# Exhibit 16

**In the Matter Of:**

*INDIANA CIVIL LIBERTIES UNION, ET AL.*

*-v-*

*MIKE BRAUN*

---

**McKenzie Conrad**

*September 01, 2026*

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|---|---|---|
| INDIANA CIVIL LIBERTIES UNION, et al. | ) | |
| Plaintiffs, | ) | |
| -v- | ) | No. 1:00-cv-00811-SEB-VSS |
| MIKE BRAUN, | ) | |
| Defendant. | ) | |

The deposition upon oral examination of McKENZIE CONRAD, a witness produced, and sworn by me, Sandra Marchky, RMR, CRR, Notary Public, in and for the County of Marion, State of Indiana, taken remotely, on behalf of the Defendant, on September 1, 2026, at 9:28 a.m. Eastern, pursuant to the Federal Rules of Civil Procedure.

A P P E A R A N C E S

(All participants appeared via Zoom videoconference)

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COURT REPORTER: Today is September 1, 2026. The time is 9:28 a.m. Eastern. My name is Sandy Marchky, in association with Stewart Richardson, Indianapolis, Indiana. This is the remote deposition of McKenzie Conrad.

Will counsel please identify themselves for the record and any persons present with you.

MS. PACTOR: This is Stevie Pactor of the ACLU of Indiana on behalf of the plaintiffs. I will soon, though I'm not yet, I will soon be, but I'm not yet, joined by my colleague, Ken Falk.

MR. LOWREY: I'm John Lowrey with the Office of the Indiana Attorney General. And I'm here on behalf of the defendant. There's no one else here with me.

COURT REPORTER: Does counsel agree that I may swear the witness remotely?

MS. PACTOR: Yes.

MR. LOWREY: We agree.

McKENZIE CONRAD

having been first duly sworn/affirmed, was examined and testified as follows:

EXAMINATION

BY MR. LOWREY:

Q. And good morning, Miss Conrad.

Would you please state your name and spell your last name for the record.

A. Yeah. My name is McKenzie Conrad. My last name's spelled C-O-N-R-A-D.

Q. And may I call you McKenzie?

A. Yes.

Q. Okay. McKenzie, have you ever given a deposition before?

A. I have not.

Q. All right. Well, a deposition is basically an interview. I'm going to go over some quick ground rules with you, make sure we both understand what's going on.

A. Uh-huh.

Q. So in a deposition, I'm going to ask you questions and you're going to answer those questions. And the court reporter will be recording your answers. I'm going to presume that you understand my questions unless you say that you don't understand.

Does that work for you?

A. Yes.

Q. All right. And I've noted you were nodding a lot. But since the court reporter is recording your responses to the questions, I'd like

to ask you to please give verbal answers rather than nodding or gesturing when you're answering.

Can you do that?

A. Yes, I can.

MS. PACTOR: You can nod too.

THE WITNESS: Okay.

MS. PACTOR: Active listening is encouraged.

BY MR. LOWREY:

Q. Yes, yes. But the court reporter won't be able to pick up anything that you don't say.

And to ensure clear record and I know this is hard especially when you're dealing with a -- with remote depositions, we need to make sure not to talk over each other. So I'll do my best not to interrupt you when you answer.

Will you do your best to wait till I'm done asking my question before you begin answering?

A Yes.

Q. Thank you. And you're the star of the show this morning. So if you need a break, please say so and we can have a break. But if we do take a break, if there's a question pending, I'm going to ask you to answer that question before we do so.

Is that a problem for you?

A. No, that is not a problem.

Q. Okay. And have you taken any medications, drugs, alcohol this morning that would interfere with your ability to answer my questions?

A. No.

Q. Okay. Is there any other reason you would be unable to truthfully and accurately answer any questions I might have for you?

A. No, there's not.

Q. Okay. And other than meeting with -- other than meeting with any attorney who's representing you, have you done anything to prepare for today's deposition?

A. I have not.

Q. Okay. And just to confirm, are you represented by an attorney at today's deposition?

A. Yes, Stevie Pactor.

Q. Okay. So just to make sure, you didn't read any documents before this deposition?

A. No. Oh, so the complaint, I am familiar with the complaint, yes.

Q. Okay. And I don't see anything in front of you on the table.

But just to make sure, you don't have any notes or other documents with you?

A. No, I do not.
Q. Okay. And are you being compensated for your testimony today?
A. No.
Q. Okay. Well, McKenzie, just to start out a little bit, what sort of educational background do you have?
A. I have a bachelor's degree. And I am currently pursuing a master's degree as well.
Q. Is it a Bachelor of Arts or a Bachelor of Science?
A. It's a Bachelor of Science.
Q. And what is that in?
A. Arts management from -- yeah.
Q. And what's involved in that?
A. It was a robust field of study. It was a combination of business courses and arts courses as well.
Q. And you said you're pursuing a master's. What are you pursuing a master's in?
A. Yeah, public affairs.
Q. And are you currently employed?
A. Yes.
Q. Where are you employed?
A. The ACLU of Indiana.

Q. And what is your position?
A. Senior communications specialist.
Q. And what does a senior communications specialist do?
A. Communicate on behalf of the organization. So that can include press releases, blogs and social media and other things of that nature.
Q. Okay. So do you -- is this all sort of one-directional communication, you're sending out messages sort of into the ether or is there any sort of speaking with members aspect of this job -- of that job?
A. Not as much members. But we do speak with media as we receive questions. So that's primarily where the two -- two-way communication comes in.
Q. And is this your first job out of college?
A. This is not, no.
Q. Okay. What did you do before this?
A. Prior to this, I was at Barnes & Thornburgh, the law firm.
Q. And what did you do at Barnes & Thornburgh?
A. I was a content -- sorry, communications content coordinator. My role shifted a little bit while I was there. But that was my title.

Q. And what -- is that another sort of a social media, press release kind of job?

A. Yes, yes, so content writing for their website and attorney bios and updates on large lawsuits primarily.

Q. Okay. And I don't need to know cross streets or anything like this. But around where do you live?

A. I live in the Butler-Tarkington area.

Q. Okay. About how far is that from downtown?

A. It's about a 13-minute commute to downtown.

Q. And when you say a 13-minute commute, is that by car or on foot or bicycle, gyrocopter?

A. It's by car.

Q. Okay. So when you're coming in downtown, which freeway are you taking or do you go from surface streets?

A. Uh-huh. Oftentimes, I'll take College Ave. or I'll take 65 South to go downtown.

Q. Okay. And how long have you been in that area of the city?

A. About a year.

Q. Okay. And are you originally from

Indiana?

A. I am, yes.

Q. So, obviously, you've indicated you're employed by the ACLU.

Is that a volunteer or a paid position?

A. That's a paid position. I'm on staff, yes.

Q. And about how long have you been working for the ACLU?

A. It will be a year in October.

Q. Okay. And is that the only position you've had with the ACLU?

A. Yes.

Q. Okay. Do you have any sort of other relationship with the ACLU? For example, are you a member of the ACLU?

A. I am a member, yes.

Q. And how did you become a member of the ACLU?

A. At the beginning of this year, I purchased a membership on my own. So --

Q. And when you say purchased a membership, what do you mean?

A. It's a one-time donation to become a member.

Q. Okay.
A. So, yes, I gave that donation.
Q. Okay. And is that a lifetime membership, is it an annual membership?
A. It's an annual membership.
Q. And did you have to do anything else other than make a donation to the ACLU to become a member?
A. No.
Q. As a member, has the ACLU ever sent out any communications to you or surveys that asked your opinion on what the ACLU was doing or whether you agreed with things they were -- with actions they were taking, etc.?
A. I've not received any surveys. I was already receiving member emails as an employee. So I did receive a card in the mail.
Q. Okay. When you say received a card in the mail, what was that card about?
A. It's the ACLU membership cards that every member receives.
Q. Okay.
MS. PACTOR: She's a true card-carrying member, John.
MR. LOWREY: I see. Good to know. Congratulations.

THE WITNESS: Thank you.

MS. PACTOR: May I? I just want to put on the record, as I indicated earlier, Ken Falk would be joining us sometime during this deposition. He has walked in and is seated off camera.

MR. LOWREY: Hi, Ken.

MR. FALK: Hey, how's everyone doing?

BY MR. LOWREY:

Q. So as a member of the ACLU and having seen those membership emails, am I correct in understanding that you were seeing those membership emails before you were an actual member of the ACLU due to your employment?

A. Yes, yes, I was.

Q. Are you one of the people who sends those emails?

A. I do not send membership emails specifically, no.

Q. Okay. Having seen those membership emails, do you recall any of them that inquire as to the opinions of ACLU's membership?

A. No, they don't inquire about opinions typically.

Q. What do they generally encompass?

A. Usually they're updates on the

organization as a whole at the national level. So --

Q. Okay. And we got a little bit on a detour when we were talking about your relationship with the ACLU.

But just sort of continuing on your background, have you ever been arrested?

A. No.

Q. And how are you involved in this case or are you involved in this case?

A. Yes. Well, I am concerned about the monument as a private citizen. So that's my concern with the case.

Q. So have you been doing anything related to the case at the ACLU? Understanding I don't want to know about conversations you may have had with the ACLU's attorneys.

A. Yes. I did draft the press release announcing the case and the social media post.

Q. Are you aware that the ACLU has identified you as a member who is injured by the monument on whom it is relying for its standing as an organization?

A. Yes.

Q. And are you injured by the monument?

A. Yes.

Q. How?

A. It goes against my beliefs as an individual.

Q. So it offends you effectively?

A. Yes, yes.

Q. Okay. And when you say it goes against your beliefs as an individual, in what way?

A. Well, the monument specifically depicts the Ten Commandments. As someone who is not a religious person, I find that seeing that monument especially on a public ground where the heart of democracy lives in our state to be uninclusive in nature.

Q. So are you aware that the monument also displays the Bill of Rights to the U.S. Constitution?

A. Yes, I am.

Q. Are you aware that it contains the preamble to the Indiana Constitution?

A. Yes, I am.

Q. Are you aware that it contains a statement that it replaces a prior monument that had been donated in 1958?

A. Yes.

Q. Are you offended by any of those three things?

A. I'm not. It is the Ten Commandments.

Q. Okay. And you identified your offense as the uninclusiveness of the monument.

Does that mean that you would be less offended by the monument if instead of the Ten Commandments it contained a document belonging to some other religion or contained documents related to multiple religions?

A. There should be no religion associated with a monument on the Statehouse is what I believe.

Q. So no religious references at the Statehouse, is that a fair characterization of your position?

A. I don't believe so personally, no.

Q. You don't believe that's a fair characterization of your position or you agree with that characterization of your position?

A. Oh, yes, I agree. Apologies, I misunderstood.

Q. So does that mean you're offended by, for example, the In God We Trust placard in the rotunda?

A. I would not prefer that be there. But specifically with the monument, that is something

that is very large that is on display in front of the entire Statehouse. So that specifically is what I'm referring to. But, yes.

Q. And have you seen the monument or is your offense based on the knowledge that it would be there?

A. I've seen photos of it.

Q. Okay. But it's the seeing that would be your offense?

A. Yes, its visibility, yeah.

Q. So, if, for example, you walked by and you only saw the side that had the Bill of Rights, that wouldn't offend you?

A. Well, it would be viewable from the other side. So --

Q. I'm just trying to -- trying to figure out is it the knowledge that the Ten Commandments is on there or is it when you see the Ten Commandments or is it when you see the monument knowing the Ten Commandments is there, sort of getting an idea of what the nature of your offense is?

A. Yes. Well, if I knew it was there, that would also offend me, yes.

Q. Okay.

A. Yes.

Q. So do you have any definite plans to visit the Statehouse in the future?
A. Yes.
Q. What are those plans?
A. I will be there on September 10th for our Supreme Court case.
Q. And when you say for your Supreme Court case, you're referring to the argument in Anonymous?
A. Yes, yes.
Q. And do you -- do you go to the Statehouse other than watching ACLU oral arguments?
A. Yes, I do.
Q. When do you go to the Statehouse?
A. I frequented the Statehouse many times during the past legislative session.
Q. And what do you do when you go to the Statehouse?
A. I was there to take notes during committee hearings, as well as support testimony for ACLU staff members.
Q. And when you say support testimony, what do you mean?
A. I would typically bring printed-out testimony and watch from the gallery as well.
Q. And is that part of your job as a senior

communications specialist?

A. Yes, yes, I would say so.

(Thereupon, Exhibit No. 1 was marked for identification.)

BY MR. LOWREY:

Q. All right. I am going to share a document on my screen with you, assuming I can make it work.

All right. Is this visible to you?

A. Yes.

MS. PACTOR: You did it. It's a map.

A. Yes.

BY MR. LOWREY:

Q. All right. So do you recognize this document -- do you recognize what this document depicts?

A. Yes, that looks like the Statehouse.

Q. Okay. And as -- would you agree that it's a map of the Statehouse grounds?

A. Yes.

Q. All right. So you can see that there's Ohio Street, there's Capitol Street, there's Washington Street shown on this map.

Which of those do you typically take when you are heading to the Statehouse?

A. Washington Street.

Q. And are you driving, are you walking?
A. Driving typically.
Q. Okay. So if you're driving your car on Washington Street, where do you park?
A. I will usually try to find one of the street parking spaces on Washington Street in front of the Statehouse.
Q. And when you go into the Statehouse, which entrance do you use?
A. It depends. If I'm carrying -- sometimes I have a camera and a tripod or I'm helping carry things for our Statehouse days, I will use the handicap entrance which is on the far left side on that map, it looks like.
Q. And if you're not carrying tripods and stuff?
A. Sometimes I will use the opposite side entrance which is at the other public entrance.
Q. And in the Statehouse, you're going to observe those committees that we talked about earlier?
A. Yes, yes.
Q. Do you go anywhere else in the Statehouse other than the committee chambers?
A. Yes. We've had events on the third floor,

the first floor. And as you know, there's meetings in the Senate chamber. So, typically, I'm all around the Statehouse. So --

Q. And what would be necessary for you to avoid the monument based on what you know about where it's intended to be placed?

A. There is nowhere that I could reasonably avoid it based on its placement. That's exactly where I go to enter the building. So, yeah.

Q. And that's avoiding seeing it since you'd indicated your offense was seeing the monument?

A. Well, and having it there in general, the actual premise of having it there as well.

MR. LOWREY: Why don't we take maybe five minutes for me to double check what I've got and see if I need anything else.

MS. PACTOR: Okay. Great.

THE WITNESS: Thank you.

MR. LOWREY: Thanks.

(Recess taken)

MR. LOWREY: I don't think I have anything further.

MS. PACTOR: Okay. I will ask a few questions.

EXAMINATION

BY MS. PACTOR:

Q. I just want to clarify. I think the record may have included a double negative. So for both John and my benefit, I'm going to ask you a question that he asked again.

Are you offended by the In God We Trust plaque in the Statehouse?

A. I would prefer it not be there.

Q. Okay. Do you intend to renew your ACLU membership annually?

A. I do, yes.

Q. And I believe we talked about some of the reasons why you visit the Statehouse, but we may not have covered all of them.

So aside from being in the Statehouse for committee hearings or testimony, are there other reasons that you visit the Statehouse?

A. Yes. I attend rallies and public events and various protests as well that are held there.

Q. And do some of those rallies or protests take place on the south lawn?

A. They do, yes.

Q. And do you intend to continue attending those rallies and protests in the future?

A. I do.

Q. Do you intend to continue visiting the Statehouse for the purpose of attending hearings and testimony into the future?

A. Yes.

Q. Over the next year, so starting from today, measuring the next year from today, how many times would you estimate you will be visiting the Statehouse?

A. Over a dozen times, probably two dozen, I would say.

MS. PACTOR: Okay. Nothing further from me.

MR. LOWREY: I don't have anything further.

MS. PACTOR: Okay.

MR. LOWREY: All right.

MS. PACTOR: We will take signature, Sandy. And we will order a transcript, please. I don't even have to say electronic anymore because I think paper is not even an option. So I'm still getting myself into the new habit.

MR. LOWREY: And, Sandy, if I could get a condensed copy, please.

(Deposition concluded at 9:55 a.m.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|---|---|---|
| INDIANA CIVIL LIBERTIES UNION, et al. | ) | |
| Plaintiffs, | ) | |
| -v- | ) | No. 1:00-cv-00811-SEB-VSS |
| MIKE BRAUN, | ) | |
| Defendant. | ) | |

Job No. 210041

I, McKENZIE CONRAD, state that I have read the foregoing transcript of the testimony given by me at my deposition on September 1, 2026, and that said transcript constitutes a true and correct record of the testimony given by me at said deposition except as I have so indicated on the errata sheets provided herein.

_____
McKENZIE CONRAD

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STATE OF INDIANA )
) SS:
COUNTY OF MARION )

I, Sandra Marchky, a Notary Public in and for the county and state, do hereby certify that the deponent herein was by me first duly sworn to tell the truth, the whole truth, and nothing but the truth in the aforementioned matter;

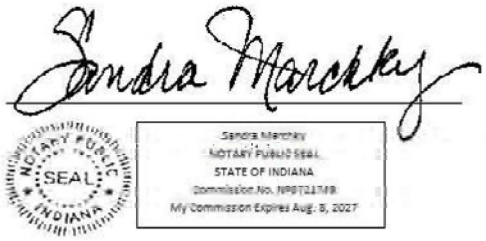
That the foregoing deposition was taken on behalf of the Defendant; that said deposition was taken at the time and place heretofore mentioned between 9:28 a.m. and 9:55 a.m.;

That said deposition was taken down in stenograph notes and afterwards reduced to typewriting under my direction; and that the typewritten transcript is a true record of the testimony given by said deponent;

And thereafter presented to said witness for signature; that this certificate does not purport to acknowledge or verify the signature hereto of the deponent.

I do further certify that I am a disinterested person in this cause of action; that I am not a relative of the attorney for any of the parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 3rd day of September, 2026.




My Commission Expires:
August 8, 2027

Job No. 210041

**Exhibits**

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