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*Via Electronic Mail*

August 10, 2018

Sam Brooke  
SOUTHERN POVERTY LAW CENTER  
400 Washington Ave.  
Montgomery, AL 36104

RE: *Wilson v. Long*  
Third Supplement to Expert Report by Mr. Warner

To Whom It May Concern:

I write to further supplement my Expert Report, which was originally executed on February 13, 2017, supplemented on February 15, 2017, and supplemented again on April 20, 2017.

I submit this third supplement for two reasons. First, Plaintiffs' counsel (Sam Brooke) has provided to me an updated excel file received from Defense Counsel, which has data through August 1, 2018. I therefore am supplementing the analysis I performed previously, using the exact same methods but as applied to the months through June 2018. I am not considering July 2018 data because it is incomplete since the delay appeals received during that month may not have been resolved by August 1, 2018.

I also am sending contemporaneously with this letter the electronic excel spreadsheet I used to make these calculations, which is titled "Orig Data -- TCWIL00009123 AIR-CIR 8.1.18-MWarnerEdit.xlsx." Additionally, an attached table entitled "Delay Appeals that Involved Delayed Applications that Were Approved, Denied on Substantive Grounds, or Denied for Failure to Verify Eligibility (May 2015 to June 2018)" and labeled Exhibit D, shows the total and monthly numbers of these delay appeals under both methods of calculation.

Based on the foregoing, I update my opinion as follows:

**A. Opinion on the Number of Delay Appeals that Involved Underlying Delayed Applications that Were Approved, Denied on the Merits After Being Fully Processed, or Denied for Failure to Respond to a Verification Request from May 2015 to June 2018.**

From May 1, 2015, to June 30, 2018, the State received a total of at least 21,631 delay appeals that involved a delayed application and that was either approved, denied because the

**PLAINTIFFS'  
EXHIBIT**

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appellant was found to not be eligible on substantive grounds, or denied because the applicant did not timely respond to a verification request. During this period, the State received a monthly average of 583 of these delay appeals related to underlying delayed applications, and in the last three months for which complete data was available—April, May, and June 2018—they received 439, 280, and 283 of these delay appeals related to underlying delayed applications, respectively.

If I exclude from the total count of delay appeals any appeal that has a value in one of the four columns outlined on my Second Supplemental Report, the numbers change only slightly. Under this calculation, the State received a total of at least 21,552 delay appeals that involved a delayed application and that was either approved, denied because the appellant was found to not be eligible on substantive grounds, or denied because the applicant did not timely respond to a verification request. During this period, the State received a monthly average of 567 of these delay appeals related to underlying delayed applications, and in the last three months for which complete data was available—April, May, and June 2018—they received 435, 278, and 281 of these delay appeals related to underlying delayed applications, respectively.

\* \* \*

Second, I wish to update one thing that has changed since my previous reports. While preparing the original analysis, first supplement, second supplement, and during the deposition I was employed full time as a staff member by the Southern Poverty Law Center, and I received no compensation for my work other than my regular salary from the SPLC. I am no longer employed by the SPLC as a staff member and am engaged with Motus Consulting, a company I own. In preparation for further work, the SPLC has retained my services for \$140 per hour, or \$1000 per day.

Sincerely,

A handwritten signature in blue ink that reads "Michael Warner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Warner  
Motus Consulting

## **EXHIBIT D**

**Delay Appeals  
that Involved Delayed Applications  
that Were Approved, Denied on the Merits,  
or Denied for Failure to Verify Eligibility  
(May 2015 to June 2018)**

EXHIBIT D

Delay Appeals that Involved Delayed Applications that Were Approved, Denied on Substantive Grounds, or Denied for Failure to Verify Eligibility (May 2015 to June 2018)

Month	Received Decision, original method			Approval, original method			Denial-Merits, original method			Received Denial - Failure to Provide, original method		
	Received Decision, original method	Received Decision, updated method	change	Approval, original method	Approval, updated method	change	Denial-Merits, original method	Denial-Merits, updated method	change	Received Denial - Failure to Provide, original method	Received Denial - Failure to Provide, updated method	change
May-15	1232	1171	-61	736	716	-20	412	363	-49	158	157	-1
Jun-15	1473	1400	-73	909	892	-17	436	376	-60	227	224	-3
Jul-15	1460	1378	-82	875	859	-16	433	362	-71	226	226	0
Aug-15	1042	945	-97	614	587	-27	295	215	-80	178	176	-2
Sep-15	711	639	-72	413	405	-8	218	154	-64	119	118	-1
Oct-15	552	532	-20	365	359	-6	131	118	-13	82	81	-1
Nov-15	445	438	-7	328	326	-2	95	90	-5	41	41	0
Dec-15	461	451	-10	296	291	-5	96	91	-5	81	81	0
Jan-16	1318	1309	-9	911	909	-2	218	211	-7	276	276	0
Feb-16	1443	1403	-40	867	843	-24	286	272	-14	431	426	-5
Mar-16	1045	1024	-21	680	668	-12	255	244	-11	221	219	-2
Apr-16	648	636	-12	400	390	-10	148	148	0	158	156	-2
May-16	548	540	-8	357	354	-3	119	118	-1	108	104	-4
Jun-16	478	474	-4	256	253	-3	116	115	-1	137	137	0
Jul-16	353	350	-3	232	230	-2	81	80	-1	60	60	0
Aug-16	408	405	-3	229	226	-3	104	104	0	93	93	0
Sep-16	357	353	-4	227	227	0	98	95	-3	50	49	-1
Oct-16	308	307	-1	204	203	-1	65	65	0	50	50	0
Nov-16	309	304	-5	195	192	-3	96	94	-2	45	45	0
Dec-16	344	341	-3	214	212	-2	94	93	-1	52	52	0
Jan-17	399	394	-5	233	230	-3	152	150	-2	43	43	0
Feb-17	459	454	-5	328	324	-4	137	136	-1	33	33	0
Mar-17	569	565	-4	392	390	-2	140	139	-1	92	91	-1
Apr-17	679	672	-7	493	487	-6	115	114	-1	122	121	-1
May-17	597	587	-10	430	423	-7	110	108	-2	102	101	-1
Jun-17	240	238	-2	167	166	-1	52	51	-1	33	33	0
Jul-17	287	285	-2	172	171	-1	82	81	-1	45	44	-1
Aug-17	290	289	-1	178	178	0	103	102	-1	46	46	0
Sep-17	192	191	-1	127	127	0	70	69	-1	22	22	0
Oct-17	229	228	-1	131	131	0	84	83	-1	34	34	0

EXHIBIT D

Delay Appeals that Involved Delayed Applications that Were Approved, Denied on Substantive Grounds, or Denied for Failure to Verify Eligibility (May 2015 to June 2018)

Nov-17	297	296	-1	199	198	-1	84	84	0	39	39	0
Dec-17	259	258	-1	135	134	-1	92	92	0	49	49	0
Jan-18	590	581	-9	308	307	-1	289	283	-6	61	59	-2
Feb-18	639	632	-7	336	332	-4	343	340	-3	48	48	0
Mar-18	494	488	-6	243	238	-5	260	256	-4	50	50	0
Apr-18	439	435	-4	209	207	-2	202	200	-2	66	66	0
May-18	280	278	-2	133	133	0	125	123	-2	47	47	0
Jun-18	283	281	-2	128	128	0	124	123	-1	51	50	-1
<b>TOTAL</b>	<b>22157</b>	<b>21552</b>	<b>-605</b>	<b>13650</b>	<b>13446</b>	<b>-204</b>	<b>6360</b>	<b>5942</b>	<b>-418</b>	<b>3776</b>	<b>3747</b>	<b>-29</b>