> <p>25 included is just not --</p>	113	<p>1 J. Fox</p> <p>2 Exhibit 4.</p> <p>3 (Fox Exhibit 4, Executive</p> <p>4 Order 14151, Ending Radical and</p> <p>5 Wasteful Government DEI Programs and</p> <p>6 Preferencing, dated January 20,</p> <p>7 2025, marked for identification, as</p> <p>8 of this date.)</p> <p>9 Q. All right. So this is Exhibit 4.</p> <p>10 It's Executive Order 14151 of January 20, '25.</p> <p>11 The title is "Ending Radical and Wasteful</p> <p>12 Government DEI Programs and Preferencing."</p> <p>13 Did I read that title correctly,</p> <p>14 Justin?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Is this the DEI executive</p> <p>17 order that you're referencing?</p> <p>18 A. That I'm referencing when?</p> <p>19 Q. When you said you referred to the</p> <p>20 EO to define your understanding of DEI?</p> <p>21 THE WITNESS: Could you scroll</p> <p>22 down. Yeah.</p> <p>23 A. Let me just read it, if you don't</p> <p>24 mind.</p> <p>25 Q. Sure. Please.</p>

114	<p>1 J. Fox</p> <p>2 A. (Document review.)</p> <p>3 Yes.</p> <p>4 Q. So fair to say you've seen this</p> <p>5 executive order before?</p> <p>6 A. Yes.</p> <p>7 Q. And you referenced it in</p> <p>8 terminating grants -- excuse me -- in deciding</p> <p>9 which grants to mark for termination?</p> <p>10 MS. DOUD: Objection.</p> <p>11 A. Mike McDonald and our team.</p> <p>12 Q. Right.</p> <p>13 A. This was a guiding principle for</p> <p>14 terminating grants but not the only principle.</p> <p>15 Q. Okay. Great.</p> <p>16 MR. ONAYEMI: Can you scroll</p> <p>17 up again, Jacob.</p> <p>18 Q. So it says "radical," "wasteful,"</p> <p>19 "DEI." Do you have an understanding of what</p> <p>20 radical means as used here?</p> <p>21 A. No.</p> <p>22 Q. What about "DEI programs and</p> <p>23 preferencing." Do you have an understanding</p> <p>24 of what that means?</p> <p>25 A. Diversity, equity, inclusion</p>	116	<p>1 J. Fox</p> <p>2 (Fox Exhibit 5, Executive</p> <p>3 Order 14168, Defending Women From</p> <p>4 Gender Ideology Extremism and</p> <p>5 Restoring Biological Truth to the</p> <p>6 Federal Government, marked for</p> <p>7 identification, as of this date.)</p> <p>8 Q. And it reads:</p> <p>9 "Defending Women From Gender</p> <p>10 Ideology Extremism and Restoring</p> <p>11 Biological Truth to the Federal</p> <p>12 Government."</p> <p>13 Have you seen this executive order</p> <p>14 before?</p> <p>15 A. No.</p> <p>16 Q. You've never seen this?</p> <p>17 THE WITNESS: Could you scroll</p> <p>18 down. You can pause.</p> <p>19 A. (Document review.)</p> <p>20 How long does this go?</p> <p>21 Q. It's 9 pages long.</p> <p>22 A. When was this dated? Wait, I'm</p> <p>23 talking to you. I don't know why I'm yelling.</p> <p>24 MS. DOUD: If you need to be</p> <p>25 able to read the full exhibit,</p>
115	<p>1 J. Fox</p> <p>2 programs, so be that special task force within</p> <p>3 agencies or even extending into grants, and</p> <p>4 then preferencing being a bias toward spend on</p> <p>5 DEI programs relative to others.</p> <p>6 Q. Okay. So now maybe we can more</p> <p>7 comfortably talk about what DEI means.</p> <p>8 Earlier you said something about LGBTQ plus.</p> <p>9 Were there other things that you</p> <p>10 interpreted as being DEI other than LGBTQ</p> <p>11 plus?</p> <p>12 MS. DOUD: Objection.</p> <p>13 A. Do you have some examples?</p> <p>14 Q. I was going to ask you the same</p> <p>15 thing. Do you have examples of what you would</p> <p>16 consider to be DEI other than LGBTQ plus?</p> <p>17 A. So, for instance, there was a</p> <p>18 \$400,000 grant for gay and trans travel guides</p> <p>19 in SF. That's DEI.</p> <p>20 Do you need others?</p> <p>21 Q. I don't think now. That's okay.</p> <p>22 MR. ONAYEMI: Can we pull up</p> <p>23 Tab Number 5, Jacob. Currently</p> <p>24 displayed is Executive Order 14168.</p> <p>25 This is Exhibit Number 5.</p>	117	<p>1 J. Fox</p> <p>2 you're entitled to do that.</p> <p>3 MR. ONAYEMI: I mean, before</p> <p>4 we get to that.</p> <p>5 Q. Is this a document, based on what</p> <p>6 you've seen so far, that you recognize?</p> <p>7 A. Maybe.</p> <p>8 MS. DOUD: He's entitled to</p> <p>9 see the full exhibit. This is why</p> <p>10 you normally have printouts.</p> <p>11 MR. ONAYEMI: Okay, I'm asking</p> <p>12 him a question, and he just answered</p> <p>13 it.</p> <p>14 Q. Thank you for answering. You said</p> <p>15 maybe you've seen the exhibit before?</p> <p>16 A. I'd have to read it to remember.</p> <p>17 Q. Okay. That's fine.</p> <p>18 It mentions "biological reality of</p> <p>19 sex." It says "defending women," "protecting</p> <p>20 women."</p> <p>21 Are these concepts that would have</p> <p>22 come up during your analysis of marking grants</p> <p>23 for termination at some of the agencies that</p> <p>24 you were detailed to?</p> <p>25 MS. DOUD: Objection.</p>

118	<p>1 J. Fox</p> <p>2 A. (Document review.)</p> <p>3 THE WITNESS: Could you scroll</p> <p>4 down.</p> <p>5 Q. I have a standing question.</p> <p>6 MS. DOUD: He's entitled to be</p> <p>7 able to read an exhibit. You cannot</p> <p>8 prevent him from being able to see</p> <p>9 the full exhibit. That is</p> <p>10 completely inappropriate.</p> <p>11 MR. ONAYEMI: Counsel, I can</p> <p>12 hear you. I'm asking him a question</p> <p>13 that actually isn't about the</p> <p>14 entirety of the exhibit.</p> <p>15 MS. DOUD: In a deposition,</p> <p>16 you are entitled to read an exhibit,</p> <p>17 and for some reason, you are not</p> <p>18 allowing him to see the full</p> <p>19 exhibit.</p> <p>20 MR. ONAYEMI: Ma'am, he's</p> <p>21 reading it right now.</p> <p>22 MS. DOUD: He can't see the</p> <p>23 full thing because you have elected</p> <p>24 to not provide any copies of any of</p> <p>25 the exhibits. So if he is asking to</p>	120	<p>1 J. Fox</p> <p>2 deposition.</p> <p>3 MR. ONAYEMI: But --</p> <p>4 MS. DOUD: I have never</p> <p>5 encountered a situation where an</p> <p>6 attorney taking a deposition will</p> <p>7 not allow the witness to read an</p> <p>8 entire exhibit.</p> <p>9 MR. ONAYEMI: For the record,</p> <p>10 just because this is still on the</p> <p>11 record, he's absolutely -- I have</p> <p>12 not prevented him in any way from</p> <p>13 reading the document.</p> <p>14 MS. DOUD: Please allow him to</p> <p>15 do so then.</p> <p>16 MR. ONAYEMI: And I ask that</p> <p>17 you keep your speaking objections</p> <p>18 briefer than that.</p> <p>19 MS. DOUD: This is not an</p> <p>20 objection to a question, this is an</p> <p>21 objection to the way you're</p> <p>22 conducting this deposition. He has</p> <p>23 repeatedly asked to scroll down --</p> <p>24 MR. ONAYEMI: Counsel, I hear</p> <p>25 you. Thank you, I appreciate it.</p>
119	<p>1 J. Fox</p> <p>2 scroll down to read the exhibit, you</p> <p>3 need to allow him to do that.</p> <p>4 MR. ONAYEMI: He of course can</p> <p>5 scroll down if --</p> <p>6 THE WITNESS: It would be</p> <p>7 helpful to get the full context.</p> <p>8 MS. DOUD: He can't because he</p> <p>9 doesn't control the computer.</p> <p>10 MR. ONAYEMI: Okay.</p> <p>11 MS. DOUD: He just asked to</p> <p>12 scroll down and you tried to prevent</p> <p>13 him from being able to do that.</p> <p>14 MR. ONAYEMI: How did I do</p> <p>15 that?</p> <p>16 MS. DOUD: By -- because you</p> <p>17 said he has to answer the question</p> <p>18 before doing that. So allow him to</p> <p>19 read the exhibit if that's what he</p> <p>20 wants. This is pretty basic.</p> <p>21 MR. ONAYEMI: You can say it's</p> <p>22 basic, I asked him a question.</p> <p>23 MS. DOUD: Well, it's basic to</p> <p>24 be able -- for a witness to be able</p> <p>25 to look at a full exhibit during a</p>	121	<p>1 J. Fox</p> <p>2 MS. DOUD: I'm entitled to say</p> <p>3 what I want. Don't cut me off.</p> <p>4 MR. ONAYEMI: Thank you.</p> <p>5 BY MR. ONAYEMI:</p> <p>6 Q. I'll ask again, is this generally</p> <p>7 a document that you recognize, Mr. Fox?</p> <p>8 A. Maybe.</p> <p>9 Q. That's fine. Are concepts like</p> <p>10 defending women, gender ideology extremism,</p> <p>11 biological truth, did those come up in the</p> <p>12 context of selecting of grants for</p> <p>13 terminations? Yes or no?</p> <p>14 A. (Document review.)</p> <p>15 THE WITNESS: Could you scroll</p> <p>16 down. You can keep going.</p> <p>17 MR. ONAYEMI: I'll note for</p> <p>18 the record that the witness has been</p> <p>19 reading a nine-page document for</p> <p>20 almost five minutes now.</p> <p>21 MS. DOUD: I'll note for the</p> <p>22 record that it's challenging to read</p> <p>23 the documents because no copies of</p> <p>24 any of the exhibits have been</p> <p>25 provided.</p>

122	<p>1 J. Fox</p> <p>2 A. (Document review.)</p> <p>3 Some of the definitions in here,</p> <p>4 yes, would have come up by way of DEI.</p> <p>5 Q. Which ones?</p> <p>6 A. I can't see them all.</p> <p>7 Q. But what's the basis for you</p> <p>8 saying that? Which ones have you seen that</p> <p>9 make you say what you just said?</p> <p>10 A. (Document review.)</p> <p>11 The "gender ideology" piece and</p> <p>12 "sex as an immutable biological classification</p> <p>13 as either male or female."</p> <p>14 THE WITNESS: Could you scroll</p> <p>15 down.</p> <p>16 A. There's a lot of definitions in</p> <p>17 here.</p> <p>18 Q. I'm not asking you to read every</p> <p>19 single definition, though. I'm asking --</p> <p>20 A. But you asked if I would use this</p> <p>21 in interpreting grants. And I can't see the</p> <p>22 full --</p> <p>23 Q. This document, yes. Would you use</p> <p>24 some of the concepts that have been written</p> <p>25 into this document as a basis for analyzing</p>	124	<p>1 J. Fox</p> <p>2 did comprehensive reviews. They also did</p> <p>3 their own individual independent work between</p> <p>4 the two of them.</p> <p>5 Q. Got it. Did anyone specifically</p> <p>6 instruct you to apply the concepts that were</p> <p>7 laid forth in EO 14151 and EO 14168 to your</p> <p>8 grant termination process?</p> <p>9 A. Which EOs are you referring to?</p> <p>10 Q. The two that we just looked at.</p> <p>11 A. What were the titles?</p> <p>12 Q. The titles were Ending Radical and</p> <p>13 Wasteful Government DEI Programs and</p> <p>14 Preferencing was EO 14151. And EO 14168 was</p> <p>15 Defending Women From Gender Ideology Extremism</p> <p>16 and Restoring Biological Truth to the Federal</p> <p>17 Government.</p> <p>18 And I'll repeat the question --</p> <p>19 A. When were they -- when was the</p> <p>20 second one released? I think I didn't get an</p> <p>21 answer there. The nine-page one.</p> <p>22 Q. Right, I can -- January 20 it</p> <p>23 looks like.</p> <p>24 A. '25?</p> <p>25 Q. 2025.</p>
123	<p>1 J. Fox</p> <p>2 grants to mark for termination. I'm not</p> <p>3 asking for -- exhaustively. I'm asking if</p> <p>4 some of these concepts you used.</p> <p>5 A. Some of these concepts would have</p> <p>6 come up in discussions about grants, yeah.</p> <p>7 MR. ONAYEMI: We can move on</p> <p>8 to Tab 6-A, Jacob. And this will be</p> <p>9 Exhibit 6.</p> <p>10 (Fox Exhibit 6, E-mails</p> <p>11 including Justin Fox dated March 13,</p> <p>12 2025, beginning Bates Number</p> <p>13 US-000050393, marked for</p> <p>14 identification, as of this date.)</p> <p>15 Q. Who did you speak with about those</p> <p>16 concepts?</p> <p>17 A. Mike, Adam, Nate.</p> <p>18 Q. Ethan Shaotran?</p> <p>19 A. No.</p> <p>20 Q. How did you discuss those concepts</p> <p>21 with Nate, Mike, and Adam?</p> <p>22 A. On a grant-by-grant basis.</p> <p>23 Q. And was this in person, via text,</p> <p>24 Signal?</p> <p>25 A. In person for Adam and Mike, we</p>	125	<p>1 J. Fox</p> <p>2 A. And then repeat the question,</p> <p>3 sorry.</p> <p>4 MR. ONAYEMI: Could you please</p> <p>5 read back the question for the</p> <p>6 witness?</p> <p>7 (Record read by the certified</p> <p>8 stenographer as follows:</p> <p>9 "QUESTION: Did anyone</p> <p>10 specifically instruct you to apply</p> <p>11 the concepts that were laid forth in</p> <p>12 EO 14151 and EO 14168 to your grant</p> <p>13 termination process?")</p> <p>14 A. Mike was the one directing his</p> <p>15 team to identify DEI grants, and we came in to</p> <p>16 help him with that. The whole purpose of us</p> <p>17 being onboarded was to assist in finding</p> <p>18 savings, and Mike's team had already been at</p> <p>19 this for close to a month.</p> <p>20 Q. Okay, great. So we're looking at</p> <p>21 Exhibit 6 now, this is Tab 6-A.</p> <p>22 MR. ONAYEMI: Can you scroll</p> <p>23 to the bottom of this, Jacob.</p> <p>24 MS. DOUD: What document is</p> <p>25 this?</p>

126	<p>1 J. Fox</p> <p>2 MR. ONAYEMI: Sorry. This is</p> <p>3 US-000050393.</p> <p>4 Okay. Could you scroll up so</p> <p>5 we could see the introduction.</p> <p>6 Scroll up, up, up. Yeah, just right</p> <p>7 there. That's good.</p> <p>8 Q. So it looks like on March 13,</p> <p>9 2025, Adam Wolfson writes to what appears to</p> <p>10 be you and Nate Cavanaugh. Is that right?</p> <p>11 A. Is that right? Does -- I see it's</p> <p>12 just Adam Wolfson wrote.</p> <p>13 Q. And then it says "Hi Nate, Hi</p> <p>14 Justin."</p> <p>15 A. Okay. Am I included on the cc?</p> <p>16 Q. I think above. We can scroll up</p> <p>17 if you'd like.</p> <p>18 MR. ONAYEMI: Jacob, can you</p> <p>19 scroll up, please.</p> <p>20 A. From, date, okay.</p> <p>21 Q. So you understand that to be you</p> <p>22 and Nate Cavanaugh. Is that right?</p> <p>23 A. Yes.</p> <p>24 Q. That he's addressing?</p> <p>25 He goes on to say:</p>	128	<p>1 J. Fox</p> <p>2 Q. Okay. Do you remember that</p> <p>3 meeting that you had with him on March 12?</p> <p>4 A. The specific contents, no, but we</p> <p>5 did have a meeting at the office.</p> <p>6 Q. Okay. And this was at the NEH</p> <p>7 office?</p> <p>8 A. Yes.</p> <p>9 Q. And who was present at that</p> <p>10 meeting?</p> <p>11 A. Mike and Adam, I believe those</p> <p>12 were the only two. They hadn't returned to</p> <p>13 office as a team.</p> <p>14 Q. Got it. And Mr. Cavanaugh?</p> <p>15 A. And Nate.</p> <p>16 Q. Okay. Was that also the first</p> <p>17 time that you had met Mr. McDonald?</p> <p>18 A. That's right.</p> <p>19 Q. How did you set up the meeting on</p> <p>20 that day?</p> <p>21 A. I don't remember.</p> <p>22 Q. Would it have been through Signal,</p> <p>23 do you think?</p> <p>24 A. No, not with Mike and Adam.</p> <p>25 Q. Maybe through e-mail?</p>
127	<p>1 J. Fox</p> <p>2 "Great meeting you yesterday</p> <p>3 and catching up today. As</p> <p>4 discussed, I've copied below the</p> <p>5 link for the award spreadsheet</p> <p>6 created by Brett that the program</p> <p>7 directors used for their historical</p> <p>8 review of NEH's grants since</p> <p>9 January 2021."</p> <p>10 Did I read that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. And this is generally tracking --</p> <p>13 when he says "program directors used for their</p> <p>14 historical review," that's tracking the</p> <p>15 process you were just, kind of, describing --</p> <p>16 right? -- that NEH had its own --</p> <p>17 A. Yes.</p> <p>18 Q. -- review? Yes?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. He says "great meeting you</p> <p>21 yesterday."</p> <p>22 And this was on March 13. Would</p> <p>23 this have been a day after you first met him</p> <p>24 for the first time?</p> <p>25 A. I would think so.</p>	129	<p>1 J. Fox</p> <p>2 A. Yeah.</p> <p>3 Q. Is that most likely?</p> <p>4 A. Maybe through e-mail is the most</p> <p>5 likely.</p> <p>6 Q. And there was no one else besides</p> <p>7 you four in that meeting. Is that fair to</p> <p>8 say?</p> <p>9 A. I think so. Although, like I</p> <p>10 said, the specific contents -- I know at one</p> <p>11 point we had met with Pranita and Brett,</p> <p>12 although there might have been some follow up</p> <p>13 meetings.</p> <p>14 Q. Do you know who actually set up</p> <p>15 this meeting? Like, who called it into</p> <p>16 effect?</p> <p>17 A. I don't remember.</p> <p>18 Q. Do you remember who led the</p> <p>19 meeting?</p> <p>20 A. Myself, Nate, and Mike. It wasn't</p> <p>21 really a lead situation. It was a where can</p> <p>22 we help? What have you been doing?</p> <p>23 Q. Right. I noticed you didn't say</p> <p>24 Adam.</p> <p>25 A. Adam was certainly there. But</p>

130	<p>1 J. Fox</p> <p>2 Mike was head of the agency.</p> <p>3 Q. Okay.</p> <p>4 A. So we deferred to him.</p> <p>5 Q. And do you remember the content of</p> <p>6 the discussion?</p> <p>7 A. Talk to us about what you've been</p> <p>8 doing since January 20. How has that been</p> <p>9 going? Tell us more about NEH and your</p> <p>10 alignment with the EOs, hence our discussion</p> <p>11 about the grant review.</p> <p>12 Q. And do you understand the Brett as</p> <p>13 referenced in this e-mail to be Brett Bobley?</p> <p>14 A. Yes.</p> <p>15 Q. It says it's -- well, strike that.</p> <p>16 Do you remember the disposition of</p> <p>17 Mr. McDonald and Mr. Wolfson during this</p> <p>18 meeting?</p> <p>19 A. No.</p> <p>20 Q. No? Was it a typical meeting</p> <p>21 between professionals, you would say?</p> <p>22 A. Yes.</p> <p>23 Q. Did anyone voice any frustration</p> <p>24 or surprise at members of the DOGE team</p> <p>25 interacting with them to work on their agency</p>	132	<p>1 J. Fox</p> <p>2 agency-wide grants (which applies</p> <p>3 mainly to ARP awards and Chair's</p> <p>4 awards). A few of the directors</p> <p>5 still need to review awards made</p> <p>6 through their office for this tab</p> <p>7 and enter their comments.</p> <p>8 "Mike and I will appreciate</p> <p>9 having your thoughts and</p> <p>10 suggestions. We've set aside a</p> <p>11 block of time Monday morning to</p> <p>12 finalize the list for OMB."</p> <p>13 MR. ONAYEMI: And I think --</p> <p>14 could you scroll down quickly,</p> <p>15 Jacob, and then -- just all the way</p> <p>16 to the bottom. Great. And then all</p> <p>17 the way up.</p> <p>18 THE WITNESS: Could you go to</p> <p>19 the body of that e-mail that Adam</p> <p>20 sent again, just so we can see the</p> <p>21 full e-mail. Perfect.</p> <p>22 MR. ONAYEMI: Oh, wait.</p> <p>23 THE WITNESS: Could you hold</p> <p>24 it there.</p> <p>25 MR. ONAYEMI: Could you go</p>
131	<p>1 J. Fox</p> <p>2 projects?</p> <p>3 A. I don't remember.</p> <p>4 Q. Okay.</p> <p>5 A. Yeah.</p> <p>6 Q. Why did you pause for so long?</p> <p>7 A. I was trying to think. I actually</p> <p>8 could not remember, like I said, the specific</p> <p>9 contents of this meeting. I know based on</p> <p>10 Adam's e-mail that you just showed me that we</p> <p>11 obviously talked about the spreadsheet that</p> <p>12 the team had been doing. But the demeanor of</p> <p>13 the team is -- there was a lot of meetings</p> <p>14 following this.</p> <p>15 Q. Okay. Was there ever a point</p> <p>16 where maybe employees of any age expressed</p> <p>17 surprise, discontent that -- DOGE's</p> <p>18 involvement with NEH's process?</p> <p>19 A. No, no. Not at all.</p> <p>20 Q. Not that you saw?</p> <p>21 A. Yeah, not that I saw. Right.</p> <p>22 MR. ONAYEMI: Can you scroll</p> <p>23 down, please, Jacob.</p> <p>24 Q. It goes on to say:</p> <p>25 "There's also a tab for</p>	133	<p>1 J. Fox</p> <p>2 down again, Jacob. Thanks. I</p> <p>3 actually realized that we skipped a</p> <p>4 paragraph.</p> <p>5 Q. The second paragraph after the</p> <p>6 first one that I read, is the record, at the</p> <p>7 very beginning of talking about this e-mail</p> <p>8 was, quote:</p> <p>9 "It's broken down by program</p> <p>10 office, each one having its own tab.</p> <p>11 The directors reviewed the grants</p> <p>12 made through their office and</p> <p>13 entered comments for the three</p> <p>14 relevant categories (i.e., DEI/DEIA;</p> <p>15 gender ideology; and environmental</p> <p>16 justice) and rated them based on</p> <p>17 level of involvement with any of the</p> <p>18 categories (high, medium, low,</p> <p>19 N/A)."</p> <p>20 Did I read that correctly?</p> <p>21 A. Yes.</p> <p>22 Q. Was it your understanding that --</p> <p>23 did this track your understanding of the</p> <p>24 review process upon joining the NEH -- upon</p> <p>25 being detailed to NEH?</p>

134	<p>1 J. Fox 2 MS. DOUD: Objection. 3 A. Yeah, this aligns with ... 4 Q. Sure. So DEI, gender ideology, 5 and environmental justice -- 6 A. That's what the team was looking 7 at, initially. 8 Q. Is that also something that you 9 looked at during your review process of 10 grants? 11 A. Yes. 12 Q. Okay. 13 A. One of the pieces we looked at. 14 Q. Okay. It also says "high, medium, 15 and low" there. Do you have an understanding 16 of what that means? 17 A. The interpretation of the 18 directors and the level of, at their 19 discretion, involvement of DEI, DEIA, gender 20 ideology and environmental justice. 21 Q. Okay. 22 (Stenographer clarification.) 23 MR. ONAYEMI: And then we'll 24 scroll up a bit, Jacob. Thanks. 25 Q. And then Nate Cavanaugh responds</p>	136	<p>1 J. Fox 2 Does that appear to be right? 3 A. Yes. 4 Q. The -- do you recognize this 5 e-mail? 6 A. Yes. 7 Q. The first -- would this have been 8 an e-mail that you sent in the ordinary course 9 of your work as a detailee to NEH? 10 A. This was work that Mike and Adam 11 asked me to do. 12 Q. You didn't answer my question. 13 Was this a document that -- 14 A. Yeah. So yeah, that's what they 15 wanted me to do, so yeah. 16 Q. So you answered is yes, that this 17 was -- 18 A. Yeah, this is pretty ordinary 19 course. 20 Q. It appears authentic? 21 A. Yes. 22 Q. Let me read the first -- well, 23 actually let's read the first paragraph: 24 "Michael, Adam, hope you both 25 had a good weekend. See attached</p>
135	<p>1 J. Fox 2 and he says: 3 "Thanks Adam, Justin is going 4 to run point on preparing the grant 5 report for your meeting on Monday. 6 We'll be in touch if any questions 7 arise before then." 8 Did I read that correctly? 9 A. Yes. 10 MR. ONAYEMI: Probably one 11 more exhibit before we can break for 12 a little bit. Can you pull up 13 Exhibit 6-B -- excuse me, Tab 6-B. 14 This will be Exhibit 7. 15 (Fox Exhibit 7, E-mail from 16 Justin Fox, Bates Number 17 US-000045042, marked for 18 identification, as of this date.) 19 MR. ONAYEMI: Okay. This is 20 an e-mail from -- excuse me. This 21 is a document US-000045042, Exhibit 22 Number 7. 23 Q. This appears to be an e-mail from 24 you, Justin Fox, to Mike McDonald and Adam 25 Wolfson ccing Nate Cavanaugh.</p>	137	<p>1 J. Fox 2 for our review of NEH grants, census 3 and contracts. It will be easier to 4 connect over the phone when 5 convenient and discuss what we've 6 pulled together. Let me know when 7 works for you tomorrow. Below 8 summarizes the attachments along 9 with the key areas for your input." 10 So I guess, let me start with 11 who's being referred to here, when you say 12 "our review view of NEH grants." 13 Are you referring to you and 14 Mr. Cavanaugh? 15 A. Yes. 16 Q. Okay. And you say "it's easier to 17 connect over phone" in the second sentence. 18 Would that have been through your 19 GSA phone? 20 A. Yes. 21 Q. And to his government phone? 22 A. Yes. 23 Q. Is it possible that that would 24 have been a communication on your personal 25 devices?</p>

138	<p>1 J. Fox</p> <p>2 A. No.</p> <p>3 Q. And then it says:</p> <p>4 "Discuss what we've pulled</p> <p>5 together."</p> <p>6 Again, are you referring to you</p> <p>7 and Mr. Cavanaugh?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. But at this point, you were</p> <p>10 aware that NEH was doing its own parallel</p> <p>11 review. Right?</p> <p>12 MS. DOUD: Objection.</p> <p>13 A. Could you rephrase.</p> <p>14 Q. Was it your understanding that the</p> <p>15 NEH employees were reviewing documents --</p> <p>16 reviewing grants for termination based on the</p> <p>17 EOs that we looked at before, DEI, gender</p> <p>18 ideology, environmental justice?</p> <p>19 A. And so you're saying after or</p> <p>20 alongside me reviewing these grants, or</p> <p>21 before?</p> <p>22 Q. I guess let me start, just, kind</p> <p>23 of, like, without any chronology.</p> <p>24 A. Sure.</p> <p>25 Q. Were you aware that the NEH was</p>	140	<p>1 J. Fox</p> <p>2 Page 2 through 89 shows details for</p> <p>3 active grants which were flagged as</p> <p>4 having DEI involvement only. It</p> <p>5 does not show details for active</p> <p>6 grants without DEI involvement or</p> <p>7 grants which are expired/ended.</p> <p>8 Please review the active grants</p> <p>9 flagged for DEI involvement and mark</p> <p>10 your decision in the column titled</p> <p>11 'MM/AW' in the Excel."</p> <p>12 Did I read that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. When you use the word "DEI" in</p> <p>15 this e-mail, are you referring to what we saw</p> <p>16 in EO 14151?</p> <p>17 A. I'm referring to the same</p> <p>18 parameters that the team was reviewing the</p> <p>19 grants for, and --</p> <p>20 Q. Okay, what -- sorry.</p> <p>21 A. Just -- that was encompassing of</p> <p>22 DEI, DEIA, environmental justice, and however</p> <p>23 else they were reviewing the grants.</p> <p>24 Q. Okay. What did you understand</p> <p>25 their protocol to be?</p>
139	<p>1 J. Fox</p> <p>2 reviewing grants to mark for termination by</p> <p>3 the employees of the NEH?</p> <p>4 MS. DOUD: Objection to form.</p> <p>5 A. Yes.</p> <p>6 Q. Okay. What's your understanding</p> <p>7 of why you and Mr. Cavanaugh would then review</p> <p>8 grants in addition to what was being done by</p> <p>9 NEH?</p> <p>10 A. Well, for one, there was speed in</p> <p>11 which this was getting done, and the EO</p> <p>12 mandated a 60-day timeline. We needed to help</p> <p>13 them move that process along. And this is all</p> <p>14 at the request of Michael.</p> <p>15 So we came in, we spent the whole</p> <p>16 weekend reviewing grants for him. And that</p> <p>17 was what he wanted us to do.</p> <p>18 Q. Okay. The next paragraph says:</p> <p>19 "Grants. We reviewed all</p> <p>20 active grants for DEI involvement</p> <p>21 and marked them accordingly. Page 1</p> <p>22 is a summarized view of the grant</p> <p>23 details on page 2-89. Grants are</p> <p>24 shown on page 2-89 in descending</p> <p>25 order of dollar amount by division.</p>	141	<p>1 J. Fox</p> <p>2 A. I didn't. It was what Mike had</p> <p>3 told them to do.</p> <p>4 Q. And how did you interpret those</p> <p>5 same -- so DEI for instance, how did you gain</p> <p>6 an understanding for what DEI meant in the</p> <p>7 context of assessing NEH grants?</p> <p>8 A. Well, I think these grants shown</p> <p>9 here are only the ones that the team flagged.</p> <p>10 So to answer your question, I didn't need to</p> <p>11 interpret anything. This was just a</p> <p>12 consolidated view of all the grants that the</p> <p>13 team had done reviews of.</p> <p>14 Q. And you say "see attached our</p> <p>15 review of NEH grants"?</p> <p>16 A. Yeah, I think --</p> <p>17 Q. Is it your testimony that you</p> <p>18 actually didn't do a review of NEH grants?</p> <p>19 A. Oh, we did.</p> <p>20 Q. Okay.</p> <p>21 A. But this grant doc was a</p> <p>22 consolidated view of the work that his team</p> <p>23 had done. You'll see it says:</p> <p>24 "Shows details for active</p> <p>25 grants which were flagged as having</p>

142	<p>1 J. Fox</p> <p>2 involvement for DEI, it does not</p> <p>3 show details for active grants</p> <p>4 without DEI involvement or grants</p> <p>5 which have expired/ended."</p> <p>6 So this is take the work that the</p> <p>7 team has done and put it into something that</p> <p>8 Mike and Adam can review ahead of a meeting</p> <p>9 that they had, which was for pending grants or</p> <p>10 existing awards. They had it with their, I</p> <p>11 think, board of directors.</p> <p>12 Q. Okay. Thank you.</p> <p>13 MR. ONAYEMI: We can take that</p> <p>14 down, Jacob. Appreciate it.</p> <p>15 Q. So you were reviewing, you and</p> <p>16 Nate were reviewing grants. Is that fair to</p> <p>17 say?</p> <p>18 A. Yes.</p> <p>19 Q. And part of that review invoked an</p> <p>20 application of your understanding of DEI,</p> <p>21 gender ideology, and environmental justice.</p> <p>22 Is that fair to say?</p> <p>23 MS. DOUD: Objection.</p> <p>24 A. For the ones that were flagged as</p> <p>25 not having involvement, part of the lens that</p>	144	<p>1 J. Fox</p> <p>2 context.</p> <p>3 Q. Just to clarify. So you yourself</p> <p>4 were looking at grants and assessing whether</p> <p>5 or not there was DEI involvement with those</p> <p>6 grants.</p> <p>7 Is that fair to say?</p> <p>8 A. As one piece of the puzzle, yes.</p> <p>9 Q. Right.</p> <p>10 A. And there was other, yeah, aspects</p> <p>11 can play into that, but --</p> <p>12 Q. Right.</p> <p>13 A. -- and we ultimately deferred to</p> <p>14 Adam and Mike, but we relayed our</p> <p>15 perspectives.</p> <p>16 Q. You said that a number of times</p> <p>17 and I've understood, yeah. But --</p> <p>18 A. Great.</p> <p>19 Q. -- I'm asking you about how you</p> <p>20 were, actually, assessing the grants as you</p> <p>21 privately looked at them. Which I can ask.</p> <p>22 Did you ever sit down, not with</p> <p>23 Mike and not with Adam and not with Nate, and</p> <p>24 review grants for DEI involvement on your own?</p> <p>25 MS. DOUD: Objection.</p>
143	<p>1 J. Fox</p> <p>2 we looked at it was from what you just</p> <p>3 described.</p> <p>4 Q. What methodology did you use to</p> <p>5 flag a grant along those lines?</p> <p>6 A. Again, the team had already done</p> <p>7 high, medium, low involvement with DEI. And</p> <p>8 then, so we're just focused on the raw output</p> <p>9 of what is the description of that grant, and</p> <p>10 apply it from the view of is this related to</p> <p>11 DEI or the all-encompassing definition that</p> <p>12 DEI captures, DEIA, environmental justice,</p> <p>13 however Mike had described, plus is this a</p> <p>14 wasteful grant.</p> <p>15 Q. Okay.</p> <p>16 A. And this was the description, the</p> <p>17 full-length description that the team at NEH</p> <p>18 had shared with us.</p> <p>19 Q. Got it. So was there ever a point</p> <p>20 in time where you yourself were looking at a</p> <p>21 grant description and determining whether or</p> <p>22 not it should be labeled as DEI?</p> <p>23 A. We gave our thoughts, certainly.</p> <p>24 The ultimate decision came down to Mike and</p> <p>25 Adam, but yes, we were looking at it from that</p>	145	<p>1 J. Fox</p> <p>2 A. Yes, as one piece of the puzzle.</p> <p>3 Q. And the same for gender ideology.</p> <p>4 Is that fair to say?</p> <p>5 A. That'd be fair.</p> <p>6 Q. And economic justice. Right?</p> <p>7 A. That'd be fair.</p> <p>8 Q. Or -- excuse me -- environmental</p> <p>9 justice, is that fair?</p> <p>10 What methodology did you apply</p> <p>11 when you were sitting and reviewing grants</p> <p>12 alone to determine whether something should be</p> <p>13 flagged yes or no for DEI?</p> <p>14 A. Reading the description under the</p> <p>15 context of the all-encompassing definition</p> <p>16 that we've gone over about DEI, does this</p> <p>17 relate, this description, the full-length</p> <p>18 description relate to DEI, yes or no.</p> <p>19 And, again, this is only on the</p> <p>20 grants that were not flagged as having DEI</p> <p>21 involvement, because the NEH team had already</p> <p>22 done weeks of work on the existing grants that</p> <p>23 were outstanding and flagged them as having</p> <p>24 DEI involvement or not.</p> <p>25 So then our work was solely</p>

146	<p>1 J. Fox</p> <p>2 focused on those that the team did not at</p> <p>3 first pass believe related to DEI, those were</p> <p>4 the grants that we really spent time</p> <p>5 deliberating on and receiving input from Mike</p> <p>6 and Adam.</p> <p>7 Q. Okay. I think you said earlier</p> <p>8 something about the fact that there were so</p> <p>9 many grants, and so part of your job was to</p> <p>10 come in with an aide and, kind of, help with</p> <p>11 the general, like, load of work that needed to</p> <p>12 be done.</p> <p>13 Do you remember saying something</p> <p>14 to that effect?</p> <p>15 MS. DOUD: Objection.</p> <p>16 A. Helping Mike and Adam was the sole</p> <p>17 reason they were there. When we got there,</p> <p>18 all of the grant reviews were in separate tabs</p> <p>19 and disorganized. And so what we did was help</p> <p>20 them organize the work that their team did.</p> <p>21 Q. Okay. And then you also have said</p> <p>22 that you applied your own -- you reviewed</p> <p>23 grants yourself as well. Right?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So it wasn't just</p>
147	<p>1 J. Fox</p> <p>2 organizing work that was already done. You</p> <p>3 were adding to the process of grant review.</p> <p>4 Is that fair to say?</p> <p>5 MS. DOUD: Objection.</p> <p>6 A. We were helping Mike and Adam</p> <p>7 think through each of the grants that their</p> <p>8 team had not deemed related to DEI. That was</p> <p>9 the sole purpose.</p> <p>10 Q. Okay. Got it. But you weren't</p> <p>11 just organizing work that was already done.</p> <p>12 You were adding your own impressions to grants</p> <p>13 to mark for DEI or not DEI?</p> <p>14 A. Our impressions, yes.</p> <p>15 Q. Okay. Great.</p> <p>16 MR. ONAYEMI: Let's go to the</p> <p>17 next.</p> <p>18 MS. DOUD: Yinka, it's after 1</p> <p>19 and we've been going for quite a</p> <p>20 while. Can we break for lunch soon.</p> <p>21 MR. ONAYEMI: Yeah, we can --</p> <p>22 yeah, sure. We can break here. Go</p> <p>23 off the record.</p> <p>24</p> <p>25 (Continued on the next page.)</p>
148	<p>1 J. Fox</p> <p>2 THE VIDEOGRAPHER: The time is</p> <p>3 1:06 p.m. This concludes Media 3.</p> <p>4 Off the record.</p> <p>5 (Lunch recess taken from 1:06</p> <p>6 p.m. to 2:00 p.m.)</p> <p>7 ---</p> <p>8 AFTERNOON SESSION</p> <p>9 ---</p> <p>10 (Time noted: 2:00 p.m.)</p> <p>11 ---</p> <p>12 THE VIDEOGRAPHER: The time</p> <p>13 now is 2:00 p.m. This begins Media</p> <p>14 4. On the record.</p> <p>15</p> <p>16 JUSTIN FOX, resumed and testified</p> <p>17 further as follows:</p> <p>18 CONTINUED EXAMINATION</p> <p>19 BY MR ONAYEMI:</p> <p>20 Q. Hi Justin. So before the break,</p> <p>21 we were talking about DEI. Do you remember</p> <p>22 that?</p> <p>23 A. Yes.</p> <p>24 Q. Was screening grants, projects, et</p> <p>25 cetera, a directive for DEI, a directive that</p>
149	<p>1 J. Fox</p> <p>2 came from DOGE?</p> <p>3 A. No, from the executive order.</p> <p>4 Q. Okay. And did you apply that</p> <p>5 same -- did you apply those executive orders</p> <p>6 to several agencies during your time with the</p> <p>7 government?</p> <p>8 A. Yes.</p> <p>9 Q. Which other agencies did you apply</p> <p>10 them to?</p> <p>11 A. Every agency that we went to.</p> <p>12 Q. And that's the EO about DEI and</p> <p>13 the EO about gender ideology?</p> <p>14 A. And the EO about initiating a DOGE</p> <p>15 lead and finding optimization savings.</p> <p>16 Q. But those two were included in</p> <p>17 the --</p> <p>18 A. Included in the scope of what we</p> <p>19 were focused on.</p> <p>20 Q. Got it. Who told you to apply</p> <p>21 those executive orders to your work at</p> <p>22 grants -- excuse me -- at agencies?</p> <p>23 A. The executive orders themselves</p> <p>24 require that every agency adhere to them, and</p> <p>25 we were there to help the agency leads</p>

150	<p>1 J. Fox</p> <p>2 implement EOs. That was just the protocol for</p> <p>3 the small agencies team.</p> <p>4 Q. Okay. Who told you that part of</p> <p>5 your role would be implementing -- helping to</p> <p>6 implement those EOs at the various agencies.</p> <p>7 A. Nate.</p> <p>8 Q. Anyone else?</p> <p>9 A. The leadership team, Josh, Stephen</p> <p>10 Ehikian, Anthony Armstrong.</p> <p>11 Q. Did those people know that you</p> <p>12 were detailed to NEH?</p> <p>13 A. Yes.</p> <p>14 Q. Did you tell them that -- again,</p> <p>15 strike that.</p> <p>16 How would they have known that you</p> <p>17 were detailed to NEH?</p> <p>18 A. We were focused on all of the</p> <p>19 small agencies. We probably had -- yeah, the</p> <p>20 100 agencies that we were detailed into, yeah.</p> <p>21 Q. So as you went through -- strike</p> <p>22 that.</p> <p>23 You testified earlier about the</p> <p>24 fact that you reviewed grants yourself to mark</p> <p>25 for termination. Is that right?</p>	152	<p>1 J. Fox</p> <p>2 Q. And you were reviewing grants for</p> <p>3 DEI, gender ideology, wasteful spending, et</p> <p>4 cetera. Right?</p> <p>5 A. Yes.</p> <p>6 Q. But including those three</p> <p>7 specifically -- right? -- plus others, but</p> <p>8 those three explicitly you were using to</p> <p>9 assess or analyze the grants.</p> <p>10 Is that fair to say?</p> <p>11 A. Yes.</p> <p>12 Q. And was it your understanding</p> <p>13 while you were doing that, that the grants</p> <p>14 that you marked "yes" for under those concepts</p> <p>15 would be teed up for later termination?</p> <p>16 MS. DOUD: Objection.</p> <p>17 A. Subject to Adam and Mike's input.</p> <p>18 We read through all of them and explained what</p> <p>19 we felt, hence the column for Mike McDonald,</p> <p>20 Adam Wolfson to tag as "keep."</p> <p>21 Q. Right. I guess -- we'll get --</p> <p>22 A. Procedurally.</p> <p>23 Q. We'll get there. That's not</p> <p>24 exactly the question I'm asking.</p> <p>25 Was it your impression at the time</p>
151	<p>1 J. Fox</p> <p>2 MS. DOUD: Objection.</p> <p>3 A. That's not right.</p> <p>4 Q. So explain why that's not --</p> <p>5 A. We mark our interpretation of</p> <p>6 grants and whether or not we think it</p> <p>7 adheres -- and that's "we" as in Nate and I --</p> <p>8 and we present that back to the agency leads,</p> <p>9 who ultimately make the final decision.</p> <p>10 Q. But what were you marking?</p> <p>11 A. Compliance with the EOs being --</p> <p>12 relating to DEI or wasteful spending in the</p> <p>13 context that we were just talking about, the</p> <p>14 team had focused on all of the DEI, and we</p> <p>15 were consolidating the lists of DEI grants</p> <p>16 that were flagged and reporting that back to</p> <p>17 Adam and Mike. We weren't terminating grants</p> <p>18 on the spot.</p> <p>19 Q. Right. I didn't mean to suggest</p> <p>20 that if that's what you understood.</p> <p>21 What I was asking was -- let me</p> <p>22 break it into its several parts.</p> <p>23 You were reviewing grants. Is</p> <p>24 that fair to say?</p> <p>25 A. Yes.</p>	153	<p>1 J. Fox</p> <p>2 of marking those grants that that was</p> <p>3 somewhere in the pipeline towards termination</p> <p>4 of those grants?</p> <p>5 Did you assess them with the sense</p> <p>6 that these are grants that if I say yes, DEI,</p> <p>7 it would be moving that grant closer to</p> <p>8 eventual termination?</p> <p>9 MS. DOUD: Objection to form.</p> <p>10 A. Yes.</p> <p>11 Q. So as you were going through the</p> <p>12 grants -- and, again, you noted that you did</p> <p>13 private review of grants for DEI and wasteful</p> <p>14 spending. Right?</p> <p>15 A. Yes.</p> <p>16 MS. DOUD: Objection.</p> <p>17 Q. As you were doing that, what</p> <p>18 informed your understanding of whether a grant</p> <p>19 had DEI?</p> <p>20 A. We applied the same definitions</p> <p>21 that were listed in the EOs that we read</p> <p>22 through, and overlaid that into the context of</p> <p>23 what was the mission of this grant, what are</p> <p>24 the outcomes, why was this awarded. We</p> <p>25 applied that to every grant.</p>

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1 J. Fox
2 Q. When you say "we," who are you
3 talking about?
4 A. Nate, me, and, what I would
5 assume, the rest of the NEH team who was
6 making a competitiveness review to align with
7 the executive orders.
8 Q. So if you were looking at a
9 specific grant, your starting point for
10 analyzing that grant is does this comply or
11 not comply with this set of EOs.
12 Is that fair to say?
13 A. Does this present -- the way that
14 we framed it was: Does this potentially
15 conflict with the EOs.
16 Q. Okay.
17 A. If it did, Mike and Adam, this is
18 what we think, why it conflicts, what do you
19 think. So yeah, so it is.
20 Q. Okay. And as you were assessing
21 whether or not it conflicts, can you explain,
22 kind of, your mental impression -- strike
23 that.
24 Maybe I can ask: Like, where were
25 you doing this work, first of all, physically?

155

1 J. Fox
2 A. GSA, the GSA building.
3 Q. At your desk at the GSA building?
4 A. Yes.
5 Q. Okay. And so maybe, and I know
6 this sounds boring, but maybe walk me through
7 what an afternoon of reviewing grants would
8 look like for you at GSA?
9 MS. DOUD: Objection.
10 A. The list that I had consolidated
11 from Mike's team has details from eGMS and
12 Brett Bobley and team on each grant, read all
13 the details about this grant, and overlay the
14 EO's mission on what we're trying to find on
15 top of this grant.
16 Q. Would you -- you think it's fair
17 to say that after looking at hundreds of
18 these, you had synthesized some sort of, kind
19 of, easier way to assess whether a grant
20 conflicted with an EO that didn't require you
21 to go to the EO every time and read the whole
22 thing?
23 A. There's definitely patterns that
24 you can recognize, grants that are two
25 different people -- or two different grantees

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1 J. Fox
2 that are accomplishing the same mission. You
3 read every one, and yes, after the 6th or
4 700th one, you do start to develop pattern
5 recognition of how each grant is infringing or
6 not on the EOs.
7 Q. Did you read every one?
8 A. Yes.
9 Q. What were some patterns that you
10 noticed?
11 A. Promoting an LGBTQ study,
12 stipending research on gender fluidity.
13 Q. Why is, in your view, is LGBTQ
14 DEI?
15 A. This is based on the EO discussing
16 underrepresented minority groups of which
17 LGBTQ is often associated with.
18 Q. So I guess in synthesizing --
19 strike that.
20 Part of your synthesis of the EOs
21 was that LGBTQ stuck out as obviously contrary
22 to the spirit of those EOs.
23 Is that, kind of, what you're
24 saying?
25 MS. DOUD: Objection.

157

1 J. Fox
2 A. Not entirely.
3 Q. Okay. Why do you say "not
4 entirely"?
5 A. Do you have a specific grant in
6 mind?
7 Q. We'll come to that. But I want to
8 get your understanding of what you're doing
9 day-to-day in canceling -- in reviewing these
10 grants.
11 A. And you were asking what again?
12 Specifically about LGBTQ relationship to DEI?
13 Q. Yeah. Is it fair to say that in
14 applying this synthesized understanding of the
15 EOs, LGBTQ grants jumped out as being contrary
16 to the nature of the EOs?
17 MS. DOUD: Objection.
18 A. Contrary to the nature meaning
19 conflicting with?
20 Q. Conflicting with, yes.
21 A. Potentially.
22 Q. Okay.
23 A. Ultimately not my call.
24 Q. What else did you think was DEI,
25 anything besides LGBTQ?

158	<p>1 J. Fox</p> <p>2 A. Gender ideology, race, cultural or</p> <p>3 underrepresented cultures.</p> <p>4 Q. Just to be clear, marking</p> <p>5 something for DEI was a precursor to</p> <p>6 cancellation?</p> <p>7 MS. DOUD: Objection.</p> <p>8 A. It informs Mike and Adam to make a</p> <p>9 decision.</p> <p>10 Q. Okay. But you understood your</p> <p>11 marking of a grant as DEI to be a precursor,</p> <p>12 to -- on the road to potential cancellation.</p> <p>13 Is that fair to say?</p> <p>14 A. Being in conflict with an EO,</p> <p>15 potentially.</p> <p>16 Q. And one of those EOs was about</p> <p>17 DEI?</p> <p>18 A. Reducing spend on DEI grants.</p> <p>19 Q. Right. Okay. And so you said</p> <p>20 race, underrepresented groups, why would you</p> <p>21 suggest that grants about those issues be</p> <p>22 terminated?</p> <p>23 A. I didn't suggest they be</p> <p>24 terminated. I only tagged their relationship</p> <p>25 to DEI, diversity, equity, and inclusion.</p>	160	<p>1 J. Fox</p> <p>2 them. I just want to be clear that we're,</p> <p>3 kind of, collating these things. I'm not</p> <p>4 saying them all at once.</p> <p>5 Part of your job was to identify</p> <p>6 grants for potential termination. Is that</p> <p>7 fair to say?</p> <p>8 A. For the review of Mike and Adam to</p> <p>9 comply with the EO. In view that this grant</p> <p>10 was not in compliance with the EO, ultimately,</p> <p>11 it's their decision to cancel it. And we were</p> <p>12 helping them review these grants in the</p> <p>13 context of adherence to the EO.</p> <p>14 Q. In the context of the grants</p> <p>15 potentially being terminated?</p> <p>16 A. Relating to DEI.</p> <p>17 Q. Relating to DEI.</p> <p>18 A. That's what we give to them, is</p> <p>19 the grants that are not in compliance with the</p> <p>20 EO's mandate. Ultimately, their decision to</p> <p>21 terminate.</p> <p>22 Q. And so you said not in compliance</p> <p>23 with the EO's mandate, earlier you noted that</p> <p>24 things that jumped out to you were LGBTQ plus</p> <p>25 issues, oppressed minorities, race, et cetera.</p>
159	<p>1 J. Fox</p> <p>2 Q. With the understanding that you</p> <p>3 marking that would serve as a precursor, a</p> <p>4 signal to cancel those grants. Right?</p> <p>5 MS. DOUD: Objection.</p> <p>6 A. Signals a review, those grants.</p> <p>7 Q. On the road to termination.</p> <p>8 Right?</p> <p>9 MS. DOUD: Objection.</p> <p>10 A. If that's what they wanted to do,</p> <p>11 yes.</p> <p>12 Q. I'm a little confused. Your goal</p> <p>13 with DOGE was to save money be -- right? --</p> <p>14 reduce the deficit, and apply these EOs on the</p> <p>15 road to those goals. Right?</p> <p>16 MS. DOUD: Objection.</p> <p>17 A. To assist the agency heads with</p> <p>18 being in compliance with the EOs. Part of the</p> <p>19 EOs were to find savings through reduction and</p> <p>20 spend.</p> <p>21 Q. Right. Okay. And so part of --</p> <p>22 we discussed this, you know, hours ago, part</p> <p>23 of your work was to help to identify grants</p> <p>24 for termination. Right?</p> <p>25 I'm not saying you terminated</p>	161	<p>1 J. Fox</p> <p>2 Is that fair to say?</p> <p>3 A. Those stood out to me as relating</p> <p>4 to DEI.</p> <p>5 Q. Okay. So would you -- just</p> <p>6 applying one. Let's take LGBTQ, is it -- was</p> <p>7 it whether the author was identified as LGBTQ?</p> <p>8 Was it whether the grant purpose was --</p> <p>9 mission was about LGBTQ? What were you</p> <p>10 assessing?</p> <p>11 MS. DOUD: Objection.</p> <p>12 A. There's a grant description, and</p> <p>13 we were assessing if that had related to DEI.</p> <p>14 Q. LGBTQ being one form of DEI that</p> <p>15 you've explicitly stated in the deposition.</p> <p>16 Right?</p> <p>17 A. A form of it.</p> <p>18 Q. Race being another one?</p> <p>19 A. Wasteful spending being another</p> <p>20 one.</p> <p>21 Q. Sure, yeah, but race is another</p> <p>22 one too. Right?</p> <p>23 MS. DOUD: Objection.</p> <p>24 A. However the EO had stated it was</p> <p>25 how we interpreted it.</p>

162	<p>1 J. Fox</p> <p>2 Q. Okay. But you've already noted</p> <p>3 that you were synthesizing and not referring</p> <p>4 to the EO every time you looked at a new</p> <p>5 grant.</p> <p>6 Is that fair to say?</p> <p>7 A. That's fair to say.</p> <p>8 MR. ONAYEMI: Let's go to</p> <p>9 Tab 7. I think this will be</p> <p>10 Exhibit 8.</p> <p>11 (Fox Exhibit 8, Attachment to</p> <p>12 Exhibit 7, Bates Number</p> <p>13 US-000045132, marked for</p> <p>14 identification, as of this date.)</p> <p>15 Q. It's, kind of, small. Can you see</p> <p>16 the text from where you're sitting?</p> <p>17 THE WITNESS: Could you scroll</p> <p>18 up.</p> <p>19 (Discussion off the record.)</p> <p>20 MS. DOUD: What document is</p> <p>21 this?</p> <p>22 MR. ONAYEMI: This is</p> <p>23 US-000045132.</p> <p>24 Q. So I will represent that this is</p> <p>25 the attachment that was referenced in</p>	164	<p>1 J. Fox</p> <p>2 been referencing in that e-mail to</p> <p>3 Mr. McDonald?</p> <p>4 A. This came --</p> <p>5 MS. DOUD: Objection.</p> <p>6 THE WITNESS: Sorry.</p> <p>7 A. This came across in the</p> <p>8 attachment. Right?</p> <p>9 Q. Right.</p> <p>10 A. Yes.</p> <p>11 Q. But it looks like the type of</p> <p>12 thing that you were talking about in that</p> <p>13 e-mail? There's a --</p> <p>14 MR. ONAYEMI: Sorry, can you</p> <p>15 scroll up again, Jacob. Keep it --</p> <p>16 yeah, right there is good.</p> <p>17 Q. There's a column all the way to</p> <p>18 the left that says "yes/no DEI" question mark.</p> <p>19 Then there's -- the next column is "division,"</p> <p>20 the next one is "number," the next one is</p> <p>21 "award number." And then if you keep going,</p> <p>22 there's a "DEI rationale," there's the "MM/AW"</p> <p>23 that I think we read earlier in one of the</p> <p>24 e-mails.</p> <p>25 Does this look like it comports</p>
163	<p>1 J. Fox</p> <p>2 Exhibit 7, in that e-mail from you to</p> <p>3 Mr. McDonald and Mr. Wolfson, that we reviewed</p> <p>4 before the break.</p> <p>5 A. Which one was that? Which e-mail?</p> <p>6 Q. The one that said -- that had the</p> <p>7 "Grants" section bullet, and it said:</p> <p>8 "We reviewed all active grants</p> <p>9 for DEI involvement and marked them</p> <p>10 accordingly."</p> <p>11 Do you remember that?</p> <p>12 A. Yes.</p> <p>13 Q. So this is the document that was</p> <p>14 attached to that e-mail.</p> <p>15 MR. ONAYEMI: And if you</p> <p>16 scroll down a little bit, Jacob.</p> <p>17 I'm sorry. I'm doing the same</p> <p>18 thing. Can you scroll down, Jacob.</p> <p>19 Thanks. Keep going.</p> <p>20 Q. Yeah, so starting on page 3 of</p> <p>21 this document, and going down through page 66,</p> <p>22 there are just, you know, hundreds and</p> <p>23 hundreds of grants.</p> <p>24 Does this look like -- does this</p> <p>25 appear to be the document that you would have</p>	165	<p>1 J. Fox</p> <p>2 with your understanding of the document that</p> <p>3 was being referenced?</p> <p>4 A. For that e-mail, yes.</p> <p>5 Q. Do you recognize this document?</p> <p>6 A. It is one of a few that looked</p> <p>7 very similar to this.</p> <p>8 Q. Did you contribute to this</p> <p>9 document?</p> <p>10 A. Yes.</p> <p>11 Q. What did you do to contribute to</p> <p>12 this document?</p> <p>13 A. At this point, I don't remember</p> <p>14 because there was a lot of back and forth</p> <p>15 between the team doing their review, Adam and</p> <p>16 Mike doing their view, and Nate and myself</p> <p>17 doing review.</p> <p>18 I don't remember which stage this</p> <p>19 was in, frankly, because documents like this</p> <p>20 were passed throughout our interactions.</p> <p>21 Q. Okay. But let's say -- let's just</p> <p>22 take, kind of, the life of the document.</p> <p>23 How did you contribute to it over</p> <p>24 that life span?</p> <p>25 A. Mike and Adam gave what their team</p>

166	<p>1 J. Fox</p> <p>2 had done, reviewing every outstanding grant,</p> <p>3 tagging for DEI or not.</p> <p>4 The first thing we did was</p> <p>5 re-review the ones that had already been</p> <p>6 reviewed by the team and assessed our</p> <p>7 understanding of compliance or not with the</p> <p>8 EOs, and sent that back to Adam and Mike</p> <p>9 because that's what they asked us to do.</p> <p>10 Over the lifecycle of this and,</p> <p>11 again, I don't know which stage we're looking</p> <p>12 at here, we passed it back and forth and</p> <p>13 identified the ones that were most aligned</p> <p>14 with the direction that NEH was choosing to</p> <p>15 go, and in most compliance with the EOs.</p> <p>16 Q. You said in the direction that the</p> <p>17 NEH was willing to go?</p> <p>18 A. Was headed.</p> <p>19 Q. Was headed.</p> <p>20 A. Yes.</p> <p>21 Q. Okay. What was your understanding</p> <p>22 of that direction?</p> <p>23 A. Pro-America, meritocracy,</p> <p>24 mission-critical grants, Garden for American</p> <p>25 Heroes, elimination of wasteful spending, DEI,</p>	168	<p>1 J. Fox</p> <p>2 based on your understanding of the EOs to fill</p> <p>3 in this column.</p> <p>4 Is that a fair recounting?</p> <p>5 A. Directionally, it is.</p> <p>6 Q. Anything you want to clarify about</p> <p>7 it?</p> <p>8 A. Yeah.</p> <p>9 Q. Sure.</p> <p>10 A. Part of it is framing, assisting</p> <p>11 Adam and Mike with their review -- right? --</p> <p>12 so part of what we did was pulling in a large</p> <p>13 amount of data from different sources and</p> <p>14 putting it into something that is digestible</p> <p>15 for the team, because Adam and Mike are going</p> <p>16 to review every grant, but we need to convey</p> <p>17 our thoughts about DEI rationale.</p> <p>18 Q. So how did you -- like, any of</p> <p>19 these rationales, how would you have actually</p> <p>20 gotten from the description to that DEI</p> <p>21 rationale in the column of that same name?</p> <p>22 A. Using the grant description.</p> <p>23 Q. And applying a synthesized</p> <p>24 understanding of what the EOs called for?</p> <p>25 A. Interpreting the grant description</p>
167	<p>1 J. Fox</p> <p>2 and adherence to the EOs.</p> <p>3 Q. How did you come to that</p> <p>4 understanding?</p> <p>5 A. Our meetings.</p> <p>6 Q. With who?</p> <p>7 A. Mike and Adam.</p> <p>8 Q. And what exactly did they say</p> <p>9 about those focuses of DEI -- or excuse me --</p> <p>10 of NEH?</p> <p>11 A. That they knew they needed to be</p> <p>12 in compliance with EOs and reduce the amount</p> <p>13 of DEI grants that they had, and separate</p> <p>14 funds to go towards Garden for American Heroes</p> <p>15 and America250 initiatives.</p> <p>16 (Stenographer clarification.)</p> <p>17 THE WITNESS: Statues and</p> <p>18 garden, yeah.</p> <p>19 Q. There's a column called "DEI</p> <p>20 rationale." Do you know who would have</p> <p>21 contributed to the entries in that column?</p> <p>22 A. Me and Nate.</p> <p>23 Q. Okay. And I think I understood</p> <p>24 you to be saying earlier that you would read</p> <p>25 the grant description and then make a judgment</p>	169	<p>1 J. Fox</p> <p>2 into the executive order context.</p> <p>3 Q. Okay. So, again, you mentioned</p> <p>4 that certain concepts you saw as being</p> <p>5 contrary or conflicting with the EOs, and you</p> <p>6 named LGBTQ, race, oppressed minorities.</p> <p>7 Do you remember that testimony?</p> <p>8 A. Yes.</p> <p>9 MS. DOUD: Objection.</p> <p>10 Q. So, like, is it your view -- or</p> <p>11 while you were doing this, was -- would you</p> <p>12 say it was correct to, kind of, state that a</p> <p>13 project that discussed an underrepresented</p> <p>14 culture, for instance, was something that the</p> <p>15 executive orders required to be terminated?</p> <p>16 MS. DOUD: Objection.</p> <p>17 A. Required to be terminated? No.</p> <p>18 Q. Is the issue with the word</p> <p>19 "required"? I guess, why did you repeat that</p> <p>20 particular clause?</p> <p>21 A. The EOs are meant to instruct how</p> <p>22 to frame the problem, and eliminating wasteful</p> <p>23 spending and DEI grants was the mandate.</p> <p>24 Q. So there's 60-something pages</p> <p>25 here, thousands of grants. Did you write all</p>

170	<p>1 J. Fox</p> <p>2 of those rationales?</p> <p>3 A. Reviewed -- reviewing the grant</p> <p>4 description, you can extract and highlight key</p> <p>5 text. Right? As we said, there are patterns</p> <p>6 to what is related to DEI. It's not Garden</p> <p>7 for American Heroes. It's typically involving</p> <p>8 underrepresented cultures and communities,</p> <p>9 race, LGBTQ, then that informs what's written</p> <p>10 in DEI rationale.</p> <p>11 Q. Okay. So you didn't write those</p> <p>12 descriptions?</p> <p>13 A. We edited and wrote on top of.</p> <p>14 But they pull out the keywords and phrases</p> <p>15 from grant description.</p> <p>16 Q. What pulls out the keywords and</p> <p>17 phrases?</p> <p>18 A. There's extractors that you can</p> <p>19 layer on top of Excel to grab the keywords,</p> <p>20 and then you can pull in how it frames in the</p> <p>21 context of the EO.</p> <p>22 Q. When you say -- so what extractor</p> <p>23 do you use to pull out keywords from the</p> <p>24 Excel?</p> <p>25 A. Well, Excel has a lot of native</p>	172
171	<p>1 J. Fox</p> <p>2 functions to pull out keywords. You can</p> <p>3 overlay that on top of grant descriptions.</p> <p>4 Q. Respectfully, I'm not asking about</p> <p>5 Excel's capabilities. I'm asking what you</p> <p>6 actually did on this spreadsheet to pull out</p> <p>7 key terms?</p> <p>8 MS. DOUD: Objection.</p> <p>9 A. We used closed-source aggregators</p> <p>10 that drew the context from the grant</p> <p>11 description into DEI verbiage that related to</p> <p>12 this grant. And then over top of what was</p> <p>13 extracted, we write in additional thoughts and</p> <p>14 clarification.</p> <p>15 Q. What's a "closed-source</p> <p>16 aggregator" -- strike that.</p> <p>17 What closed-source aggregator did</p> <p>18 you use to assess these grant descriptions?</p> <p>19 A. Within Excel, you're able to put</p> <p>20 in a closed-loop LLM that extract the keywords</p> <p>21 and phrases.</p> <p>22 Q. What LLM did you use?</p> <p>23 A. OpenAI.</p> <p>24 Q. That's ChatGPT?</p> <p>25 A. That's the umbrella. It wasn't</p>	173

174	<p>1 J. Fox</p> <p>2 The DEI rationale column is only</p> <p>3 meant to contextualize it by extracting the</p> <p>4 key phrases that came up in our keyword</p> <p>5 search, so that Mike and Adam, instead of</p> <p>6 having to go in each one and call us and say,</p> <p>7 Grant 1, why did you believe this was DEI.</p> <p>8 And that we were able to put in</p> <p>9 our rationale for each of these grants after</p> <p>10 having looked at the grant description.</p> <p>11 Q. So you reviewed every grant</p> <p>12 yourself?</p> <p>13 A. Yes.</p> <p>14 Q. And you also used an LLM?</p> <p>15 A. To pull out –</p> <p>16 MS. DOUD: Objection.</p> <p>17 A. To pull out the keywords and</p> <p>18 phrases so that Mike and Adam can see what we</p> <p>19 see without needing to have them call us and</p> <p>20 explain each grant. We put it into a</p> <p>21 digestible document and explain in the DEI</p> <p>22 column why we feel, based on the grant</p> <p>23 description, this could be related to DEI.</p> <p>24 Q. You keep saying "we" but you just</p> <p>25 testified that Nate didn't know you were using</p>	176	<p>1 J. Fox</p> <p>2 you to.</p> <p>3 A. No.</p> <p>4 Q. Was this in an effort to increase</p> <p>5 efficiencies in the project?</p> <p>6 A. To make sure that Mike and Adam</p> <p>7 knew what context we were reviewing this</p> <p>8 grant.</p> <p>9 Q. Right.</p> <p>10 A. Individual grants.</p> <p>11 Q. But you knew the context because</p> <p>12 you had reviewed the grants?</p> <p>13 A. Yeah.</p> <p>14 Q. So why do you need an LLM to tell</p> <p>15 Mike or Adam that?</p> <p>16 A. We needed Mike and Adam to</p> <p>17 understand where we were coming from, because</p> <p>18 it is their decision. And instead of calling</p> <p>19 them for each grant and explaining each grant,</p> <p>20 we pulled out a DEI rationale to explain our</p> <p>21 point of view so that Mike and Adam could see</p> <p>22 our point of view. They have the grant</p> <p>23 description themselves, it's ultimately their</p> <p>24 judgment call but we were helping them review.</p> <p>25 So the DEI rationale puts it into context for</p>
175	<p>1 J. Fox</p> <p>2 an LLM, that Mike McDonald didn't know, Adam</p> <p>3 Wolfson didn't know.</p> <p>4 Who is "we"?</p> <p>5 MS. DOUD: Objection.</p> <p>6 A. Is the question whether or not</p> <p>7 they knew that I was writing a DEI rationale</p> <p>8 for each one?</p> <p>9 Q. Well, when you said "we," and then</p> <p>10 fill in whatever you did with the LLM. Is</p> <p>11 there a "we"? Who are you working with in</p> <p>12 this particular LLM project?</p> <p>13 A. Yeah. Whether Nate knew I was</p> <p>14 using an LLM or not, I'm not sure. That's</p> <p>15 what I said. We were collectively pulling in</p> <p>16 DEI rationale to explain why the grant</p> <p>17 description we felt was relating to DEI.</p> <p>18 Q. If you had already been reviewing</p> <p>19 every grant one by one, such that you gained</p> <p>20 an understanding of it, why then run all those</p> <p>21 grants again through a large language model</p> <p>22 like OpenAI?</p> <p>23 MS. DOUD: Objection.</p> <p>24 A. I'm not sure.</p> <p>25 Q. You don't know? But no one told</p>	177	<p>1 J. Fox</p> <p>2 them.</p> <p>3 Q. Absolutely. I understand why you</p> <p>4 might want to communicate a DEI rationale to</p> <p>5 Mike and Adam. I don't understand why or how</p> <p>6 the involvement of OpenAI would be required to</p> <p>7 do that.</p> <p>8 MS. DOUD: Objection.</p> <p>9 A. Is that a question?</p> <p>10 Q. Why did you use OpenAI for that</p> <p>11 purpose?</p> <p>12 A. Excel functions are loaded</p> <p>13 inherently by whatever you can do in Excel</p> <p>14 with formulas. So in order to grab the</p> <p>15 phrases that we were searching for and to put</p> <p>16 it into something that we can adjust, to best</p> <p>17 contextualize it for Adam and Mike, I elected</p> <p>18 for using that.</p> <p>19 But I read every grant</p> <p>20 description, I could've just filled it out on</p> <p>21 my own. So my answer is I don't know why.</p> <p>22 Q. Okay. But I guess the model was</p> <p>23 pulling out whether or not a grant description</p> <p>24 involved DEI. Is that fair to say -- strike</p> <p>25 that.</p>

178	1 J. Fox 2 How do you know that your 3 understanding of DEI was consistent with the 4 model's understanding of DEI? 5 MS. DOUD: Objection. 6 A. Because we read every grant 7 description and adjusted DEI rationale based 8 on our perspectives. 9 Q. So the final rationales that you 10 would have sent to Mike and Adam would be 11 different than the rationales that were spit 12 out by OpenAI's model? 13 A. Some of them. 14 Q. But not all of them? 15 A. Hard to say. We made edits on 16 every single one. 17 MR. ONAYEMI: Jacob, can we go 18 down to -- it's Row 880 in that 19 number column. It's going to be far 20 down. You might just want to drag 21 the cursor. Yeah. There you go. 22 You're close. There you go. All 23 right. It's right there. 24 So what we're looking at is 25 Row 880 of Exhibit 8, US-000045132.	180	1 J. Fox 2 Jacob. That's fine. 880. 3 I can read it into the record. 4 Q. For Row 880, it says, under the 5 "DEI rationale" column: 6 "The Troth Yeddha' project 7 aims to increase access to diverse 8 humanities collections which aligns 9 with DEI goals of promoting 10 inclusion and diverse perspectives." 11 Did I read that correctly? 12 A. Yes. 13 THE WITNESS: Could you scroll 14 to the right for the product 15 description. Sorry I'm yelling 16 again. 17 Q. So this is -- in the next column 18 over, that's the grant description, it says: 19 "The Troth Yeddha' humanities 20 infrastructure project will allow 21 interdisciplinary, humanities 22 programs and centers, currently 23 scattered across campus, to be 24 housed under one roof to better 25 serve students, staff, faculty,
179	1 J. Fox 2 If you can scroll down a tiny bit or 3 maybe scroll up, actually, just so 4 we can see that far left Column 880. 5 BY MR. ONAYEMI: 6 Q. Do you remember the far left 7 Column being "DEI? Yes/No"? We can go back 8 up if you want, but -- 9 A. Well, this is just what you're 10 saying, that the far-left column is yes or no, 11 DEI? 12 Q. Yeah. Right. 13 A. Yes. 14 Q. So you can see in Row 880, it says 15 "yes"? 16 A. Yes. 17 Q. Okay. And that means that this 18 project, in your view, did have DEI such that 19 it conflicted with the EOs that you were 20 applying? 21 MS. DOUD: Objection. 22 A. Can I read it? 23 Q. Sure. Sure. Yeah. 24 MR. ONAYEMI: Can you zoom in 25 a bit so we can see the text larger,	181	1 J. Fox 2 campus and visitors. In particular, 3 the Alaska Native Language Center 4 and its Archives will be showcased, 5 to increase student and public 6 access to diverse humanities 7 collections." 8 Did I read that correctly? 9 A. Yes. 10 MR. ONAYEMI: And then we can 11 go back to the DEI rationale column, 12 Jacob. 13 Q. Again, it says: 14 "The Troth Yeddha' project 15 aims to increase access to diverse 16 humanities collections which aligns 17 with DEI goals of promoting 18 inclusion and diverse perspectives." 19 Did you write that? 20 A. Yes. 21 Q. Did OpenAI write that? 22 A. Portions of it, maybe. 23 Q. So tell me why this project is 24 DEI. 25 MS. DOUD: Objection.

182	1 J. Fox 2 A. It's promoting inclusion and 3 diverse perspectives. 4 Q. What about diverse perspectives is 5 DEI? 6 A. It's not merit based. 7 Q. Diverse perspectives is not merit 8 based? 9 A. There's just no reason for it to 10 be -- this is involving DEI. It is 11 involving -- it is promoting through federal 12 funding diversity, equity, and inclusion 13 principles. 14 Q. And those principles are, I see 15 right here, promoting inclusion and diverse 16 perspectives. Right? 17 THE WITNESS: Scroll to the 18 right. 19 A. For the Native Alaskan Language: 20 "Native Alaskan Language and 21 its archives will be showcased, to 22 increase student and public" -- 23 yeah. 24 It is just promoting this language 25 center in the archives for the sake of	184	1 J. Fox 2 of it. 3 Q. You -- 4 A. So -- 5 Q. Oh, sorry. 6 A. You can't overgeneralize a 7 statement like that. 8 Q. Your interpretation of the grants? 9 A. It depends on the grant. 10 Q. Based on your interpretation of 11 those grants. Is that fair to say? 12 MS. DOUD: Objection. 13 A. Through the lens of applying the 14 EO's language. 15 Q. Right. But you ultimately decided 16 how you would apply the EO's language to these 17 grants descriptions. Right? 18 A. Ultimately, I made the effort to 19 overlay the way that the EO was written with 20 the grant's descriptions, and whether they 21 conflicted or not is ultimately the decision 22 for Adam and Mike. 23 Q. How did you deal with edge cases? 24 Let me take a step back. 25 Were there ever descriptions that
183	1 J. Fox 2 diversity. 3 Q. What's wrong with promoting a 4 language center? 5 MS. DOUD: Objection. 6 A. It's wasteful, noncritical spend. 7 Q. But you have a DEI rationale 8 there. 9 MS. DOUD: Objection. 10 A. It is DEI. I just explained why 11 it was DEI. Because you're promoting a subset 12 Alaskan Native Language Center in the archives 13 to promote diverse perspectives. 14 Q. A subset of what. You said you're 15 promoting a subset. What does that mean? 16 A. A minority group. 17 Q. Okay. So a project that promotes 18 a minority group would be conflicting with 19 your interpretation of the EOs? 20 MS. DOUD: Objection. 21 Q. Is that fair to say? 22 A. It's subjective. 23 Q. Subjective based on what? 24 A. It's all based on the 25 interpretation of each grant and the details	185	1 J. Fox 2 you said this might be DEI, it might not. I 3 don't really know. 4 Or was it always clear? 5 A. It's not always clear with DEI, 6 but the context of wasteful spending is a 7 fairly clear way to delineate the grants. 8 (Stenographer clarification.) 9 Q. Would you say that spending on DEI 10 is innately wasteful? 11 A. It depends. 12 Q. When you were assessing this 13 Alaskan language project for DEI, it was on 14 the basis that it promoted a minority group. 15 Is that fair? 16 MS. DOUD: Objection. 17 A. A minority culture, minority 18 group. 19 Q. I suppose, so I guess what's a 20 majority culture? 21 A. I'm not sure. 22 Q. Well, did you ever screen anything 23 for majority cultures? 24 A. In what context? 25 Q. Well, I guess what's a minority?

186	<p>1 J. Fox 2 MS. DOUD: Objection. 3 Q. In this context. 4 A. What context? This grant? 5 Q. Of you analyzing all of these 6 grants for DEI or conflicts with the EOs? 7 A. It fully depends on the grants. 8 Q. When you say "it fully depends on 9 the grant," is what you're saying that you 10 would have to read the grant to determine, 11 based on the system that you were applying, 12 whether or not that grant was promoting DEI? 13 A. Yes. 14 MR. ONAYEMI: Okay. 15 So less go now, Jacob, to 16 Row 252. 17 Q. Okay. So we're in Row 252 of the 18 same document. Can you read what's in the 19 first column that was "yes or no DEI" into the 20 record? 21 A. (Reading): "Yes." 22 Q. It says "yes" in that column. 23 Right? 24 A. Yes. 25 Q. Okay. And under "DEI rationale,"</p>	188	<p>1 J. Fox 2 MR. ONAYEMI: Okay, Counsel, 3 just for the record, let me just say 4 this pretty clearly, so I'm sure 5 you've been in cases where there are 6 a hundred or a thousand page 7 contracts that need to be submitted 8 in full. I am sure that you're not 9 implying that every witness needs to 10 read every page of a contract – 11 MS. DOUD: I'm saying if he 12 asks to read something, you have to 13 let him read it. And you're trying 14 to prevent him from doing that, I 15 don't know why. But he asked to 16 read it, let him read it. 17 MR. ONAYEMI: Right. Go ahead 18 and read it, please. 19 THE WITNESS: Which one was 20 it, Jacob? Sorry. 21 BY MR. ONAYEMI: 22 Q. 252. Right there. I can read it 23 into the record. The grant description of 24 column or Row 252, says: 25 "Production of 'My Underground</p>
187	<p>1 J. Fox 2 in the column of the same name, it says: 3 "The documentary addresses 4 gender-based violence and overlooked 5 histories, contributing to DEI by 6 amplifying marginalized voices." 7 Did I read that correctly? 8 A. Yes. 9 Q. Is gender-based violence DEI? 10 A. Could I see the full grant 11 description? 12 Q. Well, sure. But, I guess, that's 13 a question that has nothing to do with what's 14 in the next column just like is gender 15 based – 16 MS. DOUD: Once again, you 17 need to allow him to read the 18 document. 19 MR. ONAYEMI: Well, I'm asking 20 him to answer the question. 21 MS. DOUD: No, he gets to read 22 the entire exhibit. This is how 23 depositions work. So if he says he 24 needs to see part of it, you need to 25 let him see part of it.</p>	189	<p>1 J. Fox 2 Mother,' a feature-length 3 documentary that explores the untold 4 story of Jewish women's slave labor 5 during the holocaust through a 6 daughter's search for her late 7 mother's past, a collective camp 8 diary in which she wrote, and 9 interviews with dozens of woman 10 survivors who reveal the 11 gender-based violence they suffered 12 and hid from their own families." 13 Did I read that correctly? 14 A. Yes. 15 Q. And then, in that row or column, 16 you say "yes," DEI. Did you write the 17 rationale in that column? 18 THE WITNESS: Can you scroll 19 over, Jacob. 20 Q. Again, the rationale says: 21 "The documentary addresses 22 gender-based violence and overlooked 23 histories contributing to DEI by 24 amplifying marginalized voices." 25 A. Yes.</p>

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1 J. Fox
2 Q. Why is a documentary about
3 holocaust survivors, DEI?
4 MS. DOUD: Objection.
5 A. It's a gender-based story to
6 that's inherently discriminatory to focus on
7 this specific group.
8 Q. It's inherently discriminatory to
9 focus on what specific group?
10 A. Gender based. So females during
11 the holocaust.
12 Q. And you believe that's inherently
13 discriminatory?
14 A. I'm just saying that's what it's
15 focused on. This is related to DEI.
16 Q. Right. But you just used the term
17 "inherently discriminatory." What did you
18 mean by that?
19 A. It's focusing on DEI principles,
20 gender being one of them.
21 Q. So a documentary that's about
22 women would be DEI?
23 MS. DOUD: Objection.
24 Q. Is that fair to say?
25 A. No.

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1 J. Fox
2 Q. Okay. So tell me why what I just
3 said isn't DEI, but what you just said is DEI?
4 MS. DOUD: Objection.
5 A. It's a Jewish -- specifically
6 focused on Jewish cultures and amplifying the
7 marginalized voices of the females in that
8 culture. It's inherently related to DEI for
9 those reasons.
10 Q. Because it's about Jewish culture?
11 A. Plus marginalized female voices
12 during the holocaust gender-based violence.
13 Q. Is this, when we focus on a
14 minority, is it your understanding that, you
15 know, the Jewish people fall into the category
16 of a minority?
17 A. Certainly a culture that could be
18 described as minorities.
19 Q. So how did you go about
20 determining what was a minority and what
21 wasn't a minority for the purpose of
22 identifying DEI in grants?
23 A. Inherently focused on any
24 ethnicity, culture, gender, no matter the,
25 sort of, race or gender or religion or --

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1 J. Fox
2 yeah.
3 Q. Okay. And you said that your
4 understanding of the purpose of marking these
5 grants for DEI was eventual possible
6 termination of the grant?
7 MS. DOUD: Objection.
8 A. For Mike and Adam.
9 Q. To make a judgment about
10 termination?
11 A. To see how we felt this did or did
12 not comply with DEI involvement from the
13 perspective of the EOs.
14 Q. With the ultimate goal of
15 assessing which grants needed to be
16 terminated. Right?
17 A. Helping Adam and Mike review
18 comprehensively the grant's adherence to
19 existing EOs that is --
20 Q. And if they did not comply with
21 the EOs, those grants presumably would be
22 terminated. Right?
23 MS. DOUD: Objection.
24 A. Up to Mike and Adam.
25 Q. Was it your understanding that the

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1 J. Fox
2 goal of this review was to understand which
3 grants would be kept versus which grants would
4 be terminated?
5 A. Certainly to understand where they
6 landed in the scope of do they adhere to the
7 EO or do they not.
8 Q. And if they didn't adhere to the
9 EO, those are grants that would be more likely
10 to be terminated.
11 Is that fair to say?
12 A. That's what the EOs wanted, was to
13 find savings in the bucket. So they
14 identified, ultimately Adam and Mike made that
15 call.
16 Q. I'm not asking who made the call.
17 I'm asking for your understanding of what
18 would happen to grants that were marked with
19 DEI.
20 Was it your understanding that
21 these grants were being isolated as grants to
22 terminate?
23 A. To be compliant with the EO, yes.
24 Q. Yes, to terminate in order to be
25 compliant with the EO.

194	<p>1 J. Fox 2 Is that what you're saying? 3 A. Yeah, I mean, we just needed Mike 4 and Adam to see which grants and why related 5 to DEI, and as you've said, ultimately the 6 call was their judgment to make. But the 7 intention is to find savings, redirect funds 8 to America-first priorities, Garden for 9 Heroes, DEI is one of the buckets we screened 10 for, as well as wasteful spending. 11 Q. I just want to be clear, you know 12 we're going to be talking to several others at 13 NEH as part of this lawsuit? 14 A. Mm-hmm. 15 Q. And other people that are members 16 of the DOGE teams that you've been discussing? 17 MS. DOUD: Objection. 18 Q. Are you aware of that? 19 A. Well, I guess to answer your 20 previous question, I don't know who else 21 you're interviewing from NEH and I don't know 22 anybody else outside of Nate. 23 Q. Do you know that we're going to 24 talk to Mr. McDonald? 25 MS. DOUD: Objection.</p>	196	<p>1 J. Fox 2 DEI, was it your understanding that that would 3 make it more likely that that grant would be 4 terminated? 5 I'll remind you you're under oath, 6 I mean, and we're going to talk to others. 7 MS. DOUD: Objection. 8 A. Yes. 9 Q. Okay. And so based on your 10 judgment here, you believe a grant about women 11 during the holocaust that were subject to 12 gender-based violence, a documentary about 13 that should be short listed for termination at 14 the NEH? 15 MS. DOUD: Objection. 16 A. Which one? 17 Q. Grant 252, the one that we've been 18 talking about. 19 A. We were -- 20 Q. -- it's just a yes-or-no question. 21 A. -- presenting it to Mike and 22 Adam -- 23 Q. That doesn't answer my question. 24 A. -- under the context of does this 25 comply or does it not. And this is the</p>
195	<p>1 J. Fox 2 A. I don't know. 3 Q. You don't know. We will be 4 talking about Mr. McDonald, we will be talking 5 to Mr. Wolfson. We've already spoke with 6 Nate, as you know. 7 Do you think all of them would 8 agree with your framing here that -- strike 9 that. 10 Would they think that part of this 11 review was being done to tee grants up for 12 termination? 13 MS. DOUD: Objection. 14 A. Who do you mean "they"? 15 Q. Mr. Wolfson, Mr. Cavanaugh, 16 Mr. McDonald? 17 A. I don't know. 18 Q. Did you discuss terminating grants 19 that were related to DEI? 20 A. Yes. 21 Q. Did you discuss terminating grants 22 because they related to DEI? 23 A. To align with the EO, yeah. 24 Q. And so when you mark, for 25 instance, this grant about the holocaust as</p>	197	<p>1 J. Fox 2 rationale that we give for whether we believe 3 it complied or not or related to DEI in any 4 capacity. 5 Q. But the first column is yes or no? 6 A. Yup. 7 Q. So you're saying yes, it has DEI, 8 or no, it doesn't have DEI. And that's the 9 very first column of the spreadsheet. Is that 10 right? 11 A. Yes. 12 Q. And you put "yes," in the first 13 column with respect to this grant about the 14 holocaust. 15 Is it your understanding that 16 grants marked "yes" for DEI, Mr. McDonald and 17 Mr. Wolfson would have viewed as more likely 18 to terminate based on DEI grounds and EO 19 grounds? 20 A. We were helping them. So it's 21 fair to assume that they would think that. 22 MR. ONAYEMI: All right. 23 Let's go to -- well, actually, I 24 think we can take a -- go off the 25 record.</p>

198	1 J. Fox 2 MS. DOUD: Sure. 3 MR. ONAYEMI: Take a 4 five-minute break, is that cool? 5 MS. DOUD: Okay. 6 THE VIDEOGRAPHER: The time 7 now is 3:04 p.m. This concludes 8 Media 4. Off the record. 9 (Recess taken from 3:04 p.m. 10 to 3:13 p.m.) 11 THE VIDEOGRAPHER: The time 12 now is 3:13 p.m. This begins Media 13 5. On the record. 14 BY MR. ONAYEMI: 15 Q. Hello again. Part of your 16 analysis of whether a grant was related to DEI 17 was whether or not it referenced racial 18 minorities. 19 Is that fair to say? 20 A. Part of it. 21 Q. How did you ascertain what a 22 racial minority was? 23 A. Whether it was focused on any 24 specific race in any capacity. 25 Q. Right. So --	200	1 J. Fox 2 that Adam and Mike can review our perspective. 3 Q. Right. So if a grant said, for 4 instance, a history of Michael Jordan versus a 5 history of Black, former NBA player Michael 6 Jordan, would that make a difference in the 7 way that you analyzed the grant? 8 MS. DOUD: Objection. 9 A. It would depend on the grant and 10 the full context of the description. 11 Q. Sure. Would the word "Black" by 12 itself have, in the system you're applying in 13 your DEI review, have led you to mark that 14 grant as being DEI? 15 MS. DOUD: Objection. 16 A. It would depend on the grant. 17 Q. So sitting here today, you can't 18 answer that example, for instance? 19 MS. DOUD: Objection. 20 A. Well, it would need to be a grant 21 that we were reviewing in the full context. 22 Q. Yeah. We'll look at more grants. 23 MR. ONAYEMI: Let's go to 24 Tab 8. This will be Exhibit 9. 25 Excuse me. I think I got that
199	1 J. Fox 2 A. Racial minority is probably where 3 we're missing. 4 Q. Okay. 5 A. Having to do with race and 6 diversity of race, minority or not, is related 7 to diversity, equity, and inclusion. 8 Q. Okay. But doesn't everyone to 9 some degree have a race? 10 A. Yes. 11 Q. So you were canceling grants based 12 on whether they had to do with -- strike that. 13 I guess, how did you make the 14 distinction between whether a grant should be 15 terminated based on the fact that it involves 16 a minority or not? 17 A. It would be based on the grant 18 description for each grant. 19 Q. Okay. But this, kind of, system 20 that you were using to analyze that, walk me 21 through it. 22 MS. DOUD: Objection. 23 A. Read through the grant, identify 24 keywords that may relate to DEI, and give 25 context as to why this may relate to DEI so	201	1 J. Fox 2 wrong. Tab 9 which will be 3 Exhibit 9. I guess then it should 4 be Tab 8. Sorry about that. And 5 this will be, I believe, an Excel 6 sheet, not a PDF. 7 Q. While he pulls that up, I have a 8 couple more questions for you. 9 When you say it depends on the 10 grant, is what you're saying that it depends 11 on how you interpreted the grant during your 12 review? 13 A. For what? There's a full question 14 there. 15 Q. Sorry. 16 A. Well, yeah, could you restate the 17 question, please. 18 Q. I'll give you the full context. 19 I believe you testified earlier 20 that it would depend on what the grant says 21 when I asked whether you would say it was DEI 22 or not. 23 Do you remember that? 24 A. Yes. 25 Q. Okay. Did it also depend on how

202	<p>1 J. Fox</p> <p>2 you personally interpreted that grant?</p> <p>3 A. For the rationale, Nate and our</p> <p>4 view of its relation to DEI, yes.</p> <p>5 MR. ONAYEMI: Sorry, Jacob,</p> <p>6 are you able to find that Tab 8?</p> <p>7 Yup, that's the one.</p> <p>8 (Fox Exhibit 9, Spreadsheet</p> <p>9 with grant descriptions beginning</p> <p>10 Bates Number US-000062485, marked</p> <p>11 for identification, as of this</p> <p>12 date.)</p> <p>13 MR. ONAYEMI: Thank you. So</p> <p>14 this is US-000062485.</p> <p>15 Q. I'll represent to you that you're</p> <p>16 the custodian of this document, meaning that</p> <p>17 it was produced to us from your possession, I</p> <p>18 presume at your GSA computer.</p> <p>19 Does this document look familiar</p> <p>20 to you, and I'm happy to scroll or ask Jacob</p> <p>21 to manipulate it any way that you need to see</p> <p>22 it.</p> <p>23 A. Yes, this looks familiar.</p> <p>24 Q. Can you describe what this is?</p> <p>25 A. This is a way to assist</p>
203	<p>1 J. Fox</p> <p>2 contextualizing, summarizing really, relation</p> <p>3 to DEI, and it was used to inform the</p> <p>4 rationale piece of the broader grant view.</p> <p>5 Q. Okay. Let's go a little bit</p> <p>6 broader than that, so, just to fully paint the</p> <p>7 picture.</p> <p>8 What's on this spreadsheet?</p> <p>9 A. It pulls out the key phrases and</p> <p>10 words and context from the description as its</p> <p>11 relation to DEI.</p> <p>12 Q. The grant description?</p> <p>13 A. The grant description.</p> <p>14 Q. Okay. And did you create this</p> <p>15 document?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Did anyone help you to</p> <p>18 create this document?</p> <p>19 A. No.</p> <p>20 MR. ONAYEMI: Can we go to</p> <p>21 Table 5, that's the first tab there</p> <p>22 on the left side, Jacob. Now, if</p> <p>23 you just go left with your mouse,</p> <p>24 there's several little tabs,</p> <p>25 "Table 5, Invoked Function, Sheet1."</p>
204	<p>1 J. Fox</p> <p>2 Yup, there we go.</p> <p>3 Q. Okay. Does this look familiar?</p> <p>4 A. Yes.</p> <p>5 Q. Did you create this sheet?</p> <p>6 A. Yes.</p> <p>7 Q. Can you briefly tell me the</p> <p>8 context for creating this document.</p> <p>9 A. To look at the grant descriptions,</p> <p>10 the full grant descriptions and bring out the</p> <p>11 context of which a DEI grant may relate, or a</p> <p>12 grant may relate to DEI. And it was used to</p> <p>13 inform DEI rationale.</p> <p>14 Q. And Cell B1 says "GPT response."</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. So when you say "pull out," you</p> <p>18 mean run the grant description through ChatGPT</p> <p>19 to pull out a DEI rationale?</p> <p>20 A. To highlight why this grant may</p> <p>21 relate to DEI, which we used to give context</p> <p>22 to Adam and Mike on why this grant may be</p> <p>23 related to DEI.</p> <p>24 Q. How did you ensure that GPT would</p> <p>25 know what did or did not relate to DEI?</p>
205	<p>1 J. Fox</p> <p>2 MS. DOUD: Objection.</p> <p>3 A. Well, we read the responses and</p> <p>4 adjusted based on the EOs.</p> <p>5 Q. Okay. So it says -- sorry, just</p> <p>6 to look at one brief example, Cell 2A or A2,</p> <p>7 it starts by saying:</p> <p>8 "From the perspective of</p> <p>9 someone looking to identify DEI</p> <p>10 grants, does this involve DEI?</p> <p>11 Respond factually in less than 120</p> <p>12 characters. Begin with 'Yes.' or</p> <p>13 'No.' followed by a brief</p> <p>14 explanation. Do not use 'this</p> <p>15 initiative' or 'this description' in</p> <p>16 your response."</p> <p>17 Did I read that correctly?</p> <p>18 A. Yes.</p> <p>19 Q. And that's the command for</p> <p>20 ChatGPT. Is that right?</p> <p>21 A. Yes.</p> <p>22 Q. And then after that, you would put</p> <p>23 the grant description into ChatGPT for ChatGPT</p> <p>24 to analyze. Is that right?</p> <p>25 A. Again, to inform the rationale for</p>

206	<p>1 J. Fox</p> <p>2 why this may relate to DEI, and that was then</p> <p>3 used on top of what we understood from the</p> <p>4 grant description ourselves, to be sent to</p> <p>5 Adam and Mike in a consolidated format.</p> <p>6 Q. How -- what's your understanding</p> <p>7 of how the model understood the word "DEI"?</p> <p>8 A. I don't know.</p> <p>9 Q. Did you do anything to teach the</p> <p>10 model what DEI meant as you used it in this</p> <p>11 command?</p> <p>12 A. We didn't need to because we were</p> <p>13 adjusting and making the call ultimately based</p> <p>14 on the full description whether this was DEI</p> <p>15 or not.</p> <p>16 Q. Okay.</p> <p>17 A. This was only a tool to assist in</p> <p>18 contextualizing. It was not the</p> <p>19 decision-making factor.</p> <p>20 Q. Did you use this tool for every</p> <p>21 grant that you reviewed?</p> <p>22 A. Not the ones that the NEH team had</p> <p>23 already deemed relating to DEI.</p> <p>24 Q. But the thousands that you</p> <p>25 reviewed personally, you used this process?</p>	208	<p>1 J. Fox</p> <p>2 Q. But that doesn't answer my</p> <p>3 question.</p> <p>4 Did you do anything to ensure that</p> <p>5 ChatGPT's description -- perception of DEI as</p> <p>6 applied here wouldn't discriminate on the</p> <p>7 basis of sex?</p> <p>8 MS. DOUD: Objection.</p> <p>9 A. I didn't need to. This was not</p> <p>10 the decision-making factor.</p> <p>11 Q. Right. But I'm not asking you</p> <p>12 whether you needed to or not, I'm asking you</p> <p>13 whether you did or not?</p> <p>14 MS. DOUD: Objection.</p> <p>15 A. This is a rephrasing of the</p> <p>16 previous question. What is it that you're</p> <p>17 referring to now, like, specifically?</p> <p>18 Q. Did you do anything to ensure that</p> <p>19 ChatGPT's perception of DEI as applied here</p> <p>20 wouldn't discriminate on the basis of sex?</p> <p>21 MS. DOUD: Objection.</p> <p>22 Q. It's a yes-or-no question.</p> <p>23 A. This is just to identify phrases</p> <p>24 that may relate to DEI to assist in our</p> <p>25 population of giving context to Adam and Mike</p>
207	<p>1 J. Fox</p> <p>2 A. To, again, to help with the</p> <p>3 contextualizing of it, to Mike and Adam, to</p> <p>4 pull out the key phrases of which this may</p> <p>5 relate to DEI, to assist in that step of the</p> <p>6 process which is consolidating the points.</p> <p>7 And we could have gone in and</p> <p>8 written our own summaries, and that's why this</p> <p>9 is only a tool, and it didn't end up with the</p> <p>10 final decisions, yes or no.</p> <p>11 Q. Did you do anything to ensure that</p> <p>12 ChatGPT's conception of DEI as applied here,</p> <p>13 wouldn't discriminate on the basis of race?</p> <p>14 MS. DOUD: Objection.</p> <p>15 A. No.</p> <p>16 Q. Did you do anything to ensure that</p> <p>17 ChatGPT's conception of DEI in this task that</p> <p>18 you gave to ChatGPT would -- strike that.</p> <p>19 Did you do anything to ensure that</p> <p>20 ChatGPT's perception of DEI as applied here</p> <p>21 wouldn't discriminate on the basis of sex?</p> <p>22 MS. DOUD: Objection.</p> <p>23 A. It didn't matter because, again,</p> <p>24 this was not the ultimate decision-making</p> <p>25 factor.</p>	209	<p>1 J. Fox</p> <p>2 as they're reviewing. And this was not the</p> <p>3 ultimate decision-making factor.</p> <p>4 Q. Did you do anything to ensure that</p> <p>5 ChatGPT's perception of DEI as applied here</p> <p>6 wouldn't discriminate on the basis of sex?</p> <p>7 I'd like an answer to my question, eventually.</p> <p>8 I'll keep asking it.</p> <p>9 MS. DOUD: Objection.</p> <p>10 A. It didn't matter.</p> <p>11 Q. Did you do anything to ensure that</p> <p>12 ChatGPT's perception of DEI as applied here</p> <p>13 wouldn't discriminate on the basis of sex?</p> <p>14 MS. DOUD: Objection, asked</p> <p>15 and answered several times.</p> <p>16 A. It didn't matter. We didn't need</p> <p>17 to.</p> <p>18 Q. Is that yes or no?</p> <p>19 MS. DOUD: Objection.</p> <p>20 A. Is what yes or no?</p> <p>21 Q. Did you do anything to ensure that</p> <p>22 ChatGPT's perception of DEI as applied here</p> <p>23 wouldn't discriminate on the basis of sex?</p> <p>24 MS. DOUD: Objection.</p> <p>25 A. The task was to pull out anything</p>

210	1 J. Fox 2 related to DEI. There was no reason to check 3 for discrimination. 4 Q. So you didn't do it? 5 MS. DOUD: Objection. 6 A. We did not need to. 7 Q. Did you do it or not? 8 MS. DOUD: Objection. 9 A. This was a medium step in between 10 getting the consolidated list to Adam and Mike 11 for review. 12 Q. I'm sorry, Justin. We can keep 13 doing this. I'm asking you for – I'm 14 entitled to an answer to my question as posed. 15 I'm not asking you about Michael McDonald or 16 Adam Wolfson. I'm not asking you about how 17 many other iterative steps it took to the 18 terminations. 19 I'm asking this question: Did you 20 do anything to ensure that ChatGPT's 21 perception of DEI as applied here wouldn't 22 discriminate on the basis of sex? 23 MS. DOUD: Objection. 24 A. There was no need to do that 25 because this was only an intermediary step.	212	1 J. Fox 2 again, I'd ask that you keep your 3 objections to form or foundation. 4 MS. DOUD: It's not coaching 5 the witness. 6 MR. ONAYEMI: Thank you. 7 MS. DOUD: You are proceeding 8 in an inappropriate manner. 9 MR. ONAYEMI: I appreciate it, 10 counsel. You're clearly coaching 11 the witness and if we need to go to 12 the Court about this, we will. 13 MS. DOUD: Okay. Feel free to 14 call the Court. I have not done 15 anything remotely inappropriate and 16 you are doing something 17 inappropriate. 18 MR. ONAYEMI: In your 19 estimation. Thank you. 20 BY MR. ONAYEMI: 21 Q. Hi Justin. Did you do anything to 22 ensure that ChatGPT, as you were using to 23 assess grants for DEI, would not discriminate 24 on the basis of sex or religion? 25 MS. DOUD: Objection.
211	1 J. Fox 2 Q. So because there was no need, did 3 you not do it? 4 MS. DOUD: Objection. 5 Q. I'll inform you that, you know, 6 it's possible that the finder of fact will 7 watch this and read this transcript. 8 A. Uh-huh. 9 Q. I would suggest being 10 straightforward. Of course, that's your 11 choice. 12 MS. DOUD: That isn't 13 appropriate. First of all, just 14 because you say the answer is yes or 15 no, does not mean that every answer 16 is yes or no. He has given you an 17 answer many, many times. Frankly, I 18 don't think your question even makes 19 sense. You can't keep asking the 20 witness the same question time after 21 time. This is becoming harassing. 22 MR. ONAYEMI: Okay. I would 23 just put into the record that 24 counsel's statement there is 25 partially coaching the witness. So,	213	1 J. Fox 2 A. We did not need to. 3 Q. So you're refusing to answer the 4 question? 5 MS. DOUD: Objection. 6 Q. It's a yes-or-no question. 7 MS. DOUD: Objection. 8 A. I'm telling you we did not need to 9 do this because we're just identifying whether 10 it involves DEI. 11 Q. Right. And again, I'm not asking 12 you what you needed to do or what you didn't 13 need to do, I'm asking whether or not 14 factually you did something. And you're 15 refusing to give me an answer. 16 A. What was the question? 17 Q. Factually speaking, did you do 18 anything yourself to ensure that the model 19 here would not discriminate on the basis of 20 sex? 21 MS. DOUD: Objection. 22 A. We did not need to. 23 MR. ONAYEMI: Okay. Thank 24 you, Justin. So I'll mark for the 25 record that the witness is refusing

214	<p>1 J. Fox 2 to answer this question. And we can 3 move on, I guess. 4 MS. DOUD: And I'll note that 5 he has answered the question. 6 Q. Did you do anything to ensure that 7 ChatGPT's perception of DEI as applied 8 wouldn't discriminate on the basis of 9 religion? 10 MS. DOUD: Objection. 11 A. We did not need to do that. 12 Q. Did you teach this model anything 13 about the meaning of DEI or how it should be 14 applied? 15 A. The prompt is from the perspective 16 of someone looking to identify DEI grants. So 17 just extract the key phrases that may relate 18 to DEI. And again, this just informed how we 19 were synthesizing a perspective to share with 20 Mike and Adam, not the ultimate decisions from 21 Mike and Adam. 22 Q. Did you use ChatGPT during any 23 other work while at the government? 24 A. Sometimes. 25 Q. For similar projects?</p>	216	<p>1 J. Fox 2 your work at NEH. Right? 3 A. Here, for the intermediary step, 4 yes. 5 Q. And if someone implied that you 6 didn't do this, that would be false. Right? 7 MS. DOUD: Objection. 8 A. Didn't do this for what? 9 Q. Didn't use ChatGPT in the way that 10 you did on this screen? 11 MS. DOUD: Objection. 12 A. In any capacity? 13 Q. Yes. 14 A. It was used to assist Mike and 15 Adam's understanding of where we were coming 16 from as grants related to DEI. 17 Q. That doesn't even come close to 18 answering my question. 19 If someone said that you didn't 20 use ChatGPT in relation to your work with NEH, 21 would that be a falsity or a truth? 22 MS. DOUD: Objection. 23 A. It would depend on the context. 24 Q. What contexts would it be true? 25 A. Whether it's making decisions on</p>
215	<p>1 J. Fox 2 A. For some, not all. 3 Q. If someone were to say that you 4 didn't use ChatGPT or LLMs in your analysis of 5 grants while at NEH, would that be false? 6 MS. DOUD: Objection. 7 A. To analyze the grants we were 8 using just the descriptions in its entirety. 9 That's what informed the -- like, giving it 10 back to Adam and Mike, and this is just an 11 intermediary step to synthesize the key 12 phrases that might relate to DEI. Ultimate 13 decisions, no. 14 Q. No, but -- I'm sorry. If someone 15 were to say that you didn't use ChatGPT in 16 your work related to NEH, would that be false? 17 MS. DOUD: Objection. 18 A. Could you just rephrase, because I 19 think double negative threw me off there. 20 Q. If someone made the representation 21 that you did not use ChatGPT in relation to 22 your work at NEH, would that be false? 23 MS. DOUD: Objection. 24 A. It would depend on the context. 25 Q. You did use ChatGPT in relation to</p>	217	<p>1 J. Fox 2 granting terminations or not, or intermediary 3 steps. 4 Q. Any at all. 5 MS. DOUD: Objection to form. 6 A. Any at all, full question? 7 Q. If someone said that you didn't 8 use ChatGPT in relation to your work at NEH in 9 any capacity, would that be false? 10 A. Yes. 11 MR. ONAYEMI: Okay. Hey, 12 Jacob, could you go to Sheet 2. I 13 think it's the fourth tab. 14 Q. Do you recognize this tab, Justin? 15 A. As separate and distinct from the 16 other tabs, no. 17 Q. So this tab has, I think, two 18 columns. And, you know, we can -- I can read 19 an example of what's in Column 1. There's a 20 command for each one of these entries on the 21 page that says: 22 "Does the following relate at 23 all to DEI? Respond factually in 24 less than 120 characters. Begin 25 with 'Yes.' or 'No.' followed by a</p>

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1 J. Fox
 2 brief explanation. Do not use 'this
 3 initiative' or 'this description' in
 4 your response."
 5 Did I read that correctly?
 6 A. Yes.
 7 Q. Okay. And then Cell A3.
 8 MR. ONAYEMI: If you could
 9 zoom up a bit, Jacob. Or scroll up,
 10 sorry. So if we could look at A3.
 11 Could you zoom in too, it's kind of
 12 small for me to see. So Cell 3
 13 says -- Jacob, could you actually go
 14 to the line between 2 to 3 and pull
 15 it down so you can see the full
 16 text. There's like, yeah, if you
 17 could go over -- there's a line --
 18 yeah, so I want to make that -- I
 19 want to make that one bigger.
 20 Actually I think that's the right
 21 size. No, that's the right size.
 22 Okay.
 23 BY MR. ONAYEMI:
 24 Q. So this here says, this is cell
 25 A3, again. It says:

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1 J. Fox
 2 "Does the following relate at
 3 all to DEI? Respond factually in
 4 less than 120 characters. Begin
 5 with 'Yes.' or 'No.' followed by a
 6 brief explanation. Do not use 'this
 7 initiative' or 'this description' in
 8 your response. The documentary
 9 tells the story of the Colfax
 10 Massacre, the single greatest
 11 incidence of anti-Black violence
 12 during Reconstruction, and its
 13 historical and legacy for Black
 14 civil rights in Louisiana, the
 15 South, and in the nation as a
 16 whole."
 17 Did I read that correctly?
 18 A. Yes.
 19 Q. And then in Column B right next to
 20 that, it says:
 21 "Yes, the documentary explores
 22 a historical event that
 23 significantly impacted Black civil
 24 rights, making it relevant to the
 25 topic of DEI."

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1 J. Fox
 2 Did I read that correctly?
 3 A. Yes.
 4 Q. Is it fair to say that that's --
 5 what I just read is the ChatGPT output of the
 6 prompt in the first column?
 7 A. Yes.
 8 Q. Okay. Do you agree with ChatGPT's
 9 assessment here that the document is DEI if it
 10 explores historical events that significantly
 11 impacted Black civil rights?
 12 A. Yes.
 13 Q. Why would that be DEI?
 14 A. It's focused on a singular race.
 15 It is not for the -- it is not for the benefit
 16 of humankind. It is focused on a specific
 17 group of -- or a specific race, here being
 18 Black.
 19 Q. Why would learning about
 20 anti-Black violence not be to the benefit of
 21 humankind?
 22 MS. DOUD: Objection.
 23 A. That's not what I'm saying.
 24 Q. Okay. Then what are you saying?
 25 A. I'm saying it relates to

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1 J. Fox
 2 diversity, equity, and inclusion.
 3 Q. You said it's not to the benefit
 4 of humankind. Right?
 5 A. Is that what I said?
 6 Q. Yeah, could you read back the
 7 witness' response about benefits to humankind.
 8 (Record read by the certified
 9 stenographer as follows:
 10 "QUESTION: Why would that be
 11 DEI?
 12 "ANSWER: It's focusing on a
 13 singular race. It is not for the --
 14 it is not for the benefit of
 15 humankind. It is focused on a
 16 specific group or a specific race,
 17 here being Black.")
 18 Q. So what do you mean by "not for
 19 the benefit of humankind?
 20 A. That's a very subjective -- the
 21 way that I phrased it there wasn't exactly
 22 what I meant. It is focused on a specific
 23 subset of race, and therefore, it relates to
 24 DEI. I'm not suggesting that this is not for
 25 the betterment of humankind. That was a

222	1 J. Fox 2 misphrasing. 3 Q. Okay. So is it your understanding 4 that the actual massacre was an event of 5 anti-Black violence? 6 MS. DOUD: Objection. 7 A. What do you mean? 8 Q. Like, I guess I'm trying to 9 distinguish between the facts of the massacre 10 itself, the historical event versus how it's 11 written here. There was, at least in the 12 description here, a massacre that seems to 13 have been in some ways anti-Black or against 14 Black people. 15 Is that your understanding of it 16 by reading this? 17 THE WITNESS: Could you zoom 18 in. 19 A. (Document review.) 20 Okay. What was the question? 21 Q. Is it your understanding that the 22 historical event itself, the Colfax massacre, 23 was an event that featured anti-Black 24 violence? 25 A. What do you mean by "featured"?	224	1 J. Fox 2 featuring one particular race would be marked 3 for DEI in your view. 4 Is that fair to say? 5 A. It would depend on the grant. 6 Q. But that was one factor that you 7 analyzed, whether the event itself had to do 8 with a specific race or gender? 9 A. To identify if it related or could 10 have related at all to DEI in the EOs. 11 MR. ONAYEMI: Jacob, can you 12 pull up Tab 10. 13 DOCUMENT TECH: Exhibit 10? 14 MR. ONAYEMI: Sorry. Tab 10. 15 DOCUMENT TECH: Yes, is this 16 Exhibit 10? 17 MR. ONAYEMI: Yes, I think so. 18 (Fox Exhibit 10, Active Grants 19 Flagged as N/A for DEI, spreadsheet, 20 Bates Number NEH_AR_000024, marked 21 for identification, as of this 22 date.) 23 Q. So this is document NEH_AR_000024. 24 Do you recognize this document? 25 A. Was there an e-mail associated
223	1 J. Fox 2 Q. That there was anti-Black violence 3 exercised during the Colfax massacre? 4 A. Yes. 5 Q. Okay. And so you're not disputing 6 whether this was a real event, are you? 7 A. No. 8 Q. So if anti-Black violence was a 9 real feature of a real historical event, what 10 about this project is DEI? 11 A. Because it focuses on exclusively 12 anti-Black violence, which is a race. 13 Q. So because the massacrists at the 14 Colfax massacre decided to kill only Black 15 people, there should be no -- this project 16 should be marked for DEI and put on a 17 potential list for termination? 18 MS. DOUD: Objection. 19 A. The same as it would be an 20 anti-white violence during reconstruction, as 21 it's a race that you're isolating, and it 22 relates to diversity, equity, and inclusion. 23 Q. So in the exercise of your role 24 with DOGE in looking at these grants, any 25 historical event that would have been	225	1 J. Fox 2 with this being sent? 3 Q. There was. Yeah, actually, if we 4 could just, because of the logistics here, set 5 up here, I'll skip over this. We haven't 6 really gotten to it yet. We'll come back to 7 it though. 8 MR. ONAYEMI: So this is 9 Exhibit 10. I'll now go to Tab 11, 10 Jacob. This will be Exhibit 11. 11 This is going to be an e-mail, 12 but not the e-mail that you just 13 asked for, just FYI. It's a 14 different e-mail. I just don't want 15 to confuse anyone. 16 (Fox Exhibit 11, E-mail to and 17 from Justin Fox, subject "Crazy 18 grants" dated April 3, 2025, Bates 19 Number US-000016153, marked for 20 identification, as of this date.) 21 MR. ONAYEMI: Okay. This is 22 Exhibit 11, Bates Number 23 US-000016153. Very short. 24 It's from "justin.fox@gsa.gov" 25 to "jfox@neh.gov," subject "Crazy

226	1 J. Fox 2 Grants." 3 BY MR. ONAYEMI: 4 Q. Did I read that correctly? 5 A. Yes. 6 Q. So this is an e-mail from your GSA 7 e-mail to your NEH e-mail. Is that fair to 8 say? 9 A. Yes. 10 Q. And you had e-mails at both? 11 A. Yes. 12 Q. Do you remember why you sent this 13 e-mail to yourself? 14 A. April 3? No, I don't. 15 Q. Did you typically send e-mails 16 between your NEH and your GSA accounts? 17 A. Not often, from what I remember. 18 Q. In what circumstance might you 19 have done that? 20 A. Work done on my GSA that needed to 21 go and be continued to work on from my NEH 22 laptop. 23 Q. Okay. Do you think that might 24 have been what was happening here? 25 A. Maybe.	228	1 J. Fox 2 attached to Exhibit 11, Bates Number 3 US-000016154, marked for 4 identification, as of this date.) 5 Q. So this is the document that you 6 sent to yourself on April 3, 2025, in an 7 e-mail, subject "Crazy grants." 8 Does this look familiar to you? 9 A. Yes. 10 Q. Is this a document that you 11 created? 12 A. That I edited from grants.gov, 13 yes. 14 Q. So but -- sorry, several parts 15 there. 16 Did you get this document from 17 grants.gov directly, and then, kind of, work 18 within it? 19 A. Yes. 20 Q. Okay. So no single person sent 21 you this document. Is that fair to say? 22 A. This? No. 23 Q. Okay. So -- 24 A. From what I -- from what I 25 remember. This, no.
227	1 J. Fox 2 Q. Any other reasons you could think 3 of? 4 A. For this single e-mail, I don't 5 know. 6 MR. ONAYEMI: Okay. We can 7 move on to -- well, before we do 8 that. 9 Q. It says "Crazy grants." Do you 10 see that? 11 A. Yes. 12 Q. Did you write that? 13 A. Yes. 14 Q. Do you know what that means? 15 A. I don't remember. 16 Q. You don't remember what "Crazy 17 grants" means? 18 A. I don't remember what it meant in 19 the context of this attachment. 20 Q. Well, we can open the attachment. 21 MR. ONAYEMI: This is Tab 12, 22 Jacob, Exhibit 12. It's going to be 23 Bates Number US-000016154. 24 (Fox Exhibit 12, Grants.gov 25 spreadsheet listing NEH grants	229	1 J. Fox 2 Q. Can you describe what it is? 3 A. From what I remember, all 4 outstanding grants for NEH with the obligated 5 in dollars outlaid, and the remaining amount, 6 along with on the right, all of the 7 descriptions about the recipient and the 8 description of the project. I don't remember 9 what else is on the right. If you wouldn't 10 mind scrolling over. 11 MR. ONAYEMI: Jacob, you can 12 scroll to the right quickly for the 13 witness. 14 THE WITNESS: Thank you. 15 Q. Does that comport with your 16 understanding of -- 17 A. Yeah. 18 MR. ONAYEMI: We can scroll 19 back to the left now, Jacob. 20 Q. Did someone tell you to put this 21 document together? 22 A. Not that I remember. 23 Q. So you did this on your own 24 volition? 25 A. Ahead of meeting with Mike and

230	<p>1 J. Fox</p> <p>2 Adam in our first meeting, we were identifying</p> <p>3 areas to discuss with them about compliance</p> <p>4 with the EO, and to make sure we had</p> <p>5 discussion points to talk with Adam and Mike</p> <p>6 about, did our own, sort of, condensed review</p> <p>7 of what was publicly available on NEH's</p> <p>8 grants.</p> <p>9 Q. When you say "our," who are you</p> <p>10 referring to?</p> <p>11 A. Nate and myself.</p> <p>12 Q. Okay. Was it your idea to do this</p> <p>13 or Nate's idea to do this?</p> <p>14 A. This is just what we did for</p> <p>15 meetings that we had coming up, was do a</p> <p>16 review of the publicly available grants, and</p> <p>17 assess their adherence to the existing EOs.</p> <p>18 Q. Okay. So there are several grants</p> <p>19 in the -- in this document with shortened</p> <p>20 descriptions under Column E that say things</p> <p>21 like:</p> <p>22 "Understanding historical</p> <p>23 LGBTQ spaces through gay travel</p> <p>24 guides," for instance.</p> <p>25 That's Cell E12.</p>	232	<p>1 J. Fox</p> <p>2 our understanding. And this is a very</p> <p>3 preliminary exercise, again, to address the</p> <p>4 initial meeting with Mike and Adam.</p> <p>5 Q. But you sent it to yourself on</p> <p>6 April 2?</p> <p>7 A. Yeah.</p> <p>8 Q. And your initial meeting with Mike</p> <p>9 and Adam Wolfson, I think, was much earlier on</p> <p>10 March 12?</p> <p>11 A. Yeah, this document should be</p> <p>12 saved exactly around the time that we'd met</p> <p>13 with Adam and Mike. I don't remember why I'd</p> <p>14 send it from my GSA to my NEH at that time,</p> <p>15 but I know that this document was formed</p> <p>16 immediately or right before we had that first</p> <p>17 interaction with Mike and Adam.</p> <p>18 Q. So why do you label these the</p> <p>19 craziest grants?</p> <p>20 A. They're the most obviously</p> <p>21 infringing on the EOs to identify and</p> <p>22 eliminate wasteful spend or DEI-related</p> <p>23 projects.</p> <p>24 Q. You say "most obviously." Most</p> <p>25 obviously based on your point of view. Is</p>
231	<p>1 J. Fox</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. I think you actually referenced</p> <p>5 this -- this project at the very, very</p> <p>6 beginning of the deposition.</p> <p>7 Do you remember that?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And you said that, you</p> <p>10 know, that was obviously DEI or something</p> <p>11 earlier?</p> <p>12 A. Yes.</p> <p>13 Q. Here, you're calling it among the</p> <p>14 craziest grants. Is that a fair, kind of,</p> <p>15 summary of -- by looking at this document?</p> <p>16 A. A summary of?</p> <p>17 MS. DOUD: Objection.</p> <p>18 Q. Like, is that -- is that what the</p> <p>19 placement of that grant in this section means,</p> <p>20 that you considered it to be one of the</p> <p>21 craziest grants?</p> <p>22 A. From the lens of adherence to the</p> <p>23 EOs, "crazy" is one way of saying it, "most</p> <p>24 incriminating" is another way. The most</p> <p>25 blatantly misaligned with the latest EOs, to</p>	233	<p>1 J. Fox</p> <p>2 that fair to say?</p> <p>3 A. Our interpretation of the EOs.</p> <p>4 Q. You and Nate's interpretation of</p> <p>5 the EOs. Is that --</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And that's how you assessed</p> <p>8 what grants were crazy and what grants weren't</p> <p>9 crazy. Is that fair?</p> <p>10 A. That's how we assessed whether or</p> <p>11 not a grant would be most infringing or not on</p> <p>12 the EOs.</p> <p>13 Q. Your subjective interpretation?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So let's look at some of</p> <p>16 these. In Row 12, Cell C -- excuse me,</p> <p>17 Cell E, we already read it. It says:</p> <p>18 "Understanding historical</p> <p>19 LGBTQ spaces through gay travel</p> <p>20 guides."</p> <p>21 In Row 11, Cell E, it says:</p> <p>22 "Improving access to LGBTQ</p> <p>23 plus cultural heritage."</p> <p>24 In Row 11, Cell D, it says:</p> <p>25 "Developing a Spanish-language</p>

234	<p>1 J. Fox 2 homosaurus." 3 MR. ONAYEMI: If we scroll 4 down a bit, Jacob. 5 Q. We'll see in Row 32 -- in Row 32, 6 it says: 7 "Digital stories of 8 transgender adults in the Pacific 9 Northwest." 10 In Row 16, if we scroll up a 11 bit, it says: 12 "Examining the relationship 13 between the Internet and the LGBTQ 14 communities." 15 Did I generally read all those 16 correctly? 17 A. Yes. 18 Q. So why, for instance, is, to your 19 view, improving access to LGBTQ plus cultural 20 heritage DEI? 21 A. Which one was that? 22 Q. Row 11. 23 A. Could I see the full description. 24 MR. ONAYEMI: Yeah. Could you 25 scroll up a little, Jacob.</p>	236	<p>1 J. Fox 2 do the same assessment here. 3 A. (Document review.) 4 So this is funding to create a 5 Spanish version of LGBTQ plus vocabulary. 6 Q. Okay. And it looks like in the 7 next column over -- strike that. 8 And that's what makes it DEI. Is 9 that what you're saying? 10 A. It's spend to create vocabulary 11 for just LGBTQ words for the benefit of the 12 LGBTQ community, or Q plus community in 13 Spanish. 14 Q. Okay. And was it your 15 understanding that grants like this should not 16 continue based on the DEI principle? 17 A. That they were related to DEI, 18 yes. 19 Q. And then in the next column it 20 says "LGBTQ, queer." Do you see that? 21 A. Yes. 22 Q. And then above that, it says 23 "Indigenous" in G10. Below that, it says 24 "LGBTQ, gay" in Cell G11. These look like 25 keywords. Is that right?</p>
235	<p>1 J. Fox 2 A. Column F? 3 Q. Yeah. 4 A. I believe it's truncated here. 5 MR. ONAYEMI: If you could 6 click on that Cell 11, F11. 7 A. I still can't read all of it. 8 THE WITNESS: If you press the 9 down button on the -- in the bar or 10 make the row bigger. 11 MR. ONAYEMI: If you drag 12 down, if you go to 11, right below 13 11 where the 11 turns into 12, and 14 click on that line and drag it 15 downwards, it should expand. Yeah, 16 just like that. There you go. 17 THE WITNESS: Great. 18 MR. ONAYEMI: Keep going until 19 all the text is visible, Jacob, 20 thank you. 21 THE WITNESS: If you could 22 zoom in as well. 23 A. This is the homosaurus one? 24 BY MR. ONAYEMI: 25 Q. Yeah, I think so, I guess you can</p>	237	<p>1 J. Fox 2 MS. DOUD: Objection. 3 A. Yes. 4 Q. Did you use keywords to identify 5 certain concepts and grant descriptions in 6 this document? 7 A. For this document, again, the 8 preliminary work that we were doing before 9 meeting Adam and Mike was to find grants that 10 were not aligned with the EOs. 11 MR. ONAYEMI: Okay. So can we 12 go to the third tab there, Jacob. 13 It says "Detection List" in the same 14 spreadsheet at the bottom. 15 Q. You can take a second to review 16 that. 17 THE WITNESS: Can you zoom in, 18 Jacob. 19 Q. Do you have an understanding of 20 what this list is? 21 A. A list of words or phrases that 22 may relate to diversity, equity, and 23 inclusion. 24 Q. So you said that you and Nate 25 were -- prepared this in preparation for</p>

<p style="text-align: right;">238</p> <p>1 J. Fox 2 meeting with Mr. McDonald and Mr. Wolfson for 3 the first time? 4 A. Yes. 5 Q. So how would you have determined 6 that this would be at all useful to 7 Mr. McDonald and Mr. Wolfson before you even 8 met with them? 9 MS. DOUD: Objection. 10 A. The EOs made it clear that funding 11 to DEI programs needed to be terminated in the 12 timeframe, I think it was 60 days from the 13 time it dropped. And we were there to assist 14 them in any way we could. And part of what we 15 thought would be helpful was to think through 16 the existing base of grants, which of these 17 may infringe with the direction of EOs. 18 Q. And you had done that thinking in 19 the lead up to your first meeting with 20 Mr. Wolfson and Mr. Cavanaugh -- excuse me -- 21 Mr. Wolfson or Mr. McDonald. Is that right? 22 A. Yes. 23 Q. Was this in the context of helping 24 Mr. McDonald and Mr. Wolfson identify grants 25 to terminate?</p>	<p style="text-align: right;">240</p> <p>1 J. Fox 2 A. The heads of agencies would need 3 to assess if they were in line with the 4 executive orders. 5 Q. How did you come up with this 6 list? 7 A. I don't remember. 8 Q. It's got LGBTQ on it, homosexual, 9 tribal, immigrants, immigrant. So it was your 10 assessment that immigrant would have been 11 contrary to the EOs? 12 A. It depends on the grant. 13 Q. But you put it on this list 14 because, at some point, you thought that a 15 word like immigrant might conflict with the 16 EOS? 17 A. It may but it all depends on the 18 grant. 19 Q. But is that why you put this word 20 on the list, though? 21 A. It could indicate DEI. It's not 22 hamburger; it's something that may relate to 23 cultural appropriation and DEI-related grants. 24 Q. Okay. You also put the word 25 "refugees," that's C25. Is there something</p>
<p style="text-align: right;">239</p> <p>1 J. Fox 2 A. Not at this point. This was -- 3 Q. So what -- I'm sorry. 4 A. -- to assess whether they were 5 even aware of some of the grants that they had 6 outstanding, and whether they may conflict 7 with EOs priorities. 8 Q. Okay. But this is all under the 9 context of possibly terminating grants. 10 Is that fair to say? 11 A. Identifying grants that may relate 12 or conflict with EOs. 13 Q. Okay. Was there any world in 14 which you were -- you saw your goal as being 15 identifying grants that had to do with DEI in 16 order to ensure that you preserve all of those 17 grants through the end of their terms? 18 MS. DOUD: Objection. 19 A. Could you restate. 20 Q. Were you flagging these grants in 21 order to save them? 22 A. We were flagging them because they 23 may conflict with the EOs. 24 Q. And what would happen to grants 25 that conflict with the EOs?</p>	<p style="text-align: right;">241</p> <p>1 J. Fox 2 about refugees that invokes DEI principles? 3 A. Maybe. It depends on the grant. 4 Q. But you were using this list to 5 flag grants for potential DEI. Is that fair 6 to say? 7 A. Or wasteful spend. 8 Q. So would you say that spending on 9 LGBTQ was wasteful? 10 A. That would depend entirely on the 11 grant and the specifics of that grant. 12 Q. Well, you say "or wasteful spend," 13 but what about these words would imply 14 wasteful spend? 15 A. Well, they may not be a 16 life-or-death award. For something like food 17 stamps, it's clear, you need spend to go to 18 those, they're critical spend, expenditures of 19 the government. Again, all depends on the 20 grant itself. 21 Q. Okay. And you put on here 22 "homosexual." I don't see heterosexual 23 though. You can confirm or deny. 24 THE WITNESS: Could you scroll 25 down.</p>

242	1 J. Fox 2 A. (Document review.) 3 Very well could have put 4 heterosexual, but it is not on this list. 5 Q. It's not on this list? 6 A. I don't know why I didn't put 7 heterosexual, but it is not on this list. 8 Q. Okay. Do you see "white" on this 9 list? 10 A. I see "privilege." 11 Q. Do you see "white" on this list? 12 THE WITNESS: Could you scroll 13 back up. 14 A. (Document review.) 15 No. 16 Q. What about Caucasian? Is that on 17 the list? 18 A. (Document review.) 19 No. 20 Q. So you can see that there is gay, 21 LGBTQ plus, homosexual on this list. Right? 22 A. Yes. 23 Q. But there is no heterosexual on 24 this list. Right? 25 A. Very well could have put	244	1 J. Fox 2 context of deciding which grants to keep or 3 not. This list was preemptive and not the 4 source of truth. 5 So this is from a publicly 6 available site called grants.gov. Grants.gov 7 is where you can download any grant, but it's 8 not up to date and it doesn't give you the 9 best information in terms of description. 10 So what we did after we met and 11 talked with Mike and Adam is can we get 12 details from eGMS and have the full list that 13 you guys have, which is the latest up-to-date, 14 so that we can properly assess alongside you. 15 Q. Okay. Got it. 16 A. So this is -- this got thrown out, 17 frankly, after the first meeting when Adam had 18 sent me the file that you showed me, which is 19 here's our active grants. 20 Q. Okay. So this list was not 21 used -- 22 A. No. 23 Q. -- in determining which grants to 24 keep or not? 25 A. No.
243	1 J. Fox 2 heterosexual, although this list does not 3 capture everything that is DEI. Again, this 4 was a preliminary search. 5 Q. And we can see that it says, 6 "Black, indigenous, people of color" on this 7 list. Right? 8 A. Yes. 9 Q. It doesn't say "white" or 10 "Caucasian" on this list, does it? 11 A. It very well could have. Again, 12 this is an early -- before we had our 13 meetings, and it all depends on the grant 14 itself. 15 Q. Did you ever correct that by 16 putting "white" or "Caucasian" on any list 17 that you used to screen for DEI? 18 A. I didn't need to because we read 19 the grants themselves. 20 Q. So you were using ChatGPT to 21 screen grants using keywords, and that 22 screening didn't have white, heterosexual, 23 Caucasian on it. Is that fair? 24 MS. DOUD: Objection. 25 A. This list was not used in the	245	1 J. Fox 2 Q. Okay. But a future list that you 3 created was used in that way? 4 A. In what way? 5 Q. In determining which grants to 6 keep or not. 7 A. In determining which grants 8 related or may have related to DEI or not? 9 Yes. 10 Q. For the purposes of keeping or not 11 keeping those grants at the agency? 12 A. For the purposes of identifying if 13 this may conflict with DEI. 14 Q. Okay. Number 49 says "melting 15 pot." Why would that be DEI? 16 A. I guess it's melting pot, I 17 assume, of cultures, is the way that the 18 context could be used. So it's promoting an 19 inclusion atmosphere or something that's DEI 20 related. 21 Again, did not use this as a 22 source of truth. This was the initial 23 publicly available research for a jumping-off 24 point to talk with Mike and Adam. 25 Q. Right. But you did put this

246	1 J. Fox 2 together. Right? 3 A. Yes, I don't remember where. 4 Q. And this does reflect your 5 understanding of what the EOs would have 6 conflicted with. Right? 7 A. Not necessarily. This was the 8 initial take of which grants may be 9 conflicting, but not necessarily prescriptive 10 as to here's the only 55 terms that we would 11 use to assess whether or not a grant is 12 related to DEI or wasteful for that matter. 13 Q. Sure. 14 A. Preliminary list, this got thrown 15 out. 16 Q. Sure, yeah. But would you agree, 17 at least, that this list captures at least a 18 moment of your perception of what the EOs were 19 calling for in analyzing grants? 20 A. This list helped us identify which 21 grants we needed to read, but not make the 22 ultimate yay-or-nay decision on whether we 23 keep this grant or not. 24 Q. But this is subjective. Right? 25 A. What is?	248	1 J. Fox 2 MR. ONAYEMI: I think we were, 3 Jacob, I think we were looking at 4 Exhibit 12. This is US-000016154. 5 Great. Thanks. 6 And if you could go back to 7 the first tab on this document 8 called "NEH grants (JF)." Maybe if 9 you zoom out a bit so that we could 10 see more of the document. And 11 scroll to the right -- excuse me -- 12 scroll to the left, please. Thank 13 you. 14 BY MR. ONAYEMI: 15 Q. So Justin, again, these are what 16 you're testifying that you and Nate put 17 together in the lead-up to your initial 18 meeting with Mr. Wolfson and Mr. McDonald? 19 A. Yes. 20 Q. Did you actually show Mr. Wolfson 21 and Mr. McDonald this list? 22 A. No. 23 Q. Why not? 24 A. We didn't get to it, frankly. We 25 said that we could show them. They said
247	1 J. Fox 2 Q. The terms that you picked. Why 3 you picked one term versus another term. This 4 was a subjective call by you and 5 Mr. Cavanaugh. Right? 6 A. Yes. 7 Q. Okay. And the DEI rationales that 8 we saw in previous spreadsheets, those were 9 also subjective calls about how DEI in the EOs 10 would apply to certain grant descriptions. 11 Right? 12 A. Yes. 13 MR. ONAYEMI: Let's go off the 14 record for a few minutes. Counsel? 15 MS. DOUD: Yeah. 16 THE VIDEOGRAPHER: The time 17 now is 4:21 p.m. This concludes 18 Media 5. Off the record. 19 (Recess taken from 4:21 p.m. 20 to 4:32 p.m.) 21 THE VIDEOGRAPHER: The time 22 now is 4:32 p.m. This begins Media 23 6. On the record. 24 BY MR. ONAYEMI: 25 Q. Hi there.	249	1 J. Fox 2 great, we've actually been doing the same 3 thing. We should send you the work that we've 4 been doing as a team. 5 Q. So you never gave this to 6 Mr. Wolfson or Mr. McDonald? 7 A. Not that I remember. 8 MR. ONAYEMI: Let's go to 9 Tab 13, Jacob. This will be 10 Exhibit 13, Bates US-000063326. 11 (Fox Exhibit 13, Cellebrite 12 text message report, Bates Number 13 US-000063326, marked for 14 identification, as of this date.) 15 Q. So this is a recording of text 16 messages in a Cellebrite report. It's just an 17 image of texts on a phone. This appears to be 18 a conversation between -- 19 MR. ONAYEMI: Well, can we 20 zoom in, Jacob, just so we can see. 21 There we go. That should be, that's 22 perfect. 23 Q. So there are two phone numbers on 24 the top left, "12024806696." 25 Was that a phone number to your

250	<p>1 J. Fox 2 understanding that was affiliated with Michael 3 McDonald? 4 A. Yes. 5 Q. And then, there's a number of 6 "+17712109025." Do you understand that to be 7 your government phone number? 8 A. I think so. 9 Q. So in the first text of the right 10 side, there's a bubble, and -- 11 MR. ONAYEMI: And if you could 12 zoom in a bit more, Jacob, to that 13 gray bubble. 14 Q. So it looks like the -9025 number 15 sends a text to the -6696 number, Mike 16 McDonald. 17 Does that seem to be what's going 18 on? 19 A. Yes. 20 Q. So this is a text from you to 21 Mr. McDonald. Is that fair? 22 A. I believe so. 23 Q. It says, quote -- pardon me. This 24 is sent on, under "delivered," it says 25 "5/20/2025."</p>	252	<p>1 J. Fox 2 call the "DOGE team." 3 Who is the DOGE team that you're 4 referring to there? 5 A. The leadership team, Stephen 6 Ehikian, Josh Gruenbaum, Anthony Armstrong. 7 Q. Anthony Armstrong, Josh Gruenbaum, 8 and who else? 9 A. Stephen Ehikian. 10 Q. Stephen Ehikian. Okay. And 11 collectively, this leadership team was 12 planning to make an X post? Is that -- 13 A. Yeah. 14 Q. Do you know who ran the X for 15 DOGE? 16 A. I know it moved around. I don't 17 know who was physically in charge while I was 18 there. 19 Q. Got it. How did you become 20 aware -- before we -- strike that. 21 How did you know that, I guess I 22 should say? 23 A. Nate. 24 Q. Nate told you that the owner of 25 the X DOGE page moved around?</p>
251	<p>1 J. Fox 2 Do you see that? 3 A. Yes. 4 Q. Were you still with the government 5 at this point? 6 A. Yes. 7 Q. Was it this after your work had 8 been finished with the NEH, to your 9 understanding? 10 A. Substantively, I think so. 11 Q. So you text Mr. McDonald and you 12 say: 13 "Ringin' to give you a 14 heads-up that the DOGE team is 15 planning to make an X post on NEH 16 highlighting a few of the crazy DEI 17 grants from Biden-era administration 18 and reiterating that NEH grants 19 going forward will be merit-based 20 and awarded to nonDEI, pro-America 21 causes." 22 Did I read that correctly? 23 A. Yes. 24 Q. So it appears that you have a 25 pretty specific reference point in what you</p>	253	<p>1 J. Fox 2 A. Well, we just didn't know or I 3 didn't know who was running it. But I know 4 that Josh and Stephen had their own X accounts 5 as well through GSA. 6 Q. How did you find out that this was 7 going to happen? 8 A. That the X post was going to 9 happen? 10 Q. Yeah. 11 A. I think Nate told me. 12 Q. Do you have an understanding of 13 why the DOGE account on X would post about NEH 14 grants? 15 A. Just exemplary work that's been 16 done on aligning with the administration's 17 priorities. 18 Q. Did you often text Mr. McDonald 19 like this? 20 A. In the month prior to that, 21 infrequently. But while we were engaging, you 22 know, can you get me from the lobby, and no 23 substantive work via text, but coordinating 24 meeting times, fairly common. 25 Q. Via text from your government --</p>

254	1 J. Fox 2 on your government cell phone? 3 A. Yes. 4 Q. Did you search for those documents 5 in the preparation -- or in the context of 6 this litigation? 7 A. I didn't have my phone. 8 Q. Got it. But you were texting 9 Mr. McDonald on this phone number while you 10 were working with NEH? 11 A. Yes. 12 Q. Okay. 13 MR. ONAYEMI: I'm just going 14 to put in the record that we request 15 all of the text messages that -- 16 MS. DOUD: This is where that 17 came from. 18 MR. ONAYEMI: I know. 19 MS. DOUD: So it came from 20 imaging his phone and producing it 21 to you. 22 MR. ONAYEMI: Right. I -- 23 MS. DOUD: So we produced the 24 ones that are -- 25 MR. ONAYEMI: I do know that.	256	1 J. Fox 2 MR. ONAYEMI: I'm putting it 3 on the record for you -- 4 MS. DOUD: Okay. 5 MR. ONAYEMI: -- and the 6 judge. 7 MS. DOUD: We are not 8 responding to whatever this new 9 request is as phrased on the record. 10 MR. ONAYEMI: Okay. 11 MS. DOUD: I think that we've 12 been pretty clear about what we did. 13 MR. ONAYEMI: Okay. Great. 14 Thank you. 15 BY MR. ONAYEMI: 16 Q. You note the DOGE team is planning 17 to post about "crazy DEI grants." 18 Did I read that correctly? 19 A. Yes. 20 Q. Did you have an understanding of 21 what "crazy" meant in this context? 22 A. Grants that were most infringing 23 on the EOs. 24 Q. The EOs about DEI, gender 25 ideology?
255	1 J. Fox 2 MS. DOUD: -- responsive. So 3 I don't know what you're requesting 4 is different from what we've already 5 done. 6 MR. ONAYEMI: Okay. Just 7 putting on the record that we make 8 that request of all -- of the text 9 messages that he's referring to that 10 he shared with Mr. McDonald. 11 MS. DOUD: Well, we produced 12 the ones that were -- we said we 13 would produce, you know, pursuant to 14 response of this criteria. And -- 15 so that is what we've done. 16 MR. ONAYEMI: Okay. Surely 17 text messages about meetings that 18 you were having with the head of NEH 19 would be responsive to your 20 communications with the head of NEH. 21 We'll move on. 22 MS. DOUD: That's not really 23 an issue for him to answer at his 24 deposition, so I'm not sure what 25 you're --	257	1 J. Fox 2 A. And waste. 3 Q. And waste. It also says 4 "pro-America causes." 5 Do you see that? 6 A. Mm-hmm. 7 Q. Do you understand what that means? 8 A. America 250 grants, Garden for 9 American Heroes. Yeah. 10 Q. So is it your understanding that 11 grants that involve DEI as they relate to the 12 EOs are also not pro-America? 13 A. I -- 14 MS. DOUD: Objection. 15 THE WITNESS: Sorry. 16 A. It depends on the grant. 17 Q. It says "nonDEI, pro-America," 18 though. Right? 19 A. Yeah. 20 Q. So I guess my question is: Could 21 a grant be DEI and pro-America? 22 A. That depends on the grant. 23 Q. Okay. How do you know that 24 Anthony, Josh, and Stephen were involved with 25 this X post?

<p style="text-align: right;">258</p> <p>1 J. Fox</p> <p>2 A. They were the leaders that we were</p> <p>3 communicating with.</p> <p>4 Q. You also say that grants going</p> <p>5 forward will be merit-based. Can you explain</p> <p>6 what you mean by that?</p> <p>7 A. This is reiterating some of the</p> <p>8 verbiage that Mike felt the agency should be</p> <p>9 headed. What Mike interprets as merit-based</p> <p>10 is entirely up to him. But this is just, kind</p> <p>11 of, the way that he wanted the agency to be</p> <p>12 heading towards.</p> <p>13 Q. Did he ever explain to you what he</p> <p>14 understood merit-based to mean?</p> <p>15 A. We never got into definitionally</p> <p>16 what is merit-based. In, you know, implied</p> <p>17 conversation, it's just not discriminating</p> <p>18 based on cultural, race, identity, gender.</p> <p>19 Q. Not discriminating based on --</p> <p>20 A. Purely based on merit.</p> <p>21 Q. Okay. Did you make an assessment</p> <p>22 of the scholarly quality of the grants that</p> <p>23 you were reviewing for potential termination?</p> <p>24 A. We were only looking at it from</p> <p>25 the view of the EOs, whether it was related to</p>	<p style="text-align: right;">260</p> <p>1 J. Fox</p> <p>2 It sounds like these are two concepts that are</p> <p>3 on your mind as you were looking at grants.</p> <p>4 Is that fair to say?</p> <p>5 A. Frankly, merit-based is how Mike</p> <p>6 was conceptualizing the go-forward review of</p> <p>7 applicants. And as you know, I was looking on</p> <p>8 the historical view of grants that had gone</p> <p>9 out, and whether or not they were related to</p> <p>10 DEI or wasteful spend.</p> <p>11 And so my understanding is that</p> <p>12 Mike was going to implement new methods of</p> <p>13 just assessing purely on merit of an</p> <p>14 awardee --</p> <p>15 Q. That --</p> <p>16 A. -- forward-looking.</p> <p>17 Q. Right. Okay. So there's, like,</p> <p>18 a, kind of, a chronological element to this</p> <p>19 that I'm not sure I fully appreciated before.</p> <p>20 You were backwards-looking at</p> <p>21 existing grants that had been awarded in your</p> <p>22 implementation of this DEI review.</p> <p>23 Is that fair to say?</p> <p>24 A. Some of them were going up for</p> <p>25 review with the board. And part of the</p>
<p style="text-align: right;">259</p> <p>1 J. Fox</p> <p>2 DEI in any way or wasteful, noncritical, et</p> <p>3 cetera.</p> <p>4 Q. So if you came across -- strike</p> <p>5 that.</p> <p>6 Did you ever come across a grant</p> <p>7 during your time at NEH that you flagged as</p> <p>8 DEI and then you did an additional assessment</p> <p>9 as to whether it was also pro-America?</p> <p>10 A. Yes. There were a few grants</p> <p>11 that, for example, may have been promoting a</p> <p>12 specific race within an American veterans</p> <p>13 initiative, and while, yes, you are awarding a</p> <p>14 grant based on race, that is also a veterans</p> <p>15 benefit, which, in our view, in discussions,</p> <p>16 is pro-America, and so would be adjusted from</p> <p>17 DEI-related to align with Mike's view of NEH.</p> <p>18 Q. In your view, were the grants that</p> <p>19 were eventually terminated on DEI grounds not</p> <p>20 merit-based?</p> <p>21 A. It depends on which grant. Do you</p> <p>22 have examples?</p> <p>23 Q. I guess, just in general, I, kind</p> <p>24 of, wanted to understand how you are</p> <p>25 systemitizing, let's say, you know, merit DEI.</p>	<p style="text-align: right;">261</p> <p>1 J. Fox</p> <p>2 request from Mike and Adam was to assist in</p> <p>3 reviewing the 800 or -- I don't remember the</p> <p>4 exact number -- of awards that were up for</p> <p>5 review for approval or denial.</p> <p>6 And so, in that sense they hadn't</p> <p>7 been awarded yet, but it was an ongoing active</p> <p>8 review.</p> <p>9 MR. ONAYEMI: So let's scroll</p> <p>10 down a little bit, Jacob, and to the</p> <p>11 left so we can see that text, yeah.</p> <p>12 Actually, I don't think this</p> <p>13 one has any text on it, does it?</p> <p>14 Yeah, so let's scroll down to the</p> <p>15 next bubble. There we go.</p> <p>16 Q. Mr. McDonald responds -- sorry.</p> <p>17 Mr. McDonald responds to you later on. Does</p> <p>18 that look right, a text from Mr. McDonald?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. This is on -- pardon me.</p> <p>21 This is also on 5/20/2025. It appears that he</p> <p>22 responds to your last message that we looked</p> <p>23 at with "just saw it." And then he drops an X</p> <p>24 link there.</p> <p>25 Did I read that correctly?</p>

262	<p>1 J. Fox</p> <p>2 A. Yes.</p> <p>3 Q. And this looks like he's</p> <p>4 acknowledging that he thinks he's identified</p> <p>5 the X post that you were referring to in your</p> <p>6 text to him earlier.</p> <p>7 Is that a fair reading of this?</p> <p>8 A. Yes.</p> <p>9 MR. ONAYEMI: Let's go to</p> <p>10 Tab 14, Jacob. This is Exhibit 14.</p> <p>11 (Fox Exhibit 14, Department of</p> <p>12 Government Efficiency X post, marked</p> <p>13 for identification, as of this</p> <p>14 date.)</p> <p>15 Q. All right. So this is an X post</p> <p>16 that is just the link that Mr. McDonald put in</p> <p>17 his last text message to you in Exhibit 13.</p> <p>18 Does this look like what he was</p> <p>19 probably referring to?</p> <p>20 A. Yes.</p> <p>21 Q. What he sent to you? Okay. Have</p> <p>22 you seen this before?</p> <p>23 A. Yes.</p> <p>24 Q. And is this the X post that you</p> <p>25 were actually referring to in your text</p>	264	<p>1 J. Fox</p> <p>2 Q. Had you seen this draft X post</p> <p>3 before you wrote to Mr. McDonald?</p> <p>4 A. Yes.</p> <p>5 Q. How did you see that?</p> <p>6 A. Draft form. It was something that</p> <p>7 Nate and I pulled together. So savings is</p> <p>8 something that Josh Gruenbaum has. We had to</p> <p>9 report all of our grant and contract savings</p> <p>10 in to him.</p> <p>11 The verbiage "NEH grants will be</p> <p>12 merit-based and awarded to nonDEI and</p> <p>13 pro-America causes" is from NEH's -- I forget</p> <p>14 what it -- like, the publicity statement that</p> <p>15 Mike had launched, and so this was aligned</p> <p>16 with his thinking.</p> <p>17 And then the six grants were a</p> <p>18 consolidated version of some of the grants</p> <p>19 that were most infringing on DEI and wasteful</p> <p>20 spending EOs -- or targeting DEI within</p> <p>21 spending EOs.</p> <p>22 Q. So tell me if I'm misunderstanding</p> <p>23 this, you actually helped to draft what</p> <p>24 eventually became this X post?</p> <p>25 A. Yes.</p>
263	<p>1 J. Fox</p> <p>2 message to him?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. So let's look at some of</p> <p>5 these grants. Let's look at the full text.</p> <p>6 This is the Department of Government</p> <p>7 Efficiency X page.</p> <p>8 Would you agree with that?</p> <p>9 A. Yes.</p> <p>10 Q. And it says:</p> <p>11 "During the previous</p> <p>12 administration, the National</p> <p>13 Endowment for the Humanities awarded</p> <p>14 the following grants to spend</p> <p>15 taxpayer dollars, all of which have</p> <p>16 been canceled. (\$163 million in</p> <p>17 overall savings). NEH grants will</p> <p>18 be merit-based and awarded to nonDEI</p> <p>19 pro-America causes."</p> <p>20 Did I read that correctly?</p> <p>21 A. Yes.</p> <p>22 Q. This language looks very similar</p> <p>23 to the text that you sent to Mr. McDonald,</p> <p>24 doesn't it?</p> <p>25 A. Yes.</p>	265	<p>1 J. Fox</p> <p>2 Q. And what did you do with that</p> <p>3 draft?</p> <p>4 A. I don't remember exactly, but we</p> <p>5 did make sure that it was accurate and that</p> <p>6 NEH -- the direction of NEH and the go-forward</p> <p>7 methodology for examining grants what --</p> <p>8 aligned with what Mike had issued in the press</p> <p>9 release.</p> <p>10 Q. Who did you collaborate with on</p> <p>11 this?</p> <p>12 A. Nate.</p> <p>13 Q. Who else?</p> <p>14 A. I don't remember who Nate sent it</p> <p>15 to, but this was a -- this is a form of the</p> <p>16 draft that we put together, Nate and I.</p> <p>17 Q. Okay. And let's look at the date.</p> <p>18 It says May 20, 2025. Is that right?</p> <p>19 A. Yes.</p> <p>20 Q. This is the same day, actually,</p> <p>21 that you texted McDonald in the last exhibit.</p> <p>22 Does that sound right?</p> <p>23 A. Yes.</p> <p>24 Q. Let's look at some of these</p> <p>25 grants. So the first line says:</p>

266	1 J. Fox 2 "\$350,000 for interactive gay 3 travel guides to better understand 4 historical LGBTQ plus spaces." 5 The second one says: 6 "\$350,000 to create a Spanish 7 version of Homosaurus.org." 8 A. The third one says: 9 "\$247,000 to digitize stories 10 of transgender adults in the Pacific 11 Northwest." 12 The fourth one says: 13 "\$75,000 to examine the 14 relationship between the Internet 15 live-streaming and LGBTQ plus 16 communities." 17 Did I read those correctly? 18 A. Yes. 19 Q. Do you remember seeing these 20 grants earlier in this deposition? 21 A. Yes. 22 Q. Where did you see those grants? 23 A. The preliminary list that we had 24 used. 25 Q. Okay.	268	1 J. Fox 2 determine what is this about, when does it 3 reference the term that we matched it with. 4 And then make the ultimate 5 judgment call, Okay, from the lines of these 6 EOs, is this DEI related or wasteful. 7 Q. So you reviewed thousands of 8 grants between your start at NEH and when you 9 stopped working with NEH. Right? 10 A. Yes. 11 Q. Is it a little odd that so many 12 of -- or at least five or six of the grants 13 that you flagged for your initial meeting with 14 Mr. McDonald and Mr. Wolfson ended up two 15 months later on an X post on DOGE's official 16 account? 17 MS. DOUD: Objection. 18 A. Is it a little odd, meaning? 19 Q. How do you explain that at some -- 20 that grants that were in your preliminary 21 list, specifically these grants in your 22 preliminary list ended up being on the DOGE 23 official page, which ended up getting over 24 half a million views? 25 MS. DOUD: Objection.
267	1 J. Fox 2 A. To prep for the initial meeting 3 with Mike and Adam. 4 Q. The initial meeting that was on 5 March 12, 2025? 6 A. Yes. 7 Q. Okay. And this is a post 8 highlighting those same grants in 9 May 20, 2025. Is that right? 10 A. Yes. 11 Q. Okay. And you had identified 12 these grants by running a list of terms that 13 we saw through ChatGPT. Is that right? 14 MS. DOUD: Objection. 15 A. No. 16 Q. You had identified these grants by 17 screening grant descriptions for the list of 18 terms that we discussed a little bit earlier. 19 Right? 20 A. Step 1 in a review is to hone in 21 on where you may find grants that are not 22 aligned with EOs. And so Step 1 was using 23 that list, which was just a VLOOKUP on 24 publicly available data. 25 Then you read the actual grant and	269	1 J. Fox 2 A. Because we reviewed each of the 3 grants, and these, we believed, were most 4 infringing with the executive orders. And to 5 the point about what is the X post meant to 6 do, it's just to show some of the progress in 7 aligning agencies like NEH with administration 8 priorities. 9 Q. And these grants were identified 10 by you in the run-up to the meeting on 11 March 12 with Mr. McDonald and Mr. Wolfson by 12 running terms through the grant description 13 such as homosexual, gay, Black, people of 14 color, tribal. Right? 15 MS. DOUD: Objection. 16 A. These along with 80 others. 17 Q. 80 other what? 18 A. Just hits on that term search. So 19 then you read the description and assess how 20 misaligned is this with administration 21 priorities. 22 Q. But again, these grants that we 23 see here were on that preliminary list through 24 which you ran a set of words to identify these 25 grants that included words like Black,

270	<p>1 J. Fox 2 homosexual. Right? 3 A. To get to a big list of grants and 4 all of their project descriptions, which we 5 then had to read through each one and pull out 6 shortened language of these grants. 7 You highlighted the four of the 80 8 or 100, I don't even remember how many hits it 9 was. But we had to read the full description 10 in order for us to make any assessment of how 11 misaligned it was with the EOs. 12 Q. Right. But these are grants that 13 had words in the description that hit on the 14 key terms from that list that we were 15 discussing. Right? 16 A. Yes, but they did not -- that 17 wasn't the sole reason that they would have 18 ended up on this post. 19 Q. Right. 20 A. You understand that? Because I'm 21 reading the full description to -- in the 22 context of the EOs that had come out, is this 23 wasteful, is it related to DEI. 24 Q. Right, absolutely. And I'm not 25 implying that you did or didn't do that. I</p>	272	<p>1 J. Fox 2 stories of transgender adults in the Pacific 3 Northwest a crazy grant? 4 MS. DOUD: Objection. 5 A. In what way do you mean crazy? 6 Q. In the way that you described it 7 in your text to Mr. McDonald? 8 A. In the way that it is misaligned 9 with administration priorities of focusing on 10 nonDEI initiatives. 11 Q. And who made that judgment? 12 A. When? 13 Q. Who made the judgment that it was 14 misaligned with the administration's 15 priorities? 16 A. When? 17 Q. When you put it on your 18 preliminary list for Mr. McDonald and 19 Mr. Wolfson? 20 A. Prior to the meeting, you mean? 21 Q. Yes. 22 A. We just looked at what could be 23 infringing on the EOs. And Nate and I 24 reviewed each of these to see which of these 25 could conflict. And all of these, if I</p>
271	<p>1 J. Fox 2 was just asking the simple yes-or-no question. 3 A. Right. Which I've answered. 4 Sorry. I don't want to ... 5 Q. Right. Okay. So you said you 6 never showed that initial preliminary list to 7 Mr. Wolfson and Mr. McDonald. Right? 8 A. That's right. But these do appear 9 in the broader list of grants that we 10 reviewed. 11 Q. So it was your view going into 12 your work with NEH, before you even stepped 13 foot in there, that these specific grants 14 probably violated or conflicted with the EOs, 15 DEI, gender ideology, and wasteful spending. 16 MS. DOUD: Objection. 17 Q. Is that right? 18 A. Maybe. But we needed to confirm 19 with Mike and Adam and read the full 20 description, which, again, publicly available 21 information is different from what eGMS has, 22 so we used the source of truth in the final 23 determination of whether this conflicted or 24 not. 25 Q. Well, why is \$247,000 to digitize</p>	273	<p>1 J. Fox 2 remember correctly, ended up on the eventual 3 termination list. 4 Q. Right. Several grants on that 5 preliminary list ended up on the cancellation 6 list. 7 Is that fair to say? 8 A. Separate and apart from the 9 initial work, yes. 10 Q. Okay. And that was a list that 11 you put together before you had a single 12 meeting with Mr. McDonald. Right? 13 A. Yes. 14 (Stenographer clarification.) 15 Q. So in essence, just to recap, you 16 put together a list of what you considered to 17 be the craziest grants prior to meeting with 18 Mr. McDonald and Mr. Wolfson. Right? 19 A. In the context of is this aligned 20 with administration priorities or not, yes. 21 Q. And then fast forward two months, 22 a lot of those grants at the top of that 23 preliminary list end up on a post that DOGE is 24 putting into the Twitter-X universe about 25 grants that have actually been canceled.</p>

274	1 J. Fox 2 Is that what's happening here? 3 MS. DOUD: Objection. 4 A. Could you repeat. 5 Q. Two months later, a lot of those 6 grants that were at the top of your 7 preliminary list of craziest grants ends up in 8 a DOGE post about canceled grants. 9 Is that fair to say? 10 A. What do you mean by "the top"? 11 Like, that it was within the list of 180 that 12 had tagged for these keywords, yes. If that's 13 what you consider the top. 14 Q. Okay. Well, there's a portion of 15 the spreadsheet that said "craziest grants" 16 specifically, and I think it only had 17 something like 25 grants. Did you -- 18 A. Could we pull it up? 19 Q. Absolutely, yeah. 20 MR. ONAYEMI: Jacob, if we 21 could go back to -- this will be 22 Tab 12, Exhibit 12. 23 Q. So if we look at, again, this is 24 Tab 12, Exhibit 12. If we look at Row 3, it 25 says "craziest grants."	276	1 J. Fox 2 identifying programs that are related to DEI. 3 MR. ONAYEMI: Can you scroll 4 down to the bottom of this list, 5 Jacob, just to the last entry. That 6 would be better to drag it, yeah. 7 Q. So there are around 1,500 entries 8 here? 9 A. Is that the bottom? 10 Q. Yeah, I think so. 11 A. Yeah, many of these may not be 12 active. 13 MR. ONAYEMI: You can stop 14 going down, Jacob. You can just go 15 back to the top. Thank you. 16 Q. Did you run this list of words 17 through every grant description that you could 18 find on the -- I forgot where you got this 19 from. 20 Where did you get this from? 21 A. Grants.gov. 22 Q. Did you run that detection list 23 through every grant that was available on 24 grants.gov? 25 A. From NEH?
275	1 J. Fox 2 A. Mm-hmm. 3 MR. ONAYEMI: And if you could 4 scroll down very slowly, Jacob. You 5 can stop there. 6 Q. At Row 25, another section starts 7 that's called "other bad grants." 8 Several of the grants that we 9 looked at, and that were on that X post, are 10 in the top 25 labeled under "craziest grants." 11 Is that fair to say? 12 A. Yeah, four of the 25. 13 Q. Four. Do you have an 14 understanding of why, out of the thousands 15 and thousands of grants that were canceled, 16 four from this top 25 that you had been 17 compiling, before ever stepping foot into NEH, 18 ended up on the cancellation list that was 19 publicized on DOGE? 20 MS. DOUD: Objection. 21 Q. X. 22 A. Because if you read the 23 descriptions and confirm from the work with 24 Adam and Mike, these are misaligned with the 25 EOs for identifying wasteful spend and	277	1 J. Fox 2 Q. From NEH, yes. 3 A. Yes. 4 Q. So the five or six that ended up 5 on the DOGE X page would have been identified 6 through the detection list, which is Tab 3 of 7 Exhibit 12? 8 A. No, there was a review we did with 9 Mike and Adam to review every grant, and these 10 were the most infringing on -- the four out of 11 six in the list were the most infringing of 12 the EOs. 13 Q. So Mike and Adam agreed with you 14 that the craziest grants that you identified 15 before joining NEH were indeed the craziest 16 grants that the NEH had herein? 17 MS. DOUD: Objection. 18 MR. ONAYEMI: I'll note that 19 counsel is laughing, I guess, during 20 her objection. 21 MS. DOUD: I wasn't -- I was 22 coughing. I'm sorry. Okay? I 23 like -- 24 A. Could you repeat the question. 25 MS. DOUD: I'm not laughing.

278	1 J. Fox 2 I was -- had a cough coming on right 3 while I was saying an objection. 4 MR. ONAYEMI: Okay. I just 5 want to keep this professional, 6 Counsel. 7 MS. DOUD: I literally cannot 8 help if I occasionally cough. I'm 9 sorry about that. That was 10 completely involuntary and I am 11 sorry. I will try to keep coughing 12 to a minimum, which I have been 13 trying to do. But I am recovering 14 from something and I can't help it 15 if it occasionally happens. So I'm 16 sorry to offend you by coughing. 17 MR. ONAYEMI: Thanks, Counsel. 18 Let's go to -- let's pull up 19 Tab 15, Jacob. 20 BY MR. ONAYEMI: 21 Q. But I'll ask a few questions 22 before we get there. Were you part of the 23 process of actually sending out termination 24 notices to grantees at NEH? 25 A. Yes.	280	1 J. Fox 2 the grantee, the name of the organization, and 3 an explanation for why Mike and team have 4 elected to terminate. And that goes out from 5 an e-mail, an NEH e-mail to the inbox of the 6 grantees. 7 Q. Okay. And who is actually sending 8 that e-mail out? 9 A. Me. 10 Q. Through your GSA e-mail account? 11 A. Through my NEH e-mail. 12 Q. Okay. Was it the jfox@neh.gov 13 that we saw earlier? 14 A. No, it was a notifications inbox 15 that was set up so that -- not Brett, but the 16 person that was in charge of grants at NEH, so 17 that he could have access to it and 18 communicate directly with the grantees, 19 following their responses. So this is a 20 separate inbox, not from my jfox. 21 MR. ONAYEMI: Let go to 22 Tab 15, Jacob. This is Exhibit 15. 23 (Fox Exhibit 15, E-mails 24 including Justin Fox dated April 1, 25 2025, beginning Bates Number
279	1 J. Fox 2 Q. Describe what that process was. 3 And I mean the, kind of, logistical process in 4 terms of how the grants actually left NEH and 5 got to the grantees. 6 A. Sorry. The communication, the 7 documents, preparation, where do you want to 8 focus? 9 Q. Sure. I guess I'm just asking 10 broadly. I guess before we start talking 11 into, like, what communications were happening 12 between you and Michael and Nate and Adam, and 13 the, kind of, hierarchy, and who's deciding to 14 do what. Just the mechanics of sending out 15 terminations. 16 Were you involved in that process? 17 A. Yes. 18 Q. Okay. What role did you play in 19 that process? 20 A. Sending out the terminations. 21 Q. Can you describe what that 22 entailed? 23 A. Yes. For each grant, you need to 24 have an official letter explaining why there 25 was a termination. That letter is bespoke to	281	1 J. Fox 2 US-000050461, marked for 3 identification, as of this date.) 4 MR. ONAYEMI: This is Bates 5 US-000050461. It's an e-mail from 6 Mr. Fox to Mr. McDonald and 7 Mr. Wolfson cc'ing Mr. Cavanaugh, 8 sent on April 1, 2025. 9 MS. DOUD: What document is 10 this? 11 MR. ONAYEMI: This is 12 US-000050461. 13 BY MR. ONAYEMI: 14 Q. Do you recognize this document? 15 A. Could I see the full context here. 16 (Document review.) 17 Q. Do you recognize this, 18 Mr. Cavanaugh? Excuse me -- Mr. Fox? 19 A. I'm just reading, refreshing a 20 memory on this e-mail. 21 Q. Sure. 22 A. It, sort of, takes off on an 23 e-mail chain. 24 (Document review.) 25 THE WITNESS: Could you scroll

282	1 J. Fox 2 up, Jacob. Okay. You can keep 3 going up. 4 Q. Let me know when you're ready 5 to -- 6 THE WITNESS: Okay. One more. 7 A. (Document review.) 8 Yup. Okay. I remember. 9 Q. Great. Is this the doc- -- does 10 this appear to be authentic to you? 11 A. Yes, upon review. 12 Q. And is this an exchange you would 13 have had in your ordinary course doing work 14 with the NEH as a detail aide from GSA? 15 A. Yes. 16 Q. So in this e-mail again from 17 Mr. Fox, or from you, Justin, to Mr. McDonald, 18 Mr. Wolfson, cc'ing Mr. Cavanaugh, the subject 19 is "RE: NEH grants termination." 20 Did I read that correctly? 21 A. Yes. 22 Q. And the body of this e-mail from 23 you to Mr. McDonald says: 24 "Mike, please see attached 25 grant termination letter which we	284	1 J. Fox 2 referencing, I think, the body of an e-mail 3 that would be sent to a grantee with the 4 attached actual termination letter for that 5 grant. Is that right? 6 A. Yes. 7 Q. So do you have an understanding of 8 why you were engaged in the actual process of 9 sending out the grant terminations? 10 A. Because Mike did not feel 11 confident in the timeline of getting notices 12 out. He said it was going to take hours of 13 the team that they didn't have, and he wanted 14 us to do it for him. 15 Q. What's this proposition that 16 you're making when you say: 17 "If it's your preference, we 18 can send up an e-mail like 19 grant_notification@neh.gov." 20 A. What's my read of that sentence? 21 Q. What are you -- can you give me 22 context as to what you're actually proposing 23 here? 24 A. Yeah, ultimately, procedurally 25 it's going to be up to Mike how he'd like to
283	1 J. Fox 2 have to use for Organizations and 3 State and Jurisdictional Humanities 4 Counsels. We will address these 5 first and individuals/scholarship 6 grants once the 7 orgs are finished as those are more 8 personalized. 9 "Additionally, see below 10 typical language sent to each of the 11 grantees receiving a notification. 12 If it's your 13 preference, we can set up an e-mail 14 like Grant_Notification@neh.gov and 15 add language to the beginning of the 16 e-mail saying 'At the direction of 17 the Acting Chairman for NEH,' 18 instead of sending from your e-mail 19 or signing off with your name in the 20 signature. Your details are already 21 in the attachment. Let us know on 22 below and attached tomorrow." 23 Did I read that correctly? 24 A. Yes. 25 Q. And below that, you're	285	1 J. Fox 2 send out some of these notifications. He's -- 3 he was NEH counsel. He's going to have an 4 opinion on how this is conducted, and this is 5 just opening up optionally for him. 6 Q. But what are you proposing? 7 A. To set up an e-mail that's 8 grant_notifications@neh, or if he would like 9 to send it from his e-mail. 10 Q. Right. Did you end up setting up 11 an e-mail address like 12 grant_notification@neh.gov? 13 A. If I remember correctly, I spoke 14 with Mike on the phone following this e-mail, 15 unless there's an e-mail that he responded to, 16 and his preference was to set up an e-mail. 17 Q. So if I ask Mr. McDonald at his 18 deposition why you drafted this language, he's 19 going to tell us it's because he told you to 20 go draft the language? 21 MS. DOUD: Objection. 22 A. I don't know what he's going to 23 say, but I know that he wanted us to execute 24 the terminations, and so we're doing anything 25 we can to help him.

286	<p>1 J. Fox</p> <p>2 Q. So he told you specifically to</p> <p>3 draft termination draft language for the</p> <p>4 terminations that you were going to be sending</p> <p>5 out?</p> <p>6 MS. DOUD: Objection.</p> <p>7 A. No, but we were just helping him</p> <p>8 throughout this process. So this is a</p> <p>9 courtesy, not a mandatory thing that we did.</p> <p>10 Q. Below that, it says "Dear," open</p> <p>11 parens, this is in the letter, in the body of</p> <p>12 an e-mail that would go out to the grantees.</p> <p>13 In your draft, you write:</p> <p>14 "Dear (organization name), we</p> <p>15 regret to inform you that your NEH</p> <p>16 grant has been terminated. Please</p> <p>17 see the attached grant termination</p> <p>18 notice."</p> <p>19 Did I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. And was the goal here to insert</p> <p>22 the organizations that had been subject to</p> <p>23 grant terminations?</p> <p>24 A. The goal here is to get Mike's</p> <p>25 input on what would be sent alongside grant</p>	288	<p>1 J. Fox</p> <p>2 A. I don't know when precisely, but</p> <p>3 back and forth we had e-mails iterating on the</p> <p>4 language, reclining on the language.</p> <p>5 Q. Okay. But you did the first draft</p> <p>6 of the letter. Is that fair to say?</p> <p>7 A. With input from Justin Aimonetti,</p> <p>8 I drafted the first take, and Mike, again,</p> <p>9 ultimately had to sign off.</p> <p>10 Q. With input from who?</p> <p>11 A. Justin Aimonetti.</p> <p>12 Q. But you and Justin drafted the</p> <p>13 first draft of this letter. Is that fair?</p> <p>14 A. I drafted the first with Justin</p> <p>15 Aimonetti's input.</p> <p>16 Q. So you were aware that the</p> <p>17 terminations here would be for active NEH --</p> <p>18 grants that were active at the time of the</p> <p>19 sending of the terminations.</p> <p>20 Is that fair to say?</p> <p>21 A. Could you repeat that question.</p> <p>22 Q. This termination letter would have</p> <p>23 terminated active grants. Correct?</p> <p>24 A. I'm not sure I get what you mean</p> <p>25 by "active grants."</p>
287	<p>1 J. Fox</p> <p>2 terminations.</p> <p>3 Q. But the organization name inside</p> <p>4 of the brackets there, that would be filled</p> <p>5 with organizations that were subject to grant</p> <p>6 terminations. Right?</p> <p>7 A. That is right.</p> <p>8 Q. And you drafted this without</p> <p>9 Mr. McDonald directing you to draft this. Is</p> <p>10 that right?</p> <p>11 A. If I remember correctly, yes, I</p> <p>12 did this for his benefit.</p> <p>13 Q. Did you also draft the letter that</p> <p>14 was attached to this e-mail?</p> <p>15 A. Along --</p> <p>16 MS. DOUD: Objection.</p> <p>17 A. Alongside Mike.</p> <p>18 Q. Okay. What do you mean "alongside</p> <p>19 Mike"?</p> <p>20 A. In the standard, normal course of</p> <p>21 draft that gets iterated, his input,</p> <p>22 ultimately, his sign off.</p> <p>23 Q. When did you sit down with Mike</p> <p>24 and draft this language together?</p> <p>25 MS. DOUD: Objection.</p>	289	<p>1 J. Fox</p> <p>2 Q. I guess it's a little bit, sort</p> <p>3 of, circular. We could actually just strike</p> <p>4 that question.</p> <p>5 In the DOGE X post that we</p> <p>6 reviewed earlier, the number that -- there's a</p> <p>7 figure of \$163 million that it references with</p> <p>8 respect to terminated grants at the NEH.</p> <p>9 Do you remember that?</p> <p>10 A. Yes.</p> <p>11 Q. And having played a role in</p> <p>12 identifying grants that had to do with DEI, do</p> <p>13 you feel any remorse about the scale of the</p> <p>14 grants that were ultimately terminated on</p> <p>15 those grounds?</p> <p>16 MS. DOUD: Objection.</p> <p>17 A. No, in the context of the \$2</p> <p>18 trillion deficit like we spoke about, why I</p> <p>19 joined, it was to reduce wasteful spending and</p> <p>20 noncritical spend.</p> <p>21 Q. Would you --</p> <p>22 A. I'm sorry for those impacted, but</p> <p>23 there's a bigger problem, and that's --</p> <p>24 ultimately the more important piece is</p> <p>25 reducing the government spend.</p>

290	1 J. Fox 2 Q. Did you ever find it problematic 3 that you were alongside Nate short-listing for 4 termination projects that had hits on words 5 like Black, homosexual, LGBTQ plus? 6 MS. DOUD: Objection. 7 A. What do you mean "problematic"? 8 Q. What did you think about it? Let 9 me put it that way. 10 A. We were identifying wasteful spend 11 in the government based on administration 12 direction. That was the whole reason we were 13 there, was to find savings. 14 Q. But we saw in your list of terms, 15 you actually didn't use words like white, 16 Caucasian, heterosexual. 17 Do you remember talking about 18 that? 19 A. Yes. 20 Q. And you didn't use those words to 21 identify grants that that would be conflicting 22 with the EOs. Right? 23 A. Very well could have. 24 Q. Did you? 25 A. I didn't. But going back, it	292	1 J. Fox 2 MS. DOUD: Objection. 3 A. Ultimately what was canceled is at 4 the discretion of the agency heads, and those 5 grants that we'd identified ultimately were 6 canceled because of further in-depth review of 7 the context and the descriptions. 8 MR. ONAYEMI: Can we scroll 9 down, Jacob, to the bottom e-mail, 10 keep going. Okay. Well, we can go 11 to Tab 16, Jacob. 12 Okay. This is Exhibit 16, 13 US-000050717. This is another 14 e-mail thread, the top e-mail is 15 from Justin Fox to Michael McDonald 16 and Nate Cavanaugh sent on March 31, 17 2025. 18 (Fox Exhibit 16, E-mails 19 including Justin Fox dated March 31, 20 2025, beginning Bates Number 21 US-000050717, marked for 22 identification, as of this date.) 23 BY MR. ONAYEMI: 24 Q. Would you like to see the full 25 e-mail?
291	1 J. Fox 2 would have made sense because as we'd 3 mentioned, there's -- DEI is a pretty 4 encompassing bucket. 5 Q. What do you find wasteful about 6 grants relating to Black, homosexual, or LGBTQ 7 subjects? 8 MS. DOUD: Objection. 9 A. It is noncritical spend, meaning 10 nobody's life is at stake. 11 Q. But you didn't screen for white, 12 Caucasian, or heterosexual. Right? 13 A. We could have. 14 Q. But you didn't? 15 A. We didn't. 16 Q. And that was based on your choice 17 and Mr. Cavanaugh in selecting those words 18 that you used to screen grants. Right? 19 MS. DOUD: Objection. 20 A. The list itself was only a tool to 21 find grants that we needed to read the full 22 context for. 23 Q. That was a judgment call based on 24 your perception and Nate's perception on what 25 would be DEI. Right?	293	1 J. Fox 2 THE WITNESS: Yeah, if you 3 wouldn't mind going to the, just the 4 beginning of this chain. Okay. You 5 can go up. 6 Q. Before we -- are you still 7 reading? 8 A. I am. Sorry. 9 Q. Sorry about that. 10 A. (Document review.) 11 MR. ONAYEMI: You can probably 12 zoom in a little bit too, Jacob, the 13 text is kind of small. Thank you so 14 much. 15 A. I think I'm on this -- I might be 16 on this e-mail. 17 THE WITNESS: Yeah, you can go 18 up to the first page. Sorry. 19 A. (Document review.) 20 Okay. I think I get the context. 21 Q. Okay. Before we really analyze 22 this e-mail, sorry, I have a few follow-ups 23 about our last conversation. 24 I think I unders- -- you said that 25 you felt no remorse for the termination of

294	<p>1 J. Fox</p> <p>2 these NEH grants. Is that right?</p> <p>3 MS. DOUD: Objection.</p> <p>4 A. I think if we're talking</p> <p>5 procedurally, I feel sorry for those impacted.</p> <p>6 The bigger picture element, it was a necessary</p> <p>7 step in the right direction of saving --</p> <p>8 Q. Of --</p> <p>9 A. -- of saving money because of the</p> <p>10 federal deficit, growth in government spending</p> <p>11 leads to a debt spiral, leads to</p> <p>12 hyperinflation, leads to every American</p> <p>13 feeling 10 to 12 percent inflation. It's</p> <p>14 knock-on effects of something that you can</p> <p>15 address today through noncritical spending</p> <p>16 cuts or you can all feel tomorrow.</p> <p>17 Q. Did the federal deficit go down as</p> <p>18 a result of -- strike that.</p> <p>19 Did the federal deficit actually</p> <p>20 decrease from 2024 to 2025?</p> <p>21 A. Discretionary spending was down</p> <p>22 183 million in FY26 proposed budget from OMB.</p> <p>23 Granted, there was 600 -- 4 or 600 million</p> <p>24 growth in Department of Defense budget. So it</p> <p>25 could have been more, but I think we were</p>	296	<p>1 J. Fox</p> <p>2 A. Ultimately it was the decision of</p> <p>3 Mike and Adam to address if it was wasteful</p> <p>4 for not wasteful. In my opinion, what's</p> <p>5 certainly not wasteful is food stamps,</p> <p>6 healthcare, Medicare-Medicaid funding.</p> <p>7 Q. Right. So hundreds of millions of</p> <p>8 dollars of grants were terminated for the NEH,</p> <p>9 the deficit didn't change much, and you were</p> <p>10 paid \$150,000 to do that job of reducing the</p> <p>11 deficit.</p> <p>12 Do you feel like the 150,000 paid</p> <p>13 to you was wasteful spending?</p> <p>14 MS. DOUD: Objection.</p> <p>15 A. What are you, like, definitionally</p> <p>16 saying wasteful spending is here?</p> <p>17 Q. Nondiscretionary -- excuse me --</p> <p>18 discretionary spending or however you defined</p> <p>19 wasteful spending when you said it.</p> <p>20 A. The broad principle is to reduce</p> <p>21 the amount of dollars flowing out of the</p> <p>22 government into the market.</p> <p>23 And so any chance you have to</p> <p>24 reduce dollars flowing out into noncritical</p> <p>25 life supporting grants or programs, I would</p>
295	<p>1 J. Fox</p> <p>2 trending towards at least 183 in discretionary</p> <p>3 spending going down in FY26.</p> <p>4 Q. But did the deficit itself go down</p> <p>5 in its totality?</p> <p>6 A. I'm not sure.</p> <p>7 Q. Would you be surprised to hear</p> <p>8 that it did not?</p> <p>9 A. No.</p> <p>10 MS. DOUD: Objection.</p> <p>11 Q. Does that change how you assess</p> <p>12 whether there's any remorse about canceling</p> <p>13 hundreds of millions of dollars of grants for</p> <p>14 scholars in the humanities?</p> <p>15 MS. DOUD: Objection.</p> <p>16 A. Again, I have to believe that the</p> <p>17 dollars that were saved went to</p> <p>18 mission-critical, nonwasteful spending. And</p> <p>19 so, again, in the broad macro, an unfortunate</p> <p>20 circumstance for individual, but this is an</p> <p>21 effort for the administration.</p> <p>22 Q. You said it went to nonwasteful</p> <p>23 spending, suggesting that the canceled grants</p> <p>24 were wasteful spending.</p> <p>25 Is that fair to say?</p>	297	<p>1 J. Fox</p> <p>2 view as wasteful. And so any software or even</p> <p>3 consultants that you pull in that assist you</p> <p>4 in redirecting funds to the most critical</p> <p>5 resources is not waste in the way that I would</p> <p>6 view wasteful spending.</p> <p>7 Q. Okay. So your job was not</p> <p>8 wasteful spending, but humanities projects</p> <p>9 that we've seen that were canceled as a result</p> <p>10 of your input were wasteful spending?</p> <p>11 MS. DOUD: Objection.</p> <p>12 A. Not necessarily.</p> <p>13 Q. What do you mean?</p> <p>14 A. I mean, it just depends on how</p> <p>15 you're going to bucket or consider wasteful</p> <p>16 spending or not.</p> <p>17 Q. I'm asking you to apply your</p> <p>18 own --</p> <p>19 A. Yeah.</p> <p>20 Q. -- definition of wasteful</p> <p>21 spending. So for instance --</p> <p>22 A. The net benefit of paying 150 in</p> <p>23 salary to redirect, for example, 163 million</p> <p>24 of humanities grants into something like food</p> <p>25 stamps or healthcare, that means you've saved</p>

298	1 J. Fox 2 183 million, and you've lost 150,000, you 3 know, 9/12th of that, 110,000 relative to 4 \$163 million that then was redirected to 5 critical funding or saved. So the net benefit 6 would be not wasteful. 7 Q. We saw a grant about women who had 8 violence committed against them during the 9 holocaust. 10 Do you remember that grant? 11 A. Yes. 12 Q. You ended up determining that that 13 grant had DEI elements to it. Do you remember 14 that? 15 MS. DOUD: Objection. 16 A. Yes. 17 Q. Would you say that that grant was 18 wasteful spending? 19 A. Ultimately not my decision. 20 Q. But do you think that that grant 21 was wasteful spending? 22 A. Yes. 23 Q. Okay. But the 150,000 that DOGE 24 paid you to mark that grant as DEI was not 25 wasteful spending?	300	1 J. Fox 2 you recognize this document? 3 A. The e-mail? 4 Q. Yes. 5 A. Okay, yeah. 6 Q. Okay, great. 7 MR. ONAYEMI: If we scroll 8 down to the first-in-time message, 9 so the bottom of the document, and 10 again this is US-000050717. 11 Q. It says "Mike" -- excuse me, this 12 is an e-mail from Justin Fox to Michael 13 McDonald and Adam Wolfson cc'ing Nate 14 Cavanaugh. The subject is "To review: Active 15 grants." Justin, here you write: 16 "Mike/Adam, thanks for the 17 productive time today. See attached 18 active grants for your review of DEI 19 or wasteful spend (approximately 440 20 grants.) Flagging these are the 21 ones NEH staff marked N/A for DEI. 22 It may be easier to review these in 23 the Excel format so you can mark yes 24 or no in the active Excel." 25 Did I read that correctly?
299	1 J. Fox 2 MS. DOUD: Objection. 3 A. It's the net of the spend that you 4 put in -- 5 Q. Got it. 6 A. -- that determines if it's 7 wasteful or not. And so a grant that goes out 8 to an individual that's creating a documentary 9 on something relating to DEI, is not -- those 10 dollars could be getting put to something like 11 food stamps or Medicaid for grandma in a rural 12 county. So that's not wasteful spend. 13 Q. So because you were paid 150,000 14 to help to save hundreds of millions of 15 dollars, that 150,000 is not wasteful. 16 Is that your position? 17 MS. DOUD: Objection. 18 A. Yes. 19 Q. Thank you. 20 MR. ONAYEMI: We can go to -- 21 oh, we already have it up, Tab 16, 22 Exhibit 16. I'm almost wrapping up 23 here guys, so we'll be out of here 24 soon. 25 Q. You've already reviewed this. Do	301	1 J. Fox 2 A. Yes. 3 Q. What does "N/A for DEI" mean as 4 you wrote it here? 5 A. The NEH staff had been reviewing 6 grants for the last few months, and N/A 7 indicated a grant that they deemed to not have 8 relation to DEI, not applicable for DEI. 9 Q. Not applicable. N/A means not 10 applicable for DEI? 11 A. They marked as N/A in the review, 12 the comprehensive and review that they had of 13 all the outstanding grants. And N/A, in their 14 opinion, was not applicable for DEI. 15 Q. Does that mean no DEI? 16 MS. DOUD: Objection. 17 A. In their view. It does not apply 18 to DEI in the construct of the EO. 19 Q. And then you did an additional 20 review of the grants that they had marked 21 that -- not apply or not applicable for DEI. 22 Is that fair to say? 23 A. According to Mike's and Adam's 24 direction, yes. 25 Q. Okay. Do you have an

302	<p>1 J. Fox 2 understanding of why you would need to 3 re-review grants that had already been marked 4 not applicable for DEI? 5 A. Mike and Adam asked us to. 6 Q. Why couldn't Mike and Adam do this 7 themselves? 8 A. They -- 9 MS. DOUD: Objection. 10 A. They did. 11 Q. And then they needed a third set 12 of eyes after they did their review? 13 A. They did in tandem with our 14 review. 15 Q. So there was already a review done 16 by NEH employees, and they marked not 17 applicable for DEI, no DEI -- right? -- and 18 then later on, you did a review of these 19 already reviewed grants to assess for DEI 20 again. 21 Is that right? 22 MS. DOUD: Objection to form. 23 A. Yes. 24 Q. Was there any reason that you 25 thought that NEH employees wouldn't be capable</p>	304	<p>1 J. Fox 2 write on the same day: 3 "Mike, please call me as soon 4 as you can." 5 Did I read that correctly? 6 A. Mm-hmm. 7 Q. And then, a few minutes later 8 again, you write: 9 "Mike, call me when you get 10 the chance. We need a game plan for 11 effectuating RIFS, final grant 12 terminations and contract 13 cancellations by tomorrow a.m. We 14 will carry these plans out before 15 the end of the week. We're getting 16 pressure from the top on this and 17 we'd prefer that you remain on our 18 side but let us know if you're no 19 longer interested." 20 Did I read that correctly? 21 A. Yes. 22 Q. You keep referring to "we." Who 23 is "we"? 24 A. Nate and me. 25 Q. Anyone else?</p>
303	<p>1 J. Fox 2 of making a sound call on whether a grant had 3 DEI or not in their initial review? 4 MS. DOUD: Objection. 5 A. Well, Mike and Adam had asked us 6 to, so they believed so. 7 MR. ONAYEM: Okay. Let's go 8 up to the next e-mail. Let's go up 9 to the next one, actually. 10 Q. So later, you e-mail Mike McDonald 11 on March 31, 2025: 12 "Mike, could you pass along 13 your cell number. Sorry, don't have 14 it saved and need to catch up with 15 you on something time sensitive." 16 Did I read that correctly? 17 A. Yes. 18 Q. Okay. Do you know what you were 19 referring to here? 20 A. Probably what I was referring to 21 in the e-mail right above it. 22 THE WITNESS: Could you scroll 23 up. 24 A. (Document review.) 25 Q. So then a few minutes later, you</p>	305	<p>1 J. Fox 2 A. Mike, we need to game plan for 3 effectuating RIFS, grant terminations, et 4 cetera. 5 Q. Anyone else besides you, Nate, and 6 Mike? 7 A. In what context? 8 Q. Well, you're saying "we," we will 9 carry these plans out, we need a game plan, 10 we're getting pressure, our side. Who's "we"? 11 A. Our side is Nate and myself. 12 Q. Okay. So you're saying that you'd 13 prefer that Mr. McDonald stay on the side of 14 you and Nate here? 15 MS. DOUD: Objection. 16 A. Which inherently implies on the 17 side of the White House. 18 Q. And when you say "we're getting 19 pressure from the top," what are you referring 20 to there? 21 A. Broadly, this is pressure from OMB 22 to free up money for spend on Garden for 23 Heroes and America-first initiatives. This is 24 also adherence to the EOs, which at this point 25 will have been over 60 days outstanding,</p>

306	1 J. Fox 2 particularly as it relates to the DEI and 3 wasteful spending and DOGE lead EOs. 4 (Stenographer clarification.) 5 Q. But let's get specific here 6 because you ping him to have him call you 7 three times in an hour. Right? 8 A. Yeah. 9 Q. Then you say "we're getting 10 pressure from the top." 11 Is "the top" generally the 12 amorphous OMB and other agencies that's 13 causing you to call him and text him 14 frantically within the span of an hour? 15 MS. DOUD: Objection. 16 A. We were in person here. Every 17 DOGE member could come and go from GSA at any 18 point. Discussions are happening all the time 19 between them and the White House and focusing 20 on the priorities, the pressure is a general 21 pressure here. And Mike was clearly in line 22 or wanted to be in line with the 23 administration. And so that's what this is 24 referring to, is pressure to be in line with 25 the administration given these EOs released so	308	1 J. Fox 2 GSA, and it was clear from conversations 3 internally, no one person in particular, but 4 that the White House was focused on making 5 sure that agencies were addressing the EOs 6 that were getting dropped. 7 Q. Agencies like the NEH? 8 A. And the Department of Labor, HHS. 9 Q. Right. So you said you don't know 10 exactly where the information was coming from, 11 but there was some information disseminating 12 about the urgency there? 13 A. I think so. 14 Q. And that's what you were 15 channeling in this e-mail to Mike McDonald? 16 A. Yes. 17 Q. Did anyone specifically tell you 18 that NEH needed to have the cancellations game 19 plan ready by tomorrow a.m. other than 20 Mr. Cavanaugh? 21 A. Well, we were already late on 22 adhering to the EOs on DEI initiatives and 23 addressing wasteful spend. 24 Q. So Mr. Cavanaugh would agree with 25 you that there was no specific person that was
307	1 J. Fox 2 long ago. 3 Q. Who determined that "we need a 4 game plan by tomorrow AM"? 5 A. This is "we" referring to Nate and 6 I. 7 Q. Who determined that tomorrow a.m. 8 would be the appropriate day to have this game 9 plan? 10 A. In our view. 11 Q. You and Nate? 12 A. Yeah. 13 Q. (Reading): 14 "We will carry these plans out 15 before the end of the week." 16 Again, "we" is you and Nate? 17 A. "We" in this context, given we 18 cannot do things unilaterally, is the NEH 19 team, Mike and Adam. 20 Q. Okay. So when you say "pressure 21 from the top," that's not referring to 22 Gruenbaum? 23 A. I don't remember where the 24 information was getting disseminated from. 25 But like I said, we were always in person in	309	1 J. Fox 2 applying quote unquote "pressure from the 3 top"? 4 MS. DOUD: Objection. 5 A. That I'm aware of. Although this 6 was nine months ago, ten months ago, so ... 7 Q. Is there anyone that it could have 8 been referencing? 9 MS. DOUD: Objection. 10 A. I'm not sure. I don't remember. 11 It was ten months ago. 12 Q. Right. For some people ten months 13 isn't a very long time. 14 MS. DOUD: Objection. 15 A. For my ten months, it feels like a 16 lifetime. 17 Q. How did you know that the White 18 House was at play in this urgency that you're 19 describing? 20 MS. DOUD: Objection. 21 A. I knew that there were close 22 relationships between white house and the 23 liaisons that we were working with. And we 24 spoke on a daily basis with some of the 25 leaders at GSA, Josh Gruenbaum, Stephen

310	<p>1 J. Fox 2 Ehikian. 3 Q. Steve who? 4 A. Stephen Ehikian. 5 Q. Who were the -- who had these 6 close relationships that you're referencing? 7 A. The leadership team. 8 Q. So this is Gruenbaum, Ehikian, 9 Armstrong, anyone else? 10 A. From what I remember, yeah. 11 Q. Anyone else besides those three? 12 A. Well, there was probably 30 13 individuals that were older and in their late 14 stage of their career. Steve Davis is one 15 that came up as someone that was involved but 16 not someone that we were looking to for 17 specific game plans on agencies, although he 18 was informed. 19 Q. Who are you looking to for 20 specific game plans on agencies? 21 A. Ourselves, Nate and myself. Nate 22 particularly, given he had been around longer. 23 Like I said, it was a working dynamic, the 24 EOs. 25 Q. How did you know that Ehikian,</p>	312	<p>1 J. Fox 2 A. And in their agency roles. So 3 Anthony was deputy chair of OM -- or OPM, and 4 Stephen Ehikian was the head of GSA, Gruenbaum 5 was the head of federal acquisition service. 6 So titles. 7 MR. ONAYEMI: Let me pause 8 there and go off the record, if 9 that's okay with you. 10 THE VIDEOGRAPHER: The time is 11 6:02 p.m. This concludes Media 6. 12 Off the record. 13 (Recess taken from 6:02 p.m. 14 to 6:11 p.m.) 15 THE VIDEOGRAPHER: The time 16 now is 6:11 p.m. This begins Media 17 7. On the record. 18 BY MR. ONAYEMI: 19 Q. Really quick before I wrap up, you 20 just -- we were just talking about your 21 colleagues, Armstrong and Ehikian, Davis, and 22 Gruenbaum. 23 Do you remember that? 24 A. Yes. 25 Q. Was it your understanding that</p>
311	<p>1 J. Fox 2 Gruenbaum, Armstrong, Davis had relationships 3 with the White House? 4 A. I just assumed as much based on 5 context they were sharing in our group 6 meetings. 7 Q. Were they making representations 8 during the group meetings that made it seem 9 like they were in communication with the White 10 House? 11 A. I suppose. 12 Q. Like what? 13 A. They were close with Elon, and 14 Elon was de facto over the relationship with 15 Trump. And so priorities coming from whoever 16 is closest with Elon, I assumed had the 17 closest relationships in the White House. 18 Q. Okay. What did you understand the 19 role of Gruenbaum, Armstrong, Ehikian, and 20 Davis to be generally speaking? 21 A. Senior guys with close 22 relationships to Elon and deeply entrenched as 23 leaders of the agencies that they're onboarded 24 to. 25 Q. Senior guys within the DOGE team?</p>	313	<p>1 J. Fox 2 they were taking direction from Elon and 3 others affiliated with the White House? 4 A. My understanding is that they had 5 the relationships and spoke very closely with 6 constituents all involved in the 7 administration. So whether they were taking 8 direction, I knew they had close 9 relationships, I couldn't tell you 10 specifically. 11 Q. Okay. 12 MR. ONAYEMI: That's all I've 13 got. I'll pass the witness to my 14 colleague, Kyla, who is on Zoom, I 15 believe. 16 MS. DOUD: Before we do that, 17 I'm just going to put on the record 18 that pursuant to the federal rules, 19 in order to take a deposition 20 remotely, you're supposed to get the 21 agreement from the others involved, 22 which did not happen here. But in 23 the interest of efficiency, 24 defendants are willing to move 25 forward if the witness also is.</p>

314	1 J. Fox 2 THE WITNESS: Yes. 3 EXAMINATION BY 4 MS. SNOW: 5 Q. Okay. Thank you for that. I'm 6 going to ask just a few questions. I know 7 we're getting toward the end of the day and 8 I'll keep this pretty short. So I'm Kyla Snow 9 for the ACLS plaintiffs. 10 And I just wanted to return to 11 testimony -- your testimony earlier about the 12 termination process. And if I remember 13 correctly, you said that Michael McDonald told 14 you on a phone call that he wanted you to 15 execute the termination notices. 16 Is that correct? 17 (Stenographer clarification.) 18 A. On a phone call or in person, I 19 don't remember, but he wanted us to execute 20 after we solidified the list. 21 Q. Okay. 22 A. Procedurally, he wanted us to go 23 and notify these grantees. 24 Q. Okay. And when would you have to 25 do that? Do you remember generally?	316	1 J. Fox 2 (Fox Exhibit 17, E-mails 3 including Justin Fox dated March 28, 4 2025, beginning Bates Number AR_13, 5 marked for identification, as of 6 this date.) 7 Q. And can you see this on your 8 screen? 9 A. Yes. 10 Q. This initial e-mail -- this is an 11 e-mail from you to Michael McDonald and Adam 12 Wolfson with Nate Cavanaugh copied on March 28 13 at 11:57 a.m. 14 You saw this earlier, do you 15 recall seeing this e-mail earlier? 16 A. I recall seeing what? I missed 17 that, sorry. 18 Q. Do you recall seeing this initial 19 e-mail earlier? 20 A. Yes. 21 Q. Okay. You're attaching that 22 spreadsheet that said DEI or wasteful spending 23 grants. I want to look at this e-mail 24 response from Michael Cavanaugh. It's dated 25 March 13 at 4:28 p.m. And I'll just give you
315	1 J. Fox 2 A. At some point, before I cued up 3 that e-mail. Sometime in mid-March I would 4 guess, the e-mail being the template for 5 here's what we could say, give us your input. 6 So as you know, that e-mail was sent before 7 the terminations went out. So at some point 8 before then, either in person or by phone, he 9 wanted us to procedurally handle 10 communications. 11 Q. Okay. 12 MS. SNOW: I'm going to 13 introduce just one exhibit. This 14 is -- it looks like we're on 15 Exhibit 16. This is in the record 16 as AR_13, and I just put it in the 17 chat. 18 MR. ONAYEMI: I think the 19 court reporter noted that this will 20 be Exhibit 17. 21 MS. SNOW: Sorry. Yes, sorry. 22 This is Exhibit 17. Sorry about 23 that. 24 MS. DOUD: I'm sorry, AR what? 25 MS. SNOW: 13.	317	1 J. Fox 2 a chance to read it. Please let me know when 3 you're ready. 4 A. (Document review.) 5 Okay. 6 Q. So he says: 7 "To recap, you have the first 8 spreadsheet from Brett." 9 And these are spreadsheets that he 10 and -- that Mike McDonald and Adam Wolfson 11 reviewed and sent to OMB listing all the 12 applications implicated by the EOs minus the 13 N/As. So he -- 14 (Discussion off the record.) 15 MS. SNOW: I'll see what I can 16 do. Is this any better? 17 CERTIFIED STENOGRAPHER: Yes, 18 thank you. 19 Q. So in this e-mail, McDonald says: 20 "You have the first 21 spreadsheet from Brett (that Adam 22 and I reviewed and sent to OMB.)" 23 And he says: 24 "We were getting ready to 25 cancel them today but understanding

<p style="text-align: right;">318</p> <p>1 J. Fox 2 that you will do so." 3 He then says: 4 "Attached is the second list 5 (the N/As) that you prepared and 6 that we reviewed today. As you 7 instructed, we have only excluded 8 the ones that seem not to conflict 9 with the administration's priorities 10 - such as the papers of George 11 Washington." 12 And again, he says: 13 "We understand that you will 14 cancel this list of projects as 15 well." 16 Why would he say to you "we were 17 getting ready to cancel them today but 18 understand that you will do so"? This seems 19 to contradict him asking you to execute the 20 terminations? 21 MS. DOUD: Objection. 22 A. When Mike says "we were getting 23 ready to cancel them today," as we discussed, 24 Mike and I discussed, this process would have 25 taken weeks for the team to do. So he wanted</p>	<p style="text-align: right;">320</p> <p>1 J. Fox 2 Michael McDonald were to testify that he was 3 planning to cancel the grants on Monday, 4 March 31, would that be false? 5 MS. DOUD: Objection. 6 A. Could you clarify in this 7 hypothetical when Michael was going to cancel 8 them and would that be on the same day? 9 Q. This e-mail is dated Monday, 10 March 31. And Michael McDonald says: 11 "We were getting ready to 12 cancel them" -- these grants -- 13 "today but understand that you will 14 do so." 15 So this seems to indicate he was 16 getting ready to cancel them on Monday, 17 March 31, the same day that he sent this 18 e-mail to you. 19 MS. DOUD: Objection. 20 Q. If he testified in his deposition 21 that he was getting ready to cancel them on 22 Monday, March 31, would that be false? 23 MS. DOUD: Objection. 24 A. I don't know. I know that Mike 25 and I have had discussions, and Nate and Adam,</p>
<p style="text-align: right;">319</p> <p>1 J. Fox 2 us to do it. That's why he said "understand 3 that you will do so." 4 Q. Why would he say that he was 5 getting ready to cancel them today then? 6 MS. DOUD: Objection. 7 Q. What is your understanding as to 8 why he would say "we were getting ready to 9 cancel them today"? 10 A. He was getting ready procedurally 11 to begin the process of canceling. But 12 because of our conversation, he understands 13 that we will do it. 14 Q. It doesn't sound like he's getting 15 ready procedurally to cancel them. He says 16 "we were getting ready to cancel them today"? 17 MS. DOUD: Objection. 18 Q. It sounds like he's ready to 19 cancel them. 20 MS. DOUD: Objection. 21 A. Is that a question? 22 Q. I mean, is that what it says, "we 23 were getting ready to cancel them today"? 24 A. That is what it says. 25 Q. Okay. Sorry, one moment. So if</p>	<p style="text-align: right;">321</p> <p>1 J. Fox 2 that the procedures for canceling these grants 3 in their existing process was going to take 4 hours and weeks of their time. 5 So when he says "we are getting 6 ready to cancel them today," there's a big 7 procedural element for them. And that was 8 what we've talked about, that they're -- this 9 is a multiweek process for them to cancel and 10 terminate grants. 11 Q. When did the actual cancellation 12 notifications go out? 13 A. If I remember correctly, the first 14 of April. 15 Q. So that was the next day. Right? 16 A. Yes. 17 Q. Okay. I want to stop sharing the 18 screen. Taking that down. 19 So who set up the e-mail account 20 that was used to send the termination notices? 21 A. Who? Is that the question? 22 Q. Yes. 23 A. I did. 24 Q. And who had access to that account 25 when it was first set up? Was it only you?</p>

322	1 J. Fox 2 A. And the sys admin administrator 3 could have access to all the data associated. 4 Q. Is this sys admin administrator at 5 GSA? 6 A. I believe it was Brett Bobley who 7 was the CIO. 8 Q. And when the notices were sent on 9 April 1 from that account, did you send those 10 notices? 11 A. Did I send the termination 12 notices? 13 Q. Yes. 14 A. Yes. 15 Q. Okay. Where were you when you 16 sent the termination notices? Were you at 17 GSA? In your office or somewhere else? 18 A. At GSA. 19 Q. Okay. Was anyone else with you? 20 A. Maybe Nate, we sat next to each 21 other at GSA often late at night. I don't 22 know – I don't remember if he was there or 23 not. 24 Q. Okay. But you had sent on the 25 e-mail notices that went out on April 1st?	324	1 J. Fox 2 Q. Okay. But if the award, the 3 purpose of the award were to study the 4 particular aspects of Black culture, is that 5 DEI? 6 MS. DOUD: Objection. 7 A. It depends on the full breadth of 8 the award, the full description that gives 9 context to its relation to DEI or not. 10 Q. Sorry. One moment. Okay. If the 11 full description of an award were to study – 12 sorry. If the full description of the award 13 were quote, to study 21-century Black culture, 14 unquote, is that DEI? 15 A. Again, there's a lot of context 16 that comes with the full, the full grant 17 descriptions. So if you have a particular 18 grant in mind, we can review that and we can 19 talk about whether we believe it relates or 20 not. But without that, it's – you can't 21 determine fully, if it's fully related. 22 MS. SNOW: Okay. Those are 23 all my questions. 24 MS. DOUD: And I just have a 25 few questions.
323	1 J. Fox 2 A. After getting the full guarantee 3 and approval from Mike, yes. 4 Q. Okay. I just want to be clear on 5 the understanding of DEI as it relates to the 6 grants, in your review of the grants. 7 Is it your position that if an 8 award studied one particular race or gender, 9 that that would be DEI? 10 A. I missed one word there. Could 11 you repeat. 12 Q. Is it your position that if an 13 award studied one particular race or gender, 14 that would relate to DEI? 15 A. If you are one particular race or 16 gender, would that relate to DEI? That's the 17 question? 18 Q. If the award relates to one 19 particular – if the award relates to the 20 study of one particular race or gender, would 21 that be DEI? 22 MS. DOUD: Objection. 23 A. That depends on the grant, the 24 full grant description and the context of what 25 the award is delivering.	325	1 J. Fox 2 EXAMINATION BY 3 MS. DOUD: 4 Q. You were asked some questions by 5 plaintiffs' counsel earlier about 6 communications via Signal. 7 Do you remember that? 8 A. Yes. 9 Q. Did you have any substantive 10 discussions about grant terminations at NEH 11 via Signal? 12 A. No. 13 MR. ONAYEMI: Objection to the 14 form. 15 Q. Did you have any substantive 16 discussions about grant terminations at NEH 17 with Josh Gruenbaum? 18 A. No. 19 Q. Did you have any substantive 20 discussions about grant terminations at NEH 21 with Anthony Armstrong? 22 A. No. 23 Q. Did you have any substantive 24 discussions about grant terminations at NEH 25 with Mike Sullivan?