

STATE OF MICHIGAN  
OAKLAND COUNTY CIRCUIT COURT

INTERNATIONAL OUTDOOR, INC.,  
a Michigan corporation,  
Plaintiff,  
vs

Case No. 2016-155472-CB  
Hon. Martha D. Anderson

SS MITX, LLC, a Delaware limited liability  
company, and LAMAR ADVERTISING OF  
MICHIGAN, INC., a Michigan corporation,  
Defendants,

and

LAMAR ADVERTISING OF MICHIGAN, INC.  
d/b/a THE LAMAR COMPANIES and  
SS MITX, LLC d/b/a SIMPLY SELF STORAGE,  
Plaintiffs,

Case No. 16-155489-CB  
Hon. Martha D. Anderson

vs

INTERNATIONAL OUTDOOR, INC.,  
Defendant.

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**PLAINTIFF'S RESPONSE TO EMERGENCY MOTION REGARDING  
COMPUTER AND SERVER INSPECTION AND IMAGING**

NOW COMES Plaintiff, International Outdoor, Inc., through its counsel Potter, DeAgostino, O'Dea & Patterson, and, in response to Defendant's Emergency Motion state as follows:

Defendant's Emergency Motion misrepresents the events occurring at the imaging of the computer and server at IO and its own expert's ability to complete his inspection without removing the mirrored copies of the drives from the premises. First, the imaging of Mr. Oram's computer is complete and the imaging of the server is still ongoing but, according to Defendant's expert, will not be completed today. To be clear, **Defendant's expert has already mirrored the computer drive and is being allowed to mirror the server.** In fact, IO agents assisted Defendant's expert in accessing the server so that the imaging could be done rather than obstructing that process as asserted by Defendant.

The issue relates to Defendant's expert leaving with a complete copy of the mirrored drives. Contrary to Defendant's claims, the issue of its expert leaving IO's office with a complete copy of the mirrored devices is not addressed in any of the requests or orders regarding the computer exam. The Demand for Inspection attached as Exhibit B to Defendant's Motion demands the IO "produce for inspection and forensic imaging" the devices at issue. There is no reference, request, or demand that the mirrored images or any information be allowed to leave the premises with Defendant's expert to take them anywhere. Similarly, the Protective Order states that IO "will make available for inspection and forensic imaging" the two devices requested. Again, there is no indication that the imaging information of Plaintiff's business will be removed from Plaintiff's offices.

Plaintiff is in no way interfering with Defendant's expert's ability to mirror or index the devices. Just as Defendant claims that there is nothing in the motion for protective order, the argument on that motion, or the protective order itself that the inspection must occur on-site at IO's

offices, **there is nothing in any documents that Defendant's expert will be allowed to remove the mirrored images from IO's property to conduct his inspection.** The issue of removing the mirrored images is simply not addressed in the Protective Order. **It must be noted that Defendant's own expert has indicated that he can and has performed on-site imaging and inspections in previous cases.** While it might not be his preference, he has the capability to do so and has proceeded with his analysis on site in the past. Defendant's expert can examine, test, and run searches on the mirrored devices on site at IO's offices and Plaintiff has taken no action to impede his ability to do so.

In addition, the imaging and indexing of the server will not be completed today so it will be necessary for Defendant's expert to return on Monday and he can perform his analysis of the mirrored drives at IO's offices as he has done in prior cases. Defendant's expert has indicated he can run his analysis through his laptop computer so the assertions that having the expert perform his analysis at IO's office is an undue and unreasonable burden are misplaced.

**IO has done nothing in violation of any Order of this Court.** The present dispute simply involves the parties disagreeing about where the analysis of the mirrored devices will take place. As stated above, that issue is not addressed in either Defendant's demand for inspection or the Court's Protective Order. Defendant has offered no valid reason why its expert cannot complete his analysis onsite as he has done in other cases. At the same time, IO has a tremendous interest in keeping a complete copy of its server from walking out the door when the analysis can be performed on-site to protect against the disclosure of its business records.

WHEREFORE, Plaintiff International Outdoor respectfully requests that this Honorable Court deny Defendant's Emergency Motion and Order that Defendant's expert complete his inspection and analysis on site at IO's offices.

/s/RICK J. PATTERSON (P55706)  
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Dated: July 26, 2019

**PROOF OF SERVICE**

I hereby certify that on July 26, 2019, I electronically filed the foregoing with the Clerk of the Court using the e-filing system, which will send notification of such filing electronically to all participating attorneys.

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